

WILTSHIRE & SWINDON FIRE AUTHORITY

REPORT REFERENCE NO.	19
MEETING	Wiltshire and Swindon Fire Authority
MEETING DATE	12 June 2014
SUBJECT OF REPORT	Independent Persons (IPs)
LEAD OFFICER	Lindsay Gowland (Clerk)
RECOMMENDATIONS	<p>Members are asked:-</p> <ul style="list-style-type: none"> • To confirm that the term of office for IPs as 4 years from 1 July 2012. • To APPROVE the recruitment of a new IP • To APPOINT a selection panel.
EXECUTIVE SUMMARY	<p>It is a statutory requirement for the Authority to appoint an Independent Person. This paper asks the Authority to confirm the term of office for the IPs appointed in June 2012 and to make arrangements for the recruitment of a new IP.</p>
APPENDICES	None

Introduction

- 1 The Localism Act 2011 made fundamental changes to the system of regulating members' conduct and introduced the requirement for an Independent Person (IP). Under section 28 of the Act, the views of the IP are to be sought and taken into account before a decision is made whether or not to investigate an allegation that a member or co-opted member has breached the Authority's Code of Conduct. The IP's views may also be sought by the person complained against. There is therefore the potential for a conflict of interest on the part of the IP and the decision was taken to appoint an IP and a reserve.

Term of Office

- 2 The decision to appoint IPs was taken at the CFA meeting of February 2012 and the appointment of Mr M Cronin and Mr R McMillan was ratified at the CFA meeting of June 2012. Unfortunately there does not appear to be any documentation stating the length of their term of office; the only reference to their term of office which can be found is in Agenda Item 9 of May 2013's CFA, (Membership of Committees and

Representation on Other Bodies 2013/2014) where it states that “*the Authority has appointed two independent persons whose terms of office run to July 2014*”. Neither IP recalls being told how long they would serve for.

- 3 Therefore, the Authority is asked to confirm the term of office for the IPs as 4 years from 1 July 2012, ie to 30 June 2016.

Appointment of a new Independent Person

- 4 Mr Rohan McMillan has served as an Independent Person both under the new and old regimes for some 5 years. He has indicated that he would like to stand down from 30 September 2014.
- 5 The Authority is asked to approve the recruitment of a new IP. Candidates should be interviewed by a panel of 3 people, two Members and an experienced IP, drawn from the Fire Authority, Swindon Borough Council or Wiltshire Council. The Authority is requested to nominate two Members for the Interview Panel.

Additional Information

- 6 A stipend of £579 pa is paid to IPs along with travelling and subsistence allowances.

Policy Implications

- 7 There are no policy implications.

Risks

- 8 Failure to appoint a second Independent Person will leave the Authority vulnerable should there be a complaint against a Member.

HR, Equality and Diversity Implications

- 9 None.

Environmental Implications

- 10 None.

Financial and Legal Implications

- 11 There are no financial implications and the legal implications form the body of the report.

Combination Implications

- 12 The IPs appointment will lapse on Combination.

Recommendations

- 13 Members are asked to:-
 - Confirm the term of office for the IPs appointed in July 2012 was for 4 years;
 - Approve the recruitment of a new IP from October 2014.
 - Appoint an interview panel.

Lindsay Gowland
Clerk to the Authority

Unpublished documents used in the preparation of this report:

None

Author:

Lindsay Gowland, tel. 01380 737243, e-mail lindsay.gowland@wiltsfire.gov.uk

Media enquiries concerning this report should be made to:

Louise Knox, tel. 01380 731126, e-mail louise.knox@wiltsfire.gov.uk