



Meeting: **Constitution Committee**

Date/Time: **Friday, 13 September 2024 at 12.00 pm**

Location: **Gartree Committee Room, County Hall, Glenfield**

Contact: **Mrs. J. Twomey (Tel: 0116 305 2583)**

Email: **joanne.twomey@leics.gov.uk**

Membership

Mr. N. J. Rushton CC (Chairman)

Mr. P. Bedford CC Mr J. Poland CC
Mr. L. Breckon JP CC Mr. R. J. Shepherd CC
Mr. M. T. Mullaney CC Mrs D. Taylor CC

AGENDA

<u>Item</u>	<u>Report by</u>	
1. Minutes of the meeting held on 24 May 2024.		(Pages 3 - 4)
2. Question Time.		
3. Questions asked under Standing Order 7(3) and 7(5).		
4. To advise of any other items which the Chairman has decided to take as urgent.		
5. Declarations of interest.		
6. Appointment of Independent Persons	Chief Executive and Director of Corporate Resources	(Pages 5 - 10)
7. Any other items which the Chairman has decided to take as urgent.		



8. Exclusion of the press and public

The public are likely to be excluded during the following item of business in accordance with section 100(a) of the Local Government Act 1972:-

- Charitable Trust Future Arrangements

9. Charitable Trust Future Arrangements

Director of Law
and Governance

(Pages 11 - 18)



Minutes of a meeting of the Constitution Committee held at County Hall, Glenfield on Friday, 24 May 2024.

PRESENT

Mr. P. Bedford CC
Mr. L. Breckon JP CC
Mr J. Poland CC

Mrs. P. Posnett MBE CC
Mrs H. L. Richardson CC
Mrs D. Taylor CC

1. Appointment of Chairman

RESOLVED:

That Mr. N. J. Rushton CC be appointed Chairman for the period ending with the date of the Annual Meeting of the County Council in 2025.

2. Appointment of Deputy Chairman

RESOLVED:

That Mrs. D. Taylor CC be elected Deputy Chairman for the period ending with the date of the Annual Meeting of the County Council in 2025.

Mrs. D. Taylor CC in the Chair.

3. Minutes of the previous meeting.

The minutes of the meeting held on 30 April 2024 were taken as read, confirmed and signed.

4. Question Time.

The Chief Executive reported that no questions had been received under Standing Order 35.

5. Questions asked by members.

The Chief Executive reported that no questions had been received under Standing Order 7(3) and 7(5).

6. Urgent items.

There were no urgent items for consideration.

7. Declarations of interest.

The Chairman invited members who wished to do so to declare any interest in respect of items on the agenda for the meeting.

No declarations were made.

8. Statement of Accounts, Annual Governance Statement and Pension Fund Accounts 2022/23

The Committee considered a report of the Director of Corporate Resources which presented the 2022/23 financial statements for approval, and reported the key findings from the external audit of the accounts. A copy of the report, marked 'Agenda Item 8', is filed with these minutes.

The Cabinet Lead Member for Resources Mr. L. Breckon CC welcomed the positive report from the auditors and thanked the Director of Corporate Resources for his work on the financial statements.

RESOLVED:

That the financial statements for 2022/23 be approved.

12.00 - 12.10 pm
24 May 2024

CHAIRMAN



CONSTITUTION COMMITTEE: 13 SEPTEMBER 2024

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF THE CHIEF EXECUTIVE AND THE DIRECTOR OF CORPORATE RESOURCES

Purpose of report

1. This report concerns the appointment of Independent Persons to support the Member Conduct Complaints Process as required under Section 28 (7) of the Localism Act 2011 and to support the procedures for dealing with the dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer, as required by the Local Authorities (Standing Order) England Regulations 2001 (as amended).

Policy Framework and Previous Decisions

2. The Localism Act 2011 sets out provisions regarding the conduct of members. It is a requirement under this Act that the Council appoint at least one Independent Person, whose view must be sought and taken into account by the Authority before it makes a decision on any allegation and whose views may be sought about allegations.
3. The Local Authorities (Standing Order) England (Amendment) Regulations 2015 set out the procedure for dealing with the dismissal of the Chief Executive, the Monitoring Officer and the Chief Financial Officer.
4. At its meeting on 30 September 2020, the Council appointed six Independent Persons for a period of four years to form a Panel from which any one could be contacted to advise on particular allegations.

Background

5. The Independent Persons appointed by the County Council in 2020 were appointed for a period of four years. With their terms of service due to expire in September 2024, a joint recruitment process was undertaken in July with the Leicester, Leicestershire and Rutland Combined Fire Authority (CFA). The position was publicly advertised and an interview process undertaken to recruit a pool of Independent Persons to support both organisations' member complaints process and the dismissal process for senior officers as outlined above. The Interview Panel consisted of Members drawn from the Corporate Governance Committee and the Employment Committee of both the County Council and the CFA, supported by the County Council's Director of Law and Governance and the Assistant Director of Corporate Resources – Corporate Services.

Proposed Appointments

6. A pool of six candidates is recommended for appointment for the four-year term from 25 September 2024 to cover the joint role of supporting the County Council and CFA, to allow greater flexibility and to avoid the possibility of a conflict of interest. All those recommended are eligible, live in Leicester or Leicestershire and are considered suitable candidates.
7. The regulations permit independent persons to be reappointed. The Monitoring Officer wrote to both the existing appointees to thank them for their work to date and confirm that they were welcome to re-apply. Four of the six current Independent Persons applied for the position and passed the benchmark set by the Shortlisting Panel for invitation to interview.
8. The Shortlisting Panel concluded that, as the four applicants that were current Independent Persons met the standard for this position, that they should not be interviewed again but have their appointments extended as they had demonstrated their suitability for the role when interviewed in 2020, updated positive references had been received for all four and the requirements for the role had not changed. This mirrored the approach taken in other local authorities and was agreed by the Monitoring Officer and the Appointment Panel.
9. The Appointment Committee met on Wednesday 21 August 2024 to interview candidates for the role and agreed to recommend the following people for appointment, and in some cases reappointment:-

Richard Gough
Gordon Grimes
Surinder Sharma
Pamela Roberts
John Pilgrim
Kimberley Kingsley

Further details of the above candidates are set out in the Appendix to this report.

10. Candidates will be appointed for a term of four years until 30 September 2028.
11. Two of the current cohort of Independent Persons (Ms T Herring and Ms H Kotecha) have chosen not to reapply and will cease their role on 25 September when the County Council appoints a new panel of Independent Persons.

Resource Implications

12. By running a joint recruitment process for both the County Council and the Leicester, Leicestershire and Rutland Combined Fire Authority, economies of scale have been achieved through reduced advertising costs, officer administration time and the servicing of a joint recruitment Panel.

13. Any payments made to the independent persons appointed, for travel and subsistence expenses (where appropriate), will fall outside the Members Allowance Scheme which only applies to either elected or co-opted members of either Authority. An allowance will not be paid.

Timetable for Decisions

14. A report seeking approval to appoint the six Independent Persons detailed in paragraph 9 will be considered by the County Council on 25 September 2024.

Recommendation

15. That the Committee recommends the County Council at its meeting in September 2024
 - a. Appoint Richard Gough, Gordon Grimes, Surinder Sharma, Pamela Roberts, John Pilgrim and Kimberley Kingsley to serve as Independent Persons for a term of four years ending on 30 September 2028.
 - b. Thanks Ms T Herring and Ms H Kotecha for their valuable work in supporting the Monitoring Officer in the operation of the Members' Code of Conduct complaints process over the last four years.

Background papers

Report to the Constitution Committee 18 September 2020

<https://democracy.leics.gov.uk/ieListDocuments.aspx?CId=150&MId=6366&Ver=4>

Circulation under the Local Issues Alert Procedure

None.

Equality Implications

16. The opportunities were advertised widely to ensure that a diverse pool of potential applicants was aware of the opportunities available.

Human Rights Implications

16. There are no human rights implications arising from the recommendations in this report.

Appendix

Proposed Independent Persons 2024

Officers to Contact

Lauren Haslam, Monitoring Officer

Lauren.haslam@leics.gov.uk

0116 305 6240

Lucy Littlefair, Assistant Director of Corporate Services, Leicestershire County Council

Tel: 0116 305 6333

E-mail: Lucy.littlefair@leics.gov.uk

Fiona McMillan, Head of Law (Deputy Monitoring Officer), Leicestershire County Council

Tel: 0116 305 2024

E-mail: fiona.mcmillan@leics.gov.uk

Proposed Independent Persons 2024**Richard Gough**

Mr Gough has been an Independent Person for the Combined Fire Authority since 2012 and was also appointed in the same year, as an Independent Person by Leicestershire Borough and District Councils. He served as a Magistrate on the Leicester Bench for 20 years. His previous career was in the financial services industry. He lives in Wigston Fields.

Gordon Grimes

Mr Grimes, a retired Senior Civil Servant, has been an Independent Person for various local authorities in Leicester, Leicestershire and Rutland since 2012. He is currently an Independent Member of the Leicestershire County Council's Corporate Governance Committee. He lives in Enderby.

Prof. Surinder Sharma

Prof. Sharma has been an Independent Person for the County Council since 2012. He has wide ranging experience gained from working in the public, private and voluntary sectors, has been Chair of the Equal Opportunities Commission, a Magistrate and an elected member of a local authority. He lives in Stoneygate.

Pamela Roberts

Ms Roberts, a retired Civil Servant, has a wide career in public service, including in local government. She has a wide experience of policy formation and delivery, planning and ensuring that standards are maintained. She currently volunteers as a Trustee at a local charity. She lives in Market Harborough.

Kimberley Kingsley

Miss Kingsley has had a diverse career in the NHS at a senior management level with a strong clinical background as a registered nurse, and also at a regional and national level. Now retired, she has sought out volunteering opportunities including volunteering abroad. She lives in Wigston.

John Pilgrim

Mr Pilgrim, now retired, had a long career in the financial services sector including PwC LLP, Ernst and Young LLP and HM Customs and Excise. He is currently a trustee of local charities and has committee experience. He lives in Ashby de la Zouch.

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By virtue of paragraph(s) 3, 10 of Part 1 of Schedule 12A of the Local Government Act 1972.

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