



Safest People, Safest Places

Combined Fire Authority

20 July 2021

Independent Persons

Report of the Clerk to the Authority

Purpose of Report

1. To inform the Authority of the resignation of Mr Andrew Simpson as the Independent Person and to determine whether a recruitment exercise should be undertaken to fill the vacancy.

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 18 December 2018, it was agreed that the Authority would recruit two Independent Persons with a four-year term of office. The agreed recruitment process was to advertise the vacancy in the local press and on the Authority's website with the appointment delegated to the Appointments Panel. This process was to be adopted for any vacancies arising within the agreed term of office.
5. At its meeting on 14 July 2019, the Authority agreed the appointment of two Independent Persons, Andrew Simpson and Nyama Johnson for a four-year term of office expiring on 30 April 2023. On 4 May 2021, the Clerk received a resignation

of Mr Simpson as an independent Person which was confirmed to the Chief Fire Officer, Chair and Vice Chair on 5 May 2021.

6. Since their appointment on 14 July 2019, there have been no instances where the services of the Independent Person have been required. However, both Independent Persons have taken an interest in the work of the Authority by attending meetings, raising queries in relation to the agenda and being available for training.
7. The Committee for Standards in Public Life produced a report in January 2019 on Local Government Ethical Standards. The report made a series of recommendations, some of which required changes to legislation. In relation to the Independent Person, there was a best practice recommendation for each authority to have two independent persons. It was also recommended that the Localism Act 2011 be amended to require a fixed term of office for the Independent Person of two years with the option to extend once.
8. In light of the resignation of Mr Simpson, the Authority is invited to consider the options available:
 - i. Option 1 - continue to operate with the one Independent Person and undertake a recruitment exercise prior to the end of the term of office or upon a vacancy arising. The Authority will authorise the Clerk (who is the Monitoring Officer to the Authority) to nominate an Independent Person from Durham County Council or a neighbouring authority to provide cover in the event of a conflict arising during the remaining term of office and/or to cover any vacancy pending recruitment.
 - ii. Option 2 - recruit a further Independent Person for a term of office until 30 April 2023.
 - iii. Option 3 – recruit a further Independent Person for a term of office of two years with the option to extend once to reflect the recommendation of the Committee of Standards in Public Life on Ethical Standards.
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 before September 2021 to seek candidates to fill the positions, and for the appointments to be delegated to the Clerk of the Authority and members of the Appointments Panel.

Recommendations

10. Members are recommended to:
 - i. Note the resignation of Andrew Simpson as the Independent Person and thank him for his support to the Authority; and
 - ii. Consider the options set out in paragraph 8 of the report to agree with option to take forward.
 - iii. If a recruitment exercise is to be undertaken that this be in accordance with paragraph 9 of the report.

K. Coulson-Patel
Governance Solicitor (on behalf of the Clerk)