



COMBINED FIRE AUTHORITY

18 DECEMBER 2018

APPOINTMENT OF INDEPENDENT PERSONS

REPORT OF CLERK

PURPOSE OF THE REPORT

1. To seek approval to recruit independent persons to the Fire Authority.

BACKGROUND

2. The Localism Act 2011 provides the framework intended to secure high standards of conduct in public office, and it requires the appointment, by the Authority, of at least one independent person.
3. The independent person must be consulted by the Authority and their views taken into account before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides an action to be taken in respect to that member. They may also be consulted by the Authority in respect of a complaint at any other stage and, they may be consulted by a member of the Authority against whom the complaint has been made.
4. On 26 September 2012 following a recruitment process the Authority agreed the appointment of two independent persons, Mr James Dykes and Mr James Dickinson.
5. Early in 2018 Mr Dykes resigned from his position, therefore, the Authority has been operating with one independent member since that time, however, it should be noted that there has not been any code of conduct issue or complaints which would have called upon his services.

FUTURE POSITION

6. It is 6 years since the recruitment and appointment of the independent persons. Following the resignation of Mr Dykes earlier in the year, the Authority is asked to consider the position going forward.
7. The Authority is required by law to have at least one independent person, and operating with one in the long term could cause administrative difficulties should the person be indisposed for whatever reason. There a number of options available for the Authority:

Option 1- continue to operate as currently with one independent person by re-confirming the position of Mr Dickinson and determining the length of office going forward. It is understood that Mr Dickinson would be willing to continue in the role.

Option 2- have two independent persons by re-confirming the position of Mr Dickinson and determine the length of office going forward, together with undertaking a recruitment process to appoint the other independent person.

Option 3- undertake a recruitment process to appoint either one or two independent persons, and determine their length of office.

It should be noted that there is no statutory bar against the reappointment of an independent person. The Authority may consider that it is helpful to keep continuity of expertise in these matters, however, it may also be beneficial to review the person(s) appointed given the length of time since the last recruitment exercise.

8. Whether the Authority agree to re-appoint the existing person and/or seek to recruit new appointees, it is suggested that the persons be appointed for a four-year term depending on when they are able to take office, which would expire on 30 April 2023. This would refresh the independent person(s) mid-term of the four-year term of office of the county council's elected members, and therefore provide continuity for the Authority.
9. If the Authority is minded to recruit, it is suggested that an advert be made in the local press and on the Authority's website early in the new year to seek candidates to fill the position(s), and for the appointment(s) to be delegated to the Appointments Panel.
10. For any vacancies arising within the agreed term of office, appointments would be made through the same procedure as outlined in paragraph 9.

RECOMMENDATION

11. Members are recommended to:

- (a) Consider the options set out in paragraph 7 of the report to agree which option to take forward, and agree that the term of office be for a period expiring on 30 April 2023.
- (b) If a recruitment exercise is to be undertaken that this be in accordance with paragraph 9 of the report.

H. Lynch
Clerk to Combined Fire Authority