

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 16 NOVEMBER 2022
REPORT OF: DIRECTOR OF GOVERNANCE
AUTHOR: ANDREW LEADBETTER

SUBJECT: FURTHER TERM FOR INDEPENDENT PERSON
(HANDLING OF COMPLAINTS ABOUT MEMBER
CONDUCT)

Purpose of Report

1. To enable Members to decide whether to recommend a further term for the existing Independent Person. This is the role that is required by law to assist with the handling of complaints about Member conduct.

Recommended: That

- [1] Members recommend to the Fire Authority that Donald Clark is appointed as Independent Person for a further three year term (ending in February 2026).

Background

2. Section 28 of the Localism Act 2011 relates to codes of conduct. It covers the requirements to have a code and arrangements to deal with complaints about breaches of the code. Those arrangements must include an Independent Person.
3. Section 28(7) of the Localism Act 2011 places a duty on the Fire Authority to appoint an Independent Person.
4. The Fire Authority appointed Mr Donald Clark as its Independent Person at its meeting on 12th February 2020. The appointment was for a 3 year period.

Information

5. Mr Clark has not been engaged on the Authority's behalf during his tenure. His tenure ends in February 2023. It is important that the Fire Authority continues to have an Independent Person and to this end officers contacted Mr Clark recently to: establish if he was willing to continue to fulfil the role; discuss his continuing eligibility; and understand what experience in role and training he has had since his appointment back in 2020.
6. Mr Clark has confirmed that:

- a. He remains eligible to fulfil the role and has no criminal convictions. Eligibility is defined in Appendix 1, attached to this report.
- b. He has been active in his role as Independent Person for Warrington Borough Council dealing with the following number of complaints:

2020	13
2021	14
2022 (to date)	6

- c. He has also attended two training workshops provided by Hoey Ainscough Associates Ltd which covered a variety of issues pertaining to Standards in Public Life and the role of Independent Person
7. It is, of course, open to Members to interview Mr Clark again. However, officers do not believe that this is necessary. He remains an excellent, well qualified candidate and the potential for 'renewal' was contemplated upon his appointment.

Financial Implications

8. The Fire Authority must have an Independent Person. There is a direct cost when the Independent Person is engaged in dealing with a complaint. The cost is relatively small. There is no retainer paid to the Independent Person.

Legal Implications

9. The report covers the legal requirement for appointing an Independent Person.

Equality and Diversity Implications

10. There are no equality and diversity implications associated with this report.

Environmental Implications

11. There are no environmental implications associated with this report.

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BACKGROUND PAPERS: NONE**