

Subject: Confirmation Hearing in Respect of the Appointment to the Office of Chairman of the London Fire and Emergency Planning Authority

Report to: Confirmation Hearings Committee

Report of: Executive Director of Secretariat

Date: 23 February 2015

This report will be considered in public

1. Summary

- 1.2 The Committee is recommended to put questions to the Mayor's proposed appointee for the office of Chairman of the London Fire and Emergency Planning Authority, and make a decision on its recommendation to the Mayor as to whether or not the nominee should be appointed to that office.

2. Recommendations

The Committee is recommended to:

(a) Note the following background information:

- **The letter from the Mayor to the Chairman of the London Assembly (dated 3 February 2015) advising the Assembly of his proposed appointment of Gareth Bacon AM to the position of Chairman of the London Fire and Emergency Planning Authority (Appendix 1); and**
- **The letter from the Chairman of the Assembly to Gareth Bacon AM (dated 11 February 2015) which confirms notice of the Confirmation Hearings Committee meeting and the formal notice from the Head of Paid Services (Appendix 2).**

(b) Note any information received after publication of the agenda;

(c) Put questions to the Mayor's proposed appointee for the office of Chairman of the London Fire and Emergency Planning Authority, Gareth Bacon AM; and

(d) Make a decision on its recommendation to the Mayor as to whether or not the nominee should be appointed to the office of Chairman of the London Fire and Emergency Planning Authority.

3. Background

- 3.1 The GLA Act 2007 and S47 of Schedule 22 to the Localism Act 2011 provide that Mayoral nominees for the following six offices may be subject to non-binding 'confirmation hearings' conducted by the London Assembly (within three weeks of being notified of the Mayor's proposal to fill the position):
- Chair or Deputy Chair of Transport for London;
 - Chair of the London Fire and Emergency Planning Authority;
 - Chair of the Cultural Strategy Group;
 - Chair or Deputy Chair of the London Pension Fund Authority;
 - Chair of the London Waste and Recycling Board; and
 - Chair of a Mayoral Development Corporation.
- 3.2 Section 60A and Schedule 4A to the GLA Act 1999 (as amended) set out the processes relating to Confirmation Hearings for specified Mayoral appointments.

4. Issues for Consideration

- 4.1 The Mayor has now provided formal notice of his intention to appoint Gareth Bacon AM to the office of Chairman of the London Fire and Emergency Planning Authority with effect from 27 March 2015 (see **Appendix 1**).
- 4.2 In accordance with the Assembly's Standing Orders and the provisions of Schedule 4A to the GLA Act 1999 (as amended), the Chairman of the Assembly has delegated authority to (i) decide whether to hold a confirmation hearing for the Mayor's candidate for appointment to the offices listed in Section 60A(3) of the Act; and (ii) to request that the Mayor's candidate for appointment produce, under paragraph 6(4) of Schedule 4A of the GLA Act 1999 (as amended), documents that relate to his or her proposed appointment.
- 4.3 Accordingly, the Chairman has agreed to hold a confirmation hearing in relation to this appointment and the letter from the Chairman to Gareth Bacon AM, together with a formal notice from the Head of Paid service, confirming the arrangements for the meeting is attached at **Appendix 2**.
- 4.4 The Chairman has also requested that:
- The Mayor's nominee provide the Committee, in advance of the meeting, with a CV setting out any relevant details and, if he wishes, a supporting statement or any other details which might be of interest to the Committee in relation to his appointment to this office;
 - The Mayor provides an updated summary of the role and responsibilities of Chairman of LFEPA and a summary of key issues and priorities for LFEPA for the 2015/16 year and beyond.
- 4.5 Those documents will be circulated once available.

- 4.6 The purpose of the Confirmation Hearing is to establish whether the nominee has the ability to do the job and is fit for office. Questions to the nominee may therefore cover:
- whether the nominee is qualified for the position;
 - whether the nominee has the time and capacity for the position;
 - whether the nominee is fit (independent and impartial) for the position; and
 - Key responsibilities and issues for the organisation to which the Mayor is proposing to appoint the nominee.

- 4.7 Following the question and answer session with the nominee, the Committee is recommended to make a decision on its recommendation to the Mayor as to whether or not the nominee should be appointed to the office of Chairman of the London Fire and Emergency Planning Authority. Recommendations made by the Committee are not statutorily binding.

- 4.8 The end of the confirmation process is reached when:

The Mayor has given the Chair of the Confirmation Hearings Committee the notification required by paragraph 5(2) of Schedule 4A in respect of acceptance or rejection of the Assembly's recommendation.

OR

The period of 3 weeks (from the day on which the Assembly received notification from the Mayor of the candidate(s) whom he intends to appoint) has expired without any recommendation being given to the Mayor by the Assembly.

- 4.9 In accordance with Standing Order 10.6H, the Chair of the Confirmation Hearings Committee must ensure that the Assembly is notified of every such decision.
- 4.10 In accordance with the decision made by the GLA Oversight Committee at its meeting of 24 April 2014, any issues raised in respect of prospective mayoral appointments during the confirmation process should be reported to the appropriate Assembly bodies for follow-up action as deemed necessary (so, for example, transport-related appointments issues would be reported to the Transport Committee).
- 4.11 The presumption is that Hearings are held in public. The Committee does, however, have discretion to exclude the press and the public from the meeting and move into private session if it is to consider exempt information, as defined under Schedule 12A of the Local Government Act 1972.

5. Legal Implications

- 5.1 Legal implications are set out within the body of the report.

6. Financial Implications

6.1 There are no direct financial implications arising from this report.

List of appendices to this report:

Appendix 1- Letter from the Mayor to the Chairman of the London Assembly (dated 3 February 2015)

Appendix 2 - letter from the Chairman of the Assembly to Gareth Bacon AM and accompanying notice (dated 11 February 2015)

Local Government (Access to Information) Act 1985
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List of Background Papers: None.

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