

Part A

**Report to:** Council

**Date of meeting:** Tuesday, 13 October 2020

**Report author:** Group Head of Democracy and Governance

**Title:** Appointment of Second Independent Person to assist with Standards complaints

## 1.0 Summary

- 1.1 At its meeting on 17 March 2020 council considered a report from the Standards Committee on the review by the Committee for Standards in Public Life on standards in local government.
- 1.2 Council agreed to implement recommendation seven in the review which was that it should have at least 2 Independent Persons and authorised that the council seek a second Independent Person.
- 1.3 The Group Head of Democracy and Governance has interviewed Mr Nigel Gates and is recommending that he be appointed as the second Independent Person

## 2.0 Risks

### 2.1

<b>Nature of risk</b>	<b>Consequence</b>	<b>Suggested Control Measures</b>	<b>Response</b> (treat, tolerate, terminate or transfer)	<b>Risk Rating</b> (combination of severity and likelihood)
The council does not appoint	The council fails to comply with the review recommendations	That the appointment be made	treat	1

## 3.0 Recommendations

- 3.1 That Nigel Gates be appointed as the second Independent Person.

### **Further information:**

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#### 4.0 **Detailed proposal**

- 4.1 Council agreed at its meeting of the 17 March 2020 to seek a second Independent Person. The role is to act as an advisor to the Monitoring Officer and the Standards Committee in relation to action to be taken in response to complaints about breaches of the code of conduct for councillors.
- 4.2 To date the council has only had one Independent Person. The Committee for Standards in Public Life has recommended that local authorities should have a minimum of two, in the case of absence.
- 4.3 The boroughs, districts and county of Hertfordshire have a register of people who are already an Independent Person and who have indicated a willingness to be available to assist other councils. Mr Nigel Gates was on that register.
- 4.4 Mr Gates is currently the Independent Person for Three Rivers District Council and has been involved in working with its Standards Committee since the inception of the standards regime. He is a retired lecturer having previously worked for the University of Hertfordshire and been involved in the Lecturers Union dealing with complaints about teaching staff at a national level. He is therefore very experienced in understanding the sensitivity and importance of dealing with complaints and is also familiar with the code of conduct for councillors.
- 4.5 It is recommended that he be appointed as the councils second Independent Person.

#### 5.0 **Implications**

##### 5.1 **Financial**

- 5.1.1 The Shared Director of Finance comments that the councils remuneration scheme provides a payment of £200 per annum to this position

##### 5.2 **Legal Issues (Monitoring Officer)**

- 5.2.1 The Group Head of Democracy and Governance comments that it is a requirement of the standards legislation that the council has an Independent Person and that they be consulted in relation to complaints about councillors under the code of conduct.

### **5.3 Equalities, Human Rights and Data Protection**

5.3.1 Having had regard to the council's obligations under s149 Equality Act 2010, it is considered there are no implications.

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

#### **Background papers**

No papers were used in the preparation of this report.