

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	AUDIT AND GOVERNANCE COMMITTEE
DATE OF MEETING	3 NOVEMBER 2020
SUBJECT	LOCAL GOVERNMENT ETHICAL STANDARDS: COMMITTEE ON STANDARDS IN PUBLIC LIFE
LEAD OFFICER	GRAHAM BRITTEN, MONITORING OFFICER
LEAD MEMBER	CLLR TINA MCKENZIE-BOYLE
EXEMPT INFORMATION	NONE
ACTION	FOR DECISION

1. EXECUTIVE SUMMARY

- 1.1 To inform Members on best practice recommendations of the Committee on Standards in Public Life following its national review of Local Government Ethical Standards; and to make the following recommendations to the Authority.

2. RECOMMENDATION

- 2.1 **RECOMMEND** that the Authority **NOTE** the findings and actions from the audit against the best practice recommendations made by the Committee on Standards in Public Life in its January 2019 report (Appendices A and B);
- 2.2 **RECOMMEND** that the Authority **AGREE** that:
- 2.2.1 The Code of Conduct be reviewed on an annual basis commencing 2021/22; and where possible take into account the views of the public, community organisations, and neighbouring and appointing authorities;
- 2.2.2 in any review of the Code of Conduct:
- 2.2.2.1 the outcomes of the LGA's consultation on its draft Code of Conduct be taken into account;
- 2.2.2.2 the prohibition on 'harassment' be added to the prohibition of bullying;

- 2.2.2.3 definitions and examples of both bullying and of harassment be included;
- 2.2.2.4 the requirement on Members to comply with any formal standards investigation be included;
- 2.2.2.5 the requirement to comply with the Authority's protocol on Gifts and Hospitality be included;
- 2.2.3 The procedure for handling allegations under the Code of Conduct be amended to include:
 - 2.2.3.1 A non-exhaustive list of public interest factors which will be taken into account at the filtering stage of a complaint; and
 - 2.2.3.2 Confirmation that where a decision has been made on an allegation of misconduct following formal investigation, a decision notice will be published as soon as possible on its website.

3. REPORT

- 3.1 In January 2019, the Committee on Standards in Public Life published a report on Local Government Ethical Standards. The report considered whether there was a need for a centralised body to govern and adjudicate on standards and concluded there was no need to reintroduce a centralised body.
- 3.2 The report identified local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public life in Local Government.
- 3.3 The report did however, make a number of recommendations and best practice to improve ethical standards in local government.
- 3.4 In addition to its best practice recommendations, the report makes 26 recommendations, the vast majority are aimed at Government to implement through legislative changes; one is to the Local Government Association that it should: "create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. "
- 3.5 In July 2020, the Committee on Standards in Public Life (CSPL) wrote to all Local Authorities in England. The letter states that the CSPL it would expect that any local authority should implement its 15 best practice recommendations; and it would be writing to Local Authorities again "in the autumn to ask [...]for [...]progress against these recommendations.

- 3.6 Appendix B to this report lists Royal Berkshire Fire Authority's audit findings and actions and recommends ways to implement best practice in its Members Code of Conduct and standards.
- 3.7 The updated Code of Conduct and How to Make a Complaint will be published on RBFRS website; and the gifts and hospitality register will be updated on a quarterly basis and quarterly reminders sent to Members.
- 3.8 Members are reminded that they recently made a recommendation for Authority approval on changes to the Code of Conduct on 30 July 2020. It is recommended that further changes are delayed until a further review once the outcomes of the LGA's draft updated model code of conduct have been determined.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

- 4.1 Commitment 5 – We will ensure that Royal Berkshire Fire and Rescue Service provides good value for money.
- 4.2 Commitment 6 – We will work with Central Government and key stakeholders in the interests of the people of Royal Berkshire.

5. FINANCIAL IMPLICATIONS

- 5.1 There are no direct financial implications relevant to the report.

6. LEGAL IMPLICATIONS

- 6.1 Section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority. Each local authority must publish a code of conduct.

7. EQUALITY AND DIVERSITY IMPLICATIONS

- 7.1 There are no negative equality and diversity implications from the recommendations.

8. RISK IMPLICATIONS

- 8.1 The recommendation will have no adverse effect on the conduct or delivery of the Authority's functions.

9. CONSISTENCY WITH DUTY TO COLLABORATE

9.1 Future updates to the Code of Conduct and future consultations thereof will be made with Fire Authority partners and communities.

10. PRINCIPAL CONSULTATION

10.1 Chief Fire Officer was consulted during the preparation of this report.

10.2 The Head of Finance and Procurement was consulted during the preparation of this report.

10.3 Monitoring Officer report author.

11. BACKGROUND PAPERS

11.1 [Local government ethical standards: report Committee on Standards in Public Life twentieth report, Local Government Ethical Standards, published 30 January 2019.](#)

12. APPENDICES

12.1 Appendix A – Ethical Standards letter (July 2020)

12.2 Appendix B – Best practice recommendations audit

12.3 Appendix C – Code of Conduct

13. CONTACT DETAILS

13.1 Graham Britten, Monitoring Officer 01296 744441

13.2 Fayth Rowe, Democratic Support Lead 0118 938 4611