

CHESHIRE FIRE AUTHORITY

MEETING OF: CHESHIRE FIRE AUTHORITY
DATE: 12 FEBRUARY 2020
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: APPOINTMENT OF AN INDEPENDENT PERSON
(HANDLING OF COMPLAINTS ABOUT MEMBER
CONDUCT)

Purpose of Report

1. To enable Members to decide upon the appointment of an Independent Person to assist the Authority in handling complaints about breaches of the Members' Code of Conduct.

Recommended:

- [1] That Mr Donald Clark be appointed to the role of Independent Person for Cheshire Fire Authority for a period of three years (until February 2023).

Background

2. Section 28 of the Localism Act 2011 (the Act) 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 include a requirement to appoint and involve an Independent Person.
3. Section 28(8) of the Act requires: any vacancy for an Independent Person to be advertised; any person seeking to fulfil the role to submit an application; and the appointment to be approved by a majority of members of the Authority.
4. The vacancy was advertised on the Service's website and a prompt was sent to a number of organisations intended to encourage applications. At the first attempt, this did not elicit a single application; it was only at the second time of asking that an application was received.

Information

5. The application received was from Mr Donald Clark, who lives in Cheshire and already acts as an Independent Person for Warrington Borough Council. The application made it clear that Mr Clark fulfilled the key requirement, i.e. to be "independent".

6. Mr Clark previously worked in the banking sector and following retirement became an Independent Person for Warrington Borough Council; a role he has fulfilled for the past 7 years. Mr Clark has gained experience in role and was the subject of two excellent references (one of which was about his work as an Independent Person).
7. A panel of three members of the Governance and Constitution Committee together with one of the independent (non-elected) members, interviewed Mr Clark on 29th January 2020.
8. Following the interview, the Committee considered a brief report and heard the views of the Members involved in the interview. The Committee unanimously agreed to recommend Mr Clark's appointment as an Independent Person to the Fire Authority.

Financial Implications

9. The Authority must have at least one Independent Person. The Independent Person does not receive any remuneration. However, there is a cost of engaging them in the handling of complaints; they receive a payment of £35 per meeting attended and re-imbusement of expenses incurred (travel/subsistence). The current budget is expected to accommodate such costs.

Legal Implications

10. The report covers the legal aspects associated with the appointment of an Independent Person.

Equality and Diversity Implications

11. There are no equality and diversity implications arising from this report.

Environmental Implications

12. There are no environmental implications arising from this report.

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BACKGROUND PAPERS: NONE**