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Hampshire Fire and Rescue Authority Standards and Governance Committee

23 March 2017

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) with Winchester City Council.
- 2.2 That the Standards and Governance Committee RECOMMEND to Hampshire Fire and Rescue Authority:
 - a. the appointment of three Independent Persons, recommended by the joint selection panel, as detailed in Appendix 1 of the report.
 - b. that such appointments be for an initial term of two years, with the option for this to be extended by the Authority to a maximum of four years from the date of appointment.
 - c. that the allowance for each Independent Person be set at £100 per annum.

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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

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Member involvement in selection, to recruit Independent Person(s) from June 2017 for appointment at a meeting of the Full Authority.”

- 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 are only possible if they are done on the basis of joint advertising and recruitment. Any joint recruitment still requires formal appointment to the role by the Full Fire Authority.
- 4.3 Winchester City Council was 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. On 7 December 2016, the Standards and Governance Committee received a report updating them on this position and supported the direction of travel.
- 4.4 As indicated in the December report, a shared advert and single application process was prepared and publicised. A joint selection panel (comprising Members from the City Council and the Fire Authority) met on 21 March 2017 to consider the applications and make recommendations for appointment to both Authorities. It is proposed that the Standards and Governance Committee acknowledge the progress that has been made with regard to this process and make a recommendation for appointment to the Full Authority.
- 4.5 The maximum term for an Independent Person, as set out in legislation, is for four years. Independent Persons may be re-appointed for further terms of office following a new recruitment process. It is proposed that Independent Persons are initially appointed for a two year period, with an option for this to be extended to the four year maximum. This approach mirrors that being proposed to Winchester City Council.
- 4.6 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. In December 2016, the Standards and Governance Committee agreed an indicative allowance of £100 per annum for each Independent Person and the role was advertised on this basis. It is therefore proposed that this allowance be recommended to the Full Authority.

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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.