

REPORT REFERENCE NO.	DSFRA/23/24
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY
DATE OF MEETING	25 SEPTEMBER 2023
SUBJECT OF REPORT	APPOINTMENT OF INDEPENDENT PERSON – STANDARDS ISSUES
LEAD OFFICER	MONITORING OFFICER
RECOMMENDATIONS	<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>
EXECUTIVE SUMMARY	<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>
RESOURCE IMPLICATIONS	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.
EQUALITY RISKS AND BENEFITS ANALYSIS	Not applicable
APPENDICES	Nil.
BACKGROUND PAPERS	<p>Localism Act 2011</p> <p>Report SC/19/1 (Review of Code of Conduct and Complaints Guidance) to the meeting of the (then) Standards Committee on 8 April 2019 (and the Minutes of that meeting).</p> <p>Minutes of the Ordinary Authority Meeting held on 7 June 2019.</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