

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

3RD JUNE 2005

1. 'A CODE FOR THE FUTURE' – CONSULTATION ON A REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

Report of the Clerk.

RECOMMENDED:-

- 1.1 That the Committee notes the consultation being carried out by the Standards Board for England on the review of the Code of Conduct for Members and comments on the attached draft response;
- 1.2 That the Committee recommends a draft response to the Executive Committee at its meeting on 9th June 2005 for submission to the Standards Board for England.

2. PURPOSE OF REPORT

- 2.1 This report is submitted to inform Members of the consultation exercise being undertaken by the Standards Board for England on the review of the Code of Conduct for Members.

3. BACKGROUND

- 3.1 A model Code of Conduct for Members was issued by the Secretary of State for Transport, Local Government and the Regions in 2002 and was adopted by the Fire Authority with effect from 1st May 2002.
- 3.2 The Minister of State for Local & Regional Government has asked the Standards Board for England to conduct a review into the operation of the Code of Conduct for Members.
- 3.3 As part of this process, the Standards Board has produced a consultation paper, which sets out a number of questions on which the Board would like to receive comments. The questions are set out in the document "A Code for the Future - An Introduction to the Review of the Code of Conduct for Members", which is attached as Appendix 1 to this report.

- 3.4 A full copy of the Consultation Document is enclosed with this agenda for Members only. It is otherwise available via CMIS (Committee Management Information System) on the Authority's website at www.wmfs.net or by going direct to the Standards Board website at: <http://www.standardsboard.co.uk/codereview/>.
- 3.5 Following consultation with your Chair, Members of the Authority have been invited to comment on the consultation document. A number of responses have been received, and these have been incorporated into the basis of a draft response which is attached as Appendix 2.
- 3.6 There are a number of points where members differ in their opinions and these are set out in Appendix 2 for the Committee's consideration.

4. **EQUALITY AND DIVERSITY IMPLICATIONS**

The Code of Conduct adopted by the Authority is based on the ten general principles recommended by the Committee on Standards in Public Life, one of which is 'respect for others'. The Code of Conduct requires Members to promote equality by not discriminating unlawfully against any person, and by treating people with respect regardless of their race, age, religion, gender, sexual orientation or disability.

5. **CORPORATE AIMS SUPPORTED**

The principal corporate aim supported by the information in this report is:

1. To support the Authority in meeting its statutory duties, standards and expectations.

6. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

7. **FINANCIAL IMPLICATIONS**

There are no significant financial implications arising from this report.

F N SUMMERS
CLERK

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

STANDARDS COMMITTEE

CONSULTATION ON 'A CODE FOR THE FUTURE'

DRAFT RESPONSE

| The General Principles | |
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| Q1 | Yes |
| Q2 | No |
| Disrespect and freedom of speech | |
| Q3 | The present situation with a broad test is felt to be adequate. |
| Q4 | <p>Most members there was no need to include a specific provision on bullying, one stating that it would be covered by including the 10 general principles in the preamble to the Code; another supporting use of the ACAS Code.</p> <p>One member felt that there should be a specific provision on bullying.</p> |
| Confidential information | |
| Q5 | <p>Two members felt there should not be an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information, one stating that he did not believe there was any justification in any member disclosing confidential information.</p> <p>Two members felt that there should be an explicit public interest defence.</p> |
| Q6 | <p>Most members felt that the Code should only cover information which is in law 'exempt' or 'confidential'.</p> <p>One member felt it would be difficult to define what information was withheld 'unlawfully' and that this proposal would not work in practice.</p> |

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| Disrespect and private conduct | |
| Q7 | <p>Most members felt that the Code should continue to apply to a member's private life. One was of the view that the current provisions of the Code should continue, two felt that the provision should be restricted to criminal convictions etc.</p> <p>One member felt that the provision relating to disrepute should be limited to activities undertaken in a member's official capacity.</p> |
| Q8 | See 7 above. |
| Misuse of resources | |
| Q9 | Yes |
| Q10 | <p>There were three suggestions:</p> <p>'prohibit misuse of resources supplied at public expense'</p> <p>'party purposes not connected with authority business'</p> <p>'using resources for political gain'</p> |
| Q11 | <p>Most members agreed with this statement.</p> <p>One member thought it could be difficult, for example, to separate out e-mail use.</p> |
| Duty to report breaches | |
| Q12 | <p>Two members felt this provision of the Code should be retained in full.</p> <p>Two members felt that the provision should be narrowed.</p> |
| Q13 | Those in favour of narrowing the provision felt it should apply only to misconduct in a member's public capacity, and only to significant breaches of the Code. |

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| Q14 | One member disagreed. Most members agreed that there should be further provision about making false, malicious or politically-motivated allegations. |
| Q15 | No, the existing Code covers this adequately |
| Personal interests | |
| Q16 | Two members were satisfied with the current definition of 'friend' Two members felt the term needed further definition. |
| Q17 | Most members agreed that the personal interest test should be narrowed. One member disagreed indicated that the position should be 'if in doubt declare it'. |
| Q18 | Two members was in favour of creating a new category of 'public service interests' Two members favoured the status quo |
| Q19 | One member in favour of 'public service interests' did not feel that public service interests which were not prejudicial and which appeared in the public register of interests needed to be declared at meetings, the other felt they should. |
| Q20 | Most members felt that Paragraphs 10 (2) (A-C) should be removed from the Code. One member felt they should be retained. |
| Q21 | Two members felt that less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups. Two members felt that no member should be allowed to have less stringent rules apply. |
| Prejudicial interests | |
| Q22 | No. |
| Q23 | One member felt that members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote. Most members disagreed. |

| Registration of interests | |
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| Q24 | Two members felt that members in sensitive employment should declare their occupation in the public register. Two members felt they should not be required to include this information in the public register. It was suggested a declaration should be made to the monitoring officer. |
| Q25 | There was no agreement on this issue. |
| Gifts and Hospitality | |
| Q26 | Yes |
| Q27 | Most members felt it was not necessary to declare gifts that had been declined One member thought declined gifts should be declared. |
| Q28 | One member did not feel that a series of gifts from the same source needed to be declared. Most members felt any gifts of more than a token value should be declared. It was suggested that a series of gifts from the same source should be declared once the cumulative value exceeds the threshold for the year. |
| Q29 | Two members agreed that £25 was an appropriate threshold for the declaration of gifts and hospitality. It was suggested that the threshold needed to be reviewed every 4 to 5 years. One member thought £25 was not appropriate but did not suggest any alternative. One member felt this needed more consideration. |