

REPORT REFERENCE NO.	DSFRA/19/13
MEETING	DEVON & SOMERSET FIRE & RESCUE AUTHORITY (Ordinary Meeting)
DATE OF MEETING	7 JUNE 2019
SUBJECT OF REPORT	STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT PERSONS
LEAD OFFICER	Director of Corporate Services
RECOMMENDATIONS	<i>That Fr. David Watson be re-appointed one of the Authority's Independent Persons, as required by the Localism Act, until the Authority Annual Meeting in 2020 (or until a successor has been appointed, whichever is the sooner)</i>
EXECUTIVE SUMMARY	<p>At its meeting on 8 April 2019, the Standards Committee considered the outcome of a local review of its ethical arrangements together with recommendations contained in the recently published report by the Committee on Standards in Public Life following its review of ethical standards in local government.</p> <p>This report identifies further considerations in relation to the Standards Committee recommendation on the appointment of Independent Person(s) as required by the Localism Act 2011.</p>
RESOURCE IMPLICATIONS	As indicated in the report.
EQUALITY RISKS AND BENEFITS ANALYSIS (ERBA)	The contents of this report are considered compatible with existing equalities and human rights legislation.
APPENDICES	Nil.
LIST OF BACKGROUND PAPERS	<p>Localism Act 2011</p> <p>Minutes of the meeting of the Standards Committee held on 8 April 2019.</p>

1. BACKGROUND

- 1.1. The Localism Act 2011 introduced a new ethical standards regime for local authorities (including the Devon & Somerset Fire & Rescue Authority). In addition to requiring authorities to adopt a Code of Conduct encompassing the Nolan Principles of Public Life and providing for certain interests to be declared, the Act also requires authorities to have in place arrangements for dealing with alleged breaches of the Code.
- 1.2. As part of these arrangements, at least one Independent Person has to be appointed whose views:
- must be taken into account prior to a decision on an allegation which has been investigated; and
 - may be sought by the authority in other circumstances (to be determined by the authority in question) and by any Member or co-opted member subject to an allegation.
- 1.3. At its meeting on 8 April 2019 the Authority's Standards Committee considered a report on the outcome of both a review of local arrangements and the findings of the Committee for Standards in Public Life following its review of local government ethical standards. That Committee had recommended, amongst other things, that the Localism Act 2011 be amended to provide that Independent Person's should serve for a maximum of two years, renewable once.
- 1.4. Although the legislation has yet to be changed, the Standards Committee was nonetheless minded to recommend the Authority (Minute SC/11(a) refers):
- (i) to delegate authority to the Monitoring Officer to undertake a process for and determine the appointment of two Independent Persons (as required by the Localism Act), with the term of office for each Independent Person to be limited to two years, renewable once;
 - (ii) to approve remuneration for the Independent Persons on the basis of £100 for each standards issue they are involved in.
- 1.5. Should these recommendations be approved, then the remuneration aspect will be contained from within existing resources. This report, though, examines a practical issue in relation to the appointment of the independent persons.

2. APPOINTMENT CONSIDERATIONS

- 2.1. The Authority's Independent Person is currently Fr. David Watson. Fr. Watson has served in this capacity for a number of years and his appointment usually falls to the Authority to confirm on an annual basis.
- 2.2. To avoid a situation where the Authority could be left without an Independent Person (and thereby not compliant with legislative requirements), it is proposed that – should the Authority be minded to approve the recommendation relating to two independent persons – Fr. Watson be re-appointed at this meeting pending the appointment of a successor. The term for this appointment would be until a successor is appointed or until the Authority's annual meeting next year (whichever is the later).
- 2.3. Fr. Watson has indicated that he is prepared to continue to serve as Independent Person pending appointment of a successor.

2.4. The Authority is therefore recommended to confirm Fr. Watson's re-appointment on the basis as outlined in paragraph 2.2 above.

MIKE PEARSON
Director of Corporate Services