

Standards and Governance Committee

14 September 2016

Independent Person to Hampshire Fire and Rescue Authority

Report of the Clerk

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1 Summary

- 1.1 The provisions of the Localism Act 2011 require that the Authority appoint an Independent Person or Persons whose view must be sought before reaching a decision following investigation of an allegation of a breach of the Code of Conduct. The current holder of this position was appointed for a four year term in June 2013 and therefore a new appointment will be required.
- 1.2 It is a recommendation to the Full Authority meeting on 7 September 2016, which takes place after the publication of this report, that the Standards and Governance Committee be delegated Authority to progress such processes as may be required for the recruitment of an Independent Person or Persons. This report sets out proposals to take such a process forward.

2 Recommendations

- 2.1 That Standards and Governance Committee delegate authority to the Clerk, in consultation with the Chairman of the Committee to explore opportunities for shared Independent Person provision with other relevant local authorities. Should a suitable opportunity arise, for the Clerk, in consultation with the Chairman, to take necessary actions with regards to joint advertising and facilitating Member involvement in selection, to recruit Independent Person(s) from June 2017 for appointment at a meeting of the Full Authority.
- 2.2 With regards to the outcome of 2.1, should a suitable opportunity not arise, the Standards and Governance Committee agree that a further report be presented to it at its meeting in December 2016 providing details of a recruitment process to be followed by the Authority, to facilitate the recruitment and appointment of an Independent Person(s).

3 Background

- 3.1 The Localism Act 2011 introduced a number of changes to the arena of local government “Standards”. Amongst these was the creation of the position of “Independent Person” to each Authority.
- 3.2 The role of the Independent Person is to provide a view which must be taken into account before an Authority reaches a decision following investigation of an allegation of a breach of the Code of Conduct by a Member. The Independent Person is also available to give their view to a Member of the Authority about whom a complaint has been made.
- 3.3 The current incumbent of the position for Hampshire Fire and Rescue Authority (Michael Cronin) was appointed in June 2013 for the maximum four year term. In this time period, there has only been one complaint made against a Member of the Authority and this did not result in an investigation. Therefore Mr Cronin has not been in a position to give a view under the current arrangements for handling a complaint against a Member.
- 3.4 In accordance with the agreement of the Full Authority, an allowance of £500 per annum is currently payable for the role of Independent Person.

4 Shared Independent Person Provision

- 4.1 Given the low level of complaints against Members of the Fire Authority and consequently the low level of anticipated demand on any Independent Person, it is proposed that options for sharing provision with another, relevant Local Authority are considered.
- 4.2 The potential benefits of such shared provision are two-fold: firstly there is potential that such an arrangement could result in a saving to the Fire Authority through reduced allowance payments. It is furthermore envisaged that sharing provision with another Authority would result in more than one Independent Person being available should they be required. This would not only increase capacity and resilience, including reducing vulnerability should the Independent Person be unavailable or resign, but would also address the potential perception of conflict arising from a single Independent Person giving their view to multiple parties involved in a complaint.
- 4.3 The legislation relating to the recruitment of an Independent Person does not preclude shared arrangements. However there are a number of criteria, in particular the requirement that a candidate applies “to the Authority” which mean that shared arrangements will only be possible if they are done on the basis of joint advertising and recruitment. Given that other Local Authorities in the area will likely need to appoint new

Independent Persons on a similar timescale to the Fire Authority, it is proposed that opportunities to do so are investigated and, if possible, seized, as quickly as possible. Any joint recruitment will still require formal appointment to the role by the Full Fire Authority.

5 Direct Recruitment of Independent Person(s)

- 5.1 Notwithstanding the proposals contained in section 4 of the report, should opportunities for shared Independent Person capacity not arise, the Authority will be required to recruit and appoint one or more Independent Persons in accordance with the Localism Act.
- 5.2 In this circumstance, it is proposed that a process for such recruitment, including proposed person specifications, timescales and advertising as may be required be presented to the December 2016 meeting of the Standards and Governance Committee for agreement and the establishment of a Member selection panel. It is furthermore proposed that any allowance payable to the Independent Person(s) be considered at that point, in order to inform the recruitment process.

6 Equality Impact Assessment

- 6.1 The proposals in this report are considered compatible with the provisions of the equality and human rights legislation.

7 Section 100 D – Local Government Act 1972 – background documents

- 7.1 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

n/a

NB the list excludes published works and documents which disclose exempt or confidential information as defined in the Act.