

## CHESHIRE FIRE AUTHORITY

MEETING OF : STANDARDS COMMITTEE **ITEM: 2**  
DATE : 18<sup>th</sup> JANUARY 2012  
REPORT OF : HEAD OF LEGAL AND DEMOCRATIC SERVICES  
AUTHOR : ANDREW LEADBETTER

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**SUBJECT: NEW STANDARDS REGIME**

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### Summary

1. This report is intended to: explain the provisions in the Localism Act 2011 concerned with 'standards'; described some of the issues that will need to be tackled; provide some early sector-led thinking; and secure Members initial views.

### Recommended: That Members

- [1] **Note the report**
- [2] **Provide feedback to officers to assist them in the development of the new standards regime for the Authority.**

### Background

2. The coalition Government said from the outset that it wished to reform the approach to standards. Its original proposals included: an intention to dismantle the machinery for handling complaints (including the abolition of the Standards Board); and (in line with its localism agenda) the removal of requirements to have a standards committee and a code of conduct relating to Members; and the introduction of criminal sanctions for failures regarding declarations of interests by Members.
3. This issue was discussed by this Committee on 30<sup>th</sup> March 2011 and the minute of the Committee is reproduced in the attached Appendix 1.
4. There were last minute changes to the Localism Bill in the House of Lords.

### Information

5. The Localism Act 2011 received Royal Assent on 15<sup>th</sup> November 2011. It is understood that those elements concerned with standards will be

brought into force no later than 1<sup>st</sup> July 2012. Decisions on the new standards regime will need to be made by the Fire Authority before then.

### About the Act

6. The Author intends to take members through various appendices at the meeting – the session being an important foundation for the debates that will need to be had over the coming months.
7. The main part of the Act concerned with standards is Chapter 7. An extract of the Act, 'Chapter 7 – Standards' is attached as Appendix 2A. A summary of the main provisions providing some insight into the implications for the Authority is attached as Appendix 2B.
8. Separately, a part of the Act deals with predetermination. An extract of the Act 'Chapter 6 – Predetermination', is attached at Appendix 3A. A short note about predetermination is attached as Appendix 3B. Perhaps perversely, this Chapter does not appear to apply to Members when acting in their role on the Fire Authority.

### "Model" Code?

9. The Government will revoke the existing national code and not replace it. However, ACSes (Association of Council Secretaries and Solicitors – the professional association for managers and their deputies in legal and corporate governance in local authorities throughout England and Wales) has been working on a model code. Whilst it is not abundantly clear what status the model code will have, it is understood that ACSes has been 'tasked' to produce it. An early draft is attached at Appendix 4. A more-developed document is expected soon, but the Act is relatively recent and some regulations are awaited from Government which might impact on the drafting.
10. Locally, the District Secretaries (the senior lawyers from the constituent authorities, police and fire) have been considering the potential for the adoption of codes that are complimentary (acknowledging that it is likely to be difficult to secure identical codes).

### Dealing with Allegations

11. As there has not been a history of problems at the Fire Authority this has not been a focus of this Committee's attention. Notwithstanding this, it is necessary for the Fire Authority to deal with the issue. An extract of a report which was presented to the Standards Committee of Cheshire East Borough Council appears as Appendix 5. This was discussed recently by the District Secretaries. However, it is recognised that the document will

need to be developed further (not least to ensure that it accurately reflects provisions in the Act).

## **Conclusion**

12. The following issues will need to be dealt with by the Authority:

- Develop and adopt a code of conduct for Members and co-opted members
- Agree arrangements for investigation of allegations
- Agree arrangements for decision-making in respect of allegations
- Advertise for and appoint an independent person or persons
- Prepare a register of interests and secure its completion

13. This work needs to be concluded before the provisions in the Act are brought into force – currently expected to be no later than 1<sup>st</sup> July 2012.

## **Financial Implications**

14. The financial implications arising from changes to the standards regime should be capable of being managed within existing budgets. However, the handling of standards issues internally, rather than through the existing standards machinery, could have financial implications (albeit no previous cases have occurred). The main concerns may be: the one-off impact on officer time should there be allegations that require investigation; and for the more involved matters which need external input (which has commonly been the case in local authorities) there could be unplanned expenditure.

## **Legal Implications**

15. The report covers these in as much depth as is possible at this time.

## **Equality and Diversity and Environmental Implications**

16. There are no implications from decisions arising from this report. These issues may need to be further considered as the standards agenda progresses.

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**BACKGROUND PAPERS:**