

TO: Cambridgeshire and Peterborough Fire Authority

FROM: Monitoring Officer – Shahin Ismail

PRESENTING OFFICER(S): Monitoring Officer – Shahin Ismail

Telephone 01480 444500
shahin.ismail@cambsfire.gov.uk

DATE: 10 February 2022

PROPOSED CHANGES TO CAMBRIDGESHIRE AND PETERBOROUGH FIRE AUTHORITY MEMBERS' CODE OF CONDUCT

1. Purpose

- 1.1 The purpose of this report is to seek approval for changes to the Authority's Members' Code of Conduct. The current Code of Conduct has been in place since 2012 and in view of the LGA's new Model Code, it is timely to review and update the Code of Conduct.

2. Recommendations

- 2.1 It is recommended that the Fire Authority;
- 2.1.1 considers the contents of this report,
 - 2.1.2 notes that all local authorities (including fire and rescue authorities) are required to have a local Councillor Code of Conduct,
 - 2.1.3 adopts the LGA Model Code in its entirety, subject to minor local additions as set out in Paragraph 7.3 below.

3. Risk Assessment

- 3.1 **Reputational** – by having a Code in place the Authority is making a transparent statement about its expectations from those that are appointed to it and that it will deal with any inappropriate behaviour and/or conduct thus mitigating as far as possible any reputational risk.

4. Background

- 4.1 The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that it was to undertake a review of local government standards. As part of this review, the Committee held a public stakeholder consultation and looked at the conduct and culture in local government, both at principal authority level and in town and parish councils.
- 4.2 The Committee's report was published on 30 January 2019. Amongst the various recommendations contained within the report, it was suggested that the Local Government Association (LGA) should create an updated Model Councillor Code

of Conduct produced in consultation with representative bodies of Councillors and Officers of all tiers of local government.

- 4.3 The LGA, as part of its work to support the aspiration of high leadership and performance standards, subsequently developed a Code, released in December 2020 and updated in January and May 2021.
- 4.4 The stated purpose of the Code is to assist Councillors in modelling the behaviour expected of them, to provide a personal check and balance and to set out the type of conduct against which appropriate action may be taken. Guidance to accompany the Code, offering advice on how it should be interpreted, was published in July 2021 and can be found via the link in the source documents below.
- 4.5 The Code is intended as a template for adoption as a whole and/or with local amendments and the LGA has stated they will undertake an annual review of the Code, to ensure it continues to be fit for purpose, incorporating advances in technology, social media and changes in legislation.

5. Response to LGA Model Code Nationally and Locally

- 5.1 There is a mixed picture nationally as to the adoption of the LGA's Model Code. Some authorities have adopted it in full; others have taken principles from the Model Code and amended their existing Code and some have not made any changes, principally because their own local Code encompasses the principles of the Model Code.
- 5.2 In a recent survey conducted by Lawyers in Local Government (LLG), the following findings were revealed from 82 responses; 20% have adopted, or intend to adopt, the Code in full, 20% will adopt parts of the Code, 55% have decided not to adopt the Code and a further 5% remain undecided.
- 5.3 The position across Cambridgeshire reflects the findings of the LLG survey; South Cambridgeshire District Council had adopted the Code, Cambridgeshire County Council and Fenland District Council have chosen not to adopt it and Cambridge City Council had adopted parts of it. Peterborough City Council had adopted the whole Code (with local variations) while the Cambridgeshire and Peterborough Combined Authority had adopted parts of it.

6. Main Differences

- 6.1 The LGA's Model Code is at Appendix 1 to this report. The Fire Authority's existing Code is at Appendix 2.
- 6.2 The Model Code is more detailed and has specific sections to define 'respect', 'bullying, harassment and discrimination' and 'impartiality'. It is also written in the first person and sets out in plain English the principles and expectations of a Member. An important and welcome addition is the reference to social media communications in specific circumstances and includes a rebuttable presumption that a Member is acting in their official capacity for all public interactions, including on social media.

- 6.3 The specific section on bullying and harassment is a best practice recommendation from the Committee on Standards in Public Life, which also recommends that examples of such behaviour are given (Paragraph 6.8 below also refers).
- 6.4 The Model Code reinserts a clause about 'disrepute' which was contained in the pre-Localism Act Code. This is mentioned within the Authority's Code but not in any detail.
- 6.5 The Model Code adds in a requirement to undertake Code of Conduct training and to comply with any sanctions imposed on a Councillor following a finding that there has been a breach of the Code of Conduct.
- 6.6 The Code sets gifts and hospitality declarations at £50 and over. The Authority Code threshold is currently £25.
- 6.7 The table below draws attention to (other) areas where changes might be considered;

Subject	Page	LGA Code	Authority Code	Page
Joint Statement/Preamble	1	Included	None	
Introduction	2	Councillor specific	Brief, requires amplification	2
Definitions	2	Provided	Provided	3
Purpose	2	Provided	None	
General Principles	3/9	Explained	Different format, do not form part of the Code	2/3
Application of the Code	3	Explained	None	
Standards of Conduct	4 - 7	Comprehensive explanations of eight standards	Same standards are covered but less detailed	4 – 5
Interests	7 10 - 14	Comprehensive	Does not include disclosure of non- registerable interests	6 - 9
Gifts and Hospitality	8		Different	7

- 6.8 The LGA has produced this Code whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on Local Government Ethical Standards. That report includes best practice recommendations (Page 15 of Appendix 1 refers). A review of these indicates that whilst some (three) do not strictly apply to it, the Authority's Code does not align with the best practice below;

6.8.1 Best Practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

6.8.2 Best Practice 2: Councils should include provisions in their Code of Conduct requiring Councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by Councillors.

6.8.3 Best Practice 3: Principal authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

6.8.4 Best Practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

7. Conclusion

- 7.1 The Authority has a duty to promote and maintain high standards of conduct. An appropriate Members' Code of Conduct is an important part of complying with that duty. Whilst the Government has yet to respond to the Committee on Standards in Public Life's report, the Authority should not hesitate to take the necessary steps to ensure its own Code is current and fit for purpose until such time as the Government's response has been issued.
- 7.2 The Authority has a number of options open to it, it can;
 - 7.2.1 adopt the new Code in its entirety,
 - 7.2.2 make amendments to the existing Authority Members' Code of Conduct in order to enhance or improve it,
 - 7.2.3 do nothing at this time pending a response from the Government to the recommendations from the Committee on Standards in Public Life.
- 7.3 Given the comprehensive changes in the Model Code, the recommendation of the Monitoring Officer is to adopt the Model Code in full, but with minor amendments to reflect the fact that Members are appointed to the Fire Authority, not elected directly to it and that the Code will only apply to Members on Fire Authority business. Where Members are acting for their principal council, their own Code will apply.

BIBLIOGRAPHY

Source Documents	Location	Contact Officer
https://www.local.gov.uk/publications/local-government-association-model-councillor-code-conduct-2020#appendix-c-the-committee-on-standards-in-public-life	HQ Hinchingsbrooke Cottage Brampton Road Huntingdon	Shahin Ismail 01480 444500 shahin.ismail@cambsfire.gov.uk
https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct		