

ROYAL BERKSHIRE FIRE AUTHORITY REPORT



COMMITTEE	AUDIT AND GOVERNANCE COMMITTEE
DATE OF MEETING	24 JANUARY 2022
SUBJECT	MEMBER CODE OF CONDUCT REVIEW AND CONSULTATION
LEAD OFFICER	GRAHAM BRITTEN, MONITORING OFFICER
LEAD MEMBER	COUNCILLOR TINA MCKENZIE-BOYLE
EXEMPT INFORMATION	NONE
ACTION	FOR DECISION

1. EXECUTIVE SUMMARY

- 1.1 CO34 of the Audit and Governance Terms of Reference require Members of this Committee to recommend to the Authority the adoption or revision of the Members Code of Conduct.
- 1.2 The Fire Authority at its meeting on 16 November 2020 agreed that 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, minute reference 25.
- 1.3 This report is seeking Audit and Governance Committee to agree a six week public consultation, commencing 28 January 2022 on views and comments to adopt a Code based on the Local Government Association's (LGA) Model Code of Conduct.
- 1.4 For the remainder of this report, the amended Code will be referred to as Draft Royal Berkshire Fire Authority (RBFA) Member Code of Conduct.

2. RECOMMENDATION

That Audit and Governance Committee:

- 2.1 **AGREE** a six week consultation commencing 28 January 2022 be held on the adoption by the Authority of the Draft RBFA Member Code of Conduct amended where highlighted (Appendix A);
- 2.2 **AGREE** the Draft RBFA Member Code of Conduct Consultation questions as set out in paragraph 3.14 and
- 2.3 **AGREE** that consultation findings be brought back to Audit and Governance Committee for recommendation to the Fire Authority.

3. REPORT

- 3.1 In November 2020, Members of the Audit and Governance Committee recommended that the Fire Authority; note the findings and actions from the audit against the 15 best practice recommendations made by the Committee on Standards in Public Life (CSPL), and that a review of the Code of Conduct be held annually commencing 2021/22, and where possible take into account the views of the public, community organisations, and neighbouring and appointing authorities.
- 3.2 The CSPL report made 26 recommendations, the vast majority aimed at Local Government to implement through legislative changes; one was for the Local Government Association (LGA) to: *“create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government”*
- 3.4 Members may recall that Democratic Support carried out an audit against the 15 best practice recommendations following the July 2020 letter received from CSPL, informing that they expect their best practice recommendations to be implemented and would be writing to Local Authorities again “in the autumn to ask [...]for [...] progress against these recommendations.
- 3.5 Members may also recall that the report recommended that the implementation of 15 best practice recommendations would be made when the LGA Model Code of Conduct had been published.
- 3.6 On 23 December 2020, the Local Government Association (LGA) published a Model Member Code of Conduct, following its June 2020 consultation; with updated versions published on 19 January, and 17 May 2021. On 8 July 2021 the LGA published guidance on the Model (Appendix B).
- 3.7 In May 2021, the Fire Standards Board published a Code of Ethics aimed at all Fire and Rescue Services for implementation. The Code of Ethics was developed in response to the State of Fire Report 2019, and was one of the recommendations by Her Majesty’s Inspectorate of Constabulary and Fire and Rescue Services (HMICFRS) to establish a code of ethics for all fire service employees.

3.8 The Core Code of Ethics for Fire and Rescue Services has been included as an appendix to the document (Appendix Three). Members will be aware that the Core Code of Ethics will be recommended to this Committee for approval in Royal Berkshire Fire and Rescue Services' Employee Code of Conduct and it will be embedded in a number of internal and external documents throughout the Service as and when they are required to be updated.

3.9 The inclusion of the Core Code of Ethics demonstrates the adoption of the principles of the Code in everything we do as Royal Berkshire Fire Authority (RBFA) and Royal Berkshire Fire and Rescue Service (RBFRS). Councillor Nick Chard; LGA Lead, CFO Rebecca Bryant; NFCC Lead and Police Fire Crime Commissioner (PFCC) Roger Hirst; AFCC Lead has stated the following,

'The principles should be embedded within everything that FRSs and their employees do. FRSs will ensure that the principles of this Core Code are represented within policies and processes and are at the heart of day-to-day activity.'

The Core Code is written as a 'Core' Code to recognise differing governance arrangements and is flexible enough for every service to adopt. Fire and Rescue Authorities and Services can add to the Code to reflect their local values, behaviours, and governance arrangements, including where they:

- *Are part of a county council and obliged to comply with the council's code*
- *Have existing well-developed ethical codes that can be reviewed against the Core Code.*

*We encourage you all to read, understand, and commit to the ethical principles set out in the Core Code.'*¹

3.10 Appendix A is predominately the adopted LGA Model Code of Conduct. The amendments are highlighted in yellow for ease of reference, it includes information on the complaints procedure, taken from the existing Member Code of Conduct, references requiring councillors to comply with any formal standards of investigation and a hyperlink to the Member / Officer protocol.

3.11 In addition, references relating to Town and Parish Councillors has been removed from the original LGA Model Code of Conduct, as Appendix A has been amended to solely refer to councillors that have been appointed onto the Fire Authority.

3.12 Three Unitary Authorities, (Royal Borough of Windsor and Maidenhead (RBWM), Wokingham Borough Council and Slough Borough Council) have all

¹ Core Code of Ethics for Fire and Rescue Services (England).

adopted the LGA Model Code of Conduct and have made small differences relevant to their respective authorities. For example, RBWM and Wokingham Borough Council have maintained the threshold value of gifts and hospitality to declare at £25, whereas Slough Borough Council has adopted the LGA's increase in value to £50.

- 3.13 Appendix A, paragraph 10.3 (Gifts and Hospitality) is in line with the LGA Model Code in relation to the estimated value of gifts and hospitality to declare is £50. In RBFA's current Member Code of Conduct the threshold for registering gifts and hospitality is £25. The proposed increase of the threshold to £50 has been taken from the responses received from the LGA Model Member Code of Conduct Consultation analysis, November 2020. *'Among the respondents who thought the threshold should be higher 64 per cent suggested it should be raised to £50.'*²
- 3.14 The consultation survey will be anonymous, it will include questions to obtain the demographic of respondents and it is proposed the following three questions are asked to keep the survey response time to approximately five minutes.
- *Do you support the behaviours required of councillors, as set out in the Draft RBFA Code of Conduct when they are publicly representing Royal Berkshire Fire Authority on official business and when using social media? Yes / No / please explain*
 - *Do you think the expected standards of councillor conduct and the actions that could be taken should an allegation be made, are clear? Yes / No / please explain*
 - *Have you got any other comments you would like to make on the Draft RBFA Model Code of Conduct. Yes / No / please explain*
- 3.15 At the time of writing this report, Bracknell Forest Council, Reading Borough Council and West Berkshire Council intend to review their Code of Conduct in 2022/23.
- 3.16 This report is seeking Members to agree a six week public consultation commencing 28 January 2022 on the public's views on the adoption of the Draft RBFA Member Code of Conduct (Appendix A), and agree the proposed three consultation questions as set out in paragraph 3.14.

4. CONTRIBUTION TO STRATEGIC COMMITMENTS

² LGA Model Member Code of Conduct: Consultation response analysis, November 2020

- 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.

- 11.2 LGA Model Code of Conduct
- 11.3 Fire Standards Board Code of Ethics
- 11.4 Wokingham Borough Council Constitution
- 11.5 Royal Borough of Windsor and Maidenhead Council minutes on 27 April 2021
- 11.6 Slough Borough Council Constitution
- 11.7 Core Code of Ethics for Fire and Rescue Services (England)
- 11.8 LGA Model Member Code of Conduct: Consultation response analysis, November 2020

12. APPENDICES

- 12.1 Appendix A – Member Code of Conduct

13. CONTACT DETAILS

- 13.1 Graham Britten, Monitoring Officer 01296 744441
- 13.2 Fayth Rowe, Democratic Support Lead 0118 938 4611