

Meeting:	Audit and governance committee
Meeting date:	Wednesday 28 November 2018
Title of report:	Recruitment of independent persons progress update
Report by:	Solicitor to the council

Classification

Open

Decision type

This is not an executive decision

Wards affected

(All Wards);

Purpose and summary

To update the committee on the progress of the recruitment of independent persons for standards.

Recommendation(s)

That:

- (a) **The committee note the progress to date of the recruitment of independent persons for standards and make any recommendations.**

Alternative options

1. Do nothing: This is not recommended as Herefordshire currently only has one independent person. In order to avoid any potential conflicts of interest in dealing with complaints, allow flexibility during periods of holiday and sickness, to ensure good governance of the standards process and to provide the existing independent person with sufficient regular support, advice to members subject to complaints, and as a member of the standards panel, it is recommended that more independent persons are appointed

Key considerations

- Under Section 28 (7) of the Localism Act 2011 (“the Act”) the council must appoint at least one independent person as part of the arrangements under which allegations about a failure to comply with the code of conduct can be investigated and decisions on allegations made.
- A person may not be recommended for appointment under the Act unless (i) the vacancy has been advertised in such manner as the authority considers is likely to bring it to the attention of the public and (ii) the person has submitted an application to fill the vacancy.
- Council delegated these two recruitment stages to the monitoring officer on 25 May 2012.
- At the audit and governance committee meeting held on 19 September, it was requested that further advertising of the roles be undertaken.
- A recruitment campaign was conducted as follows:

Advertisement placement	Cost:
• Hereford Times – (for week 1) from 27 September to 4 October	£252
• Hereford Times (for week 2) and The Malvern Gazette – for 1 week from 5 to 12 October	£513
• Ross-on-Wye Gazette – for 1 week from 3 to 10 October	£278
• Herefordshire Council website – from 15 to 26 October	Free
• Volunteer Centre Bureau – website from 15 to 26 October	Free
• Hoople web-site – from 26 September to 26 October	Free
Total:	£1,043 (inclusive of VAT)

- As a result of this advertisement, 7 applications have been received.
- The monitoring officer can shortlist the candidates against the essential and desirable criteria for the post as set out in the information pack for applicants and recommend for interview or all applicants can be interviewed. Given that three interviews have already taken place the committee is asked for their views on this next stage of the process.
- The independent person for standards has suggested that consideration be given to a payment to independent persons to acknowledge the time commitment which will be needed in order to cover the time spent in attending any Standards Panel meetings. If the committee wish to consider this a report can be provided at the next committee.
- A provisional interview date has been identified as 12 December 2018 so that recommendations can be put forward to audit and governance committee in January 2019 with a view to making recommendations on appointment of independent persons for standards at the February council meeting.

Community impact

11. In accordance with the code of corporate governance Herefordshire Council is committed to behaving with integrity, demonstrating strong commitment to ethical values, and respecting the rule of law. It is essential that, as a whole, we can demonstrate the appropriateness of all our actions across all our activities and have mechanisms in place to encourage and enforce adherence to ethical values and respect the rule of law
12. Ensuring that there are sufficient numbers of Independent Persons to facilitate an effective and robust standards process, and that the appointment of those Independent Persons has been carried out in an objective, transparent and lawful way assists us in upholding the principles of the code of corporate governance and the council's values.

Equality duty

13. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
14. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. The council's recruitment process ensure compliance with equality legislation.

Resource implications

15. The cost of advertising the post in the local press was £1,043 (inclusive of VAT) and was met from existing budgets within Democratic Services.

Legal implications

16. The legal implications are set out in the key considerations section above

Risk management

17. There is a reputational risk to the council if it is unable to manage effectively its standards complaints process. There is also a risk to councillors in Herefordshire if there are no independent mechanisms in place to support them in their responsibilities towards good governance and adhering to the members' code of conduct. This further recruitment exercise mitigates these risks.

Consultees

18. None

Appendices

None

Background papers

None identified.