

Appointment of the Independent Person

Report of the Clerk and Monitoring Officer

For further information about this report please contact Jonathan Eatough, Clerk and Monitoring Officer, on 01952 383200 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report asks the Fire Authority to consider and agree the appointment of an Independent Person and reserve to assist the Standards Committee and the Monitoring Officer in administering the new ethical framework for Members.

2 Recommendations

The Fire Authority is asked to agree:

- a) The appointment of Mr Michael Tebbutt to the role of Independent Person, as set out in section 28 of the Localism Act 2011, until 30 June 2013 (inclusive) with immediate effect; and
- b) The appointment of Mr Christopher Humphries to the role of Independent Person, as set out in section 28 of the Localism Act 2011, in the capacity as a reserve for Mr Tebbutt, until 30 June 2013 (inclusive) with immediate effect; and
- c) To receive a further report in 2013 for arrangements post 30 June 2013.

3 Summary

The Monitoring Officer has undertaken a recruitment process to find a suitable candidate to act as the Fire Authority's Independent Person in relation to Code of Conduct complaints. This is a new role created by the Localism Act 2011. Two individuals are being put forward to undertake the Independent Person responsibilities and the Fire Authority is being asked to make the appointment as requested for an initial period up to 30 June 2013.

4 Background

The Fire Authority will be aware from previous reports that a new ethical framework governing Member conduct came into force on 1 July 2012. As part of the new system, set out in the Localism act 2011, a new post of Independent Person has been created.

The Independent Person is there to act as an impartial consultee on Member Code of Conduct complaints. This will be at the point where a complaint is made and the Monitoring Officer is deciding whether the complaint should proceed and when the Standards Committee is deciding on whether a Member has acted in breach of the Code of Conduct. The Independent Person can also be contacted by Members, if they have concerns about a conduct complaint against them. It has previously been agreed that the Fire Authority will undertake a joint appointment and share the Independent Person with Telford & Wrekin Council.

The Monitoring Officer has conducted a recruitment process in accordance with the statutory requirements and interviews for the post took place on 23 August. The interview panel comprised Councillor Evans, the Chairman of Telford & Wrekin Council's Standards Committee, Councillor Mellings, an experienced member of Shropshire and Wrekin Fire Authority's Standards Committee, and the Monitoring Officer.

The interview panel is now able to put forward the following candidates for appointment as the Independent Person and a reserve Independent Person (in the event that the Independent Person is unable to act in a particular matter or is absent or is otherwise unable to act):

For the role of Independent Person – Mr. Michael Tebbutt

Mr. Tebbutt has recently ended his role as Chair of Shropshire and Wrekin Fire Authority's Standards Committee, having been an Independent Member of that Committee for a number of years. Previously, Mr. Tebbutt has served with the Royal Navy and worked at a number of stately homes, one of which is Weston Park. In terms of local involvement, Mr. Tebbutt has overall management of the Newport Charity, Preston Trust Homes and is the founder and President of the Wrekin Decorative and Fine Arts Society.

For the role of Independent Person (reserve) – Mr. Christopher Humphries

Mr. Humphries works for the Ministry of Defence, having started his career 23 years ago as an apprentice electrician. His current role is that of a senior repair manager. In terms of career experience, his knowledge of public sector working and of areas, such as Investors in People and managing and implementing change, will be relevant to the role.

The appointment of the Independent Person has to be made by the full Fire Authority. The Monitoring Officer suggests that, if the Fire Authority is minded to accept the recommendations in this report, the appointments are for an initial period up to 30 June 2013. It is intended that the arrangements will be reviewed in early 2013 and a further report brought to the Fire Authority with options for arrangements post 30 June 2013. If appointed, both Mr. Tebbutt and Mr. Humphries will be provided with training and support from officers in respect of the operation of the new standards regime.

5 Financial Implications

The Independent Person will not receive any direct remuneration for undertaking the role but will be able to claim reasonable expenses related to the completion of their duties.

6 Legal Comment

The role of the Independent Person is established by the Localism Act 2011. Most details of the statutory appointment process are contained within the main body of this report. The following should, however, be noted.

A person cannot be appointed as an Independent Person, if they are a serving Member, officer, relative or close friend of a serving Member and / or officer or have held these posts within the last five years. Former Independent Members of Standards Committee can now only be appointed to hold office until 30 June 2013. As a former Independent Member, Mr Tebbutt can therefore only be appointed up to 30 June 2013. Mr Humphries is not statutorily barred in the same way and can continue as an Independent Person post 30 June 2013 if required.

The post has been advertised in accordance with statutory requirements.

The role of Independent Member of the Standards Committee no longer exists. The role of Independent Person is not part of the Standards Committee membership and has no voting rights.

7 Equality Impact Assessment

The Monitoring Officer has overseen the recruitment process to ensure that there are no equality and diversity issues.

8 Appendices

There are no appendices attached to this report.

9 Background Papers

The Localism Act 2011