

Update on Implementation of the New Standards Regime

Report of the Clerk and Monitoring Officer

For further information about this report please contact Jonathan Eatough, Clerk and Monitoring Officer, on 01952 383200 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report provides the Committee with an update on implementation of the new standards regime.

2 Recommendations

Members are asked to:

- a) Note the work undertaken to implement the new standards regime;
- b) Recommend to the Fire Authority that they confirm that on 1 July 2013 Mr Christopher Humphries is appointed as the sole Independent Person (as set out in section 28 of the Localism Act 2011) and that Mr Michael Tebbutt will be removed from his Independent Person responsibilities in accordance with statutory requirements; and
- c) Note that no complaints have been received since the implementation of the new standards regime.

3 Summary

Since the introduction of the new standards regime new Register of Interest forms have been completed and a new structure for dealing with Code of Conduct complaints has been established. Training has been provided for Fire Authority Members. There have been no complaints received since implementation of the new ethical framework. Arrangements relating to the Independent Person will change from 1 July 2013.

4 Background

Since the new ethical framework governing Member conduct came into force on 1 July 2012 officers have undertaken the following work to ensure that the new regime has been established.

- All Fire Authority Members have signed a new undertaking upon taking office and new Registration of Interest forms have been completed.
- Registration of Interest forms are available to view at Fire Headquarters and on the Fire Service website.
- The new Code of Conduct has been incorporated into the Members' Handbook, following its adoption and is available to view on the Fire Authority website.
- The website also has access to the complaint forms and documentation confirming the complaints process.
- Fire Authority Members have been provided with Code of Conduct training on 13 February.
- Hoey Ainscough Associates Ltd (www.hoeyainscough.co.uk) have been appointed to provide independent support and advice to the Independent Persons.

The following current issues are put forward for the Committee to discuss.

Complaints

There have been no code of conduct complaints received since the new system has been set up. The Committee may wish to consider how many Standards Committee meetings are required during the year.

Independent Person

In accordance with article 7 of the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012, Mr Michael Tebbutt must stand down from his post as Independent Person on 30 June 2013. It is proposed that the role of Independent Person continue with Mr Christopher Humphries as the sole Independent Person. The Committee is asked to recommend to the Fire Authority that they confirm the appointment of Mr. Humphries as the sole Independent Person. The Committee will note that full recruitment and appointment process, in accordance with statutory requirements, was undertaken last year.

Dispensations

The issue of dispensations continues to cause discussion and debate on a national level. Recently the Monitoring Officer has addressed the issue of dispensations to allow Fire Authority Members to discuss and agree the Fire Authority precept.

However, correspondence from Brandon Lewis MP, Parliamentary Under Secretary of State states that such dispensations are not needed, although he does clarify that his department does not issue legal advice. When writing to Fire Authority Members the Monitoring Officer recognised these issues and suggested a cautionary approach in accordance with the views of many Monitoring Officers throughout the Country. The ambiguity in the new legislation coupled with the potential risk of criminal proceedings required the pragmatic and proportionate approach, which was taken, but the issue of dispensations is for discussion by the Committee as to whether further work by the monitoring Officer is required.

5 Financial Implications

There are no financial implications associated with this report.

6 Legal Comment

The new ethical framework for Fire Authority Members is governed by the Localism Act 2011. Specific legal issues within this framework are set out in the main body of this report.

7 Risk Monitoring

When writing this report officers have reviewed Brigade Order 3 Part 2 Risk Management Protocol and have determined that there are no risk implications associated with it.

8 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Human Resources 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising specifically from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

The Localism Act 2011

The Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012 – 2012/1463

Letter from Department for Communities and Local Government, Brandon Lewis MP, Parliamentary Under Secretary of State to all Local Authority Leaders dated 5 February 2013