

FULL COUNCIL
19 September 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: APPOINTMENT OF INDEPENDENT AND RESERVE INDEPENDENT PERSONS

REPORT OF: SERVICE DIRECTOR LEGAL AND COMMUNITY AND MONITORING OFFICER
EXECUTIVE MEMBER: LEADER OF THE COUNCIL

CHAIR OF STANDARDS COMMITTEE

COUNCIL PRIORITY: PEOPLE FIRST

1. EXECUTIVE SUMMARY

This report seeks approval to appoint an Independent Person ('IP'), and two Reserve IPs for a period of up to 4 years (as per the recommendation below) 2 years and potential extension for a further 2 years), such appointments to take effect from 24 September 2024.

2. RECOMMENDATIONS

That Full Council:

- 2.1. Appoints Nicholas Moss OBE as Independent Person, Patrick Hodson as Reserve Independent Person, and Stephen Tant as Reserve Independent Person;

*such appointments/ confirmation of continuing appointments under 2.1 be for a fixed term of up to 4 years from **24 September 2024**, based on 2-years, with delegation to the Monitoring Officer, in consultation with the Chair/ Vice Chair of Standards Committee¹ to extend for a further 2-years².*

- 2.2. Delegates to the Monitoring Officer in consultation with the Chair and Vice Chair of Standards Committee³, the decision (if the current Independent Person decides within term to resign/ unable to act/ no longer qualifies), to appoint one of the existing Reserve Independent Persons as the Independent Person and/ or to undertake any further recruitment, as may be required.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To ensure that the Council's Standards processes can operate in accordance with legislative requirements if one or both IP and Reserve IPs are unable to advise on a matter. This should also allow for a degree of succession planning/ training whilst experienced persons are in place.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 To proceed with only the existing IP and ResIP, however this would not address a potential conflict situation effectively, and resilience.

¹ or such replacement Committee as the case may be

² Subject to the legal ability to do so/ legislative prohibition to on extension and continuing to qualify as per the legal requirements under the Localism Act 2011.

³ or such replacement Committee as the case may be

5. CONSULTATION WITH RELEVANT MEMBERS AND EXTERNAL ORGANISATIONS

- 5.1. No external organisations have been consulted as such, although the recruitment was advertised in the Royston Crow and the Comet (and on the Council's website/ circulated via Social Media).
- 5.2. The Chair and Vice Chair of Standards Committee were fully involved in the recruitment exercise (all applications reviewed; shortlisted the candidates and interviewed) with the Monitoring Officer. The recommendations are made to Council by those Members and the Monitoring Officer to appoint.
- 5.3. Group Leaders were notified of the recommendations prior to the report being finalised. No comments or objections were received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive and has therefore not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1. Section 28(7) of the Localism Act 2011 requires Councils to appoint at least one Independent Person for the purposes of processing complaints against Members (albeit that subsequently two are required whether internally/ externally for the constitution of the Employment Panel and for conflict situations in any event under relevant legislation⁴).
- 7.2. The Council has Nicholas Moss OBE as its current IP, and up to 24 September 2024 has Peter Chapman and John Richardson as Reserve IPs.
- 7.3. A recruitment exercise was commenced in May 2024, advertised as indicated in 5.1, with a closing date of 24 June. 17 applications were received and 8 candidates were shortlisted for interview. 6 attended the interviews held on 17 July. Those candidates set out under 2.1 were to be recommended and this subject to the normal requirements of references, and continuing to meet the necessary legal and special requirements (as set out below). The selection criteria for the role is set out in Appendix A.
- 7.4. There are legal exclusions to such appointments, and the application/ appointment is subject to special conditions, namely that candidates (and subsequently appointees) cannot be appointed, or continue in that appointment, as an IP or Reserve IP if they:
 - Legal conditions*
 - i) are a Councillor, co-opted Councillor or officer of North Herts Council or a Parish, Town, or Community Councillor within the North Hertfordshire District Council area;
 - ii) are related to, or be a close friend of (i) above;
 - iii) have been a Councillor or co-opted Councillor or officer of North Herts Council or a Parish, Town, or Community Councillor within the North Hertfordshire District Council area at any time during the last 5 years;
 - Special conditions*
 - iv) have any significant business dealings with North Herts Council.
 - v) are an active member of a political party;
 - vi) *[whilst not a Councillor] fail, following the recommendation to Council to appoint, to*

⁴ The Local Authorities (Standing Orders (England) Regulations 2001 as amended 2015.

- sign an undertaking to comply with the requirements of the North Herts Council's Code of Conduct for Councillors, effective from appointed.
- vii) *[whilst not a Councillor]* fail to disclose Interests within 28 days of the appointment, or update those within 28 days of change of Interest. *[NB These are akin to those disclosed by Councillors to the Monitoring Officer];*
 - viii) have within the last 12 months, or are party to: any grievance, complaint, or legal action against the Council, Councillors, or Officers. *[NB if appointed there is an ongoing requirement to disclose to the Monitoring Officer if this situation arises].*

8. RELEVANT CONSIDERATIONS

8.1. The Interview Panel concluded the following, based on application, interview and references:

8.1.2 Nicholas Moss OBE fully met (and exceeded in many respects) the requirements and criteria for the role.

Mr Moss has a long history of working within the standards regime and is an Independent Person for Hertfordshire County Council and East Hertfordshire District Council (as well as being our current Independent Person). He also has extensive and ongoing experience as Independent Chair for Beds police scrutiny panels reviewing the outcomes of cases of rape and serious sexual offences; out of court resolutions; and violence against women and girls. He is a Member of Herts Youth Justice Management Board, a Lay adviser, Herts MAPPA (Multi-agency public protection arrangements - a Ministerial appointment) as well as other civic roles and duties that have been undertaken over a number of years. They have included more than 30 as a magistrate in Hertfordshire.

8.1.3 Patrick Hodson fully met (and exceeded in many respects) the requirements and criteria for the role.

Mr Hodson served in the Royal Hong Kong Police for nearly 40 years, when he retired, at that stage as an Assistant Commissioner of Police. He has extensive experience in reviewing procedures, liaising, and dealing with sensitive issues. Mr Hodson has international experience liaising with government bureaux and various complex obligations, providing evidence to a UN Human Rights Committee, and matters covering discrimination. Having commanded many staff, Mr Hodson has experience in disciplinary, training and welfare matters. He is also the current Independent Person for St Albans City and District Council.

8.1.4 Stephen Tant fully met (and exceeded in many respects) the requirements and criteria for the role.

Mr Tant is a retired Assistant Chief Fire Officer of Hertfordshire Fire and Rescue Service and Assistant Director of Community Safety within Hertfordshire County Council. He served in the Hertfordshire Fire and Rescue Service for 30 years, and was the Assistant Chief/ Director for the 5 years prior to retirement. Since 2021 he has been undertaking strategic management contract roles in the Bedfordshire Fire and Rescue Service. He has extensive operational involvement in sensitive roles, and experience in complex staff related functions and confidential matters.

- 8.2. In terms of involvement in standards matters, generally, the IP will be consulted on complaints, prior to an initial assessment, after any investigation and before the Standards Sub-Committee makes a decision on the complaint and any sanctions (if this progresses to that stage). The IP and Reserve IPs will be consulted on other matters, and the ResIP can be contacted by an elected Councillor that is subject to a complaint for procedural advice. The Council receives around on average around 10-20 formal complaints per year, although on some occasions these have been more than 50, which can place a burden on one IP.
- 8.3. To assist with training/ knowledge and resilience, and cover in the event of conflict, it is anticipated, therefore, that each Reserve IP will rotate on each complaint, *to support the IP* and Monitoring Officer (or Deputy). One Reserve IP will act each time as a potential liaison for procedural matters to the Councillor subject to the complaint.
- 8.4. Note that Joint Negotiation Committee/ Conditions training would also be required (for attendance at the Employment Panel if the need arises).

9. LEGAL IMPLICATIONS

- 9.1 Section 28(6) of the Localism Act 2011 requires the Council to have in place arrangements under which decisions on allegations against Councillors can be made and section 28(7) that a Council appoint one or more Independent Persons. There is no specific reference/ or distinction of levels of IP/ ResIP.

10. FINANCIAL IMPLICATIONS

- 10.1 The IPs and Reserve IPs also receive an annual allowance, currently set for April 2024-May 25 as follows:
- IP of £2697;
 - Reserve IP of £648 (this covers potentially having to act as the main IP on occasion);
 - reimbursement of travel and subsistence expenses and reasonable role related training costs.

Whilst this does not legally fall within the remit of an Independent Remuneration Panel, who consider Councillors allowances, they are requested to review and recommend on such payments. It is expected that these costs can be met from within the existing Councillors' Allowances budget.

11. RISK IMPLICATIONS

- 11.1 Good Risk Management supports and enhances the decision-making process, increasing the likelihood of the Council meeting its objectives and enabling it to respond quickly and effectively to change. When taking decisions, risks and opportunities must be considered.
- 11.2 This new appointment would reduce the risk of conflict, potentially provide for succession planning and greater resilience of approved arrangements.

12. EQUALITIES IMPLICATIONS

- 12.1. In line with the Public Sector Equality Duty, public bodies must, in the exercise of their functions, give due regard to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.2 There are, however, no direct implications arising from this report.

13. SOCIAL VALUE IMPLICATIONS

- 13.1. The Social Value Act and “go local” requirements do not apply to this report.

14. ENVIRONMENTAL IMPLICATIONS

- 14.1. There are no known Environmental impacts or requirements that apply to this report.

15. HUMAN RESOURCE IMPLICATIONS

- 15.1 Other than adding the new Reserve IPs to the payroll system and the potential the IP and Reserve IPs role in any Employment Panel, none.

16. APPENDICES

- 16.1 Appendix A - Selection Criteria.

17. CONTACT OFFICERS

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18. BACKGROUND PAPERS

- 18.1 None.