

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 8TH NOVEMBER 2017
REPORT OF : DIRECTOR OF GOVERNANCE AND CONSTITUTION
AUTHOR: ANDREW LEADBETTER

SUBJECT: REVIEW OF MEMBERS' CODE OF CONDUCT

Purpose of the Report

1. To allow Members to consider proposed changes to the Members' Code of Conduct (the Authority's Code).

Recommended: That Members

- [1] Consider the proposed changes to the Members' Code of Conduct; and
- [2] Authorise the Director of Governance and Commissioning to make changes to the Members' Code of Conduct that Members support.

Background

2. The Localism Act 2011 (the Act) introduced the current standards regime. The Fire Authority adopted a new Members' code of conduct in June 2012, which has been subject to some minor changes since then. The Authority's Code is attached to this report as Appendix 1.
3. The provisions in the Act concerned with the a code are contained in Sections 27 and 28:

A relevant authority must ... adopt a code dealing with the conduct that is expected of members ... when they are acting in that capacity. S.27(1)

A relevant authority must secure that a code ... is, when viewed as a whole consistent with the following principles-

- | | | |
|---------------------|----------------|------------------|
| (a) selflessness; | (b) integrity; | (c) objectivity; |
| (d) accountability; | (e) openness; | (f) honesty; |
| (g) leadership. | | S.28(1) |

A relevant authority must secure that its code ... includes the provision the authority considers appropriate in respect of the registration in its register and disclosure of-

- (a) pecuniary interests; and (b) interests other than pecuniary interests
- S.28(2)

4. The Act contains a range of other requirements concerned with conduct and Member interests, e.g. the adoption of processes and recruitment of individuals to handle complaints. The Act (and associated Regulations) define Disclosable Pecuniary Interests and the criminal sanctions associated with failures to disclose such interests or act appropriately when such interests exist. Whilst there is no requirement for these issues to be covered in a code it is sensible to include some of them.

Information

Review

5. There have been three aspects to the review by officers: firstly, a review of the legislation to ensure that any changes had been picked up: secondly, consideration of a small number of codes of conduct from local authorities and fire authorities; and thirdly, a discussion about the actual and potential areas where Members' interests have and/or are likely to arise.

The Law

6. The law has not changed to any significant degree even though it is over five years since the new regime was introduced. The Authority's Code appears to satisfactorily meet the requirements in the Act which are summarised in the Background section of this report.

Other Codes

7. As might be anticipated the codes that have been considered vary in approach and language: some are relatively simple with others being so complex that they are hard to follow. It was difficult to pick up many 'tips' for the improvement of the Authority's code, but a couple of proposed changes are set out below and in Appendix 2 to this report.
8. One code set out the requirements for declaring interests and participation (or not) in meetings in what appears to be a clearer way than in the Authority's Code. The wording is set out in Appendix 2. This could form the basis of a replacement for Section 4 of the Authority's Code (with suitably updated references to the appendices to the Authority's Code).

9. Some codes contained notes about 'confidential information'. Some representative wording is set out in Appendix 2. These could be added as a note to Section 2 (paragraph 5(b) of Section 2 already refers to confidential information).

Actual and Potential Areas where Members' Interests Might Arise

10. There have been very few declarations made since the Authority's Code was adopted. This is not surprising given the restricted nature of the Authority's functions (i.e. unlike a local authority it does not deal with matters that can cause conflicts to arise, such as regulatory matters). In fact, it is likely that where difficulties have arisen they have been in relation to Members' work back in their constituent authorities, e.g. the determination of a planning application submitted on behalf of the Fire Authority.
11. Dispensations have been granted in relation to members' allowances and the setting of council tax – the two obvious areas where most Members will wish to disclose interests, but not need to sit back from the decision-making.
12. It will be worth having a discussion at the meeting about any areas of concern that Members have. If there are real examples that bring the Authority's Code to life it might be beneficial to talk through these at a future Members' Planning Day. This would also give all Members an opportunity to engage.

Financial Implications

13. There are no financial implications arising from this report.

Legal Implications

14. The legal implications are covered in the report.

Equality and Diversity and Environmental Implications

15. There are no equality and diversity or environmental implications arising from this report.

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

BACKGROUND PAPERS: NONE