



# **HEREFORD & WORCESTER**

## **Fire and Rescue Authority**

### **Standards Committee**

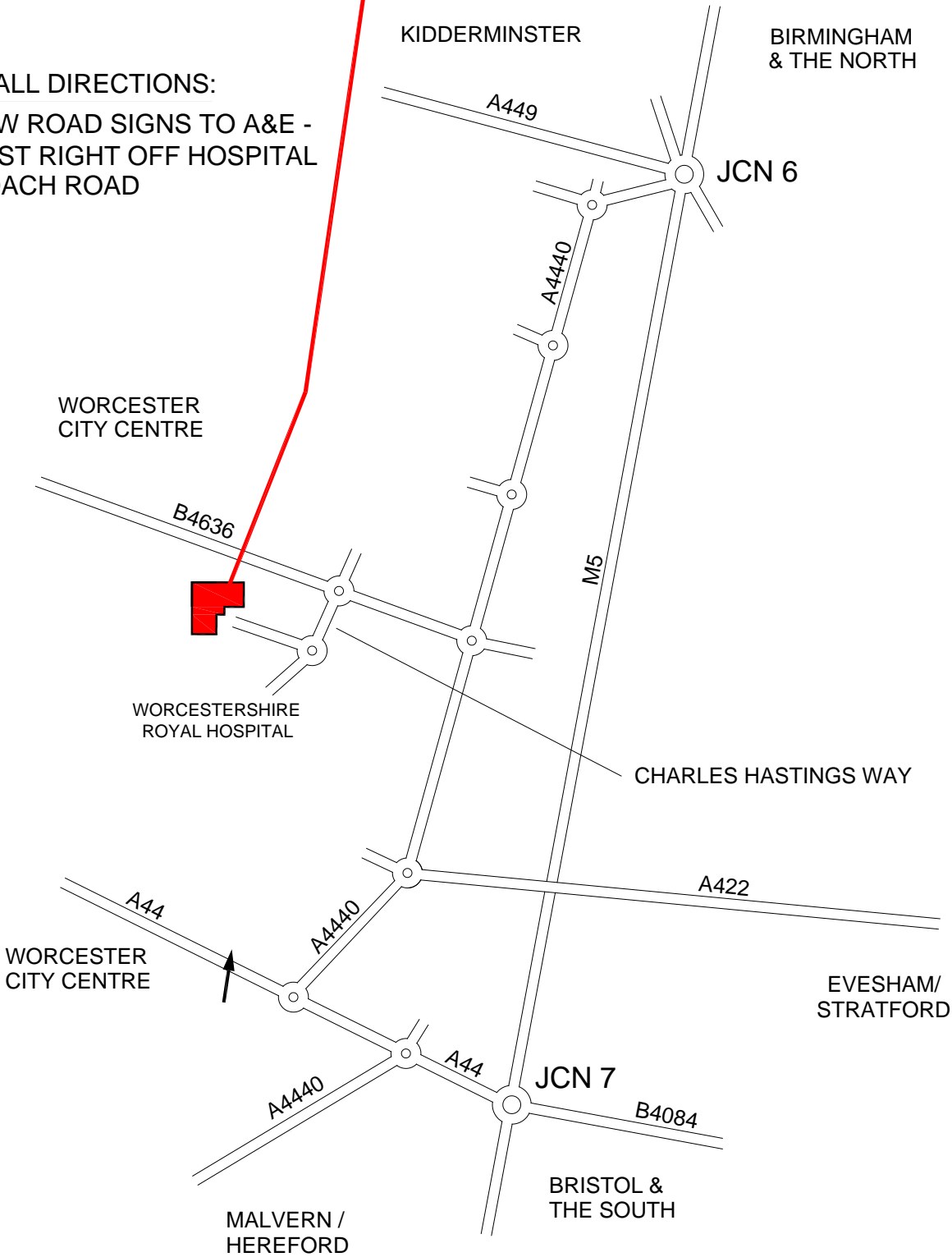
## **AGENDA**

Wednesday 8 February 2012  
10.30am

Conference Suite 2,  
Headquarters,  
2 Kings Court,  
Charles Hastings Way,  
Worcester  
WR5 1JR

HEREFORD & WORCESTER FIRE AND RESCUE SERVICE  
HEADQUARTERS  
2 KINGS COURT  
CHARLES HASTINGS WAY  
WORCESTER. WR5 1JR  
TEL: 0845 12 24454

FROM ALL DIRECTIONS:  
FOLLOW ROAD SIGNS TO A&E -  
HQ FIRST RIGHT OFF HOSPITAL  
APPROACH ROAD



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## **ACTION ON DISCOVERING A FIRE**

- 1 Break the glass at the nearest **FIRE ALARM POINT**.  
(This will alert Control and other Personnel)
- 2 Tackle the fire with the appliances available – **IF SAFE TO DO SO**.
- 3 Proceed to the Assembly Point for a Roll Call –  
**CAR PARK OF THE OFFICE BUILDING ADJACENT TO THE CYCLE SHED TO THE LEFT OF THE ENTRANCE BARRIER TO 2 KINGS COURT.**
- 4 Never re-enter the building – **GET OUT STAY OUT**.

## **ACTION ON HEARING THE ALARM**

- 1 Proceed immediately to the Assembly Point  
**CAR PARK OF THE OPTIMUM BUILDING ADJACENT TO THE CYCLE SHED TO THE LEFT OF THE ENTRANCE BARRIER TO 2 KINGS COURT.**
- 2 Close all doors en route. The senior person present will ensure all personnel have left the room.
- 3 Never re-enter the building – **GET OUT STAY OUT**.

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**First Aid** -please ask at reception to contact a trained First Aider.

**Toilets** – please ask at reception.

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- Automatic right to attend all Authority and Committee meetings unless the business if transacted would disclose “confidential information” or “exempt information”.
- Automatic right to inspect agenda and public reports at least five days before the date of the meeting.
- Automatic right to inspect minutes of the Authority and Committees (or summaries of business undertaken in private) for up to six years following the meeting.
- Automatic right to inspect background papers used in the preparation of public reports.
- Access, on request, to the background papers on which reports are based for a period of up to four years from the date of the meeting.
- Access to a public register stating the names and addresses and electoral divisions of members of the Authority with details of membership of Committees.
- A reasonable number of copies of agenda and reports relating to items to be considered in public must be made available to the public attending the meetings of the Authority and Committees.

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## WELCOME AND GUIDE TO TODAY’S MEETING

These notes are written to assist you to follow the meeting. Decisions at the meeting will be taken by the **Members** who are democratically elected representatives and they will be advised by **Officers** who are paid professionals. The Fire and Rescue Authority comprises 25 Councillors and appoints committees to undertake various functions on behalf of the Authority. There are 19 Worcestershire County Councillors on the Authority and 6 Herefordshire Council Councillors.

### Agenda Papers

Attached is the Agenda which is a summary of the issues to be discussed and the related reports by Officers.

### Chairman

The Chairman, who is responsible for the proper conduct of the meeting, sits at the head of the table.

### Officers

Accompanying the Chairman is the Chief Fire Officer and other Officers of the Fire and Rescue Authority who will advise on legal and procedural matters and record the proceedings. These include the Clerk and the Treasurer to the Authority.

### The Business

The Chairman will conduct the business of the meeting. The items listed on the agenda will be discussed.

### Decisions

At the end of the discussion on each item the Chairman will put any amendments or motions to the meeting and then ask the Councillors to vote. The Officers do not have a vote.

## **Agenda**

**Members:**

**Independent**

Mr R Gething (Chairman)

**Non-elected Members:**

Mr C Emeny, Dr M Mylechreest, Mr R Rogers,  
Mr D Stevens.

**Members appointed  
by the Authority:**

Cllr D Greenow  
Cllr G Hopkins

**1. Apologies for Absence**

To receive any apologies for absence.

**2. Named Substitutes**

To receive details of any Member of the Authority nominated to attend the meeting in place of a Member of the Committee.

**3. Declaration of Interests (if any)**

The Members' Code of Conduct requires Members to declare any interests against an Agenda item, the nature of an interest and whether the interest is personal or prejudicial. If a Member has a personal interest, they must declare it but can stay, take part and vote in the meeting. If a Member has a prejudicial interest then they must declare what that interest is and leave the meeting room for the duration of the item.

This item allows the Chairman to invite any Member to declare an interest in any of the items on this Agenda.

**4. Confirmation of Minutes**

To confirm the Minutes of the Meeting held on 14 September 2011(copy attached).

**5. Localism Act 2011 and the Standards Regime**

To inform Members of the changes to the standards regime brought about by the Localism Act 2011 and to explore the implications for the Fire and Rescue Authority.

**Pages**

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**3 - 7**

14 September 2011



## MINUTES

Present: Mr R Gething (Chairman)  
Mr C Emeny, Dr M Mylechreest, Mr D Stevens

### 1. Apologies for Absence

Mr R Rogers, Cllr D Greenow and Cllr G Hopkins

### 2. Named Substitutes

### 3. Declaration of Interests (if any)

The Chairman invited any Member to declare an interest in any of the items on this Agenda.

Cllrs Greenow and Hopkins declared a personal and prejudicial interest in item No. 8 on the agenda **Applications for Dispensations**.

### 4. Confirmation of Minutes of Standards Committee Meeting on 17 March 2011

The minutes of the Meeting held on 17 March 2011, were confirmed by the meeting and signed by the Chairman.

### 5. Exclusion of Public and Press

The Clerk to the Authority told the meeting that item 8 on the agenda: **Applications for Dispensations** was likely to disclose:

- (a) Information relating to the financial or business affairs of a particular person (including the Authority); and
- (b) Information in respect of which a claim to legal professional privilege could be maintained in legal proceedings.

and recommended therefore that the meeting should not be open to the public and press at the time item 8 was considered.

***RESOLVED that the public and the press be excluded from the meeting when the Committee considered item no. 6: Applications for Dispensation.***

### 6. Applications for Dispensations

The Clerk told the Committee that there remained outstanding issues for the Authority to resolve with the constituent bodies (Herefordshire Council and Worcestershire County Council) regarding the ex-Chief Fire Officer and, that as all of the Authority Members were nominated from the constituent bodies, that they could have personal and prejudicial interests in this matter. Therefore, in order for the Authority to consider this matter, the Standards Committee had previously granted dispensations to all Members until March 2012.

Since the previous meeting, three new Members (Cllrs R.A.A. Bullock, Mrs M Lloyd-Hayes and R.I. Matthews) had been appointed by the constituent councils to the Authority. The new Members had subsequently requested the same dispensation that had been granted to all other FRA Members with regards to any matter appertaining to the out-going Chief Fire Officer and the Authority and either

Herefordshire Council or Worcestershire County Council.

**RESOLVED that:**

- i. dispensations be granted to Cllrs R.A.A. Bullock, Mrs M Lloyd-Hayes and R.I. Matthews to enable them consider the report of the Audit Commission into the Authority's arrangements with the ex-Chief fire Officer;***
- ii. dispensations be granted to Cllrs R.A.A. Bullock, Mrs M Lloyd-Hayes and R.I. Matthews to enable consideration of arrangements with the constituent bodies (Herefordshire Council and Worcestershire County Council) regarding the ex-Chief Fire Officer, excluding any Member who were or would be involved in making decisions in this matter at constituent body level; and***
- iii. the dispensations be granted until 31 March 2012.***

The meeting finished at 11.00am.

Signed: \_\_\_\_\_

Chairman

Date: \_\_\_\_\_

**DRAFT**

## **5. Localism Act 2011 and the Standards Regime**

### **Purpose of report**

1. To inform Members of the changes to the Standards regime brought about by the Localism Act 2011 and to explore the implications for the Fire and Rescue Authority.
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### **Recommendations**

#### ***The Clerk recommends that:***

- i. the Authority determines whether or not to appoint a Standards Committee under the Localism Act;*
- ii. the Authority endorses the proposal to work with Herefordshire and Worcestershire Councils to develop a common Code of Conduct for approval by the Authority; and*
- iii. the Authority authorises the appointment and involvement of independent persons, for resolving allegations of breaches of the new Code of Conduct.*

### **Introduction and Background**

- 2 On 15 November 2011, the Localism Act received Royal Assent. The Act brings about a number of key changes to the standards regime operating in local authorities and fire authorities. This report summarises those changes and highlights the practical implications for Hereford & Worcester Fire and Rescue Authority.
3. The Monitoring Officer is also seeking the Standards Committee's views on the practicalities of taking forward the new requirements and the Committee's views will be reported to Members at the Authority meeting on 15 February 2012.
4. Some provisions will come into force earlier than others. Prior to the Act the Authority considered the possible changes to the regime and made a number of points relating to issues of principle. In particular it decided:
  - To adopt a voluntary Code of Conduct for Members when the current Standards regime expires;
  - That the voluntary Code should mirror the current Code, save where amendments are required arising from the provisions of the Localism Act;
  - That the Authority should have regard to the response of the constituent bodies when dealing with this matter; and

- That Members should continue to receive appropriate training in standards and ethics.

### **The Localism Act – Key Changes to the Standards Regime**

5. In summary, the Act brings about several fundamental changes to the standards regime. The overseeing body, Standards for England, is abolished as is the requirement for a national Code of Conduct. Instead, Authorities are required to draw up their own Code of Conduct for Members and it will be a criminal offence for Councillors deliberately to fail to register or disclose a pecuniary interest.
6. The Act:
  - Abolishes Standards for England;
  - Abolishes the necessity for Authorities to establish and maintain a Standards Committee;
  - Requires Authorities to draw up their own Code of Conduct for Councillors and co-opted Members;
  - Requires Authorities to include in their Codes the provision for the registration and disclosure of pecuniary and non-pecuniary interests;
  - Makes it a criminal offence for a Member knowingly to fail to register or disclose a pecuniary interest;
  - Requires Authorities to make arrangements for investigating complaints that a Member has breached the Code;
  - Specifies that Authorities must appoint at least one independent person whose views should be sought and taken into account before it decides on an allegation; and
  - Clarifies the rules on predetermination and bias when Members are participating in decision making.

### **Standards Committee**

7. Under the Act, the Authority continues to have a duty to ‘promote and maintain high standards of conduct by Members and co-opted Members of the Authority’ (Section 27). However, the Authority is no longer under a requirement to appoint a Standards Committee as a means of fulfilling this responsibility. If the Authority does choose to appoint a Standards Committee there is no requirement that this should contain Independent Members. The Committee is asked to advise the Authority on its view on this matter.

### **Code of Conduct**

8. In the original version of the Localism Bill, it had been intended that it would be entirely voluntary for Authorities to adopt a Code of Conduct for its Members. During the passage of the Bill through the House of Lords, this was changed. It will now be a requirement for Authorities to adopt their own Code of Conduct.

9. As now, these must be in accordance with the Nolan principles of public life. The Authority can revise its existing code or adopt another one to replace it. However, it makes sense for the Authority to work with the County and District Authorities in Herefordshire and Worcestershire to achieve a common Code of Conduct, if possible. This would be useful in achieving clarity for the public and also for those Councillors who are Members of both a County and a District Authority as well as the Fire Authority.
10. Parish and Town Councils will also be required to adopt a Code of Conduct but they can do so by adopting the Code of its principal Authority. Therefore, if a Code can be adopted by the two Counties and District neighbours, this creates the opportunity of harmonisation throughout all tiers of local government in Herefordshire and Worcestershire.
11. The Code of Conduct must contain:
  - A statement of the principles of public life; and
  - Provisions for the registration and disclosure of pecuniary and non-pecuniary interests
12. The Authority must also:
  - Make arrangements for investigating and deciding upon allegations made that the code has been breached; and in so doing must;
  - Include provision for the appointment of one or more independent persons whose views must be sought before a decision is made; and whose views can be sought by a Member who is the subject of the allegation.
13. The Committee is asked to consider and recommend arrangements for putting in place a Code of Conduct. Comments are also sought on potential arrangements for investigating and deciding complaints, including the role of independent persons.
14. With regard to the role of independent persons, there is some uncertainty at the moment as to whether the current independent persons on the Authority's Standards Committee are eligible or not to continue in this role under the new arrangements. The Act appears to be ambiguous and could indicate that current independent persons are by implication debarred from being the independent persons envisaged under the Localism Act. Urgent enquiries are being made to ascertain the Government's intention in this matter.

## **Register of Interests**

- 15 The Authority's Monitoring Officer must establish and maintain a Register of Interests of Councillors and Co-opted Members. It is for the Authority to determine what details are entered into the Register. No entry is required to be retained once the person no longer has the interest. The Register must be published on the Authority's website and be available for public inspection.
- 16 No specific mention is made in the Act to the registration of gifts and hospitality

and this will therefore be a matter for the Authority to determine as to the provisions that should be included in its Code of Conduct.

### **Predetermination and Bias**

17. The rules on predetermination and bias have been developed over time to ensure that Councillors come to meetings with an open mind on, for example, planning applications. However, the changes now brought forward under the Localism Act are based on the Coalition Government's view that this has stifled local debate and discussion by making Councillors fearful of being accused of bias when campaigning, talking with constituents or expressing views on local issues.
18. The Act now makes it clear that it is proper for Councillors to take an active part in local discussions and ensures that they should not be open to legal challenge as a result. This is based on the perspective that Councillors will be better able to represent their Constituents and enrich local democratic debate.
19. Training will be given to all Councillors on the new provisions as agreed at the Standards Committee meeting on 17 March 2011.

### **Conclusion**

20. This paper informs the Committee of the changes to the standards regime brought about by the Localism Act 2011 and explores the implications for the Fire and Rescue Authority. The Committee is asked for its views on whether or not a Standards Committee should be appointed and on the proposal to work with neighbouring authorities to develop a common Code of Conduct. If the same Code can be adopted by the Fire Authority, the County Councils and the District Authorities, this will create an opportunity for harmonisation throughout all tiers of local government in Herefordshire and Worcestershire.

### **Financial Considerations**

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are financial issues that require consideration	No	

### **Legal Considerations**

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are legal issues e.g. contractual and procurement, reputational issues that require consideration	Yes	Whole report

### **Additional Considerations**

- 21 The table below sets out any additional issues arising from the proposals

contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

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

### Supporting Information

Background papers:

Localism Act 2011

Standards Committee Agenda and papers 17 March 2011

#### Contact Officer

Anne Brown Clerk

(0845 12 24454)

Email: [Abrown@hwfire.gov.uk](mailto:Abrown@hwfire.gov.uk)