

FULL COUNCIL
9 December 2024

PART 1 – PUBLIC DOCUMENT

TITLE OF REPORT: APPOINTMENT OF REPLACEMENT RESERVE INDEPENDENT PERSON

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

CHAIR OF STANDARDS COMMITTEE – Cllr Alistair Willoughby

COUNCIL PRIORITY: SUSTAINABILITY

1. EXECUTIVE SUMMARY

This report seeks approval to appoint a replacement Reserve Independent Person ('IP') for a period of up to 4 years (as per the recommendation below), firstly 2 years and potential extension for a further 2 years up to the maximum period, such appointments to take effect from 10 December 2024, following the resignation of Stephen Tant from the role of Reserve IP.

2. RECOMMENDATIONS

That Full Council:

2.1. Appoints Ms Wai Bing Hui as Reserve Independent Person;

*such appointments/ confirmation of continuing appointments under 2.1 be for a fixed term of up to 4 years from **10 December 2024**, based on 2-years, with delegation to the Monitoring Officer, in consultation with the Chair and 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 None considered appropriate.

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 original 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 and the Deputy Monitoring Officer (who also interviewed on this occasion) to appoint.
- 5.3. Group Leaders were notified of the recommendations prior to the report being finalised. No objections were received.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key Executive decision 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. A recruitment exercise and interviews were previously undertaken during June-July, with eight candidates selected for interview. Some were unable to attend. Three of the interviewees were then recommended and approved for appointment by Full Council on 19 September (such appointments being Mr Nicholas Moss OBE as IP, Patrick Hodson and Stephen Tant as Reserve IPs).
- 7.3. Mr Tant resigned from the role from 27 October and following this, two candidates who had been unable to attend interview on the last occasion were contacted, and then invited for interview.
- 7.4. The candidate set out under 2.1 is recommended by the interview Panel for appointment. Following the interview, it was subject to the normal requirements of reference, confirming the recommendation to Group Leaders, and is subject to continuing to meet the necessary legal and special requirements (as set out below). The selection criteria for the role is at Appendix A.
- 7.5. 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

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

- 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 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 that Ms Wai Bing Hui met the requirements and criteria for the role. In terms of her background and life experience:

Ms Hui is a Cabin Service Supervisor who has worked for over 20 years with a well-known Airline. She is a member of the British Association of Counsellors and Psychotherapists, and accredited with the National Counselling and Psychotherapy Society. In addition to her Supervisor's role, Ms Hui is a Therapeutic Counsellor, previously working as a volunteer with The Road Victims Trust (for those who have been involved in serious road collisions – resulting in trauma and bereavement) and has also provided counselling services to survivors of domestic abuse and young people in a secondary school setting. Ms Hui now provides Therapeutic Counselling at a clinic in Cambridge and acts as a Training Co-ordinator at Women's Aid in Luton. Ms Hui informed the interview panel that she believes in public service and is involved locally in the community, including with school PTA events and fundraising. In her various roles Ms Hui has dealt with and continues to deal with sensitive, challenging, complex and confidential issues – which are key elements of Councillor complaints.

- 8.2 It is anticipated by the Monitoring Officer, that the candidate's life experience and background will bring a unique blend of skills to the Reserve IP role, including empathy and active listening, problem solving and effective communications.
- 8.3 In terms of involvement in standards matters 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.

- 8.1. 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.
- 8.2. 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:
 - 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 conflicts of interest, 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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17.1 Jeanette Thompson, Service Director: Legal and Community, & Monitoring Officer: jeanette.thompson@northherts.gov.uk

18. BACKGROUND PAPERS

18.1 None.