

AT A MEETING of the HAMPSHIRE FIRE AND RESCUE AUTHORITY  
STANDARDS COMMITTEE held at The Castle, Winchester on 16 December, 2011

**PRESENT:**

Mr. M. James (Independent Member – Chairman); C. Carter; J.Frankum; R. Kimber.

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

**34 APOLOGIES**

Apologies for absence were received from Councillors F. Jonas and Jacqui Hancock and D. Harrison.

**35 DECLARATIONS OF INTEREST**

Members were mindful that, where they believed that they had a personal or 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.

**36 DEPUTATIONS**

There were no deputations.

**37 MINUTES**

The Minutes of the meeting held on 16 June, 2011 were confirmed as a correct record and signed by the Chairman.

**38 LOCALISM ACT 2011**

(a) An Update On The Act

The Committee considered the report of the Clerk (Item 5(a) in the Minute Book) on the final form of the Localism Act 2011. The report updated Members on the main statutory provisions provided in the Act which related to fire and rescue authorities.

**RESOLVED:**

- (i) That the implications of the provisions in the Localism Act 2011 affecting Fire and Rescue Authorities be noted.

(b) Changes to the Standards Regime

The Committee considered the report of the Clerk (Item 5(b) in the Minute Book) on the implications of the Localism Act relating to the Hampshire Fire and Rescue Authority Code of Conduct for Members and highlighted the main options for HFRA's future arrangements for standards. After hearing Members' views, the Clerk proposed to take a report on this item to the Corporate Management Team (CMT) in January, 2012 before then presenting a report on proposed successor arrangements to the full Authority in February, 2012.

The Committee discussed managing the abolition of the present regime and the arrangements to take its place. Members' paid particular attention to paragraph 6 of the report relating to the Code of Conduct, the position of the Standards Committee, handling complaints and the appointment of an Independent person.

In considering the way forward, Standards Committee felt that it was important to demonstrate that the Authority continued to place a high degree of importance on standards of conduct amongst Members. However, the Committee also felt that the procedures applying to the consideration of complaints should focus on achieving speedy resolution of the matter through informal means wherever possible. There was a strong wish to avoid adopting processes that were seen as unnecessarily bureaucratic, prescriptive, resource-intensive and lengthy to conclude. In reaching this view, the Committee bore in mind that, in future, complaints of failure to declare interests would be dealt with under the criminal law, and would not fall to be dealt with under the authority's own Code. The Committee noted the very low level of incidence of complaints received by the Authority and, while accepting that arrangements for dealing with complaints needed to be in place, felt that such arrangements should be proportionate.

The Committee felt that, if possible there should be some commonality between the arrangements adopted by the Authority and its three constituent authorities, so that Members were not subject to two very different sets of requirements, which could cause confusion. It was also noted, however, that each authority is still at an early stage in developing its arrangements and that there was some scope for the Authority to take a lead in this respect.

Following consideration, the Standards Committee wished to advise CMT that it felt the revised arrangements should be based on the following principles:

- abolish the Standards Committee
- the duty to maintain high standards of conduct to form part of the terms of reference of the Governance Committee
- the Governance Committee to be renamed the "Standards and Governance Committee" ( to show that the issue of standards is

not being forgotten by the abolition of the Standards Committee)

- a new simpler and streamlined Code of Conduct be prepared based on the "general obligations" part of the current Model Code of Conduct for local authorities
- the Standards and Governance Committee to maintain a pool of members and independent members who can become involved in determining and resolving cases of complaint of breach of the Code
- where a complaint is received, an initial screening process be in place to filter out trivial, vexatious and/or politically inspired complaints
- for complaints that are not screened out, a panel to be convened from the "pool" of members with an independent chair, to consider the complaint
- the emphasis to be on achieving informal resolution through mediation and/or the giving of an apology wherever practicable
- for complaints not resolved in this way, the panel to have the ability to give more detailed directions on the process for further consideration and determination of the complaint

RESOLVED:

- (i) That the changes to the standards regime brought about by the Localism Act 2011 be noted.
- (ii) That the Committee's comments and main conclusions on the options for future arrangements for standards be incorporated by the Clerk in his report to the Authority's Corporate Management Team in January, 2012.
- (iii) That the Clerk make arrangements to circulate in advance his draft CMT report to Martin James, the Independent Chairman of the Standards Committee and to other Members of the Standards Committee in case they wished to add any further points.