APPOINTMENT OF INDEPENDENT PERSON

REPORT OF THE LEGAL ADVISER AND MONITORING OFFICER

For Approval

1. PURPOSE OF THE REPORT

1.1 To consider the Executive (Appointments) Committee recommendation for the appointment of an Independent Person to the Audit and Governance Committee, following their meeting on 22 March 2019.

1.2 That Members approve the appointment of the Independent Person to the Audit and Governance Committee.

2. RECOMMENDATION

2.1 That Members consider the Executive Committee's recommendation and appoint Mr Paul McGrath as Independent Person to the Cleveland Fire Authority from 1 July 2019 for a two year term of office.

3. BACKGROUND

3.1 Four application forms were received for the position of Independent Person with all candidates being invited for interview. The Localism Act, 2011, specifies that a person 'may not be appointed' unless they have responded to an advertisement and submitted a formal application.

3.2 Under the provisions of the Act, the appointment of Independent Persons must be approved by the majority of the Members of the Authority. A relevant authority must have provision for the appointment 'of at least one independent person'. It was generally considered prudent to have more than one Independent Person, particularly to avoid a conflict of interest that might occur in relation to a complaint under the Members Code of Conduct and any subsequent investigation that might be undertaken. In addition, through the Local Authorities (Standing Orders) (England) (Amendment) Regulations, 2015, a 'panel' comprising at least two Independent Persons is required as part of the process where an authority is to consider the outcome of 'disciplinary action' taken against any of its statutory officers.

3.3 In June 2017 the Authority appointed two Independent Persons for a 4 year term of office, namely Mike Hill and Steve Harwood. A vacancy has arisen following the resignation of Mike Hill.

3.4 The Committee on Standards in Public Life in their review of Local Government Ethical Standards, have recently published their report with recommendations to the Prime Minister. The Audit and Governance Committee received a report on 22 February 2019. Whilst it is open for authorities to adopt some of these recommendations as 'best practice' the majority of recommendations are reliant on amendments to primary legislation (for the most part certain provisions of the Localism Act, 2011) and through secondary legislation. Further reports will be brought before Members when (and if) any statutory changes are enacted. One of their recommendations was that Independent Persons should now be appointed for a 2 (not 4) year term of office, although this term of appointment could be renewed, but only for one further term. It is therefore recommended that the Authority follow this area of best practice and appoint for an initial two year term which would coincide with the remaining term of appointment of the existing Independent Person.

3.5 The role of the Independent Person is an advisory one, with the role profile outlined below for Members information:

INDEPENDENT PERSON - ROLE DESCRIPTION

Responsible to: Cleveland Fire Authority

Liaison with: Monitoring Officer, Members of the Audit and Governance Committee, Officers and Members of the Authority, key stakeholders within the community.

1. To assist the Authority in promoting high standards of conduct by elected and co-opted members of the Authority and in particular to uphold the Code of Conduct adopted by the Authority including the principles of public office, namely; selflessness, honesty, integrity, objectivity, accountability, openness and leadership.

2. To be consulted by the Authority through the Monitoring Officer and/or the Audit and Governance Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Audit and Governance Committee for this purpose.

3. To be available for consultation by the Monitoring Officer and/or the Audit and Governance Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.

4. To be available for consultation by any elected member, who is the subject of a complaint.

5. To develop a sound understanding of the ethical framework as it operates within the Authority.

6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons.

7. To attend training events organised and promoted by the Audit and Governance Committee.

8. To act as advocate and ambassador for the Authority in promoting ethical behaviour.

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