

SOUTH YORKSHIRE FIRE & RESCUE AUTHORITY

Meeting	FIRE AND RESCUE AUTHORITY
Meeting Date	15 APRIL 2024
Report of	CLERK TO THE FIRE AND RESCUE AUTHORITY
Report Sponsor(s)	MONITORING OFFICER
Subject	LOCALISM ACT 2011 – ARRANGEMENTS FOR DEALING WITH ETHICAL STANDARDS COMPLAINTS: APPOINTMENT OF INDEPENDENT PERSONS

EXECUTIVE SUMMARY

The report seeks the Authority's approval to appoint two Independent Persons to assist the Monitoring Officer in dealing with Ethical Standards complaints, as required by the relevant provisions of the Localism Act 2011.

RECOMMENDATION(S)

Members are recommended to:-

- a) Approve the appointment of Martyn Thorpe and David Irvine as Independent Persons under the Member Code of Conduct for a term of four years.

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Main Report

BACKGROUND

1. The report advises the Authority of the recommended appointment of two Independent Persons that assist the Monitoring Officer in dealing with Ethical Standards complaints, following a recent recruitment process.
2. The Localism Act 2011 introduced a new statutory framework for dealing with Standards issues. In July 2012, the Authority adopted a new Code of Conduct, and revised the Terms of Reference of the Authority's Appeals Committee – now known as the Appeals and Standards Committee to include a procedure for investigating Standards Complaints. The Act also created the new role of Independent Person which must be appointed by the Authority.
3. This role is reflected in the procedures adopted by the Authority. In addition, the role may also involve serving on a Panel that would advise the Authority on matters relating to the dismissal of any of the three Statutory Officers (Head of Paid Services, Monitoring Officer and the Chief Finance Officer).
4. The Independent Persons must be consulted at various stages of the complaints process and assist the Monitoring Officer in considering complaints that a Member may have breached the Code of Conduct. The role of the Independent Person is essentially advisory. As the decision-making body, the Authority, in giving consideration to an ethical standards complaint, is required to consult the Independent Person and must give due regard to their views before reaching any determination as to the outcome of a complaint.
5. At the Authority Meeting held on 21 November 2022, approval had been given to appoint two Independent Persons for a term of four years. This had been undertaken jointly with Barnsley Metropolitan Borough Council (BMBC) and Sheffield City Council (SCC), with the remuneration of the posts shared between the three authorities.

RECRUITMENT PROCESS

6. A recruitment process began in September 2023 to appoint an extra two Independent Persons to the new posts. The posts were advertised for a four-week period on the Councils' websites, and it was sought to contact a wide range of local organisations in the public, private and voluntary sectors to raise awareness of the vacancies.
7. The shortlisted candidates were interviewed on 28 November 2023 and the new appointments would be made jointly with BMBC and SCC.
8. The interview panel comprised of Robert Parkin, Assistant Director, Legal Services and Deputy Monitoring Officer (Interim) (SCC), Sarah Hyde, Democratic Services Team Manager (SCC), and Sukdave Ghuman, Service Director and Monitoring Officer (BMBC) and South Yorkshire Fire and Rescue Authority. Two candidates were interviewed by the panel.

9. Both applicants were considered by the panel to be of a satisfactory standard and had relevant related experience in dealing with standards complaints. The panel considered that the following two applicants should be appointed to the position of Independent Person for a four year term:

Mr David Irvine
Mr Martyn Thorpe

10. One of the longer serving Independent Persons, David Waxman, has given notice to step down from his role with effect from the end of this municipal year.

CONTRIBUTION TO OUR ASPIRATIONS

- Be a great place to work-** we will create the right culture, values and behaviours to make this a brilliant place to work that is inclusive for all
- Put people first-** we will spend money carefully, use our resources wisely and collaborate with others to provide the best deal to the communities we serve
- Strive to be the best in everything we do-** we will work with others, make the most of technology and develop leaders to become the very best at what we can be

OPPORTUNITIES FOR COLLABORATION

- Yes
- No

If you have ticked 'Yes' please provide brief details in the box below and include the third party/parties it would involve:

The Independent Persons are shared by the Fire and Rescue Authority, Barnsley Metropolitan Borough Council and Sheffield City Council – including remuneration.

CORPORATE RISK ASSESSMENT AND BUSINESS CONTINUITY IMPLICATIONS

11. The appointment of an Independent Person to Standards Committees is a statutory requirement under the Localism Act 2011.

EQUALITY ANALYSIS COMPLETED

- No
- N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why an EA is not required/is outstanding:

The role of Independent Person was open to all who met the required criteria.

HEALTH AND SAFETY RISK ASSESSMENT COMPLETED

- Yes
 No
 N/A

If you have ticked 'No' or 'N/A' please complete the comments box below providing details of why a Health and Safety Risk Assessment is not required/is outstanding:

This report relates to a statutory requirement under Government legislation and has no health and safety implications.

SCHEME OF DELEGATION

12. Under the South Yorkshire Fire and Rescue Authority [Scheme of Delegation](#) a decision *is required / *has been approved at Service level.

Delegated Power Yes
 No

This report is not submitted under delegated powers. It relates to the procedural / governance arrangements of the Authority.

IMPLICATIONS

13. Industrial Relations, Financial, Legal, Asset Management, Environmental and Sustainability, Equality and Inclusion, Communications and Health and Safety implications have been considered in compiling this report.

Legal Implications

14. There are no direct legal implications. The Authority is required to appoint Independent Persons to support the Monitoring Officer in addressing Ethical Standards Complaints in accordance with the provisions of the Localism Act 2011.

Financial Implications

15. The Independent Persons receive their annual allowance of £787.00, split over a monthly basis which is equivalent to the allowance paid to co-opted members of the Council. The allowances are split between BMBC and SCC.

List of background documents

Application forms of both candidates [Exempt Information, Local Government Act 1972, Schedule 12A Part 1 Paragraph 1]

Report Author:	Name:	Sukdave Ghuman, Monitoring Officer
	e-mail:	SukdaveGhuman@barnsley.gov.uk