

CHESHIRE FIRE AUTHORITY

MEETING OF : CHESHIRE FIRE AUTHORITY **ITEM: 4**
DATE : 18th APRIL 2012
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES
AUTHOR : ANDREW LEADBETTER

**SUBJECT: INDEPENDENT PERSONS UNDER THE
NEW STANDARDS REGIME**

Summary

1. This paper seeks approval to an action relating to the new standards regime which needs to be progressed in advance of the Fire Authority meeting in June (when the new standards regime is due to be finalised).

Recommended: That

[1] Members authorise the Head of Legal and Democratic Services to pursue the 'recruitment' of a 'pool' of Independent Persons on behalf of the Fire Authority (and those constituent authorities that wish to utilise pooled resources for this role).

Background

2. The Fire Authority will need to have in place a new standards regime by 1st July 2012 in order to comply with the requirements in the Localism Act 2011 (the Act). Members will receive a report at the June meeting of the Authority.
3. Standards Committee has had two meetings that focused on the new standards regime: the first was essentially a briefing; the second allowed officers to secure a steer from Members on a range of issues. The minutes of the March meeting of Standards Committee are available on the Agenda. Members will receive a briefing on the new standards regime after the meeting of the Authority.

Information

4. Whilst the Fire Authority has not been required to handle complaints against its Members, it must have in place a process for dealing with such complaints from 1st July 2012.

5. The Act includes a requirement for the Fire Authority to have at least one Independent Person who can be engaged if there are complaints. This is a new role and is not currently clearly defined. It should not be confused with the existing independent member role on Standards Committee.
6. The Act states that the views of an Independent Person may be sought by the Authority or by a Member or co-opted member if an allegation has been made against that person.
7. The Act states that the views of an Independent Person must be sought by the Authority before it makes a decision in relation to an allegation.
8. On the face of it the Independent Person does not appear to have any commitments unless there are allegations against Members or co-opted members that need to be dealt with. Accordingly, it is not clear how easy it will be to 'recruit' people to such a role.
9. The Act contains provisions which preclude our current independent members from fulfilling the role of Independent Person until at least five years have elapsed since they acted for us as independent members. However, they should be able to take up the role of Independent Person for authorities that they are not linked to. Of course this assumes that independent members seek to become and are appointed as Independent Persons.
10. The Cheshire Secretaries (the lead lawyers from the constituent authorities, police and fire service) have discussed the new standards regime and believe that it would be beneficial to pursue the recruitment of Independent Persons in a joint exercise, rather than flooding what is potentially a rather small market with adverts from each authority. They also believe that it would make sense to maintain a pool of Independent Persons which could be called upon by any of the authorities. Standards Committee considered that this was acceptable.
11. Standards Committee received a document entitled 'Outline of Skills required and Role Description' and agreed that it appeared appropriate. Whilst this has not been finalised, it is attached as an Appendix, for information.
12. This report simply seeks Member approval to pursue the recruitment of Independent Persons jointly with those constituent authorities that wish to proceed on this basis, with a view to maintaining a pool of Independent Persons.

Financial Implications

13. The financial implications arising from changes to the standards regime should be capable of being managed within existing budgets. However, the handling of standards issues internally, rather than through the existing standards machinery, could have financial implications (albeit no previous cases have occurred). The main concerns may be: the one-off impact on officer time should there be allegations that require investigation; and for the more involved matters which need external input (which has commonly been the case in local authorities) there could be unplanned expenditure.

Legal Implications

14. The report covers these in as much depth as is possible at this time.

Equality and Diversity and Environmental Implications

15. There are no implications from decisions arising from this report. These issues may need to be further considered as the standards agenda progresses.

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BACKGROUND PAPERS: