



**Wednesday,  
11 April 2018  
10.30 am**

**Meeting of  
Governance and  
Constitution Committee  
Fire Service  
Winsford**

Contact Officer:  
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## **Cheshire Fire Authority**

### **Notes for Members of the Public**

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#### **Attendance at Meetings**

The Cheshire Fire Authority welcomes and encourages members of the public to be at its meetings and Committees. You are requested to remain quiet whilst the meeting is taking place and to enter and leave the meeting room as quickly and quietly as possible.

All meetings of the Authority are held at Fire Service Headquarters in Winsford. If you plan to attend please report first to the Reception Desk where you will be asked to sign in and will be given a visitors pass. You should return your pass to the Reception Desk when you leave the building. There are some car parking spaces available on site for visitors at the front of the Headquarters Building. Please do not park in spaces reserved for Fire Service personnel.

If you feel there might be particular problems with access to the building or car parking please contact the Reception Desk at Fire Service Headquarters on Winsford (01606) 868700.

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#### **Questions by Electors**

An elector in the Fire Service area can ask the Chair of the Authority a question if it is sent to the Monitoring Officer at Fire Service HQ to arrive at least five clear working days before the meeting. The contact officer named on the front of the Agenda will be happy to advise you on this procedure.

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#### **Access to Information**

Copies of the Agenda will be available at the meeting. A copy can also be obtained from the contact officer named on the front of the Agenda. Alternatively, individual reports are available on the Authority's website ([www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk))

The Agenda is usually divided into two parts. Members of the public are allowed to stay for the first part. When the Authority is ready to deal with the second part you will be asked to leave the meeting room, because the business to be discussed will be of a confidential nature, for example, dealing with individual people and contracts.

**This agenda is available in large print, Braille, audio CD or in community languages upon request by contacting; Telephone: 01606868414 or email: [equalities@cheshirefire.gov.uk](mailto:equalities@cheshirefire.gov.uk)**

#### **Recording of Meetings**

Anyone attending the meeting should be aware the Authority audio-records its meetings. There is a protocol on reporting at meetings which provides further information. Copies are available on the Service's website [www.cheshirefire.gov.uk](http://www.cheshirefire.gov.uk) or alternatively contact Democratic Services for details

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#### **Fire Evacuation**

If the Fire Alarm sounds you should make your way to the nearest exit as quickly as possible and leave the building. Please follow any instructions from staff about evacuation routes.



## **MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE WEDNESDAY, 11 APRIL 2018**

**Time : 10.30 am**

**Lecture Theatre - Sadler Road, Cheshire**

### **AGENDA**

#### **Part 1 - Business to be discussed in public**

##### **1 PROCEDURAL MATTERS**

###### **1A Recording of Meeting**

Members are reminded that this meeting will be audio-recorded.

###### **1B Apologies for Absence**

###### **1C Declarations of Members' Interests**

Members are reminded that the Members' Code of Conduct requires the disclosure of Statutory Disclosable Pecuniary Interests, Non-Statutory Disclosable Pecuniary Interests and Disclosable Non-Pecuniary Interests.

###### **1D Minutes of the Governance and Constitution Committee**

(Pages 1 - 4)

To confirm as a correct record the minutes of the meeting of the Governance and Constitution Committee held on 31<sup>st</sup> January 2018.

#### **ITEMS REQUIRING DISCUSSION / DECISION**

##### **2 Completion of Actions Arising from Meetings of Governance and Constitution Committee**

The following actions have now been completed and the documents that have been prepared on the instruction of the Committee are appended for final consideration before they are recommended to the Fire Authority on 25<sup>th</sup> April 2018.

###### **2A Complaints about a breach of the Members' Code of Conduct - Procedure for Handling Complaints**

(Pages 5 - 10)

This has been updated following a workshop with members of the Committee. Changes to the original are shown in red and major additions are shown in blue.

###### **2B Revised Members' Code of Conduct (and Notice of Disclosable Interests)**

(Pages 11 - 30)

This has been updated in line with guidance provided by the

Committee. See the published minutes of the meeting which took place on 31<sup>st</sup> January 2018. Changes to the original are shown in red and major additions are shown in blue.

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|----------|---|-----------------|
| <b>3</b> | <b>Preparation of Statement of Assurance 2017-18</b>  | (Pages 31 - 44) |
| <b>4</b> | <b>Review of Arrangement for Brigade Managers' Pay and Performance Committee and Staffing Committee</b> | (Pages 45 - 50) |
| <b>5</b> | <b>Review of Local Government Ethical Standards - Stakeholder Consultation</b>                          | (Pages 51 - 56) |



**MINUTES OF THE MEETING OF THE GOVERNANCE AND CONSTITUTION COMMITTEE held on Wednesday, 31 January 2018 at Lecture Theatre - Fire Headquarters, Cheshire at 10.00 am**

**PRESENT:** Councillors M Biggin, E Johnson, D Marren, R Polhill, S Wright and L Thomson

**1 PROCEDURAL MATTERS**

**A Recording of Meeting**

Members were reminded that the meeting would be audio-recorded.

**B Apologies for Absence**

Apologies were received from Councillor D Beckett.

**C Declarations of Members' Interests**

There were no declarations of Members' interests.

**D Minutes of the Governance and Constitution Committee**

**RESOLVED: That**

**[1] the minutes of the meeting of the Governance and Constitution Committee held on Wednesday 8<sup>th</sup> November 2017 be confirmed as a correct record.**

**2 STATEMENT OF ASSURANCE - ACTION PLAN PROGRESS UPDATE 2017-18**

The Director of Governance and Commissioning introduced the report which provided an update on the small number of actions identified in the Statement of Assurance Action Plan 2017-18.

He drew Members' attention to Appendix 1 which contained a progress update on three areas highlighted for improvement:

- Policy management – building on the work undertaken in 2017 and completing a comprehensive review of all corporate key policies
- Relaunch of the Partnership Toolkit, policy and governance model
- Focus on initiatives highlighted in the Environmental Strategy 2014-20 supporting the achievement of 40% carbon emissions reduction target by 2020

He informed Members about the impact of the Blue Light Collaboration Programme on policy management. As a result of the creation of the new joint service teams,

ownership of policies and the review/approval process were being revisited. This would ensure that policies were kept up-to-date and published in a timely fashion. He also mentioned that, where possible, the processes and policies of the two organisations would be aligned.

The Director of Governance and Commissioning informed Members that work on the Partnership Toolkit was ongoing following an internal audit in 2017. He also advised Members that updates had not been reported to Members for some time concerning progress against the Environmental Strategy 2014-20. This was due to the loss of a key member of staff and uncertainty surrounding the role due to the Blue Light Collaboration Programme. However, the post was now filled and a carbon management report would be taken to Members in the near future.

Members also discussed potential options for improving the energy efficiency of the Service's fire stations which were due to be refurbished in the near future. Pitched roofs, insulation and cladding, solar panels and ground source heat pumps were all mentioned by Members for officers to consider incorporating into the station refurbishment plans.

Members requested that a session be included at the next Members' Planning Day concerning the Service's Environmental Strategy, with particular focus on how the Service measures carbon dioxide emission reduction and proposals for increasing the energy efficiency of the Service's fire stations.

**RESOLVED: That**

**[1] the Statement of Assurance – Action Plan Progress Update 2017-18 be noted.**

**3 REVISED MEMBERS' CODE OF CONDUCT**

The Director of Governance and Commissioning presented the report which contained an updated draft of the Members' Code of Conduct (the Code) for consideration and an updated version of the Declaration of Interest Form (the Form) for review.

He referred Members to Appendix 1 to the report which contained an updated draft of the Code. He highlighted the inclusion of wording concerned with information and confidentiality and a revised section dealing with declarations of interests and participation in meetings.

A Member asked if further clarity could be provided surrounding disclosures associated with family members and close associates i.e. captured on the Form but stated at a meeting. It was agreed by the Committee that a note could be included.

A Member highlighted that paragraph (b) under section '2.2 Information and Confidentiality' contained information which was already included in paragraph (a) under '5. Openness' within '2. General Obligations'. It was agreed that paragraph (b) would be removed.

A Member queried whether all Fire Authority Members should be required to sign to accept the Code. Members discussed this and it was agreed that a section should be included in the Form for Members to sign declaring that they had received and agreed to abide by the Code. Members also requested that the updated Code and Form be taken to the next Members' Planning Day and changes be highlighted to all Members.

Members also discussed the information about the Law in Appendix 4 to the Code and it was agreed that it should be removed as it could cause confusion.

**RESOLVED: That**

- [1] the revised Code of Conduct be approved and referred to the Fire Authority for adoption subject to:**
- **The inclusion of a note to make it clear that declarations about the interest of a family member or close associate need only be made at a meeting, not on the Declaration of Interest Form;**
  - **The removal of paragraph (b) under section '2.2 Information and Confidentiality';**
  - **The removal of Appendix 4; and**
- [2] the revised Declaration of Interest Form be approved, subject to the inclusion of a section for Members to sign declaring that they had received the Code and agreed to abide by it.**

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## Annex 4

### Complaints about a Breach of the Members' Code of Conduct - Procedure for Handling Complaints

#### Definitions

Code – means the Code of Conduct adopted by the Fire Authority and in

existence at the time of the subject matter leading to the Complaint

Complaint – means a written allegation that there has been a breach of the Code from an identified Complainant

Complainant – means a person lodging a Complaint

Member Subject of Complaint (MSOC) – means the Member who is the subject of the Complaint

Independent Person – means a person appointed by the Fire Authority

Sub-Committee – means the Members' Code of Conduct Sub-Committee

1. The Monitoring Officer receives a Complaint and acknowledges receipt. The Monitoring Officer will ~~not~~ normally disclose details of the Complaint to the MSOC at this stage (but has discretion ~~not~~ to do so where he/she considers that it is ~~merited~~ not appropriate).

#### **Initial Assessment/Gateway Procedure**

2. The Monitoring Officer ~~will refer the complaint to the Sub-Committee to~~ consider the written complaint within 21 days and determine whether to;
  - **Take no action**
  - **Arrange other actions i.e. training or mediation**
  - **Refer the matter to the relevant Group Leader for informal action**
  - **Refer the matter for formal investigation ~~by an external investigator~~**
  - **Refer the matter to the police or other regulatory agency**
3. ~~With experience~~ criteria ~~may will~~ be developed to assist in making decisions, aimed at ensuring consistency.
4. The Monitoring Officer ~~may consult the~~ Independent Person ~~will not normally be consulted~~ at this stage ~~but the Monitoring Officer has the discretion to involve him/her to secure his/her views.~~

5. ~~The An~~ initial assessment decision to take no action will be final. Accordingly there will be no right of review for either the Complainant or MSOC.

### Independent Person

6. The MSOC has the opportunity to consult the Independent Person at any stage.

### External Investigation

7. ~~Where the Monitoring Officer decides that the complaint requires further investigation a suitable investigator will be appointed.~~
8. ~~The Complaint will be referred for an independent investigation by a suitably experienced external investigative officer.~~ The investigation should normally be completed within 8 12 weeks of the referral.
9. The report of the ~~external~~ investigator should incorporate the following:-
  - **Executive Summary** – An outline of the allegation, who made it, the relevant provisions of the Code and whether there has been a breach.
  - **MSOC's official details** – A brief outline of when the MSOC was elected, term of office, details of committees served on and any relevant training.
  - **Summary of facts and evidence gathered** – A summary of the facts and evidence gathered, highlighting facts which are in dispute and setting out the external investigator's conclusions based on the balance of probabilities
  - **Reasoning as to whether there has been a failure to comply with the Code and investigator's findings** – Dealing with each allegation in turn and outline of whether the external investigator considers whether there has been a breach and any aggravating or mitigating facts.
  - **Schedule** – a list of witnesses interviewed and copies of relevant documents
10. A copy of the report will be circulated to the MSOC and Complainant to check for factual accuracy.
11. Both the Complainant and the MSOC will have the opportunity to make written submissions/representations ~~to be considered by the Sub-Committee.~~

## **Final Determination**

- ~~12. The Sub-Committee will consider the report together with any written submissions from the Complainant and the MSOC.~~
- ~~13. The Independent Person must be consulted and his/her views taken into account before any decision is made as to whether there has been a breach of the Code and any proposed sanction. The Monitoring Officer has discretion to invite the Independent Person to attend the Sub-Committee.~~
- ~~14. There will be no requirement for the MSOC, Complainant, or any witnesses to attend. The matter will normally be determined purely on the written documentation. However, the Monitoring Officer has the discretion to require an oral hearing if he/she believes that it is merited, e.g. where the case is particularly complex this may justify a hearing.~~
- ~~15. There is no facility for an appeal.~~

## **Consideration of the Investigator's Report: no evidence of failure**

16. Where the investigator concludes that there is no evidence of a failure to comply with the Code, the Monitoring Officer will review the report in consultation with the Independent Person. If the Monitoring Officer is satisfied with the investigator's report, he/she will write to the Complainant and to the MSOC telling them that no further action will be taken. He/she will give them a copy of the investigator's report.
17. The Monitoring Officer will make his/her decision within 21 working days of receipt of the investigator's report.
18. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the investigator to reconsider his/her report.

## **Consideration of the Investigator's Report: evidence of failure**

19. Where the investigator concludes that there is evidence of a failure to comply with the Code, the Monitoring Officer will review the report and will either send the matter for hearing before the Members' Code of Conduct Sub-Committee or, after consulting the Independent Person, seek local resolution.

### **A. Local Resolution**

20. If the Monitoring Officer believes that the matter can be reasonably resolved without the need for a hearing, he/she will consult the Independent Person and the Complainant and seek to agree what the Complainant considers to be a fair resolution e.g. the MSOC accepting that his/her conduct was unacceptable and offering an apology and/or the

Authority taking remedial action. This should also seek to ensure higher standards of conduct in the future. The Monitoring Officer will then consult the MSOC.

21. If the MSOC complies with the suggested resolution, the Monitoring Officer will report the matter for information to Governance and Constitution Committee but will take no further action. If the Complainant tells the Monitoring Officer that any suggested resolution would not be adequate or if local resolution cannot be achieved, the Monitoring Officer will refer the matter for hearing.

## **B. Hearing**

22. If the Monitoring Officer considers local resolution is not appropriate or this is not agreed by the parties, he/she will refer the matter to the Members' Code of Conduct Sub-Committee which will conduct a hearing before deciding whether the MSOC has failed to comply with the Code and, if so, what action if any to take.
23. The Members' Code of Conduct Sub-Committee will consider the complaint made about the MSOC afresh, having regard to the investigator's findings and all relevant information presented to the hearing by the Complainant and the MSOC.
24. The Independent Person must be consulted and his/her views taken into account before any decision is made on an allegation which has been investigated. The Independent Person should be present at the hearing to present his/her views in person.
25. Meetings of the Members' Code of Conduct Sub-Committee when conducting hearings will normally be subject to the normal rules for publication of agendas and access to information.
26. The Members' Code of Conduct Sub-Committee will announce its decision at the end of the hearing. Within five working days, the Monitoring Officer will prepare a formal Decision Notice in consultation with the Chair of the Sub-Committee and send a copy to the Complainant and the MSOC.
27. The Decision Notice will be available for public inspection and posted on the Authority's website. It will be reported to the next meeting of Governance and Constitution Committee.
28. There is no right of appeal from the decision of the Members' Code of Conduct Sub-Committee.
29. The Members' Code of Conduct Sub-Committee is not bound by any earlier decision.
30. The Members' Code of Conduct Sub-Committee will normally:
  - (a) Allow the Investigator to present his/her report and call witnesses, including the complainant.

- (b) Allow the subject member to make representations and call witnesses, including the complainant.
- (c) Decide if the subject member has or has not breached the Code.
- (d) Decide what sanction should be imposed if it decides the Code has been breached.

The sanctions the Members' Code of Conduct Sub-Committee can impose, if it finds a breach of the Code are:

- (a) Censure or reprimand the MSOC.
- (b) Publish the findings in respect of the MSOC's conduct.
- (c) Report its findings to the Authority for information and make any recommendations.
- (d) Recommending to the MSOC's Group Leader (or in the case of ungrouped member, recommending to the Authority) that the MSOC be removed from any or all committees or sub-committees of the Authority.
- (e) Instruct the Monitoring Officer to arrange training for the MSOC.
- (f) Recommend to the Authority that the MSOC be removed from all outside appointments to which he/she has been appointed or nominated by the Authority.
- (g) Withdraw facilities provided to the MSOC by the Authority, such as computer, website and/or email and internet access.
- (h) Exclude the MSOC from the Authority's offices or other premises, with the exception of meeting rooms as necessary for attending formal meetings.

The Sub-Committee has no power to suspend or disqualify the MSOC or to withdraw the MSOC's allowances.

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## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Appendix 1 DRAFT UPDATED MEMBERS' CODE OF CONDUCT

## SECTION 8 – CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Contents

1. Introduction
2. General Obligations
3. Registration of Disclosure Interests
4. Declaration of Disclosure Interests in the Participation and Decision Making
5. Dispensations
6. Sensitive Interests
7. Publication of Register of Members' Interests
8. Gifts and Hospitality
9. Member/Officer Protocol
10. Constitution

#### Definitions

Appendix 1 – Statutory Disclosable Pecuniary Interests

Appendix 2 – Non-Statutory Disclosable Pecuniary Interests

Appendix 3 – Disclosable Non-Pecuniary Interests

~~Appendix 4 – Law Relating to Statutory Disclosable Pecuniary Interests~~

### **1. Introduction**

- 1.1 Cheshire Fire Authority (the Authority) has adopted this Code of Conduct to promote and maintain high standards of conduct and underpin public confidence in the Authority and its Members and co-opted Members.
- 1.2 The Code has been adopted as required by Section 27 of the Localism Act 2011 and is based around the following core principles contained in Section 28 of the Localism Act 2011 - selflessness, integrity, objectivity, accountability, openness, honesty and leadership. It sets out general obligations about the standards of conduct expected of Members Co-opted Members and Independent Members of the Authority, together with provisions about registering and declaring interests.
- 1.3 The Authority benefits from the input of Independent Members (non-political, non-councillors) who act in an advisory capacity. Whilst the criminal sanctions in the Act do not apply to Independent Members, Members decided that it was important that Independent Members were caught by certain parts of this Code.
- 1.4 Accordingly, Independent Members must, when acting in an advisory capacity take heed of Section 2 and disclose, at any meeting that they attend, any interests of the type outlined in Appendices 1, 2 and 3 of this Code and comply with the requirements relating to participation as if they were Members of the Authority.

## **SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT**

### **2. General obligations**

2.1 Whenever you are acting as a Member or co-opted Member of this Authority you must act in accordance with the following obligations:

1. *Selflessness*

(a) You must act solely in the public interest and must never use or attempt to use your position improperly to confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, friends or close associates.

2. *Integrity*

(a) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

(b) You should exercise independent judgement. Although you may take account of the views of others (including a political group), you should reach your own conclusions on the issues before you and act in accordance with those conclusions.

3. *Objectivity*

(a) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

(b) You should remain objective, listen to the interests of all parties appropriately and impartially and take all relevant information, including advice from the Authority's officers, into consideration.

4. *Accountability*

(a) You are accountable to the public for your decisions and you must co-operate fully with whatever scrutiny is appropriate to your office, including by local residents.

(b) You must not bring your office or the Authority into disrepute whilst acting in your official capacity.

5. *Openness*

(a) You must be as open and transparent as possible about your decisions and actions and the decisions and actions of your Authority. You should be prepared to give reasons for those decisions and actions. You must not prevent anyone getting information that they are entitled to by law.

(b) Where the law or the wider public interest requires it, you must not disclose confidential information or information to which public access is restricted.

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### 6. *Honesty*

- (a) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests as set out in the Appendices to this Code.
- (b) You must only use or authorise the use of the Authority's resources in accordance with the Authority's requirements. You must, when using or authorising the use by others of such resources, ensure that they are used for proper purposes only. Resources must not be used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

### 7. *Respect for others*

- (a) You must treat others with respect. You should engage with colleagues and staff in a manner that underpins mutual respect, essential to good local government.
- (b) You must not do anything which may cause your Authority to breach any equality laws.
- (c) You must not compromise or attempt to compromise the impartiality of anyone who works for, or on behalf of, the Authority.
- (d) You must not bully any person, including other councillors, officers of the Authority or members of the public.

### 8. *Leadership*

- (a) You must promote and support high standards of conduct when serving as Member or co-opted Member of the Authority, by leadership and example, championing the interests of the community.
- (b) You should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in you.

## 2.2 Information and Confidentiality

- (a) You must not disclose information given to you in the course of your role as a Member of the Fire Authority or information acquired by you when in that role which you believe, or ought reasonably to be aware, is confidential in nature, except where:

1.1 you have the consent of a person authorised to give it; or

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

- 1.2 you are required by law to do so; or
- 1.3 the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- 1.4 the disclosure is:
  - (i) reasonable and in the public interest; and
  - (ii) made in good faith and in compliance with the reasonable requirements of the Authority.

~~(b) You must not prevent another person from gaining access to information to which that person is entitled by law.~~

### 3. Registration of Disclosable of Interests

- 3.1 You must within 28 days of:
- (a) this Code being adopted by the Authority or
  - (b) your appointment to the Authority or
  - (c) a change to the descriptions of Disclosable Interest incorporated into this Code or
  - (d) a declaration of a Disclosable Interest at a Meeting which has not previously been disclosed
- 3.2 Tell the Monitoring Officer in writing about the Disclosable Interests described in Appendices 1 and 3 of this Code that you have.
- 3.3 You must within 28 days of becoming aware of:
- (a) any new Disclosable Interests or
  - (b) any change to a Disclosable Interest

of the kind described in Appendices 1 and 3 of this Code tell the Monitoring Officer in writing about the Disclosable Interests.

### ~~4. Declaration of Disclosable Interests/Participation in Decision Making~~

- ~~4.1 If you are present at a meeting and have a Disclosable Interest you must declare it in such a way as to make it clear what kind of Disclosable Interest it is and what you intend to do as a result of the declaration. You must not seek improperly to influence a decision and must comply with the following requirements.~~
- ~~4.2 You must make an oral declaration if an item of business affects or relates to a Disclosable Interest before the item of business is considered or as soon as it becomes apparent the item of business affects or relates to the Disclosable Interest.~~
- ~~4.3 When you declare a Statutory Disclosable Pecuniary Interest (as set out in Appendix 1) or a Non-Statutory Disclosable Pecuniary Interest (as set out in Appendix 2) you must leave the meeting when the matter related to the Statutory Disclosable Pecuniary Interest or Non-Statutory Disclosable~~

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~~Pecuniary Interest is being considered and cannot take part in any discussion, nor vote.~~

~~4.4 When you declare a Disclosable Non-Pecuniary Interest (as set out in Appendix 3) and the matter being considered by the Authority could significantly affect the financial interests of the body in which you have an interest or relates to any kind of regulatory matter concerning that body you must not take part in any discussion, nor vote, though you can remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the agenda item (the length of which will be determined by the Chair).~~

### **4. Declaring of Interests and Participation in Meetings**

#### **Disclosable Pecuniary Interests**

4.1 If you are present at a meeting and you have a Disclosable Pecuniary Interest (Statutory or Non-Statutory):

- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest, at or before the item is considered or as soon as the interest becomes apparent;
- (b) you must not participate in the item at the meeting;
- (c) you must not vote on the item;
- (d) you must leave the room where the meeting is held during the item.

Note: If the interest is statutory and is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer of the interest within 28 days.

#### **Disclosable Non-Pecuniary Interests**

4.2 If you are present at a meeting and you have a Disclosable Non-Pecuniary Interest:

- (a) you must make a verbal declaration of that interest if an item of business affects or relates to that interest at or before the item is considered or as soon as the interest becomes apparent
- (b) you may participate in and vote on the item of business unless the circumstances in (c) below apply
- (c) if the item involves something that significantly affects the financial interests of the body in which you have an interest or relates to a licensing or regulatory matter concerning that body
  - (i) you must declare your interest ;
  - (ii) you must not participate in the item at the meeting;

## **SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT**

(iii) you must not vote on the item.

Note: You are able to remain in the meeting and at the Chair's discretion may be allowed to make a short statement at the beginning of the item (the length of which will be determined by the Chair).

Note: If your interest is not already registered and is not the subject of a pending notification, you must notify the Monitoring Officer within 28 days.

### **5. Dispensations**

- 5.1 The Governance and Constitution Committee may provide a dispensation to allow Members to take part in a debate if the effect of compliance with this Code would be to cause a disproportionate number of members of a political group and/or a constituent Authority to be required to withdraw from a debate and be unable to vote after they had disclosed and/or declared a Disclosable Interest.

### **6. Sensitive Interests**

- 6.1 Where you consider that disclosure of the details of a Disclosable Interest could lead to you or a person connected with you being subject to violence or intimidation and the Monitoring Officer agrees that it is a "sensitive interest", you need only declare the fact that you have a Disclosable Interest but not the details of that Disclosable Interest. Copies of the public register of interests may state that you have an interest the details of which are withheld.

### **7. Publication of the Register of Members' Interests**

- 7.1 The Disclosable Interests that you disclose will be published by the Authority in a Register of Members' Interests. The Register will be made up of copies of the notice of disclosable interests that you have provided but will not include personal information related to anyone but you and will not include your signature.

### **8. Gifts and Hospitality**

- 8.1 You must within 28 days of receipt notify the Monitoring Officer of any gift benefit or hospitality with an estimated value of £50 or more which you have accepted as a Member from any person or body other than the Authority. The notification will be entered on a public register of gifts and hospitality.

### **9. Member/Officer Protocol**

- 9.1 You must observe the requirements of any Member/officer protocol that is in existence from time to time.

### **10. Constitution**

- 10.1 Because this Code forms part of the Authority's Constitution it not only enhances the statutory position set out in the Localism Act 2011 (and secondary legislation associated with that Act) but means that Members are specifically required to comply with it.

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Definitions

Member	A Councillor appointed to Cheshire Fire Authority by a Constituent Authority. And a Co-opted Member.
Co-opted Member	A person who is not a member of the Authority but either is a member of any of its committees or sub committees or a member of and represents the Authority on a joint committee or joint sub committees of the Authority and who is entitled to vote at such meetings.
Independent Member	A person who acts in an advisory role (who is not a Member or Co-opted Member).
Meeting	Any meeting of the Authority or any of its committees, sub committees, joint committees or joint sub committees.
Disclosable Interests	Means those interests described in Appendices 1, 2, and 3 of this Code.
Constituent Authority	Cheshire East Borough Council, Cheshire West and Chester Borough Council, Halton Borough Council and Warrington Borough Council.
Member of your Family	<p>This will include a parent in-law, a son or daughter, a stepson or step daughter, the child of a partner, a brother or sister, a brother or sister of your partner, a grandparent, a grandchild, an uncle or aunt, a nephew or niece and the partners of any of these people.</p> <p><a href="#">Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</a></p>
Close Associate of Yours	<p>Is someone that you are in either regular or irregular contact with over a period of time who is more than an acquaintance. It is someone that a reasonable member of the public might think you would be prepared to favour or disadvantage when discussing a matter that affects the close associate of yours. It may be a friend, a colleague, a business associate or someone whom you know through general social contacts.</p> <p><a href="#">Note: Interests of individuals of this kind do not need to be listed on the form. However, they are relevant to declarations during meetings.</a></p>
Partner	Your spouse or civil partner, a person you live with as husband and wife or a person you live with as if you are civil partners.
Sensitive Interests	This is described in the Localism Act 2011 as an interest whose disclosure could lead to the Member or Co-opted Member or a person connected with the Member or Co-opted Member being subject to violence or intimidation.

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Appendices

#### Disclosable Interests

##### Appendix 1 – Statutory Disclosable Pecuniary Interests

Statutory Disclosable Pecuniary Interests relate to you and your partner

<b>YOU</b>			
<b>YOUR PARTNER</b> where you are aware of your partner's interest	Partner means: Your spouse or civil partner	Partner means: A person who you live with as husband and wife	Partner means: A person who you live with as if you are civil partners

<b>Subject</b>	<b>Description</b>
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by YOU or YOUR PARTNER.
SPONSORSHIP	Any payment or provision of any other financial benefit (other than from the Fire Authority) in respect of expenses incurred by YOU in carrying out your duties as a Member, or towards the election expenses incurred by YOU. (this includes any payment or financial benefit from a trade union)
CONTRACTS	Any contract between YOU or YOUR PARTNER (or a body in which YOU or YOUR PARTNER have a beneficial interest) and the Fire Authority. (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land which is within the area of the Fire Authority that YOU or YOUR PARTNER has.
LICENCES	Any licence to occupy land which is within the area of the Fire Authority that YOU or YOUR PARTNER has.
CORPORATE TENANCIES	Any tenancy of land which is within the area of the Fire Authority where (YOU know) that the Fire Authority is the landlord and the tenant is a body in which YOU or YOUR PARTNER have a beneficial interest.
SECURITIES	Any beneficial interest in the securities of a body that YOU or YOUR PARTNER has where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either:  The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

## **SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT**

These matters are prescribed in The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

Members must be aware that there are offences relating to Disclosable Pecuniary Interests contained within the Localism Act 2011.

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Appendix 2

#### Non-Statutory Disclosable Pecuniary Interests

Non-Statutory Disclosable Pecuniary Interests relate to a Member of your Family (other than your Partner – who is covered by the Statutory Disclosable Pecuniary Interests) or a Close Associate of Yours and are listed in the table below:

Subject	Description
EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION	Any employment, office, trade, profession or vocation carried on for profit or gain by a Member of Your Family or a Close Associate of Yours.
CONTRACTS	Any contract between a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours has a beneficial interest) and the Fire Authority (for which goods or services are to be provided or works are to be carried out and which has not been completed)
LAND	Any beneficial interest in land which is within the area of the Fire Authority that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has.
LICENCES	Any licence to occupy land which is within the area of the Fire Authority that a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) has a beneficial interest.
CORPORATE TENANCIES	Any tenancy where (YOU know) that the Fire Authority is the landlord and the tenant is a Member of Your Family or a Close Associate of Yours (or a body in which a Member of Your Family or a Close Associate of Yours) <del>has a beneficial interest</del> within the area of the Fire Authority..
SECURITIES	Any beneficial interest in the securities of a body in which a Member of Your Family or a Close Associate of Yours have a beneficial interest where (YOU know) that the body has a place of business or land within the area of the Fire Authority and either:  The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### Appendix 3

#### Disclosable Non-Pecuniary Interests

Disclosable Non Pecuniary Interests relate to or are likely to affect:

Any body of which you are a member or in a position of general control or management which:

- exercises functions of a public nature, and/or
- is directed to a charitable purpose, and/or
- has a principal purpose of influencing of public opinion or policy (including any political party or trade union), and/or
- you are appointed to or nominated for by the Authority

Note: A Member that donates to a charity will not be deemed to have a Disclosable Interest in that charity solely because of the donation or donations (i.e. whether it is a one-off or continuing arrangement).

### Appendix 4

#### Law Relating to Statutory Disclosable Pecuniary Interests

~~Section 34 of the Localism Act sets out certain offences relating to Statutory Disclosable Pecuniary Interests. It appears below with annotations which reference extracts of other sections of the Act.~~

#### ~~34 Offences~~

- ~~(1) A person commits an offence if, without reasonable excuse, the person:-~~
- ~~— (a) fails to comply with an obligation imposed on the person by section 30(1) (See below – Extract Number 1) or 31(2) (See below – Extract Number 2), (3) (See below – Extract Number 3) or (7) (See below – Extract Number 4),~~
  - ~~— (b) participates in any discussion or vote in contravention of section 31(4), (See below – Extract Number 5).~~
  - ~~— or~~
  - ~~— (c) takes any steps in contravention of section 31 (8) (See below – Extract Number 6).~~
- ~~(2) A person commits an offence if under section 30(1) (See below – Extract Number 1) or 31(2) (See below – Extract Number 2), (3) (See below – Extract Number 3) or (7) (See below – Extract Number 4) the person provides information that is false or misleading and the person:-~~
- ~~— (a) knows that the information is false or misleading, or~~
  - ~~— (b) is reckless as to whether the information is true and not misleading.~~
- ~~(3) A person who is guilty of an offence under this section is liable on summary conviction to a fine not exceeding level 5 on the standard scale.~~

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

- ~~(4) — A court dealing with a person for an offence under this section may (in addition to any other power exercisable in the person's case) by order disqualify the person, for a period not exceeding five years, for being or becoming (by election or otherwise) a member or co-opted member of the relevant authority in question or any other relevant authority.~~
- ~~(5) — A prosecution for an offence under this section is not to be instituted except by or on behalf of the Director of Public Prosecutions.~~
- ~~(6) — Proceedings for an offence under this section may be brought within a period of 12 months beginning with the date on which evidence sufficient in the opinion of the prosecutor to warrant the proceedings came to the prosecutor's knowledge.~~
- ~~(7) — But no such proceedings may be brought more than three years —~~
- ~~(a) after the commission of the offence, or~~
  - ~~(b) in the case of a continuous contravention, after the last date on which the offence was committed.~~

### Notes

~~Level 5 on the standard scale is currently £5,000.~~

~~Sections 30(1), 31(2), 31(3), 31(4), 31(7) and 31(8) are reproduced below:~~

#### ~~Extract Number 1 — Disclosure of pecuniary interests on taking office~~

~~30(1) — A member or co-opted member of a relevant authority must, before the end of 28 days beginning with the day on which the person becomes a member or co-opted member of the authority, notify the authority's monitoring officer of any disclosable pecuniary interests which the person has at the time when the notification is given.~~

#### ~~Extract Number 2 — Pecuniary interests in matters considered at meetings or by a single member~~

~~31(2) — If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).~~

#### ~~Extract Number 3 — Pecuniary interests in matters considered at meetings or by a single member~~

~~31(3) — If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.~~

## SECTION 8 - CHESHIRE FIRE AUTHORITY: MEMBERS' CODE OF CONDUCT

### ~~Extract Number 4 – Pecuniary interests in matters considered at meetings or by a single member~~

~~31(7) – If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.~~

### ~~Extract Number 5 – Pecuniary interests in matters considered at meetings or by a single member~~

~~31(4) – The member or co-opted member may not –~~

- ~~(a) participate, or participate further, in any discussion of the matter at the meeting, or~~
- ~~(b) participate in any vote, taken on the matter at the meeting~~

~~————— but this is subject to section 33.~~

### ~~Extract Number 6 – Pecuniary interests in matters considered at meetings or by a single member~~

~~31(8) – The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by members).~~

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**Appendix 2**

**CHESHIRE FIRE AUTHORITY – REGISTER OF MEMBERS' INTERESTS**

**NOTICE OF DISCLOSABLE INTERESTS**

This form relates to Disclosable Interests as defined in the Localism Act 2011, The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and Cheshire Fire Authority's Members' Code of Conduct (which was adopted at its meeting on INSERT RELEVANT DATE).

**I, COUNCILLOR ..... BEING A MEMBER OF CHESHIRE FIRE AUTHORITY GIVE NOTICE THAT**

**STATUTORY DISCLOSABLE PECUNIARY INTERESTS**

I have set out the interests that fall into the descriptions of Statutory Disclosable Pecuniary Interests under the appropriate headings below (and inserted 'none' where I have no Statutory Disclosable Pecuniary Interests of that description)\*

Subject	Description
<b>EMPLOYMENT, OFFICE, TRADE, PROFESSION OR VOCATION</b>	Any employment, office, trade, profession or vocation carried on for profit or gain by YOU or YOUR PARTNER.
YOU	
YOUR PARTNER	

<b>SPONSORSHIP</b>	Any payment or provision of any other financial benefit (other than from Cheshire Fire Authority) in respect of expenses incurred by YOU in carrying out your duties as a Member, or towards the election expenses incurred by YOU. (this includes any payment or financial benefit from a trade union)
YOU	
YOUR PARTNER	
<b>CONTRACTS</b>	Any contract between YOU or YOUR PARTNER (or a body in which YOU or YOUR PARTNER have a beneficial interest) and Cheshire Fire Authority. (for which goods or services are to be provided or works to be carried out and which has not been completed)
YOU	
YOUR PARTNER	
<b>LAND</b>	Any beneficial interest in land which is within the area of Cheshire Fire Authority that YOU or YOUR PARTNER has.
YOU	
YOUR PARTNER	

<b>LICENCES</b>	Any licence to occupy land which is within the area of Cheshire Fire Authority that YOU or YOUR PARTNER has.
YOU	
YOUR PARTNER	
<b>CORPORATE TENANCIES</b>	Any tenancy of land which is within the area of the Fire Authority where (YOU know) that Cheshire Fire Authority is the landlord and the tenant is a body in which YOU or YOUR PARTNER have a beneficial interest.
YOU	
YOUR PARTNER	
<b>SECURITIES</b>	Any beneficial interest in the securities of a body that YOU or YOUR PARTNER has where (YOU know) that the body has a place of business or land within the area of Cheshire Fire Authority and either:  The total value of the securities exceeds £25,000, or a hundredth of the total issued share capital.
YOU	
YOUR PARTNER	

**Note:**

'Your Partner' includes: your spouse or civil partner, a person who you live with as husband and wife and a person who you live with as if you are civil partners.

**DISCLOSABLE NON-PECUNIARY INTERESTS**

I have set out the interests that fall into the description Disclosable Non-Pecuniary Interests below (or inserted 'none' if I have no Disclosable Non-Pecuniary Interests).

Note: Please provide information about the nature of your interest e.g. role, kind of membership.

I understand that there are criminal offences in Section 34 of the Localism Act 2011 which are concerned with Statutory Disclosable Pecuniary Interests.

I have received a copy of the Members' Code of Conduct and agree to abide by it.

I further understand that the Members' Code of Conduct places obligations upon me to disclose and declare Disclosable Interests and I have familiarised myself with the requirements of the Code.

I sign below to confirm that this Notice is completed to the best of my ability and is true to the best of my knowledge and belief.

**Signed:** ..... (Councillor appointed to Cheshire Fire Authority by.....Borough Council)

**Date:** .....

Notes: Members are able to access the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 at [www.legislation.gov.uk](http://www.legislation.gov.uk)

Members providing notice of Disclosable Interests should contact the Head of Legal and Democratic Services if they believe that any Disclosable Interests are sensitive and need to be excluded from the Register of Members' Interests that is published.

Members who are uncertain about the disclosure of interests are encouraged to contact the Fire Authority's Monitoring Officer.

***[Received on .....  
to be completed by Democratic Services]***

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 11<sup>TH</sup> APRIL 2018  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** CHRIS ASTALL

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**SUBJECT:** PREPARATION OF STATEMENT OF ASSURANCE  
2017-18

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### Purpose of Report

1. To present Members with information about the timelines and process for the preparation of the Statement of Assurance 2017-18

### Recommended

[1] That Members note the report.

### Background

2. Members will be aware that one of the requirements of the *Fire and Rescue National Framework for England (2012)* is the publication of an Annual Statement of Assurance that:

*“must provide assurance on financial, governance and operational matters and show how they have had due regard to the expectations set out in their integrated risk management plan and the requirements included in this [Fire and Rescue National] Framework.”*

3. *The Delivering Good Governance in Local Government Framework* was published by CIPFA in association with Solace in 2007 and sets the standard for local authority governance. The Framework was reviewed in 2015 to ensure it remained ‘fit for purpose’ and a revised edition was published in 2016. A summary of the revised Principles A-G is attached to the report as Appendix 1. A summary of a locally developed Principle H related to the Fire and Rescue National Framework is attached to the report as Appendix 2.
4. The Authority agreed to combine production of the Annual Governance Statement (AGS) with the Statement of Assurance as a lot of the compliance information and evidence required is common to both.

## Information

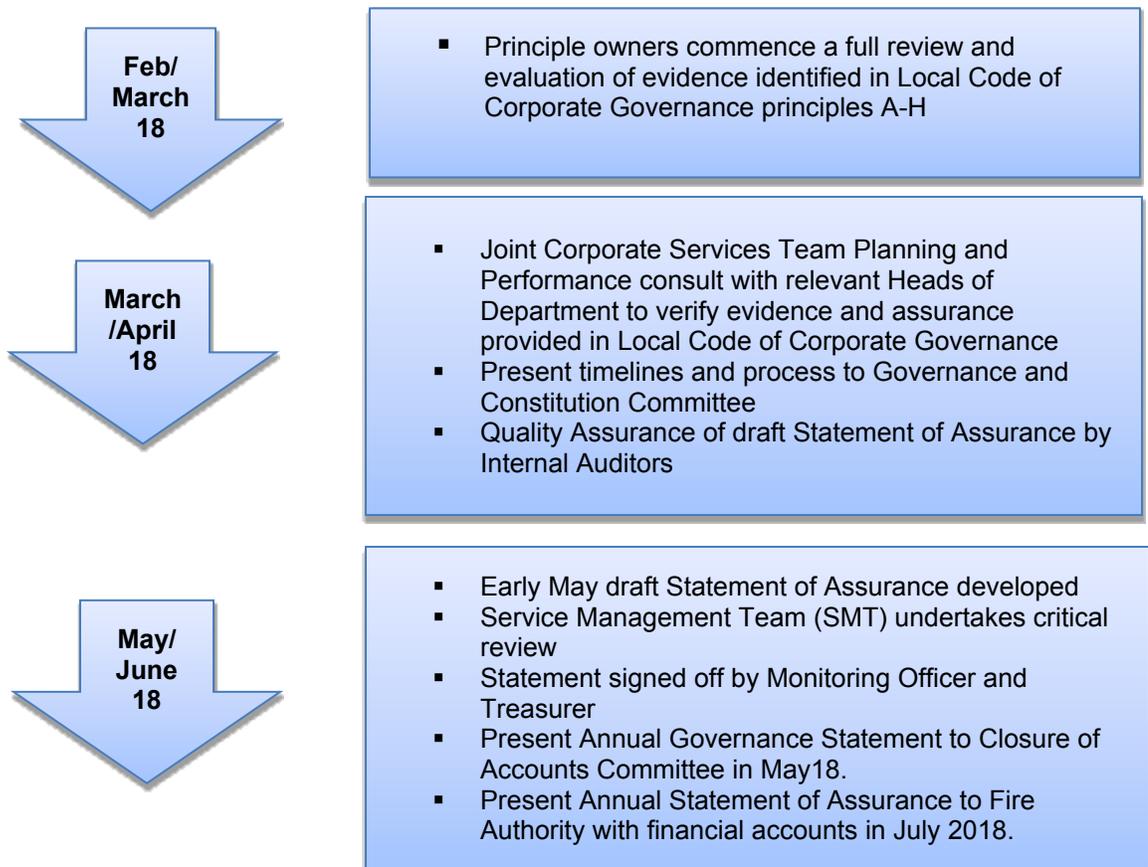
### Local Code of Corporate Governance

- The Fire Authority has developed a 'Local Code of Corporate Governance Framework'. This framework provides a simple structure for monitoring compliance and assurance under the Principles A-G of the Code of Corporate Governance. The same process has been adopted for monitoring compliance with National Framework requirements, which is presented in the local code as Principle H.

### Review, Evaluation and Development Process

- The process to support the preparation of the Statement of Assurance is presented below. The joint corporate services team Planning and Performance has started evaluating and reviewing all evidence identified for Principles A – H with the owners.

*The process mapped out below highlights the key steps and timelines for development and production of the Statement of Assurance 2017-18.*



- The Annual Governance Statement will be presented to Closure of Accounts Committee in May 2018 for approval before being included in the

full Statement of Assurance which is presented to the Fire Authority in July 2018 with the Statement of Accounts.

### **Financial Implications**

8. There are no significant financial implications other than staff time involved in research, evidence gathering and publication. This has been minimised by bringing together the two assurance processes.

### **Legal Implications**

9. The Fire and Rescue National Framework for England sets out the Government's priorities and objectives for fire and rescue authorities and contains requirements concerned with governance in its broadest sense. This includes the publication of an annual Statement of Assurance.

### **Equality & Diversity Implications**

10. There are no differential impacts on any particular section of the community arising from this report. Any issues relating to the publication and communication of the publication have been considered as part of the full equality impact assessment carried out on the Corporate Consultation and Engagement Strategy.

### **Environmental Implications**

11. There are no specific impacts on the environment arising from this report.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD  
TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

**Appendix 1 & 2 - Delivering Good Governance Principles A-H**

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**APPENDIX 1**

**Delivering Good Governance in Public Sector - Refreshed Code - 2016**

<b>PRINCIPLE A</b>	
<b>Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of the law</b>	
<b>A1</b>	<p><b>Behaving with Integrity</b></p> <ul style="list-style-type: none"> <li>▪ Ensuring members and officers behave with integrity and lead a culture where acting in the public interest is visibly and consistently demonstrated.</li> <li>▪ Ensuring members take the lead in establishing specific standard operating principles or values for the organisation and its staff and that they are communicated and understood.</li> <li>▪ Leading by example and using the above standard operating principles or values as a framework for decision making and other actions.</li> <li>▪ Demonstrating, communicating and embedding the standard operating principles or values through appropriate policies and processes.</li> </ul>
<b>A2</b>	<p><b>Demonstrating strong commitment to ethical values</b></p> <ul style="list-style-type: none"> <li>▪ Seeking to establish, monitor and maintain the organisation ethical standards and performance.</li> <li>▪ Underpinning personal behaviour with ethical values and ensuring they permeate all aspects of the organisations culture and operations.</li> <li>▪ Developing and maintain robust policies and procedures which emphasis on agreed ethical values and performance.</li> <li>▪ Ensuring that external providers of services on behalf of the organisation are required to act with integrity and compliance with ethical standards expected by the organisation.</li> </ul>
<b>A3</b>	<p><b>Respecting the rule of the law</b></p> <ul style="list-style-type: none"> <li>▪ Ensuring members and staff demonstrate a strong commitment to the rule of law as well as adhering to relevant laws and regulations.</li> <li>▪ Creating the conditions to ensure that the statutory officers, other key post holders and members are able to fulfil their responsibilities in accordance with legislative and regulatory requirements.</li> <li>▪ Striving to optimise the use of full powers available for the benefit of citizens, communities and other stakeholders.</li> <li>▪ Dealing with breaches of legal and regulatory provisions effectively.</li> <li>▪ Ensuring corruption and misuse of power are dealt with effectively.</li> </ul>
<b>PRINCIPLE B:</b>	
<b>Ensuring openness and comprehensive stakeholder engagement.</b>	
<b>B1</b>	<p><b>Openness</b></p> <ul style="list-style-type: none"> <li>▪ Ensuring an open culture through demonstrating, documenting and communicating the organisation commitment to openness.</li> <li>▪ Making decisions that are open about actions, plans, resource use, forecasts, outputs and outcomes.</li> <li>▪ Providing clear reasoning and evidence for decisions both in public records and explanations to stakeholders and being explicit about criteria, rationale and considerations used.</li> <li>▪ Using formal and informal consultation and engagement.</li> </ul>
<b>B2</b>	<p><b>Engaging comprehensively with institutional stakeholders</b></p> <ul style="list-style-type: none"> <li>▪ Effectively engaging with stakeholders to ensure that the purpose, objectives and intended outcomes are clear.</li> <li>▪ Developing formal and informal partnerships to allow for resources to be used more efficiently and outcomes achieved effectively.</li> <li>▪ Ensuring that partnerships are based on trust; a shared commitment to change; a culture that promotes and accepts challenge among partners; and that the added value of partnership working is explicit.</li> <li>▪</li> </ul>

## APPENDIX 1

### Delivering Good Governance in Public Sector - Refreshed Code - 2016

B3	<p><b>Engaging with individual citizens and service user effectively</b></p> <ul style="list-style-type: none"> <li>▪ Establishing a clear policy on the type of issues that the organisation will meaningfully consult with or involve communities, individual citizens, service users and other stakeholders to ensure that service provision is contributing towards the achievement of intended outcomes.</li> <li>▪ Ensuring that communication methods are effective and that members and officers are clear about their roles with regard to community engagement.</li> <li>▪ Encouraging, collecting and evaluating the views and experiences of communities, citizens, service users and organisations of different backgrounds including reference to future needs.</li> <li>▪ Balancing feedback from more active stakeholder groups with other stakeholder groups to ensure inclusivity.</li> <li>▪ Taking account of the impact of decisions on future generations of tax payers and service users.</li> </ul>
<p><b>PRINCIPLE C:</b>  <b>Defining outcomes in terms of sustainable economic, social and environmental benefits</b></p>	
C1	<p><b>Defining Outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Having a clear vision, which is in an agreed formal statement of the organisation’s purpose and intended outcomes containing appropriate performance indicators, which provide the basis for the organisation’s overall strategy, planning and other decisions.</li> <li>▪ Specifying the intended impact on, or changes for stakeholders including citizens and service users.</li> <li>▪ Delivering defined outcomes on a sustainable basis within the resources that will be available.</li> <li>▪ Identifying and managing risks to the achievement of outcomes.</li> <li>▪ Managing service users’ expectations effectively with regard to determining priorities and making the best use of resources available.</li> </ul>
C2	<p><b>Sustainable economic, social and environmental benefits</b></p> <ul style="list-style-type: none"> <li>▪ Considering and balancing the combined economic, social and environmental impact of policies and plans when taking decision about service provision.</li> <li>▪ Taking a longer term view with regard to decision making, taking account of risk and acting transparently where there are potential conflicts between organisation’s intended outcomes.</li> <li>▪ Determining the wider public interest associated with balancing conflicting interests between achieving the various economic, social and environmental benefits, through consultation where possible, in order to ensure appropriate trade-offs.</li> <li>▪ Ensuring fair access to services.</li> </ul>
<p><b>PRINCIPLE D:</b>  <b>Determining the interventions necessary to optimise the achievement of the intended outcomes</b></p>	
D1	<p><b>Determining Interventions</b></p> <ul style="list-style-type: none"> <li>▪ Ensuring decision makers receive objective and rigorous analysis of a variety of options indicating how intended outcomes would be achieved and associated risks.</li> <li>▪ Considering feedback from citizens and service users when making decisions about service improvements or where services are no longer required in order to prioritise competing demands within limited resources available including people, skills, land and assets.</li> </ul>
D2	<p><b>Planning Interventions</b></p> <ul style="list-style-type: none"> <li>▪ Establishing and implementing robust planning and control cycles that cover strategic and operational plans, priorities and targets.</li> <li>▪ Engaging with internal and external stakeholders in determining how services and other courses of action should be planned and delivered.</li> <li>▪ Considering and monitoring risks facing each partner when working collaboratively, including shared risks.</li> <li>▪ Ensuring arrangements are flexible and agile so that the mechanisms for delivering goods and services can be adapted to changing circumstances.</li> </ul>

## APPENDIX 1

### Delivering Good Governance in Public Sector - Refreshed Code - 2016

	<ul style="list-style-type: none"> <li>▪ Establishing appropriate performance indicators (KPIs) as part of the planning process in order to identify how the performance of services and projects is to be measured.</li> <li>▪ Ensuring capacity exists to generate the information required to review service quality regularly.</li> <li>▪ Preparing budgets in accordance with objectives, strategies and the medium financial plan.</li> <li>▪ Informing medium and long term resource planning by drawing up realistic revenue and capital expenditure aimed at developing a sustainable funding strategy.</li> </ul>
<b>D3</b>	<p><b>Optimising achievement of intended outcomes</b></p> <ul style="list-style-type: none"> <li>▪ Ensuring the medium term financial strategy integrates and balances service priorities, affordability and other resource constraints.</li> <li>▪ Ensuring the budgeting process is all-inclusive, taking into account the full cost of operations over the medium and longer term.</li> <li>▪ Ensuring the medium financial strategy sets the context for ongoing decisions on significant delivery issues or response to charges in the external environment that may arise during the budgetary period in order for outcomes to be achieved while optimising resource usage.</li> <li>▪ Ensuring the achievement of 'social value' through service planning and commissioning</li> </ul>
<p><b>PRINCIPLE E:</b>  <b>Developing the entity's capacity, including the capability of its leadership and the individuals within it</b></p>	
<b>E1</b>	<p><b>Developing the entity's capacity</b></p> <ul style="list-style-type: none"> <li>▪ Reviewing operations, performance and use of assets on a regular basis to ensure their continuing effectiveness.</li> <li>▪ Improving resource use through appropriate application of techniques such as benchmarking and other options in order to determine how resources are allocated so that defined outcomes are achieved effectively and efficiently.</li> <li>▪ Recognising the benefits of partnership and collaborative working where added value can be achieved.</li> <li>▪ Developing and maintaining an effective workforce plan to enhance the strategic allocation of resources.</li> </ul>
<b>E2</b>	<p><b>Developing the capability of the entity's leadership and other individuals</b></p> <ul style="list-style-type: none"> <li>▪ Developing protocols to ensure that elected and appointed leaders negotiate with each other regarding their respective roles early on in the relationship and that a shared understanding of roles and objectives is maintained.</li> <li>▪ Publishing a statement that specifies the types of decisions that are delegated and those reserved for the collective decision making of the governing body.</li> <li>▪ Ensuring the leader and the chief executive have clearly defined and distinctive leadership roles within a structure whereby the chief executive leads by implementing strategy and managing the delivery of services and other outputs set by members and each provides a check and balance for the other's authority.</li> <li>▪ Developing the capabilities of members and senior management to achieve effective leadership and to enable the organisation to respond successfully to changing legal and policy demands as well as economic, policy and environmental changes and risks by:             <ul style="list-style-type: none"> <li>- Ensuring members and staff have access to appropriate induction tailored to their role and that ongoing training and development matching individual and organisational requirements is available and encouraged.</li> <li>- Ensuring members and officers have the appropriate skills, knowledge, resources and support to fulfil their roles and responsibilities and ensuring that they are able to update their knowledge on a continuing basis.</li> <li>- Ensuring personal, organisation and system-wide development through shared learning, including lessons learnt from governance weaknesses both internal and external.</li> </ul> </li> </ul>

## APPENDIX 1

### Delivering Good Governance in Public Sector - Refreshed Code - 2016

	<ul style="list-style-type: none"> <li>▪ Ensuring that there are structures in place to encourage public participation.</li> <li>▪ Taking steps to consider the leadership's own effectiveness and ensuring leaders are open to constructive feedback from peer review and inspections.</li> <li>▪ Holding staff to account through regular performance reviews which take account of training or development needs.</li> <li>▪ Ensuring arrangements are in place to maintain the health and wellbeing of the workforce and support individuals in maintaining their own physical and mental wellbeing.</li> </ul>
<b>PRINCIPLE F:</b> <b>Managing risks and performance through robust internal control and strong public financial management</b>	
<b>F1</b>	<b>Managing risk</b> <ul style="list-style-type: none"> <li>▪ Recognising that risk management is an integral part of all activities and must be considered in all aspects of decision making.</li> <li>▪ Implementing robust and integrated risk management arrangements and ensuring that they are working effectively.</li> <li>▪ Ensuring that responsibilities for managing individual risks are clearly allocated.</li> </ul>
<b>F2</b>	<b>Managing performance</b> <ul style="list-style-type: none"> <li>▪ Monitoring service delivery effectively including the planning, specification, execution and independent post implementation review.</li> <li>▪ Making decisions based on relevant, clear objective analysis and advice pointing out the implications and risks inherent in the organisation's financial, social and environmental position and outlook.</li> <li>▪ Ensuring an effective scrutiny or oversight function is in place which provides constructive challenge and debate on policies and objectives before, during and after decisions are made thereby enhancing the organisation's performance and that of any organisation for which it is responsible for a (common system).</li> <li>▪ Encouraging effective and challenge and debate on policies and objectives to support balanced and effective decision making.</li> </ul>
<b>F3</b>	<b>Robust Internal Control</b> <ul style="list-style-type: none"> <li>▪ Aligning the risk management strategy and policies on internal control with achieving objectives.</li> <li>▪ Evaluating and monitoring risk management and internal control on a regular basis.</li> <li>▪ Ensuring effective counter fraud and anti-corruption arrangements of the framework of governance, risk management and control is provided by the internal auditor.</li> <li>▪ Ensuring an audit committee or equivalent group/function, which is independent of the executive and accountable to the governing body: <ul style="list-style-type: none"> <li>- Provides a further source of effective assurance regarding arrangements for managing risk and maintaining an effective control environment.</li> <li>- That its recommendations are listened to and acted upon.</li> </ul> </li> </ul>
<b>F4</b>	<b>Managing Data</b> <ul style="list-style-type: none"> <li>▪ Ensuring effective arrangements are in place for the safe collection, storage, use and sharing of data, including processes to safeguard personal data.</li> <li>▪ Ensuring effective arrangements are in place and operating effectively when sharing data with other bodies.</li> <li>▪ Reviewing and auditing regularly the quality and accuracy of data used in decisions making performance monitoring.</li> </ul>
<b>F5</b>	<b>Strong public financial management</b> <ul style="list-style-type: none"> <li>▪ Ensuring financial management supports both long term achievement of outcomes and short-term financial and operational performance.</li> <li>▪ Ensuring well-developed financial management is integrated at all levels of planning and</li> </ul>

## APPENDIX 1

### Delivering Good Governance in Public Sector - Refreshed Code - 2016

	control including management of financial; risks and controls.
<b>PRINCIPLE G:</b> <b>Implementing good practices in transparency, reporting, and audit to deliver effective accountability</b>	
<b>G1</b>	<b>Implementing good practice in transparency</b> <ul style="list-style-type: none"><li>▪ Writing and communicating reports for public and other stakeholders in a fair, balanced and understandable style appropriate to the intended audience and ensuring that they are easy to access and interrogate.</li><li>▪ Striking a balance between providing the right amount of information to satisfy transparency demands and enhance public scrutiny while not being too onerous to provide and for users to understand.</li></ul>
<b>G2</b>	<b>Implementing good practice in reporting</b> <ul style="list-style-type: none"><li>▪ Reporting at least annually on performance, value for money and stewardship of resources to stakeholders in a timely and understandable way.</li><li>▪ Ensuring members and senior management own the results reported.</li><li>▪ Ensuring robust arrangements for assessing the extent to which the principles contained in this framework have been applied and publishing results on the assessment, including an action plan for improvement and evidence to demonstrate good governance (the Annual Governance Statement).</li><li>▪ Ensuring that this framework is applied to jointly manage or share service organisations as appropriate.</li><li>▪ Ensuring performance information that accompanies the financial statement is prepared on a consistent and timely basis and the statements allow for comparison with other, similar organisations.</li></ul>
<b>G2</b>	<b>Assurance and effective accountability</b> <ul style="list-style-type: none"><li>▪ Ensuring that recommendations for corrective action made by external audit are acted upon.</li><li>▪ Ensuring an effective internal audit service with direct access to members is in place, providing assurance with regard to governance arrangements and that recommendations are acted upon.</li><li>▪ Welcoming peer challenge, reviews and inspections from regulatory bodies and implementing recommendations.</li><li>▪ Gaining assurance on risks associated with delivering services through third parties and that this is evidenced in the annual governance statement.</li><li>▪ Ensuring that when working in partnership, arrangements for accountability are clear and the need for wider public accountability has been recognised and met.</li></ul>

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## APPENDIX 2:

### PRINCIPLE H: Compliance to National Framework 2012

The priorities in the National Framework are for fire and rescue authorities to:

- Identify and assess the full range of foreseeable fire and rescue related risks their areas face; make provision for prevention and protection activities; and respond to incidents appropriately.
- Work in partnership with communities and a wide range of partners locally and nationally to deliver their service.
- Be accountable to communities for the service they provide.

#### 1. – Safer Communities

<b>1.3</b>	Produce an integrated risk management plan that identifies and assesses all foreseeable fire and rescue related risks that could affect its community, including those of a cross-border multi-authority and/or national nature.
<b>1.9</b>	Work with communities to identify and protect them from risk and to prevent incidents from occurring
<b>1.10</b>	Each fire and rescue authority must: <ul style="list-style-type: none"> <li>▪ Demonstrate how prevention, protection and response activities will best be used to mitigate the impact of risk.</li> <li>▪ Set out its management strategy and risk based programme for enforcing the provision of Regulatory Reform (Fire Safety) Order.</li> </ul>
<b>1.11</b>	Make provision to respond to incidents such as fires, road traffic accidents and emergencies within their area and other areas in line with mutual aid agreements.
<b>1.14</b>	Have effective business continuity arrangements in place in accordance with duties under Civil Contingencies Act 2004.
<b>1.15</b>	Collaborate with other fire and rescue authorities to deliver interoperability. Interoperability between fire and rescue authorities includes, but is not limited to: <ul style="list-style-type: none"> <li>▪ Compatible communications systems, control rooms and equipment.</li> <li>▪ Common command and compatible control and co-ordination arrangements.</li> <li>▪ Effective information, intelligence and data sharing.</li> <li>▪ Compatible operational procedures, and guidance with common terminology.</li> <li>▪ Compatible training and exercising (both individually and collectively).</li> <li>▪ Cross border working with other English fire and rescue authorities and those in devolved administrations.</li> </ul>
<b>1.17</b>	Collaborate with other FRAs, other emergency services, wider Category 1 & 2 responders and Local Resilience Forums to ensure interoperability.
<b>1.26</b>	Engage with the Fire and Rescue Strategic Resilience Board in order to support discussions and decision making.
<b>1.29</b>	Fire and rescue authorities risk assessments must include an analysis of any gaps between existing capability and national resilience.
<b>1.31</b>	Fire and rescue authorities must highlight to the department or the Fire and Rescue strategic resilience board, any capability gaps that cannot be met having taken into account mutual aid arrangements, pooling and reconfiguration of resources and collective action.

1.33	Fire and Rescue Strategic Resilience Board, to provide assurance to Government that risks are assessed, plans are in place and any gaps between existing capabilities commissioned to deliver by Government are procured, maintained and managed cost effectively.
1.38	Work in partnership with communities and a wide range of partners locally and nationally in order
<b>2. – Accountable to Communities</b>	
2.3	<p>Each fire and rescue authority integrated risk management plan must:</p> <ul style="list-style-type: none"> <li>▪ Be accessible and publicly available</li> <li>▪ Reflect effect consultation throughout development</li> <li>▪ Cover at least a three year time span and be reviewed and revised as often as necessary</li> <li>▪ Reflect up to date risk analysis and evaluation</li> </ul>
2.4	Hold the CFO to account for the delivery of the fire and rescue service
2.5	Have arrangements in place to ensure that decisions are open to scrutiny
2.8	Make communities aware of how they can access data and information on their performance
<b>3. – Assurance</b>	
3.2	Publish an annual statement of assurance
3.4	<p>Fire and rescue authorities must work collectively, with the Strategic Resilience Board, to provide assurance to Government that:</p> <ul style="list-style-type: none"> <li>▪ Risks are assessed, plans are in place and any gaps between existing capability and that needed to ensure national resilience are identified</li> <li>▪ Existing specialist national resilience capabilities are fit for purpose</li> <li>▪ Any new capabilities that fire and rescue authorities are commissioned to deliver by Government are procured, maintained and managed in the most cost effective way that delivers value for money whilst ensuring fit for purpose.</li> </ul>
<b>4. – Firefighter Fitness</b>	
4.1	<p><b>Each Fire &amp; Rescue Authority must:</b></p> <ul style="list-style-type: none"> <li>▪ Have a process of fitness assessment and development to ensure that operational personnel are enabled to maintain the standards of personal fitness required in order to perform their role safely.</li> <li>▪ Ensure that no individual will automatically face dismissal if they fall below standards of personal fitness required in order to perform their role safely</li> <li>▪ Ensure that all operational personnel will be provided with support to maintain their levels of fitness for the duration of their career</li> <li>▪ Consider where operational personnel have fallen below the fitness standards required whether an individual is able to continue on full operational duties or should be stood down, taking into account the advice provided by the authority's occupational health provider. In making this decision, the safety and well being of the individual will be the key issue.</li> <li>▪ Commit to providing a minimum of 6 months of development and support to</li> </ul>

	<p>enable individuals who have fallen below the required fitness standards to regain the necessary levels of fitness.</p> <ul style="list-style-type: none"><li>▪ Refer an individual to occupational health where underlying medical reasons are identified that restrict/prevent someone from achieving the necessary fitness and that individual must receive the necessary support to facilitate a return to operational duties and</li><li>▪ Fully explore opportunities to enable the individual to remain in employment including through reasonable adjustment and redeployment in role where it appears the medical condition does not allow a return to operational duties.</li></ul>
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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSITUTION COMMITTEE  
**DATE:** 11<sup>TH</sup> APRIL 2018  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

---

**SUBJECT:** REVIEW OF ARRANGEMENT FOR BRIGADE MANAGERS' PAY AND PERFORMANCE COMMITTEE AND STAFFING COMMITTEE

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### Purpose of Report

1. To allow Members to consider and agree the responsibilities of Brigade Managers' Pay and Performance Committee (BMPPC) and Staffing Committee.

### Recommended: That Members

- [1] agree updated responsibilities for Brigade Mangers' Pay and Performance Committee and Staffing Committee and recommend them to the Fire Authority; and
- [2] authorise the Director of Governance and Commissioning to make the amendments to the Constitution as are necessary to bring any changes into effect if/when agreed by the Fire Authority.

### Background

2. Members may recall that the Authority has only had a Staffing Committee for the last four years. This was created originally as a sub-committee of the BMPPC but more recently became a committee in its own right.
3. With the increased complexity of and greater focus on staffing matters it seemed sensible to carry out a review of the arrangements for the BMPPC and Staffing Committee to ensure that they were adequate and appropriate.

### Information

#### BMPPC

4. The proposed responsibilities of the BMPPC are attached to the report as Appendix 1. The existing responsibilities are also included for comparison.
5. The existing responsibilities have only required minor updating. However, the language has been updated and simplified considerably. The BMPPC is clearly focused on matters concerned with the Brigade Managers (Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer).

6. The Committee will continue to be seven Members with a quorum of three.

### **Staffing Committee**

7. The proposed responsibilities of Staffing Committee are attached to this report as Appendix 2. The existing responsibilities are also attached for comparison.
8. The responsibilities have been expanded, updated and simplified.
9. The Committee would be the same seven members of BMPPC again with a quorum of three (currently it is four members from BMPPC).

### **Financial Implications**

10. There are no financial implications.

### **Legal Implications**

11. It is important that the responsibilities of decision-making bodies are clear. They should be regularly reviewed in light of experience.

### **Equality and Diversity Implications**

12. There are no equality and diversity implications.

### **Environmental Implications**

13. There are no environmental implications.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD**

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## **Brigade Managers' Pay and Performance Committee**

### **Proposed:**

#### Responsibilities

- To appoint the Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer.
- To appraise the Chief Fire Officer and Chief Executive.
- To determine the remuneration of the Chief Fire Officer and Chief Executive.
- To review the appraisal of the Deputy Chief Fire Officer.
- To determine the remuneration of the Deputy Chief Fire Officer.
- To determine HR/IR matters concerning/affecting the Chief Fire Officer and Chief Executive and Deputy Chief Fire Officer.

### **Current:**

#### Responsibilities

- To appraise the Brigade Manager, Chief Fire Officer and Chief Executive.
- To review the pay of the Brigade Manager, Chief Fire Officer and Chief Executive (including any performance payment).
- To review the appraisal of the Deputy Chief Fire Officer as “grandparent manager” and review their pay (including any performance payment).
- To act as the employer for the local determination of any matters within the purview of the NJC for Brigade Managers of the Fire and Rescue Services Scheme of Conditions of Service (“the Gold Book”) and any local variations to those conditions.
- To act as the employer within the appointment process for any posts at Brigade Manager level within the Service.
- In matters of discipline, capability, or grievance in relation to the Brigade Managers, to act as the hearing committee within the relevant procedure and as the appeal committee in relation to Area Managers (all conditions of service).

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## **Staffing Committee**

### **Proposed:**

#### Responsibilities

- To appoint Area Managers and roles of equivalent standing.
- To determine HR/IR matters (not delegated to officers or handled by JCC).
- To determine pension matters.
- To oversee key staff engagement and staff-related transformation activities.
- To oversee discipline, grievance, employment claims etc.
- To oversee relationships with representative bodies.
- To approve the re-engagement of staff who have been retired or made redundant (excluding on call).

### **Current:**

#### Responsibilities

- To act as the employer within the appointments process for any posts at Area Manager level within the service (all conditions of service).
- To determine matters related to pensions where Members are required to make a decision.
- To determine matters referred to the Committee involving human resourcing (outside the remit of JCC).

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## CHESHIRE FIRE AUTHORITY

**MEETING OF:** GOVERNANCE AND CONSTITUTION COMMITTEE  
**DATE:** 11<sup>TH</sup> APRIL 2018  
**REPORT OF:** DIRECTOR OF GOVERNANCE AND COMMISSIONING  
**AUTHOR:** ANDREW LEADBETTER

---

**SUBJECT:** REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS: STAKEHOLDER CONSULTATION

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### Purpose of Report

1. To inform Members that the Committee on Standards in Public Life is undertaking a review of Local Government Ethical Standards and is consulting with stakeholders.

### Recommended: That

- [1] The Monitoring Officer be authorised to coordinate the submission of a response before the closing date of the consultation.

### Background

2. The Committee on Standards in Public Life is undertaking a review of Local Government Ethical Standards and is consulting with stakeholders.
3. The Consultation opened on 29<sup>th</sup> January 2018 and closes on 18<sup>th</sup> May 2018. The Consultation asks a number of questions in relation to ethical governance and anyone with an interest is asked to make a submission.
4. Members of the Governance and Constitution Committee may wish to respond. This report is simply to bring the Consultation to the attention of Members and to coordinate any responses.

### Information

5. The Terms of Reference and Consultation questions are attached to the report as Appendix 1.
6. Members may wish to respond directly to the Consultation, but may wish officers to coordinate a response.

### Financial Implications

7. There are no financial implications.

## **Legal Implications**

8. There are no legal implications.

## **Equality and Diversity Implications**

9. There are no equality and diversity implications.

## **Environmental Implications**

10. There are no environmental implications.

**CONTACT: JOANNE SMITH, FIRE SERVICE HQ, WINSFORD**

**TEL [01606] 868804**

**BACKGROUND PAPERS: NONE**

## **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

### **Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

### **Consultation questions**

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

#### *Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

#### *Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

### *Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?
  - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
  - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

### *Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
  - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
  - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

### *Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
  - i. What measures could be put in place to prevent and address this intimidation?

### **Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Independent Persons appointed under section 28(7) of the Localism Act 2011;
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

### **How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:  
Review of Local Government Ethical Standards  
Committee on Standards in Public Life  
GC:07  
1 Horse Guards Road  
London  
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).