

Standards and Governance Committee

7 December 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 The Standards and Governance Committee has been delegated authority to progress such processes as may be required for the recruitment of an Independent Person or Persons in order to make a recommendation for an appointment to the Full Authority. This report sets out proposals to take such a process forward.

2 Recommendations

- 2.1 That the Standards and Governance Committee acknowledge progress made in pursuing shared recruitment for Independent Person(s) and support the direction of travel set out in this report.
- 2.2 That the Standards and Governance Committee agree an indicative allowance for Independent Person(s) appointed as a result of shared recruitment of £100 per person, per annum, to be recommended to the Full Authority at the time of appointment in June 2017.

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.
- 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.
- 3.5 In September 2016, the Fire Authority authorised the Standards and Governance Committee:

“to undertake all necessary processes for the recruitment of an Independent Person(s), including the establishment of a Member selection panel as required, and in so doing to explore the option of sharing Independent Person provision with other local Authorities. To make a recommendation for appointment and any allowance to the Authority to take effect from June 2017.”

4 Shared Independent Person Provision

- 4.1 On 14 September 2016, the Standards and Governance Committee received a report regarding the options for the future recruitment of Independent Person(s). The low historic level of complaints against Members of the Fire Authority and consequently the low level of anticipated demand on any Independent Person was noted. The potential to save money through reduced allowance payments and to increase capacity and resilience through the appointment of multiple Independent Persons was also taken into account. It was agreed to:

“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.”

and that:

“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).”

- 4.2 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 fill the vacancy to the Authority” which mean that shared arrangements will only be possible if they are done on the basis of joint advertising and recruitment. It was therefore necessary to identify another suitable Local Authority needing to appoint new Independent Persons on a similar timescale to the Fire Authority. Any joint recruitment will still require formal appointment to the role by the Full Fire Authority.
- 4.3 Winchester City Council has been identified by the Clerk, in consultation with the Chairman of the Standards and Governance Committee, as being in a suitable position to join the Fire Authority in a shared recruitment exercise. Initial discussions at an officer level have led to the formulation of a draft programme to take this forward. Subject to agreement by Winchester City Council’s Standards Committee, this is likely to include a shared advert and single application process, a joint selection panel (comprising Members from the City Council and the Fire Authority) making a recommendation for appointment. This recommendation would be considered by Standards and Governance Committee to inform a recommendation to the Full Authority. It is recommended that the Committee notes and supports this direction of travel. Should, for some reason, the shared recruitment arrangements described above not be able to be realised, an alternative proposal for the recruitment of Independent Person(s) to the Fire Authority will be presented to a future meeting of the Standards and Governance Committee, in accordance with the Committee’s decision of 14 September 2016.
- 4.4 An opportunity of shared recruitment is to reduce cost to Hampshire Fire and Rescue Authority. This may primarily be achieved through a reduction in the level of allowance payable to the Independent Person(s) appointed by the Fire Authority. The nature of shared recruitment would enable each Authority to reduce their respective allowance, without reducing pecuniary recognition for the role of Independent Person. The allowance payable to the Independent Person(s) will be agreed by the Full Authority at the time of appointment. Standards and Governance Committee is therefore asked to agree an indicative allowance to be recommended to the Full Authority under such arrangements in order to inform the advertising for the role. It is anticipated that the shared recruitment exercise will seek to recommend the appointment three candidates. It is proposed that the allowance payable by the Fire and Rescue Authority be reduced to £100 per person, per annum. Subject to agreement by the Full Authority, this would result in a saving of £200 per annum, with the additional benefit of increased resilience by having three Independent Persons rather than one.

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.