

**Status of Report:** *Public*

**Meeting:** Combined Fire Authority

**Date:** 23 September 2020

**Subject:** Appointment of Independent Persons

**Report by:** The Solicitor and Monitoring Officer

**Author:** Lauren Haslam, Monitoring Officer

**For:** Decision

## **Purpose**

1. This report concerns the appointment of Independent Persons to support the Member Conduct Complaints Process as required under Section 28 (7) of the Localism Act 2011 and to support the procedures for dealing with the dismissal of the Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer, as required by the Local Authorities (Standing Order) England Regulations 2001 (as amended). A supplementary report will be circulated to members.

## **Recommendation**

2. The Committee is asked to have regard to this and the subsequent supplementary report and approve the appointment of the Independent Persons recommended by the Corporate Governance Committee for a term of four years ending on 30 September 2024.

## **Executive Summary**

3. The Localism Act 2011 sets out provisions regarding the conduct of members and requires that the CFA appoint at least one Independent Person, whose view must be sought and taken into account by the Authority before it makes a decision on any allegation and whose views may be sought about allegations. In addition, The Local Authorities (Standing Order) England (Amendment) Regulations 2015 set out a new procedure for dealing with the possible dismissal of the Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer and this was adopted by the CFA on 11 December 2017.
4. The Term of Appointment for the Independent Persons recruited in 2017 will cease on 30 September 2020. A joint recruitment process has been undertaken with Leicestershire County Council over the summer to recruit and appoint a new pool of independent persons that can support both organisations' member complaints process and the dismissal process for senior officers. Interviews were carried out in early September, the outcome of which will be considered by the Corporate Governance Committee at its meeting on 16 September 2020. As this meeting was held after the agenda for the CFA meeting was distributed, a supplementary report will be circulated to members. The term of appointment would be for four years, ceasing on 30 September 2024.

## **Background**

5. The Terms of Appointment for the Independent Persons appointed by the Combined Fire Authority in 2017 will cease on 30 September 2020. The CFA is thankful for the service given by the outgoing Independent Persons in supporting the Authority to uphold standards with elected members and senior Chief Officers.
6. A joint recruitment process has been undertaken with Leicestershire County Council. For both the Combined Fire Authority and the County Council, the Independent Persons will be appointed for a period of four years until 30 September 2024 to support both member conduct and Chief Officer dismissal processes as outlined above. The CFA is thankful for the service given by the outgoing Independent Persons in upholding standards with elected members and senior Chief Officers.
7. The position was publicly advertised and an interview process undertaken to recruit a pool of Independent Persons. The Interview Panel consisted of Members drawn from the Corporate Governance Committee and the Employment Committee of both the CFA and the County Council, supported by the County Council's Assistant Director of Corporate Resources – Corporate Services and the Head of Law (the Deputy Monitoring Officer).
8. It is proposed to appoint a pool of candidates for the four-year term to cover the joint role of supporting the CFA and the County Council, to allow greater flexibility and to avoid the possibility of a conflict of interest.
9. The Committee on Standards in Public Life completed a review into Local Government Ethical Standards and the recommendations are still being reviewed. When these have been finalised, the CFA will adapt recruitment processes for Independent Persons accordingly.
10. At its meeting on 16 September, the Corporate Governance Committee will consider a report of the Monitoring Officer on the appointment of Independent Persons and will make a recommendation to the CFA about these appointments. As this meeting was held after the agenda for the CFA meeting was distributed, a supplementary report will be circulated to members.

## **Report Implications/Impact**

11. Legal (including crime and disorder)

The Localism Act 2011 sets out provisions regarding the conduct of members. It is a requirement under this Act that the CFA appoint at least one Independent Person, whose view must be sought and taken into account by the Authority before it makes a decision on any allegation and whose views may be sought about allegations.

The Local Authorities (Standing Order) England (Amendment) Regulations 2015 set out a new procedure for dealing with the possible dismissal of the Chief Fire and Rescue Officer, the Monitoring Officer and the Treasurer and this was adopted by the CFA on 11 December 2017.

12. Financial (including value for money, benefits and efficiencies)

By running a joint recruitment process for both the CFA and the County Council, economies of scale were achieved through reduced advertising costs, officer administration time and the servicing of a joint recruitment panel.

Any payments made to the independent persons appointed, for travel and subsistence expenses (where appropriate), will fall outside the Members Allowance Scheme which only applies to either elected or co-opted members of either Authority. An allowance is not proposed.

13. Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

None.

14. Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

The opportunities were advertised widely to ensure that a diverse pool of potential applicants was aware of the opportunities available.

15. Environmental

None.

16. Impact upon "Our Plan" Objectives

None.

## **Background Papers**

Report to Corporate Governance Committee 16 September 2020 –  
<https://leics-fire.gov.uk/your-fire-service/decision-making/cfa-meetings/>

## **Officers to Contact**

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