

## **16. Annual Report from the Standards Committee to the Fire and Rescue Authority**

### **Purpose of report**

1. To inform the Authority of the proceedings of the Standards Committee since the last Annual General Meeting of the Authority.
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### **Recommendations**

#### ***The Standards Committee recommends:***

- i. that the current Standards Regime remains in place until the Commencement Order for the new Standards Regime has been passed by Parliament and the definition of Disclosable Pecuniary Interest have been published by Parliament; and*
- ii. that the Authority notes the Committee's Annual Report to the Authority.*

### **Background to Proposed Changes to the Standards Regime at Hereford and Worcester Fire and Rescue Authority**

2. The Localism Act 2011 which received Royal Assent on 15 November 2011 has significantly changed the way standards and ethics will be dealt with.
3. The main changes are as follows:
  - The Authority is no longer required to have a Standards Committee but can establish one as an ordinary Committee of the Authority.
  - The Authority must continue to promote and maintain high standards of conduct by their members.
  - A new Code of Conduct must be adopted. Work has been undertaken with the six local authorities in Worcestershire and a 'Worcestershire' common Code has been developed. (Hereford intends to adopt a similar Code). The new Code will be a much lighter touch Code as recommended by the Localism Act).
  - The Authority is required to make arrangements on how to investigate any alleged breaches of the Code.
  - The Standards Board for England has been abolished and also the national tribunal and appeal process.
  - The Authority is required to appoint at least one independent person who must be consulted by the authority in respect of any complaint and who

may be consulted by a member or co-opted member of the Council against whom a complaint has been made.

- The Monitoring Officer must establish and maintain a register of interests for Members and Co-Opted Members. Members must also register their disclosable pecuniary interests (DPI's). These must be declared at meetings and a Member must withdraw from a meeting if the subject matter relates to their DPI.
- The Authority is required to draw up sanctions for any breach of the Code of Conduct (though these will be limited compared to those previously available). However, it will be a criminal offence if a Member fails to register or disclose a DPI.

### **Standards Committee Proceedings since June 2011**

4. The Committee is pleased to report to the Authority that no complaints have been made against any Member of the Authority alleging a breach of the Code of Conduct during the past 12 months.
5. The Committee met on 14 September 2011, 8 February 2012 and 23 May 2012.
6. At the 14 September 2011 meeting dispensations were granted to new Members of the Authority in order to allow them to partake in an Authority meeting where arrangements regarding the ex-Chief Fire Officer would be discussed.
7. At its meetings on 8 February and 23 May 2012 the Committee considered the implications of the Localism Act and how this legislation would impact on the Authority and how best to implement it.
8. At the meeting held on 23 May 2012 the committee drafted recommendations for the Authority which included recommending that the draft Code of Conduct that had been drawn up by the six authorities in Worcestershire be adopted by the Authority. The Committee also recommended that the pool of independent persons established by the Worcestershire Councils be utilised. Furthermore it recommended that a new Standards Committee be established to replace the existing standards committee and that this Committee should include two non-voting independent members. Also new Terms of reference were considered and a framework for addressing Code of Conduct complaints and sanctions for any breaches of the Code of Conduct.
9. At the present time the proposed new Code of Conduct cannot be adopted as authorities are awaiting guidance from the Government on the definition of Disclosable Pecuniary Interests (DPI's). The Commencement date for the new regime is also awaited (it had originally been due to come into force on 1 July 2012 but no formal confirmation has been given yet).
10. In view of these circumstances it is recommended that the Authority will continue with its current standards regime. However, it should be noted that the Standards Committee has given the Monitoring Officer authority to insert the definitions of DPI's into the Code once they have been received. Once these

have been received and a commencement date has been finalised, a report will be submitted to the Authority recommending it to adopt the Code, utilise Independent Members from the pool of independent persons, establish a new Standards Committee and terms of reference and a new framework for addressing Code of Conduct Complaints and new sanctions for any breaches of the Code of Conduct.

### Conclusion/Summary

11. The Standards Committee has worked hard on the new legislation and has made recommendations on the future of the standards regime which they consider to be appropriate for the Authority.

### Financial Considerations

| Consideration                                         | Yes/No | Reference in Report<br>i.e paragraph no. |
|-------------------------------------------------------|--------|------------------------------------------|
| There are financial issues that require consideration | No     |                                          |

### Legal Considerations

| Consideration                                                                                           | Yes/No | Reference in Report<br>i.e paragraph no.                                                                                                             |
|---------------------------------------------------------------------------------------------------------|--------|------------------------------------------------------------------------------------------------------------------------------------------------------|
| There are legal issues e.g. contractual and procurement, reputational issues that require consideration | Yes    | It is necessary to comply with the statutory requirement to make an Annual Report;<br>To safeguard the reputations of the Authority and its Members. |

### Additional Considerations

The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

| Consideration                                                                                                        | Yes/No | Reference in Report<br>i.e paragraph no. |
|----------------------------------------------------------------------------------------------------------------------|--------|------------------------------------------|
| <b>Resources</b> (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability).                        | No     |                                          |
| <b>Strategic Policy Links</b> (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact). | No     |                                          |
| <b>Risk Management / Health &amp; Safety</b> (e.g. risk management and control measures, risk register score).       | Yes    | Whole report                             |
| <b>Consultation with Representative Bodies</b>                                                                       | Yes    | 3 (third bullet point)                   |

Background papers – Agenda papers for the meeting of the Standards Committee, 23 May 2012.

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