



# DEVON & SOMERSET FIRE & RESCUE AUTHORITY

E. Jackman  
CLERK TO THE AUTHORITY

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To: The Chair and Members of the Devon &  
Somerset Fire & Rescue Authority

(see below)

SERVICE HEADQUARTERS  
THE KNOWLE  
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Your ref :  
Our ref : DSFRA/MP/SY  
Website : www.dsfire.gov.uk

Date : 15 September 2023  
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## **DEVON & SOMERSET FIRE & RESCUE AUTHORITY**

**Monday, 25 September, 2023**

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10.00 am in The Committee Rooms, Somerset House, Devon & Somerset Fire & Rescue Service Headquarters** to consider the following matters.

E. Jackman  
Clerk to the Authority

### **SUPPLEMENTARY AGENDA No. 1**

***PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS***

- c **Appointment of Independent Person - Standards Issues** (Pages 1 - 4)  
Report of the Monitoring Officer (DSFRA/23/24) attached.  
(Note: this paper is published in accordance with the provisions of Section 100B(3)(b) of the Local Government Act 1972).

**MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER**

Membership:

Councillors Cook-Woodman (Chair), Biederman (Vice-Chair), Atkinson, Best, Brazil, Chesterton, Clayton, Coles, Fellows, Gilmour, Hendy, Kendall, Kerley, Patel, Peart, Power, Radford, Randall-Johnson, Roome, Sellis, Slade, Sproston, Sully, Tolchard and Trail BEM

## NOTES

### 1. **Access to Information**

Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.

### 2. **Reporting of Meetings**

Any person attending a meeting may report (film, photograph or make an audio recording) on any part of the meeting which is open to the public – unless there is good reason not to do so, as directed by the Chair - and use any communication method, including the internet and social media (Facebook, Twitter etc.), to publish, post or otherwise share the report. The Authority accepts no liability for the content or accuracy of any such report, which should not be construed as representing the official, Authority record of the meeting. Similarly, any views expressed in such reports should not be interpreted as representing the views of the Authority.

Flash photography is not permitted and any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.

### 3. **Declarations of Interests at meetings (Authority Members only)**

If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest in any matter being considered or to be considered at the meeting then, unless you have a current and relevant dispensation in relation to the matter, you must:

- (i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then
- (ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest.

If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have an interest of a sensitive nature. You must still follow (i) and (ii) above.

Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation.

Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.

	<b>NOTES (Continued)</b>
<b>4.</b>	<p><b><u>Part 2 Reports</u></b></p> <p>Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.</p>
<b>5.</b>	<p><b><u>Substitute Members (Committee Meetings only)</u></b></p> <p>Members are reminded that, in accordance with Standing Orders, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.</p>
<b>6.</b>	<p><b><u>Other Attendance at Committees )</u></b></p> <p>Any Authority Member wishing to attend, in accordance with Standing Orders, a meeting of a Committee of which they are not a Member should contact the Democratic Services Officer (see “please ask for” on the front page of this agenda) in advance of the meeting.</p>

<b>REPORT REFERENCE NO.</b>	DSFRA/23/24
<b>MEETING</b>	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
<b>DATE OF MEETING</b>	25 SEPTEMBER 2023
<b>SUBJECT OF REPORT</b>	APPOINTMENT OF INDEPENDENT PERSON – STANDARDS ISSUES
<b>LEAD OFFICER</b>	MONITORING OFFICER
<b>RECOMMENDATIONS</b>	<p><i>(a). That the Clerk be authorised to undertake a process for the appointment of an Independent Person (as required by the Localism Act), the appointment to be confirmed by the Authority.</i></p> <p><i>(b). That, pending this appointment and subject to them still being willing to serve, the current appointee's term of office be extended accordingly.</i></p>
<b>EXECUTIVE SUMMARY</b>	<p>This paper advises the Authority that the term of office for one of its two Independent Persons, required by the Localism Act 2011 for Standards issues, will expire in November 2023.</p> <p>The paper seeks approval of the Authority for a process to secure appointment of a replacement Independent Person.</p>
<b>RESOURCE IMPLICATIONS</b>	The Scheme of Members Allowances provides for payment of £100 per Independent Person for each Standards issue they are involved in. This is catered for within existing budgets.
<b>EQUALITY RISKS AND BENEFITS ANALYSIS</b>	Not applicable
<b>APPENDICES</b>	Nil.
<b>BACKGROUND PAPERS</b>	<p><a href="#">Localism Act 2011</a></p> <p><a href="#">Report SC/19/1 (Review of Code of Conduct and Complaints Guidance) to the meeting of the (then) Standards Committee on 8 April 2019</a> (and <a href="#">the Minutes</a> of that meeting).</p> <p><a href="#">Minutes of the Ordinary Authority Meeting held on 7 June 2019.</a></p>

## **1. BACKGROUND AND INTRODUCTION**

- 1.1. At its meeting on 8 April 2019, the (then) Standards Committee considered a paper on publication of the report (the Report) by the Committee on Standards in Public Life on Local Government Ethical Standards following implementation of new Standards arrangements introduced by the Localism Act 2011 (the Act).
- 1.2. Amongst other things, the new regime introduced by the Act requires each relevant authority to appoint at least one Independent Person whose views must be sought and taken into account prior to any decision being taken on any allegation that has been subject to investigation.
- 1.3. In relation to Independent Persons, the Report recommended that, as a matter of best practice, each relevant authority should have at least two Independent Persons. The Report also recommended that government should legislate to provide that Independent Persons should be appointed for a maximum of two years, renewable once.
- 1.4. The (then) Standards Committee recommended the Authority to increase its number of Independent Members from one to two (in line with the Report best practice recommendation). Although no legislative change has been made, the Committee also recommended that the Authority adopt the position that appointments of Independent Persons be limited to two years, renewable once. Both of these recommendations were approved by the Authority at its ordinary meeting on 7 June 2019 (Minutes DSFRA/7 and DSFRA/8 refer).
- 1.5. It should also be noted that appointment of an Independent Person is a matter reserved to the full Authority. Such appointments cannot be delegated.

## **2. CURRENT POSITION**

- 2.1. In line with the Authority decisions referenced above, two Independent Persons were duly appointed. Both have subsequently been subject to renewal, as also agreed. One renewal is set to expire in October 2024. The other renewal, however, expires in November of this year.
- 2.2. In light of this, the Authority is asked to authorise the Clerk to undertake a process to identify a replacement Independent Person for recommendation for appointment by the Authority. Given the timescale for this (which will require external advertisement), it is also recommended that the term of office of the current appointee be extended pending appointment of their successor – subject to the current appointee being prepared to continue in post.

- 2.3. In the event that the current appointee no longer wishes to remain in post, then the Authority could continue to operate its Standards regime in accordance with the legislation with one Independent Person in post, albeit that for a short period of time (i.e. until appointment of a successor) it would not be compliant with the best practice recommendation for two Independent Persons.

**EMMA JACKMAN**  
**Monitoring Officer**

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