

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Overview and Audit Committee
DATE OF MEETING	14 September 2016
OFFICER	Graham Britten, Director of Legal & Governance
LEAD MEMBER	Councillor David Watson
SUBJECT OF THE REPORT	Independent Persons
EXECUTIVE SUMMARY	<p>This report recommends the appointment of Independent Persons by the Authority following the recruitment process undertaken on its, and Milton Keynes Council's and Central Bedfordshire Council's behalf, by Luton Borough Council.</p> <p>Five applicants (all of whom were IPs from the pool first appointed in 2012) are recommended.</p>
ACTION	Decision.
RECOMMENDATIONS	<p>It is recommended that the Authority be recommended to appoint:</p> <ol style="list-style-type: none"> 1. John Jones, Vasco Fernandes, Chris Ensor and Maureen Briggs as Independent Persons for a period commencing on 20 October 2016 and terminating at midnight on 31 October 2020; and 2. Chris Fogden as an Independent Person for a period commencing on 1 July 2017 and terminating at midnight on 31 October 2020.
RISK MANAGEMENT	<p>Whilst the Authority has yet to require the services of an Independent Person (IP) the recommendations achieve compliance with the Localism Act 2011 which requires the Authority to have in place arrangements for the determination of complaints against its Members which must include the appointment by the Authority of at least one IP.</p> <p>An IP's 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; and an IP's views may be sought by the Authority in relation to the allegation but also by a Member who is the subject of an allegation.</p> <p>Due to the dual role of an IP of adviser to both the Authority and a Member, the Authority would need to appoint at least two IPs to avoid a conflict of interests. The pool of IPs provides resilience in the event of</p>

	unavailability (including resignations) during the next four years.
FINANCIAL IMPLICATIONS	<p>The costs incurred in the recruitment process (advertising, short listing, and interviewing) were borne by Luton Borough Council.</p> <p>As with the arrangement in place since 2012 the applicants have been offered and accepted a retainer of £300 per annum, with a sum of £50 (together with reimbursement of travel and subsistence expenses) in the event that they are called upon to assist one of the authorities. The cost of the £300 retainer for each of the five IPs in the panel is to be defrayed equally among the Authority, Milton Keynes Council, Central Bedfordshire Council and Luton Borough Council, with an annual contribution from the Authority being £375.</p>
LEGAL IMPLICATIONS	<p>Since the introduction of section 28 of the Localism Act 2011, the Authority has been required to have in place at least one IP (a) whose views are to be sought, and taken into account, by the Authority before it makes its decision on an allegation of a breach of its Code of Conduct that it has decided to investigate, and (b) whose views may be sought (i) by the Authority and (ii) by a Member, or Co-opted Member, of the Authority if that person's behaviour is the subject of an allegation.</p> <p>A person may not be appointed as an IP unless (i) the vacancy has been advertised, (ii) the person has submitted an application to fill the vacancy to the authority, and (iii) the person's appointment has been approved by the meeting of the full Authority.</p> <p>No person can be appointed as an IP if he or she has been a Member or co-opted Member of the Authority within the five years preceding the date of the appointment.</p>
CONSISTENCY WITH THE PRINCIPLES OF COLLABORATION	The recommendation endorses and renews the collaboration adopted by the Authority in 2012 when it entered into a shared panel arrangement with the councils of Milton Keynes, Central Bedfordshire, Luton Borough, and with Bedfordshire and Luton Combined Fire Authority. Bedfordshire and Luton Combined Fire Authority declined to renew the arrangement.
HEALTH AND SAFETY	No issues arising.
EQUALITY AND DIVERSITY	Recruitment was undertaken by Luton Borough Council and in compliance with its policies and its obligations as a public body under equalities legislation and with the criteria for independent persons which are set out in the Localism Act 2011.
USE OF RESOURCES	Luton Borough Council advertised for applicants in

	<p>June with a closing date of 24 June 2016. Following interviews conducted on 6 and 8 of July 2016, five applicants (all of whom were IPs from the pool first appointed in 2012) were considered appointable: John Jones, Vasco Fernandes, Chris Ensor, Chris Fogden and Maureen Briggs. Other members from the former pool (Alexandra di Stefano and John McKay) did not apply on this occasion.</p> <p>A reminder of the IPs' backgrounds are attached at Annex A.</p>
<p>PROVENANCE SECTION & BACKGROUND PAPERS</p>	<p>At its meeting on 27 September 2012 the Authority resolved that the following individuals be appointed as Independent Persons for a period of 4 years:-</p> <p>(a) Maureen Briggs (b) Christopher Ensor (c) Vasco Fernandes (d) John Jones (e) Michael Collins Jones (f) Martin Leppert (g) Timothy Mainwaring (h) John Mackay.</p> <p>Applying exemptions provided by the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) (Amendment) Order 2012 it resolved that the following former co-opted independent members on its Standards Committee be appointed Independent Persons for a period terminating at midnight on 30 June 2013: (a) Mr Christopher Fogden and (b) Dr Alexandra di Stefano.</p> <p>All of the above individuals were members of a panel selected on the Authority's behalf by Milton Keynes Council (in conjunction with Bedford Borough, Central Bedfordshire, Luton Borough, and Bedfordshire and Luton Combined Fire Authority). Bedford Borough engaged two other IPs directly outside of the shared panel.</p> <p>When the Authority dissolved its Standards Committee in 2012 it resolved that the Terms of Reference of the Overview and Audit Committee be amended to include oversight of the Authority's duty to maintain and promote high standards of conduct by its Members.</p> <p>Report to Buckinghamshire & Milton Keynes Fire Authority 18 April 2012</p> <p>Report to Buckinghamshire & Milton Keynes Fire Authority 27 September 2012</p>
<p>APPENDICES</p>	<p>Annex A: Pen profiles of the Independent Persons</p>
<p>TIME REQUIRED</p>	<p>10 minutes.</p>
<p>REPORT ORIGINATOR AND CONTACT</p>	<p>Graham Britten gbritten@bucksfire.gov.uk 01296 744441</p>

Pen profiles of the Independent Persons

Maureen Briggs: Lives in Bedford area. Career in public sector and business. Previous experience as independent member of the standards committees of North Kesteven District Council and Luton Borough Council.

Christopher Ensor: Lives in Bedford area. Career in the Army and BP. Previous experience as independent member and chair of Bedford Borough Council standards committee.

Dr Vasco Fernandes: Lives in Milton Keynes. Career in medicine as Consultant Physician. New to standards issues in local government but has experience of complaints process for medical practitioners.

Christopher Fogden: Lives in Milton Keynes. Career in National Air Traffic Services as a Senior Air Traffic Engineer. Magistrate and previous experience as an independent member of Milton Keynes and Bucks Fire Authority standards committees.

John Jones: Lives in Bedford. Career in the printing industry. Chairman of the Valuation Panel for England, Magistrate and previously chairman of the standards committees for Luton Borough Council and Bedfordshire Police.