

**HAMPSHIRE COUNTY COUNCIL****Report**

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	4 September 2012
<b>Title:</b>	Remuneration and Term of Office for the Role of Independent Person under the New Standards Arrangements
<b>Reference:</b>	4226
<b>Report From:</b>	Chief Executive

**Contact name:** Barbara Beardwell

**Tel:** 845157

**Email:** barbara.beardwell@hants.gov.uk

## **1. Executive Summary**

1.1. This report provides an update to Members in respect of the appointment of one or more Independent Person(s), required to be appointed by the County Council in respect of changes to Standards Arrangements introduced by the Localism Act 2011 ('the Localism Act'), and seeks a view from Members of the Conduct Advisory Panel in respect of the remuneration and term of office of such Independent Person(s).

## **2. Contextual information**

2.1. The County Council is required by virtue of the provisions of the Localism Act to appoint at least one Independent Person, whose views must be sought before any decision is made on any allegation which the County Council has decided to investigate, and whose views may be sought by the County Council in relation to an allegation in any other circumstances, or by a Member or Co-opted Member against whom an allegation has been made.

2.2. The Localism Act requires that any vacancy for an Independent Person must be advertised and that there should be a formal recruitment process. Whilst approval of the appointment of an Independent Person is required to be done by full Council, the County Council may delegate authority to a Committee or Standing Panel of the County Council to assist in the recruitment of such person.

2.3. At its meeting on 17 May 2012, the County Council delegated authority to the Conduct Advisory Panel to assist in the recruitment of an Independent Person(s) and to make recommendations to the County Council on any such appointment.

- 2.4. Arrangements have been made for Members of the Conduct Advisory Panel to interview shortlisted candidates for the post of Independent Person(s) after this meeting. This Report asks for the recommendations of the Conduct Advisory Panel to the County Council in respect of the remuneration and term of office of suitable Independent Person(s) recommended by the Panel for appointment by the County Council.
- 2.5. The Localism Act provides that the County Council may remunerate an Independent Person by way of allowances or expenses incurred in connection with performing the duties of the appointment.
- 2.6. No specific period of office for an independent Person is laid down in the Localism Act, save that government has recently made further Regulations amending Regulations originally issued under the Act, and now restricting the term of office of previous Independent Members of Standards Committee to a period expiring no later than 30 June 2013.

### **3. Suggested allowance and term of office of Independent Person(s)**

- 3.1. By virtue of previous provisions made under the Local Government Act 2000 ('the 2000 Act') and Regulations made thereunder, it was a legal requirement that a Standards Committee or Sub-Committee of Standards Committee must be chaired by an Independent Member. Under previous arrangements Independent Members were therefore appointed as both Chairman and Vice-Chairman of Standards Committee, and the remuneration paid in respect of each post respectively was £2,025, and £1,449 per annum, plus expenses. A basic allowance in the sum of £675, per annum, plus expenses was paid to any Independent Member of Standards Committee, other than the Chairman and Vice-Chairman.
- 3.2. Because the duties of an Independent Person under the Localism Act are quite different to the duties of an Independent Member of Standards Committee under the 2000 Act, and bearing in mind an Independent Person under the Localism Act will not be required to Chair any meeting of the Conduct Advisory Panel, it is suggested that suitable remuneration for the post of Independent Person might be the amount previously paid to Independent Members of Standards Committee, but that this should be reviewed one year after appointment once the likely commitments of the post are better known.
- 3.3. Previous Independent Members of Standards Committee were appointed for a term of office of four years to allow for continuity. It is suggested that a similar term of office of four years should also apply to Independent Person(s).

### **4. Recommendations**

It is recommended that the Conduct Advisory Panel :

- 4.1. Recommend to the County Council that a suitable allowance in respect of the remuneration of Independent Person(s) required to be appointed by the County Council in the consequence of the Localism Act be an annual

allowance of £675, plus expenses, but that this should be reviewed after one year once the likely commitments of the post are better known.

- 4.2. Recommend to the County Council that the term of office of any Independent Person(s) appointed by the County Council in consequence of the Localism Act should be four years, save in the case of a previous Independent Member of the County Council's Standards Committee, in which case the term of office should expire on 30 June 2012.

**CORPORATE OR LEGAL INFORMATION:**

**This proposal does not link to the Corporate Strategy but, nevertheless, requires a decision because of the requirements of the Localism Act 2011 and for the good governance of the County Council.**

**Other Significant Links**

<b>Links to previous Member decisions:</b>		
<u>Title</u>	<u>Reference</u>	<u>Date</u>
Localism Act 2011 - Standards Update	3757	2 March 2012
Localism Act 2011 - Revised Standards Arrangements	3882	30 April 2012
Localism Act 2011 – Interim Standards Arrangements	3932	17 May 2012
Localism Act 2011 - Revised Standards Arrangements – Interim Code of Conduct for Members of the County Council and related matters	4056	15 June 2012
Localism Act 2011 – Revised Standards Arrangements – Recruitment of Independent Person	4060	15 June 2012
<b>Direct links to specific legislation or Government Directives</b>		
<u>Title</u>		<u>Date</u>
Localism Act		2011
Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions Order)		2012
Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) (Amendment Order)		2012

**Section 100 D - Local Government Act 1972 - background documents**

**The following documents discuss facts or matters on which this report, or an important part of it, is based and have been relied upon to a material extent in the preparation of this report. (NB: the list excludes published works and any documents which disclose exempt or confidential information as defined in the Act.)**

<u>Document</u>	<u>Location</u>
None	

**IMPACT ASSESSMENTS:**

**1. Equalities Impact Assessment:**

1.1. N/A

**2. Impact on Crime and Disorder:**

2.1. N/A

**3. Climate Change:**

How does what is being proposed impact on our carbon footprint / energy consumption? N/A

- a) How does what is being proposed consider the need to adapt to climate change, and be resilient to its longer term impacts? N/A