

For Publication

Bedfordshire Fire and Rescue Authority
Audit and Standards Committee
14 July 2021

REPORT AUTHOR: SECRETARY/MONITORING OFFICER
SUBJECT: REVIEW OF CODE OF CONDUCT AND ANNUAL REPORT ON STANDARDS

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Background Papers: None

Implications (tick ✓):

LEGAL	✓	FINANCIAL	
HUMAN RESOURCES		EQUALITY IMPACT	
ENVIRONMENTAL		POLICY	
CORPORATE RISK	Known	OTHER (please specify)	
	New		

Any implications affecting this report are noted at the end of the report.

PURPOSE:

To consider any relevant issues regarding ethical standards that have arisen in the last twelve months, to review the Authority's Code of Conduct and to consider the appointment of independent persons.

RECOMMENDATION:

That the persons listed in Appendix 1 of the report be appointed to serve as independent persons for the Fire and Rescue Authority.

1 Local Complaints

1.1 During the last year no complaints have been received concerning Members of the Fire and Rescue Authority.

2 LGA Model Code of Conduct

2.1 Perhaps the most significant development nationally has been the publication of the Model Code of Conduct produced by the LGA. At its meetings in July 2020 and March 2021 the Committee considered the LGA Model Code of Conduct for Councillors, initially in draft and then as formally published by the LGA in January 2021. The Committee asked the Monitoring Officer to consult with the three constituent local authorities and to present a further report when the Government had responded to the report of the Committee on Standards in Public Life.

2.2 Each of the constituent authorities has now considered the LGA Model Code but none has yet decided to adopt it. Furthermore, the Government has not yet published a response to the report of the Committee on Standards in Public Life which was the catalyst for the LGA developing a model code of conduct.

3. Appointment of Independent Persons

3.1 The Localism Act 2011 requires all local authorities, including Fire and Rescue Authorities, to appoint at least one independent person. The Authority must consult an independent person before any finding is made that a Member has failed to comply with the Authority's Code of Conduct and before the Authority decides on any action to be taken in respect of that Member. The Authority may also consult an independent person at any other stage in the process of managing a standards complaint (eg when deciding whether to investigate the complaint).

3.2 The Fire Authority first appointed independent persons in September 2012 for a period of 4 years. These appointments were made in collaboration with the constituent authorities, Milton Keynes Council and the Buckinghamshire FRA. New independent persons were appointed in July 2016, this time in collaboration with Bedford Borough Council. The Authority approved the appointment of two new independent persons for a period of four years. In practice, as there have been no complaints in the last four years, it has not yet been necessary to consult these independent persons.

- 3.3 In July 2020 both Bedford Borough Council and the FRA decided to extend the terms of office of the independent persons for twelve months until July 2021.
- 3.4 The appointment of independent persons was discussed at a recent regional meeting of Monitoring Officers. Milton Keynes Council reported that they had recently appointed a panel of 5 independent persons following a rigorous recruitment process. This panel also acts as independent persons for Central Bedfordshire Council, Buckinghamshire Council and Fire Authority and Luton Borough Council. The Monitoring Officer of Milton Keynes Council has confirmed that she has contacted the Panel members and that they have indicated their willingness to act on behalf of Bedford Borough Council and the FRA. The list of Panel members is attached as Appendix 1 and the report to the Milton Keynes Standards Committee regarding the recruitment is attached as Appendix 2. The use of the joint panel will provide the FRA with an extensive pool of knowledge and experience.
- 3.5 The Standards Committee of Bedford Borough Council received a report on this proposal at a meeting on 14 June 2021 and the Committee are recommending to the Council that the Panel of independent persons listed in Appendix 1 be appointed to undertake the role of independent persons for Bedford. Bedford Borough Council will consider this recommendation at a meeting later today. It is proposed that the Audit and Standards Committee makes the same recommendation to the FRA.
4. Financial Implications
- 4.1 The Independent Persons are entitled to receive an annual payment of £300 and a payment of £75 for each matter on which their views are sought. The case fee has recently been increased to reflect the fact that some investigations require significant involvement by the independent person.

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