

## **Report of the Standards Committee 2008/09**

**Councillors C Carter, M Collins, D Harty and S Kindersley**

**Independent members : Mrs P Kingham(Chairman) and Mr W Billing**

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### **Annual Report**

This is the first annual report of the Fire Authority's Standards Committee, reporting on the Committee's activities in 2008/09. The purpose of the report is:

- To inform the Fire Authority and other stakeholders of the activities of the Committee in 2008/09.
- To promote awareness of standards issues amongst Members and officers of the Fire Authority.
- To inform the public about the application of the Code of Conduct within the Authority.

### **Standards Committee**

The Local Government Act 2000 requires local authorities to establish Standards Committees, which must undertake certain minimum roles as defined in the Act relating to member conduct. The Standards Committee plays a major role in the ethical framework relating to member conduct where it has 3 key areas of responsibility:

- To advise the Authority on the adoption and any revisions to the Code of Conduct, to monitor its operation, and to assist Councillors to observe its provisions.
- To promote high standards of conduct by Councillors.
- To deal with complaints alleging breaches of the Code of Conduct.

The terms of reference of the Committee are set out in the Appendix to the report.

The membership of the Committee in 2008/09 comprised four Councillors from all the political groups on the Authority and two Independent members. The Councillors on the Committee during 2008/09 were Councillors C Carter, M Collins, D Harty and S Kindersley.

Public confidence in the work of the Committee is important and legislation imposes a requirement for the appointment of a minimum of two Independent members to the Committee, one of which must be appointed as Chairman of the Committee. The Independent members (Mr W Billing and Mrs P Kingham) are able to provide a fresh

perspective on issues discussed by the Committee as well as being a source of independent challenge. The Committee was chaired by Mrs P Kingham during 2008/09.

## **Code of Conduct**

The Fire Authority adopted the revised national model Code of Conduct for application from 1<sup>st</sup> August 2007. All members were advised of the requirements of the Code and the changes made to the previous Code. The Code of Conduct covers areas of individual behaviour such as members not abusing their position or not misusing their Authority's resources. In addition, there are rules governing disclosure of interests and withdrawal from meetings where members have relevant interests. Members are also required to record their financial and other interests.

**During 2008/09 no complaints were received regarding Member conduct and no allegations were made to either the Standards Board or to the Authority that Members had breached the Code the Code of Conduct.**

In comparison with other local authorities, the small number of members on the Authority, the relatively low volume of business, the relatively low level of party politics, and the fact that the Authority is not engaged in the discussion of issues such as planning (which elsewhere gives rise to many complaints regarding conduct) all contribute to the risk of breaches of the Code of Conduct being less than in other local authorities. The Standards Committee seeks to maintain the high standards of conduct amongst members of the Authority by keeping compliance with the Code of Conduct under review and by promoting awareness of its provisions amongst members.

The Committee and the Monitoring Officer are aware that Members may well receive training on the requirements of the Code from their appointing authority (Cambridgeshire County Council and Peterborough City Council) and are concerned that any training provided by the Fire Authority adds value and does not duplicate provision made elsewhere. The Committee will need to ensure that members appointed to the Fire Authority following the County Council elections in June 2009 have all received appropriate training on the Code.

## **Proposed Changes to the Code of Conduct**

On 1st October 2008, the Department of Communities and Local Government (CLG) issued a consultation paper seeking views on amendments to the Code of Conduct for Members and the introduction of a Code of Conduct for Employees. The Consultation Paper can be viewed on the CLG website at:

<http://www.communities.gov.uk/documents/localgovernment/pdf/981962.pdf>

The consultation posed twelve specific questions relating to changes to the Code of Conduct for Members. A significant proportion of these arise in connection with widening the Code to apply to conduct in a non-official capacity.

The main reason for seeking changes to the Members Code of Conduct was due to the High Court's interpretation in the Livingstone case that the Local Government Act 2000 only applied to conduct falling within the official capacity of the member or conduct that could properly be regarded as falling within the performance of their functions. Changes were not made to the statutory framework in time for the 2007 Code to be extended to reflect this.

CLG proposed to deal with this by dividing the Code into two distinct sections – one covering members' conduct in their official capacity and the second dealing with members conduct in their non-official capacity. The consultation also covered a number of other matters and invited comments in relation to any other aspects of the Code which might be required, or indeed on aspects of the existing Code which were not required. Views were also sought on the addition of a new General Principle, applied specifically to conduct in a non-official capacity, to the effect that a member should not engage in conduct which constitutes a criminal offence. The Consultation paper indicated that CLG were "minded, subject to responses to this consultation, to implement the proposals in this consultation paper, so that they come into effect in line with the local government elections 2009."

All Fire Authority members were invited to comment on the proposed changes to the Members' Code of Conduct. In view of the timing of the issue of the CLG consultation, to avoid convening a meeting specifically to consider the Authority's response, the Committee agreed that the Monitoring Officer, in consultation with the Chairman of the Fire Authority and Chairman of the Standards Committee, be authorized to agree the Fire Authority's response to the CLG on that aspect of the consultation paper relating to proposed revisions in the Local Authorities (Model Code of Conduct) Order 2007 and the Relevant Authorities (General Principles) Order 2001. A copy of the Authority's response is available on request from the Democratic Services Manager.

At the time of writing, no further information has been received regarding the revised Members Code of Conduct or when it might be issued.

### **Local Assessment of Complaints**

The Local Government and Public Involvement in Health Act 2007 and associated Regulations introduced from 8<sup>th</sup> May 2008 new arrangements for the local assessment of complaints against members and co-opted members of local authorities. The main change was to transfer the responsibility for the consideration of complaints alleging breaches of the Code of Conduct to local authority standards committees. The Standards Board for England would continue with a role to oversee and monitor the local processes, to provide guidance, and to undertake the investigation and or determination of complaints which could not be undertaken locally.

The Standards Board for England (SBE) published guidance on the new local assessment arrangements. Members and officers involved in the local assessment of complaints must take the SBE guidance into account when doing so.

As part of these new arrangements, the Fire Authority agreed the established of the following 3 new Sub committees of the Standards Committee and agreed an increase in the membership if the Committee to facilitate their appointment:

- an Assessment Sub-Committee to undertake the initial assessment of complaints
- a Review Sub-Committee to undertake reviews of decisions on the initial assessment of complaints
- a Hearings Sub-Committee to undertake the hearing of complaints and to determine what action should be taken.

The Committee subsequently adopted the following procedures and documents to support the local assessment of complaints:

- A procedure for the local assessment of complaints
- A complaint form
- A summary of the procedure for the local assessment of complaints
- A procedure for the local investigation of complaints
- A procedure for local standards hearings

The procedures include the following key elements:

- The criteria to be used in the selection of members of sub-committees
- The criteria to be used when considering whether to refer a complaint to the Standards Board for England
- The criteria to be used in deciding what action to take on a complaint
- The timescales to be applied at various stages in the local assessment process.

The Fire Authority's arrangements for making complaints are published on the Authority's website.

The procedures require a separation of functions and the person carrying out an investigation of a complaint could not also be the person responsible for advising the Committee on the complaints process. Geoff Taylor, the Fire Authority's Monitoring Officer, has appointed David Elliott, Head of Finance, as Deputy Monitoring Officer to facilitate this.

The Committee has undertaken some training on the local assessment of complaints through the discussion of case studies. Members of the Committee who sit on the standards committees of other authorities also have had experience and received training from those authorities.

### **Member / Officer Protocol**

The Nolan Committee on Standards in Public Life recommended that every local authority should have its own written statement or protocol governing relations between members and officers.

The Fire Authority in December 2008 agreed a Member/Officer Protocol governing relations between members and officers of the Fire Authority for application from 1<sup>st</sup> January 2009. The protocol is designed to provide a framework for contact between members and officers, both formal and informal, and to ensure that members and officers were as clear as they could be as to their roles and responsibilities in relation to each other.

The Protocol was prepared drawing on best practice in other local authorities. The Protocol is intended to be helpful to both officers and members in their dealings with each other and seeks to promote harmonious working relations by providing greater clarity of respective roles and responsibilities and the boundaries of acceptable and unacceptable behaviour.

### **Dispensations**

The Standards Committee has powers to grant dispensations to members with personal and prejudicial interests to allow their participation and voting on matters where the political balance of the Authority or the committee might otherwise be overturned. No dispensations were requested and granted in 2008/09.

### **Politically Restricted Posts**

The Local Government and Public Involvement in Health Act 2007 made changes to the arrangements for granting exemptions to individuals in politically restricted posts. Certain posts within a local authority by virtue of the salary level, seniority, or role are designated as “politically restricted” and the postholder is not able to undertake some forms of political activity. This is to ensure public and member confidence in the political impartiality of officers advising the local authority. Standards committees now have powers to grant exemptions to individuals in some circumstances which would remove the restrictions on undertaking party political activity. The Authority’s Standards Committee has not received any requests or granted any dispensations in 2008/09.

### **Members Allowances Scheme**

The Standards Committee is responsible for making recommendations on the Fire Authority’s Members Allowances Scheme. The Committee was asked to consider amendments to the Special Responsibility Allowances provided under the Scheme to reflect proposed changes in the Fire Authority’s democratic arrangements. The Committee was satisfied that adjustments recommended reflected the anticipated changes in the levels of responsibility exercised by postholders under the new structure.

**CHAIRMAN**

<b>Source Documents</b>	<b>Location</b>	<b>Contact</b>
Agenda, reports and minutes of the Standards Committee and Fire Authority 2008/09	Hinchingsbrooke Cottage Brampton Road Huntingdon	Michael Brown 01480 444572 <a href="mailto:michael.brown@cambsfire.gov.uk">michael.brown@cambsfire.gov.uk</a>

**STANDARDS COMMITTEE – TERMS OF REFERENCE**

To promote and maintain high standards of conduct by members of the Fire Authority.

To advise the Authority on the adoption or revision of the Members Code of Conduct.

To assist members to observe the Members Code of Conduct.

To monitor the operation of the Members Code of Conduct.

To advise, train or arrange to train members on matters relating to the Members Code of Conduct.

To grant dispensations to members from the requirements relating to interests set out in the Members Code of Conduct.

To undertake the local assessment of complaints alleging breaches of the Code of Conduct and determining what action should be taken.

To determine requests to review decisions not to take action on an alleged breach of the Code of Conduct.

To undertake hearings into alleged breaches of the Code of Conduct.

To determine the appropriate sanctions or actions in response to breaches of the Code of Conduct.

To advise the Authority on the adoption and revision of a Protocol governing the relationship between Councillors and Officers.

To advise the Authority on all matters relating to the applicability, award and level or any other matter relating to allowances payable to members in accordance with the Local Authority's (Members Allowances) (England) Regulations 2003.

To monitor and maintain the Register of Interests for Members and Principal Officers and Directors

To grant and supervise the giving of dispensations to persons who are disqualified from certain political activities under the Local Government and Housing Act 1989, having regard to any advice which may be issued thereon by the Secretary of State.

The proceedings of the Standards Committee shall be as determined by the Local Government Act 2000 and regulations and guidance made there-under and otherwise as determined by the Committee itself.

The Standards Committee shall have power to report, with recommendations, to the Authority at such times and in such manner as it thinks fit.

The Standards Committee shall appoint the following 3 Sub Committees :

- An Assessment Sub-Committee comprising one Independent member and 2 Councillors to undertake the initial assessment of complaints under Section 57A of the Local Government Act 2000.
- A Review Sub-Committee comprising one Independent member and 2 Councillors to undertake reviews of decisions on the initial assessment of complaints under Section 57B of the Local Government Act 2000.
- A Hearings Sub-Committee comprising one Independent member and 2 Councillors to undertake the hearing of complaints and to determine what action should be taken.