

AT A MEETING of the HAMPSHIRE FIRE AND RESCUE AUTHORITY
STANDARDS COMMITTEE held at The Castle, Winchester on 17 December, 2010

PRESENT:

Mr. M. James (Independent Member – Chairman); A. Fraser; R. Kimber.

Other Independent members: Mr. R. Farrall and Mr. F.H.M. Quick.

23 APOLOGIES

Apologies for absence were received from Councillors C. Carter, Mrs. J. Frankum and F. Jonas.

24 DECLARATIONS OF INTEREST

Members were mindful that, where they believed that they had a personal or personal prejudicial interest in any matter to be considered at the meeting, they should, normally at the time of the debate, declare their interest and, having regard to the circumstances described in Paragraphs 9, 10, 11 and 12 of the Fire Authority's Code of Conduct, consider whether to leave the meeting whilst the matter was discussed, save for exercising any right to speak in accordance with paragraph 12 of the Code.

There were no declarations of interest made by Members under this item.

25 DEPUTATIONS

There were no deputations.

26 MINUTES

The Minutes of the meeting held on 18 June, 2010 were confirmed as a correct record and signed by the Chairman.

27 UPDATE ON PROPOSED CHANGES TO THE STANDARDS BOARD REGIME

The Committee considered the letters received from the Chair of the Standards Board and Local Government Minister on the proposed changes to the standards regime (Item 5 in the Minute Book).

In introducing this item, the Clerk reported on the related Localism Bill and summarised for Members the proposed changes which may be introduced to the Conduct Regime for the Fire and other relevant authorities. They are as follows:

- The power to specify in regulations the principles which are to govern the conduct of members and co-opted members of relevant authorities, and to issue a model code of conduct, would be abolished

- The duty on authorities to adopt the model code of conduct would be abolished, as would a member's duty to comply with the code adopted by his/her authority
- The duty on authorities to establish a standards committee would be abolished. The Standards Board would be abolished
- Relevant authorities would acquire a new duty to promote and maintain high standards of conduct by members and co-opted members
- Relevant authorities would have a discretion to adopt a voluntary code of conduct for members and co-opted members. This would apply when members are acting in that capacity, rather than in any private capacity. A voluntary code could be an adaptation of the current code or a replacement. However, the existing code could simply be withdrawn by an authority and not replaced.
- Where a written complaint is received that a member has failed to comply with the authority's voluntary code, the authority would be required to consider whether it should be investigated. If so, the investigation can be in such manner as the authority thinks fit. The requirement to establish assessment and/or review sub-committees would be abolished. The authority would have much more discretion over how it handled, investigated and determined the allegation
- Although the duty to establish a standards committee would be abolished, it would be open to an authority to establish a committee with e.g. terms of reference to promote and maintain high standards of conduct and to deal with any allegations of failure to comply with the authority's voluntary code
- Where an authority chooses to establish such a committee, it is not subject to the current standards committee requirement that 25% membership of the committee, including the Chair, are independent. Whether there is any independent membership would be entirely a matter for the authority
- Where an authority finds that a member has failed to comply with its voluntary code, it shall decide whether to take action and, if so, what. There would be no longer be any right of appeal to the First Tier Tribunal
- Sec of State may make regulations requiring the establishment of a register of members' interests. The regulations may require the register to be publicly available
- The regulations may specify the financial and other interests to be registered, and require a member with an interest of a kind specified to disclose that interest before taking part in relevant business of the authority. The regulations may prevent or restrict the participation of a member in any business to which the interest relates. Dispensations can be granted by the authority in specified circumstances

- The regulations may include the sanctions that can be imposed by the authority for failure to comply with the regulations. However, these cannot include suspension or disqualification
- Failure to register a registerable interest without reasonable excuse would be an offence
- Failure to disclose a disclosable interest, before taking part in authority business relevant to that interest, without reasonable excuse, would be an offence
- Taking part in business to which an interest relates, contrary to any restriction or prohibition in the regulations, without reasonable excuse, would be an offence
- All offences would be punishable on conviction by a fine of up to £5,000 and disqualification for up to five years. A decision on whether an offence had been committed, and any sanction that should be imposed, would be made by a Court, therefore, and not by the authority. However, a member can only be prosecuted for any such offence by the Director of Public Prosecutions

It was anticipated that the Localism Bill would receive its Royal Assent in the Autumn of 2011 and come into force two months later. Therefore, the new arrangements were expected to be introduced in around a year's time. Transitional arrangements would apply to any ongoing cases. The Clerk reported that the provisions in the Bill were subject to modification as it progressed through the Parliamentary process. Once more details were available, the Clerk intended to present a comprehensive future options report to the Governance and Standards Committees, prior to the Fire Authority determining its new Standards Regime arrangements. Whilst recognising that it was too early to discuss any proposals at this stage, Members felt that some important questions would need to be discussed. Namely,

- Should the Authority adopt a voluntary code of conduct? Bearing in mind that the Secretary of State's regulations will set out provisions on declaration of interests, what should the voluntary code cover?
- How would any allegations of failure to comply with the voluntary code be handled?
- How should the Authority approach its duty to promote and maintain high standards of conduct? Should this approach include the retention of a committee with a focus on ethical standards?
- If so, should it differ from the current Standards Committee, with regard to terms of reference and membership? If so, in what way?

The Committee was mindful that as well as the Fire Authority, Hampshire County and Portsmouth and Southampton City Councils, along with the Hampshire

Police Authority would each be required to consider their individual standards regimes. Members felt that there would be merit in having some consistency in the standards regimes adopted by the authorities mentioned.

RESOLVED:

- (a) That the letters received from the Chair of the Standards Board and Local Government Minister on the proposed changes to the standards regime be noted.
- (b) That the summary of the proposed changes to the conduct regime as highlighted in this Minute in relation to the Localism Bill be noted.

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