

AVON FIRE AUTHORITY

MEETING:	Avon Fire Authority
MEETING DATE:	Wednesday, 4 October 2023
REPORT OF:	The Clerk
SUBJECT:	Extension of Independent Person Appointment

1. SUMMARY

- The Fire Authority's Independent Person, Mr James Mason, was appointed following interview for a term of 3 years from 1 January 2021.
- That appointment is due to come to an end on 31 December 2023.
- The LGA have advised that it is appropriate to extend the Independent Person's term.
- This paper proposes that the current Independent Person's appointment is extended by a further 3 years.

2. RECOMMENDATIONS

2.1 The Fire Authority is asked to:

- a) Extend the term of the current Independent Person by 3 years, until 31 December 2026.

3. BACKGROUND

3.1 The Fire Authority has experienced difficulties in recruiting Independent Persons in the past and appointed James Mason after several recruitment rounds on 1 January 2021 for a period of 3 years.

4. FINANCIAL IMPLICATTIONS

4.1 The Independent Person receives an annual allowance under paragraph 5 of the Members' Allowances Scheme of £1,000, paid by half-yearly instalments. This is in effect a retainer and covers the Independent Person's time attending

meetings and discussing Code of Conduct cases with the Clerk. The allowance is part of the Authority's baseline budget.

5. KEY CONSIDERATIONS

- 5.1 Under the Localism Act 2011 every Authority is required to appoint at least one Independent Person to be consulted on Member Code of Conduct cases. The Localism Act is silent about terms of office and the Local Government Association were therefore consulted about 'best practice'. The LGA have confirmed that there is no official 'best practice' for length of tenure, which varies among local authorities, however, they confirmed that the proposal to extend our Independent Person's term by one further term appeared reasonable.
- 5.2 The Fire Authority's current Independent Person, Mr James Mason, was appointed following interview on 1 January 2021 for a term of 3 years. During that time James has attended Independent Person training and Fire Authority meetings, but, fortunately, his input has not been required as there have not been any Member Code of Conduct complaints during his tenure. James has confirmed that he is willing to continue his appointment as Independent Person to the Fire Authority for another term.

6. RISKS

- 6.1 Previous unsuccessful recruitment rounds, show that there is a risk of difficulties in recruitment, if the current Independent Person's tenure is not extended. Any recruitment round would need to start as soon as possible.

7. LEGAL/POLICY IMPLICATIONS

- 7.1 Under s 28 of the Localism Act 2011, concerning Codes of Conduct, there is a requirement in s 28(7) '*for the appointment by the authority of at least one independent person*', whose views are to be sought and taken into account by the authority before it makes its decision on an allegation that it has decided to investigate.
- 7.2 Under s 28(8) of the Localism Act 2011, the Independent Person's appointment must be approved by a majority of the members of the authority.

8. BACKGROUND PAPERS

- 8.1 The Fire Authority considered an exempt paper (paper 23) at their meeting on 16 December 2020 and accepted a recommendation from the Audit, Governance and Ethics Committee (who conducted interviews) to appoint the current Independent Person.

9. APPENDICES

None.

10. REPORT CONTACT

Amanda Brown, Clerk/Monitoring Officer to Avon Fire Authority, Ext 347.