

Hampshire Fire and Rescue Authority

Standards and Governance Committee

Item 11

5 April 2013

Localism Act – Collaboration between Hampshire Local Authorities

Report of the Clerk

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1 Summary

- 1.1 This report provides an update for the Committee on progress with exploring the options for a pan-Hampshire Members' Code of Conduct. Appended to the report is a first draft of a report to HIOWLA on this matter, setting out an analysis of the main options, with the advantages and disadvantages in each case. Members' comments on the report are invited, so that the report can be finalised by the Clerk, in consultation with the Committee Chairman, for submission to HIOWLA. The report also advises of the need to recommence the recruitment process for an Independent Person to advise on the determination of complaints.

2 Recommendations

- 2.1 That the Committee consider and comment on the draft report, and to authorise the Clerk to finalise it, in consultation with the Chairman of the Committee, for submission to HIOWLA.
- 2.2 That the Committee consider whether it would wish any further consultation to take place, and whether it would wish to recommend any of the options to HIOWLA.
- 2.3 That the process for recruitment of Independent Person is recommenced, and a Selection Panel to undertake shortlisting, interviews, and to recommend a candidate for appointment at the full Authority meeting in June 2013.

3 Background

- 3.1 At its meeting on 6 June 2012, the Authority agreed arrangements for implementing the requirements of the Localism Act regarding conduct of Members. Included in these arrangements was a wish to explore scope for co-operation and collaboration with other local authorities in Hampshire, in

connection with the development of a common code of conduct and arrangements for handling complaints.

- 3.2 This issue was considered by HIOWLA Leaders at its meeting on 22 June 2012, at which it was resolved as follows: "That the HIOWLA authorities expressed support for a pan-Hampshire code of conduct and that Kevin Gardner (*on behalf of the Clerk to Hampshire Fire and Rescue Authority*) would lead on the project to explore co-operation and collaboration between the HIOWLA authorities to produce a joint code to implement the requirements of the Localism Act on Members' conduct."
- 3.3 It was acknowledged that, for reasons of timing, each of the HIOWLA authorities would need to proceed to put in place their own arrangements from 1 July 2012, to ensure that they complied with the Localism Act. However, this left open the possibility of those authorities agreeing to adopt a different code, which could be a pan-Hampshire Code, at a later date.
- 3.4 There was no wish from the meeting to explore further co-operation in the form of a joint standards committee or joint arrangements for complaints handling. These aspects have not been explored further, therefore.
- 3.5 The outcome from the HIOWLA meeting was reported to the full Authority on 19 September 2012. It was agreed that work to explore the possibility of a common code of conduct continue, with a view to presenting a report back to HIOWLA on a future occasion, progress in this respect to be reported to Standards and Governance Committee. This report relays the position reached, and the proposed next steps.

4 Draft Report to HIOWLA

- 4.1 A first draft report of a report to HIOWLA has been prepared, and this is appended to the report. The approach taken has been to set out an objective analysis of the options available for bringing about greater consistency across the HIOWLA authorities, together with the advantages and disadvantages of each.
- 4.2 Standards and Governance Committee are asked to consider and comment on the draft report, and to authorise the Clerk to finalise it, in consultation with the Chairman of the Committee, for submission to HIOWLA. The Committee may wish to consider whether it would wish any further consultation to take place, and whether it would wish to recommend any of the options to HIOWLA.

5 Independent Person

- 5.1 Under the Localism Act, there is a requirement to appoint at least one independent person whose views are to be sought, and taken into account, by

the Authority before making a decision on an allegation it has decided to investigate, and whose views may be sought in other circumstances. In June 2012 the Authority gave delegated authority to the Committee to oversee the recruitment process for an Independent person, including the ability to establish a selection panel from amongst its members to interview candidates and make a recommendation to the Authority for appointment. Following a recruitment process, in September 2012 the Authority accepted the Committee's recommendation for appointment of Mr Martin James.

- 5.2 As Mr James was previously a member of the Authority's Standards Committee, his appointment is unable to continue after 30 June this year, due to the effect of Regulations under the Act. It is therefore proposed that the recruitment process be recommenced, and a Selection Panel be appointed to carry out shortlisting, interviews, and to recommend a candidate for appointment at the full Authority meeting in June 2013.
- 5.3 It is proposed to bring the opportunity to the attention of those persons who have been appointed Independent Person by other Hampshire local authorities, so that they may consider whether they would wish to apply.

6 Equality Impact Assessment

- 6.1 The Code of Conduct already adopted by the Authority includes provision for compliance with equalities legislation, and for treating others with respect. The draft report considers (amongst other matters) whether these should be requirements of any pan-Hampshire Code, ensuring consistency across all HIOWLA authorities.

Section 100D – Local Government Act 1972 – background papers

The following documents disclose the facts or matters on which this report, or an important part of it, is based and has been relied upon to a material extent in the preparation of this report.

N.B. The list excludes:

Published works.

Documents that disclose exempt or confidential information as defined in the Act.

TITLE

FILE

None.

