

**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).

## **Recommendation**

2. The CFA is asked to approve the appointment of Richard Gough, Gordon Grimes, Tina Herring, Hema Kotecha, Surinder Sharma and Pamela Roberts, to serve as Independent Persons 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 was considered by the Corporate Governance Committee on 16 September 2020 and it is proposed that six Independent Persons are appointed. 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.
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. At its meeting on 16 September, the Corporate Governance Committee considered the proposed appointments and agreed to recommend that the CFA approves the appointment of the six Independent persons detailed in paragraph 12.
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.

## **Proposed Appointments**

10. A pool of six candidates is recommended for appointment for the four-year term from 30 September 2020 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. All those recommended are eligible, live in Leicester or Leicestershire and are considered suitable candidates.
11. The regulations permit independent persons to be reappointed. The Monitoring Officer wrote to both the CFA's and the Council's existing appointees to thank them for their work to date and confirm that they are welcome to re-apply. Three of the six proposed appointees are existing Independent Persons for either the CFA or the County Council.

12. The Appointment Committee met on Friday 4 September 2020 to interview candidates and agreed to recommend the following people for appointment:-

Richard Gough  
Gordon Grimes  
Tina Herring  
Hema Kotecha  
Surinder Sharma  
Pamela Roberts

Further details of the above candidates are set out in the Appendix to this report.

13. Candidates will be appointed for a term of four years until 30 September 2024.

### **Report Implications/Impact**

14. 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.

15. 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.

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

None.

17. 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.

18. Environmental

None.

19. Impact upon "Our Plan" Objectives

None.

**Appendix**

Proposed Independent Persons 2020

**Officers to Contact**

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**Proposed Independent Persons 2020**

**Mr Richard Gough**

Mr Gough has been an Independent Person for the Combined Fire Authority since 2012 and was also appointed in the same year, as an Independent Person by Leicestershire Borough and District Councils. He served as a Magistrate on the Leicester Bench for 20 years. His previous career was in the financial services industry. He lives in Wigston Fields.

**Mr Gordon Grimes**

Mr Grimes, a retired Senior Civil Servant, has been an Independent Person for the Combined Fire Authority and the County Council since 2012; and also for other authorities in Leicester, Leicestershire and Rutland. He lives in Enderby.

**Ms Tina Herring**

Ms. Herring, now retired from a career in education, has worked as a Head Teacher and also as an inspector with OFSTED. She is currently an independent non-executive Director of Kent County Council's education services company. She lives in Leicester.

**Mrs Hema Kotecha**

Mrs Kotecha has worked in police forensics for over 13 years and currently works for Dorset Police. She has a wide range of skills including investigating, analysing information, compiling evidence and ensuring that standards are maintained. She lives in Kibworth.

**Prof. Surinder Sharma**

Prof. Sharma has been an Independent Person for the County Council since 2012. He has wide ranging experience gained from working in the public, private and voluntary sectors, has been Chair of the Equal Opportunities Commission, a Magistrate and an elected member of a local authority. He is currently Chairman of the Leicester Racial Equality Council. He lives in Stoneygate.

**Ms Pamela Roberts**

Ms Roberts, a retired Civil Servant, has a wide career in public service, including in local government. She has a wide experience of policy formation and delivery, planning and ensuring that standards are maintained. She currently volunteers as a Trustee at a local charity. She lives in Market Harborough.