

**BEDFORDSHIRE AND LUTON COMBINED FIRE AUTHORITY
STANDARDS COMMITTEE**

10 November 2008

PRESENT

Mr K Frazer, Mr B Gill and Ms A Nevinson and Councillors Baker BEM, Carter and Riaz. Councillor N Bullock also attended.

08-09/cfasc/013 APOLOGIES

Apologies had been tendered by Mr Dykes.

08-09/cfasc/014 COMMUNICATIONS

The Monitoring Officer advised on the current position of local government reorganisation in Bedfordshire. A draft Order was currently before Parliament authorising the Bedford and Central Bedfordshire Councils to nominate representatives to the Combined Fire Authority (CFA) from the date the Order was passed until 31 March 2009. These Members would then act as Members of the CFA from 1 April 2009 until the elections in June 2009.

The Bedford and Central Bedfordshire Councils had nominated their representatives (3 and 5 respectively) to act once the Order had been passed.

08-09/cfasc/015 DECLARATIONS OF PERSONAL AND PREJUDICIAL INTERESTS

No Member declared a personal or prejudicial interest in any matters on the Agenda.

08-09/cfasc/016 MINUTES

RESOLVED:

That the minutes of the meeting of the Standards Committee held on 10 July 2008 be confirmed and signed as a true record.

08-09/cfasc/017 SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES 13/14 OCTOBER 2008

As agreed by this Committee, the Chairman and Monitoring Officer had attended the Annual Assembly of Standards Committees in Birmingham on 13/14 October 2008.

Each had attended different 'break-out' sessions.

The submitted report outlined items of interest flowing from the Assembly and the following points were particularly noted:

- A proportionate, fair and effective Code of Conduct protects the public and councillors, who could otherwise be subject to unreasonable demands.
- On average, Standards Committees have 10 members, including 4 independents and 3 parish. Some committees have only 3 members, and some as many as 20.
- The role of Standards Committees could be widened in the future.

RESOLVED:

That, the report be noted.

08-09/cfasc/018 STANDARDS COMMITTEE DETERMINATION OF COMPLAINTS UNDER THE MEMBERS' CODE OF CONDUCT

At their last meeting Members had agreed measures for the establishment of the system of dealing with the initial assessment and review of complaints against Members in connection with the Code of Conduct.

The SBE had now issued guidance on the determination of complaints against Members where the Standards Committee (or a 'Hearings Sub-Committee') considered an Investigating Officer's report. The Monitoring Officer requested Members to consider and agree procedures for dealing with these determinations, under the Standards Committee (England) Regulations 2008, having regard to the SBE Guidance which had been supplied to Members.

The guidance was wide ranging and covered: consideration meetings, hearings, findings, suspensions, appeals, costs and the role of the Monitoring Officer, together with appendices, including a toolkit of specimen forms, etc.

In essence, the guidance was an update of the procedures that standards committees had in place for hearings under the previous Regulations, where complaints and investigations could be devolved from the SBE, instead of being initiated locally, as under the new arrangements.

It was noted that the Guidance would be updated by the SBE in the light of feedback from authorities and national best practice.

RESOLVED:

That,

1. The Committee's procedures for the determination of complaints against Members under the Standards Committee (England) Regulations 2008 be in accordance with the Guidance provided by the Standards Board for England dated August 2008.
2. A checklist be prepared for Members to use when determining a complaint under the provisions of the Code of Conduct.

08-09/cfasc/019 'LESSONS LEARNED' FROM AN ASSESSMENT

The Chairman advised Members on an anonymised basis of a recent determination of a complaint against a Member that he had attended for another authority.

He advised that it was necessary to have continual reference to the Code of Conduct, and to adhere to the facts of the case.

08-09/cfasc/020 COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

Members were requested to advise of their comments on the consultation document Communities in Control: Real People, Real Power – Codes of Conduct for Local Authority Members and Employees: October 2008 so that a draft response might be reported for the consideration of the Combined Fire Authority at its meeting on 12 December 2008.

Members have previously received a copy of the consultation document which sought comments on proposals to clarify the Members' Code in its application to Members' conduct

when acting in a non-official capacity and the proposed introduction of a Model Code of Conduct for Local Government Employees, which would become part of the employees' terms and conditions of employment.

Twenty two particular questions had invited comments by 24 December 2008.

RECOMMENDATION:

That, the CFA considers the following responses to the consultation:

Code of Conduct for Local Authority Members

Question 1

Do you agree that the Members' Code should apply to a Member's conduct when acting in their non-official capacity?

Yes.

Question 2

Do you agree with this definition of 'criminal offence' for the purpose of the Members' Code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

Yes but acknowledging that 'grey' areas will be resolved by any test cases.

Question 3

Do you agree with this definition of 'official capacity' for the purpose of the Members' code? If not, what other definition would you support? Please give details.

Yes.

Question 4

Do you agree that the Members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

Yes.

Question 5

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Yes.

Question 6

Do you think that the amendments to the Members' code suggested are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

Yes provided that any Personal Interest is still disclosed.

Question 7

Are there any aspects of conduct currently included in the Members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

No.

Question 8

Are there any aspects of conduct in a Member's official capacity not specified in the Members' code that should be included? Please give details.

No.

General Principles of Conduct for Members

Question 9

Does the proposed timescale of two months, during which a Member must give an undertaking to observe the Members' code, starting from the date the authority adopts the code, provide Members with sufficient time to undertake to observe the code?

Yes.

Question 10

Do you agree with the addition of this new general principle, applied specifically to conduct in a Member's non-official capacity?

Yes.

Question 11

Do you agree with this broad definition of 'criminal offence' for the purpose of the General Principles Order? Or do you consider that 'criminal offence' should be defined differently?

Yes.

Question 12

Do you agree with this definition of 'official capacity' for the purpose of the General Principles Order?

Yes.

Model Code of Conduct for Local Authority Employees

Question 13

Do you agree that a mandatory model code of conduct for local government employees, which would be incorporated into employees' terms and conditions of employment, is needed?

Not in this format as many authorities have local codes of conduct. A less onerous, national standard to provide a consistent measure of core values applying to all employees to whom the authority had delegated powers would be welcomed.

Question 14

Should we apply the employees' code to firefighters, teachers, community support officers, and solicitors?

See 13 above.

Question 15

Are there any other categories of employee in respect of whom it is not necessary to apply the code?

See 13 above.

Question 16

Does the employees' code for all employees correctly reflect the core values that should be enshrined in the code? If not, what has been included that should be omitted, or what has been omitted that should be included?

This reflects the Members' Code but is too restrictive – see 13 above.

Question 17

Should the selection of 'qualifying employees' be made on the basis of a "political restriction" style model or should qualifying employees be selected using the delegation model?

Employees to whom the authority has delegated powers.

Question 18

Should the code contain a requirement for qualifying employees to publicly register any interests?

No but a Register re: delegated employees should be maintained for Members to inspect.

Question 19

Do the criteria of what should be registered contain any categories that should be omitted, or omit any categories that should be included?

No.

Question 20

Does the section of the employees' code which will apply to qualifying employees capture all pertinent aspects of the members' code? Have any been omitted?

No wish to add anything.

Question 21

Does the section of the employees' code which will apply to qualifying employees place too many restrictions on qualifying employees? Are there any sections of the code that are not necessary?

No wish to add anything. See 13 above.

Question 22

Should the employees' code extend to employees of parish councils?

No.

08-09/cfasc/021 ANNUAL REPORT ON REGISTRATION OF INTERESTS AND GIFTS/HOSPITALITY

As advised to the Committee previously, under the revised Code of Conduct adopted by the Combined Fire Authority (CFA) on 7 September 2007, gifts/hospitality were required to be entered in the Register of Members' Interests, instead of in a separate register (as under the original Code).

The Committee agreed, when receiving the last annual report on 7 November 2007, that future reports should cover interests and gifts/ hospitality.

At the same time, the Committee considered a Guide on Gifts and Hospitality which was approved by the CFA on 11 December 2007, and had been included in the Members' Handbook.

All Members, including any Members appointed to serve on the CFA since the last annual report, have completed registration of interests forms. There have been no entries for gifts/hospitality during this period.

In addition to the registration provisions, the Code required Members to disclose personal and/or prejudicial interests at meetings of the CFA or any committee meetings.

During the year, personal interests had been declared when discussing the Members' Allowances Scheme, local government reorganisation and the licence of accommodation at Dunstable Community Fire Station to St. John Ambulance. There had been no disclosures of prejudicial interests.

RESOLVED:

That the report be noted.

08-09/cfasc/022 STANDARDS BOARD BULLETINS

Members received SBE Bulletin Number 40.

08-09/cfasc/023 DATE OF NEXT MEETING

RESOLVED:

That,

1. The next meeting of the Standards Committee scheduled for 6 March 2008 commence at **10am**.
2. A further adjudication training session be arranged in February/March 2009.