

Hampshire Fire and Rescue Authority

Standards Committee

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Update on Recent Developments

Report of the Clerk to the Authority

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1 Summary

This report summarises some recent developments in matters relevant to the Committee's remit.

2 The Future of the Local Standards Regime?

- 2.1 The Queen's Speech, given on 25th May 2010, contained a reference to a new Decentralisation and Localism Bill. The purpose of the Bill will be to devolve greater powers to councils and neighbourhoods and give local communities control over housing and planning decisions.
- 2.2 The benefits of the Bill are expressed to be the empowering of local people and freeing local government from central and regional control. Amongst various matters, it is stated that the Bill will "abolish the Standards Board regime".
- 2.3 In response, the Chair of the Standards Board has written to Chairmen of local standards committees, and a copy of this letter is appended to this report.
- 2.4 At this stage, it is not clear precisely what the proposal will involve. One possibility is the abolition of the local standards framework in its totality, including the requirements for local authorities to operate a Code of Conduct for Members and a standards committee. However, another possibility would be that this framework would remain in place, possibly with some modification to permit greater local freedom, but with the Standards Board, as a central regulator, being abolished.
- 2.5 Details of the proposals will emerge in the coming months. This can be expected to usher in a period of public debate as to whether there is any continuing need for a local standards framework, and if so, what form this should take.

3 Changes in Politically Restricted Posts

- 3.1 Under the Local Government and Housing Act 1989, a local authority's most senior officers were designated as holders of politically restricted posts. This means that they are disqualified from holding office as a Member of any local authority. In the case of the Authority, this restriction applies to the Chief Fire Officer, the Clerk, the Treasurer and their deputies. In addition, employees with a salary of £36,730 or more were deemed automatically to hold a politically restricted post. Under the Act, political restriction may also be extended on a case

by case basis where the salary threshold is not met but where the duties of the post involve one or both of:

- 3.1.1 giving advice on a regular basis to members or
 - 3.1.2 speaking on behalf of the Authority on a regular basis to journalists or broadcasters.
- 3.2 The Local Democracy, Economic Development and Construction Act 2009 changes the rules on political restriction by removing the automatic link between political restriction and salary. With effect from 12 January 2010, only statutory and non statutory chief officers and their deputies are subject to automatic political restriction. In all other cases the Authority now needs to decide for itself whether post holders should be restricted in their political activity. This can only be on the basis of the need to demonstrate political impartiality because of the post holder's involvement in advising members or speaking on behalf of the authority.
- 3.3 Staffing matters are generally for the Chief Fire Officer and the Human Resources Committee. However, S.3A of the 1989 Act provides that it is the Authority's Standards Committee that must consider any application by an individual post holder for the granting of an exemption from political restriction. It should be noted therefore that, as the Authority's list of politically restricted posts is revised, the Committee may have a role in considering applications for exemption. Further guidance on the relevant criteria to be applied would be given in the event of any individual case arising.

4 **Conclusion**

- 4.1 The report informs the Committee of recent developments of relevance to the Committee's remit.

5 **Recommendation**

- 5.1 That the report be noted.

Background Papers:

None