

Buckinghamshire & Milton Keynes Fire Authority



MEETING	Fire Authority
DATE OF MEETING	9 December 2020
OFFICER	Graham Britten, Director of Legal and Governance
LEAD MEMBER	Councillor Lesley Clarke OBE
SUBJECT OF THE REPORT	Independent Persons
EXECUTIVE SUMMARY	This report recommends the appointment of Independent Persons (IPs) by the Authority following a recruitment process undertaken by Milton Keynes Council (MKC). Those appointed by MKC were approached and four of them wish to be considered to be appointed by the Authority. The appointment of the Independent Persons will be for a period of four years, ending no later than 30 September 2024, to align with the IPs' maximum terms with Milton Keynes
ACTION	Decision
RECOMMENDATIONS	It is recommended that the following persons be appointed to serve as Independent Persons for the Authority until 30 September 2024: <ol style="list-style-type: none"> 1. Dr Vasco Fernandes 2. Chris Fogden 3. John Jones 4. Deborah Maggs
RISK MANAGEMENT	<p>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 unavailability (including resignations)</p>

	<p>during the next four years to mitigate the need to undertake a further recruitment and appointment process.</p> <p>In its Local Government Ethical Standards Report, published 30 January 2019 the Committee on Standards in Public Life stated (p.54), "it is clear that a positive relationship with the local authority's Monitoring Officer is crucial to being able to perform the role effectively. This relationship involves a mutual recognition of roles: on the one hand, recognising that the Monitoring Officer has specific responsibility and accountability for the standards process in an authority, and on the other that the Independent Person can bring a valuable external and impartial perspective that can assure and enhance the fairness of the process."</p>
<p>FINANCIAL IMPLICATIONS</p>	<p>The costs incurred in the recruitment process (advertising, short listing, and interviewing) were borne by MKC.</p> <p>The arrangement in place since 2012 was for the IPs to be on 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.</p> <p>The current pool of applicants have accepted the roles with an increase from £50 to £75 in the event that a case is referred to one of them (together with reimbursement of travel and subsistence expenses). Whilst the total retainer is yet to be fixed, subject to any subsequent agreement with Luton Borough Council, the proportion of the annual retainer payable to them from the Authority has been fixed at £150 per annum.</p>
<p>LEGAL IMPLICATIONS</p>	<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 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</p>

	<p>appointment.</p> <p>The IP has no formal powers, and whilst their views must be 'taken into account', they do not have a decisive say on the outcome of an investigation.</p>
CONSISTENCY WITH THE PRINCIPLES OF THE DUTY TO COLLABORATE	<p>The obligations for these arrangements under the Localism Act 2011 do not apply to the other blue light services (i.e. Thames Valley Police and South Central Ambulance Service).</p>
HEALTH AND SAFETY	<p>No issues arising.</p>
EQUALITY AND DIVERSITY	<p>Recruitment was undertaken by MKC 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.</p> <p>The role was advertised on MKC's website for a period of around three weeks, supported by a social media campaign. Seven completed application forms were received before the deadline.</p> <p>A shortlisting process was undertaken by the MKC Monitoring Officer and Chairman of MKC's Standards Committee, before references were taken up, prior to interview and selection.</p>
USE OF RESOURCES	<p>A job specification, application form and recruitment pack were prepared by MKC and the positions were advertised on MKC's website between 10–28 August 2020.</p> <p>Shortlisting and interviews were undertaken in the period 1–11 September 2020. The interview panel comprised the Chair and Vice-Chairs of MKC's Standards Committee.</p>
PROVENANCE SECTION & BACKGROUND PAPERS	<p>Three of the proposed IPs were in the previous pool of five IPs appointed in 2016.</p> <p>Overview and Audit Committee Meeting – 14 September 2016 (Item 10): https://bucksfire.gov.uk/documents/2020/03/overviewandauditcommittee140916agendapack.pdf/</p> <p>Minutes of the Authority Meeting – 14 December 2016 https://bucksfire.gov.uk/documents/2020/03/fire_a_uthority_agenda_141216.pdf/</p> <p>The Authority has previously participated in the joint recruitment of IPs since their introduction by the Localism Act 2011, with exercises in 2012 and 2016 including with the, then, Bedfordshire & Luton Combined Fire Authority. Some participating authorities have subsequently taken different approaches.</p>

Independent Persons

	Local Government Ethical Standards Report, published 30 January 2019
APPENDICES	Appendix A – Pen profiles of the proposed Independent Persons
TIME REQUIRED	5 minutes
REPORT ORIGINATOR AND CONTACT	Katie Nellist knellist@bucksfire.gov.uk 07799 098948

Appendix A

1. Dr Vasco Fernandes

An Independent Person for Buckinghamshire & Milton Keynes Fire Authority until 31 October 2020.

Currently an Independent Person for Milton Keynes, Luton, and Central Bedfordshire Councils, Dr Fernandes is a retired Consultant Physician with extensive experience at a senior clinical and management level in Public Health and Substance Misuse and was Associate Medical Director of the MK NHS Community Health Services from 2001-2007.

Dr Fernandes is currently a Vice President of the MK Community Foundation and served as the Honorary President of the MK Equality Council From 1993 to 2010.

2. Chris Fogden

An Independent Person for Buckinghamshire & Milton Keynes Fire Authority until 31 October 2020.

Currently an Independent Person for Luton and Central Bedfordshire Councils, Chris was also the Independent Chair of MK Council's Standards Committee for 12 years and served on the Authority's Standards Committee until 2012.

A former Magistrate with 24 years' experience and over 10 years' service as an Independent Town Councillor (including three years as Mayor of Buckingham), Chris currently volunteers at Woodhill Prison and Milton Keynes Citizens Advice Bureau.

3. John Jones

An Independent Person for Buckinghamshire & Milton Keynes Fire Authority until 31 October 2020.

Currently an Independent Person for Milton Keynes, Luton, and Central Bedfordshire Councils, John was involved in setting up a forum of Independent Persons, to share experience and expertise during the transition to the current standards regime. John also serves as an Independent Panel Member for 6 police forces in the eastern region, dealing with gross misconduct allegations against police officers.

A retired company director, John served as a magistrate for over 20 years and is now Lead Governor of a large mental health Foundation Trust, serving Essex, Suffolk and Bedfordshire. John is also an Independent Chair of Stage 3 Reviews for complaints in Children's Services and a Member of the NHS Providers Governor Advisory Committee representing mental health.

4. Deborah Maggs

Currently an Independent Person for Bedford Borough Council and previously at Central Bedfordshire Council, Deborah is currently working as a language teacher at Henlow Academy. With 30 years' service at the Home Office, Deborah has experience of developing governance processes and had responsibility for leading on Parliamentary relations on EU matters.

A Magistrate with 25 years' experience and trained mediator, Deborah is also currently the Chair of the Trustees of Bedfordshire YMCA.