

# HAMPSHIRE COUNTY COUNCIL

## Decision Report

<b>Decision Maker:</b>	Conduct Advisory Panel
<b>Date:</b>	30 January 2025
<b>Title:</b>	Recruitment of Independent Persons
<b>Report From:</b>	Assistant Director – Legal Services and Monitoring Officer

**Contact name:** David Kelly

**Email:** David.kelly@hants.gov.uk

### Purpose of this Report

1. The purpose of this report is to seek authorisation to commence a recruitment exercise to invite applications for the role of the County Council's Independent Person and the appointment of a Sub-Committee to act as the selection panel which will shortlist and interview candidates and make recommendations to the County Council for appointment.

### Recommendations

2. To note the need, and proposed timeline, for a recruitment exercise of the County Council's Independent Persons.
3. To agree to delegate authority to the Monitoring Officer, in consultation with the Chairman of the Conduct Advisory Panel, to approve the recruitment documentation and commence the recruitment exercise (and any further recruitment exercise as required) to invite applications for the role of Independent Person.
4. To appoint a Sub-Committee of three members of the Conduct Advisory Panel with the terms of reference set out in Annex 1 to perform the Conduct Advisory Panel's role in assisting in the recruitment of an Independent Person by acting as the selection panel which will shortlist and interview candidates, following which the Sub-Committee shall report directly to the County Council at its meeting in May 2025 with its recommendations for appointment.

### Executive Summary

5. There is a statutory requirement for the County Council to appoint at least one Independent Person. The terms of office of the Independent Persons

currently appointed expire on 31 July 2025. Certain legal requirements relating to the recruitment of an Independent Person must be fulfilled before an appointment may be made.

6. The Conduct Advisory Panel's roles and functions include providing assistance in the recruitment of an Independent Person and making recommendations to the County Council on any appointment.
7. This report seeks authorisation to commence a recruitment exercise to invite applications for the role of Independent Person and the appointment of a Sub-Committee to act as the selection panel which will shortlist and interview candidates, and make recommendations to the County Council for appointment.

### **Contextual information**

8. Pursuant to Section 28(7) of the Localism Act 2011 (the Act), the County Council is required to appoint at least one Independent Person, who must be consulted before a decision is made following an investigation into an allegation against a Member or Co-opted Member of the County Council. The Independent Person may also be consulted by the County Council in relation to an allegation prior to an investigation, and by a Member or Co-opted Member against whom an allegation has been made. The County Council's complaints handling procedure provides for consultation with the Independent Person at an early stage of the process.
9. In addition, pursuant to the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, in the case of the proposed dismissal of the Head of Paid Services, Chief Financial Officer or the Monitoring Officer, the County Council is required to appoint a Panel comprising at least two Independent Persons whose advice, views or recommendations are required to be taken into account before the dismissal of one of these Officers.
10. The Act provides that a person cannot be appointed as an Independent Person if:
  - They are or were within a period of five years immediately prior to the appointment, a Member, Co-opted Member or employee of the County Council; or
  - They are a relative or close friend of a Member, Co-opted Member or employee of the County Council.
11. Further to the County Council's Constitution, Part 1, Chapter 9, paragraph 1.3.6, the Conduct Advisory Panel's roles and functions include providing:

*“assistance in recruitment of an Independent Person required to be appointed by the County Council in consequence of the Localism Act 2011, and recommendations to the County Council on any appointment.”*

12. The Act requires that any vacancy for an Independent Person must be advertised in such manner as the authority considers is likely to bring it to the attention of the public and any applicant must submit an application to fill the vacancy. Approval of the appointment of an Independent Person is required to be done by full Council.
13. On 30 September 2021, the County Council appointed two Independent Persons for a period of office expiring on 31 July 2025. However, at the time of the recruitment process, Members of the Conduct Advisory Panel expressed a view that a further recruitment exercise should be undertaken to expand the pool of Independent Persons and this was duly carried out. Three further Independent Person appointments were made by the County Council on 4 November 2021 for a period of office expiring on 31 July 2025. Since these appointments were made, one of the Independent Persons has resigned, leaving four Independent Persons in office.
14. As the terms of office of the County Council’s four Independent Persons will expire on 31 July 2025, a recruitment exercise needs to be undertaken to ensure that legally compliant appointments can be made from 1 August 2025.
15. It is considered that three is the minimum number of Independent Persons for the system to function effectively for the County Council. This allows for unavailability and managing conflicts of interest. It is proposed that up to five candidates for the position of Independent Person should be recommended to the County Council for appointment.
16. It is proposed that the recruitment exercise take place with the following timetable:

Date	Activity
Late January/Early-February 2025	Documentation finalised and advert published (2-3 weeks)
Late February 2025	Advert closes, first meeting of Sub-Committee to undertake shortlisting with invitations sent to shortlisted candidates for interview
Mid-March 2025	Interviews by Sub-Committee; determination of preferred candidates and wording of report to County Council agreed. Preferred candidates informed they’ll be recommended to County Council for appointment

17. It is proposed that the recruitment documentation will comprise an advert, an application form and a recruitment pack containing a role description and selection criteria.
18. Consideration will be given to how the vacancies may be best advertised to bring them to the attention of the public and attract the most suitable candidates. The approach is likely to include use of digital media, including the County Council's website.
19. In order to manage the recruitment process most efficiently, it is proposed that the Conduct Advisory Panel delegate authority to the Monitoring Officer, in consultation with the Chairman of the Conduct Advisory Panel, to approve the recruitment documentation and commence the recruitment exercise (and any further recruitment exercise as required) to invite applications for the role of Independent Person.
20. The optimum size for a selection panel that will shortlist and interview candidates is considered to be three members as this allows for different viewpoints, skills and experience amongst the panel members without it being difficult to reach a consensus view or be intimidating for candidates.
21. Further to the Conduct Advisory Panel's terms of reference, it is proposed that the selection panel comprise Conduct Advisory Panel Members and therefore it is proposed that a Sub-Committee be appointed for this purpose. It is proposed that the Chairman of the Conduct Advisory Panel be the Chairman of the Sub-Committee with two other Members being nominated by the Conservative and Liberal Democrat Group Leaders to achieve the proportionality required by the provisions of the Local Government and Housing Act 1989. The proposed terms of reference of the Conduct Advisory Panel Selection Sub-Committee are contained in Annex 1.
22. It is proposed that the Sub-Committee shall report directly to the County Council at its meeting in May 2025 with its recommendations for appointment.

### **Finance**

23. The County Council's Members' Allowances Scheme makes provision for an allowance in the sum of £813 per annum plus expenses.

### **Equalities**

24. There are no equality impacts deriving from the Recommendations set out in this Report.

## **Climate Change Impact Assessment**

25. Hampshire County Council utilises two decision-making tools to assess the carbon emissions and resilience impacts of its projects and decisions. These tools provide a clear, robust, and transparent way of assessing how projects, policies and initiatives contribute towards the County Council's climate change targets of being carbon neutral and resilient to the impacts of a 2°C temperature rise by 2050. This process ensures that climate change considerations are built into everything the Authority does.
26. The carbon mitigation tool and/or climate change adaptation tool were not applicable because the decision is administrative in nature.

## **Conclusions**

27. For the reasons given in the report, it is recommended that the Conduct Advisory Panel delegate authority to the Monitoring Officer, in consultation with the Chairman of the Conduct Advisory Panel, to approve recruitment documentation and commence a recruitment exercise to invite applications for the role of Independent Person.
28. Furthermore, it is recommended that the Conduct Advisory Panel appoint a Sub-Committee to act as the selection panel which will shortlist and interview candidates, and report directly to the County Council with its recommendations for appointment.

**REQUIRED CORPORATE AND LEGAL INFORMATION:**

**Links to the Strategic Plan**

**This proposal does not link to the Strategic Plan but, nevertheless, requires a decision because:**

It relates to the good governance of the County Council

**Other Significant Links**

**Links to previous Member decisions:**

<u>Title</u>	<u>Date</u>
Appointment of two Hampshire County Council Independent Persons:  <a href="#">Appointment of Independent Persons</a>	30 September 2021
Appointment of an additional three Hampshire County Council Independent Persons:  <a href="#">Appointment of Independent Persons</a>	4 November 2021

**Direct links to specific legislation or Government Directives**

<u>Title</u>	<u>Date</u>
Localism Act 2011, section 28(7): <a href="#">Localism Act 2011</a>	2011

**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.)**

Document

Location

None

## **EQUALITIES IMPACT ASSESSMENT:**

### **Equality Duty**

The County Council has a duty under Section 149 of the Equality Act 2010 ('the Act') to have due regard in the exercise of its functions to the need to:

- Eliminate discrimination, harassment and victimisation and any other conduct prohibited by or under the Act with regard to the protected characteristics as set out in section 4 of the Act (age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation);
- Advance equality of opportunity between persons who share a relevant protected characteristic within section 149(7) of the Act (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex and sexual orientation) and those who do not share it;
- Foster good relations between persons who share a relevant protected characteristic within section 149(7) of the Act (see above) and persons who do not share it.

Due regard in this context involves having due regard in particular to:

- The need to remove or minimise disadvantages suffered by persons sharing a relevant protected characteristic that are connected to that characteristic;
- Take steps to meet the needs of persons sharing a relevant protected characteristic that are different from the needs of persons who do not share it;
- Encourage persons sharing a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

### **Equalities Impact Assessment:**

No equality impacts have been identified in relation to the Recommendations in this Report.

Annex 1:

## **Proposed Terms of Reference of Conduct Advisory Panel Selection Sub-Committee**

### **Role of Sub-Committee**

The remit of the Sub-Committee is to:

- be the selection panel that will shortlist and interview candidates for the position of Independent Person of Hampshire County Council; and
- recommend to the County Council candidates for appointment to the position of Independent Person.

### **Term**

- Immediately following the meeting of the County Council at which a sufficient number of appointments are made to ensure that the County Council has at least three appointed Independent Persons, the Sub-Committee will be dissolved.

### **Membership**

- The Sub-Committee's membership shall comprise three members of the Conduct Advisory Panel being the Chairman of the Conduct Advisory Panel and two other Members nominated by the relevant political group leaders to achieve the proportionality required by the provisions of the Local Government and Housing Act 1989.
- The Chairman of the Conduct Advisory Panel shall be the Chairman of the Sub-Committee.

### **Responsibilities**

- Further to the County Council's Constitution, Part 1, Chapter 9, the Conduct Advisory Panel's roles and functions include:
  - assistance in recruitment of an Independent Person required to be appointed by the County Council in consequence of the Localism Act 2011, and recommendations to the County Council on any appointment.
- The Sub-Committee will perform the Conduct Advisory Panel's role in assisting in the recruitment of the Independent Persons by acting as the selection panel that will:



- shortlist candidates for interview and undertake the interviews; and
- report directly to the County Council at its meeting in May 2025 with its recommendations of up to five candidates for appointment to the position of Independent Person of Hampshire County Council.

### **Meetings**

- Meetings of the Sub-Committee will be convened by the Chief Executive in consultation with the Chairman of the Sub-Committee.
- Meetings of the Sub-Committee shall be conducted in accordance with the County Council's Standing Orders (Part 3, Chapter 1 of the County Council's Constitution).
- Support to the Sub-Committee will be provided by Democratic and Member Support Officers and Legal Services.

### **Amendment, Modification or variation**

- Amendment, modification or variation of these terms of reference may only be made by the Conduct Advisory Panel.