

Status of Report: *Public*

Meeting: Corporate Governance Committee

Date: 16 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 Committee is asked to
 - a) note the decision taken by the Committee and the Chairman on 12 June 2020 to approve the joint recruitment process with Leicestershire County Council; and
 - b) recommend that the Combined Fire Authority at its meeting in September 2020 appoint 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 20 September 2020. A joint recruitment process was 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 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 and a new joint recruitment process was proposed with Leicestershire County Council. A report, seeking approval to undertake the joint recruitment process was circulated to Corporate Governance Committee members and was considered virtually as the Committee did not meet in July. This approach was approved by the Committee members and confirmed by the Chairman on 12 June 2020. 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.
6. 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).
7. 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.

Timetable

14. The following timetable is proposed:

- A report be presented to the CFA for approval on 23 September.
- Independent Persons be appointed on 30 September 2020 for a term of four years.

Report Implications/Impact

15. 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.

16. 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.

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

None.

18. 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.

19. Environmental

None.

20. Impact upon "Our Plan" Objectives

None.

Appendix

Proposed Independent Persons 2020

Officers to Contact

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