

Status of Report: Public

Meeting: Corporate Governance Committee

Date: 16 September 2020

Subject: Governance update

Report by: The Monitoring Officer

Author: Lauren Haslam, Monitoring Officer

For: Information Only

Purpose

1. The purpose of this report is to update and provide assurance to the Corporate Governance Committee (CGC) on governance and ethical issues.

Recommendation

2. The Committee is recommended to note the update provided on governance and ethical issues.

Executive Summary

3. The report updates the Committee on the operation of core governance policies and how these are monitored on behalf of the CFA.

Background

The Role of the Monitoring Officer

4. The Constitution of the CFA vests certain functions in the Monitoring Officer including maintaining the Constitution, ensuring lawfulness of decision making and maintaining various registers in relation to members' and officers' interests, gifts and hospitality, whistleblowing and politically restricted posts. The purpose of this is to promote high standards and public confidence in the CFA's governance and ethical arrangements.
5. There have been no occasions where the Monitoring Officer has had reason to believe that there was a likelihood that the CFA was about to take a decision that would be unlawful or give rise to maladministration. Consequently, no reports have been issued to the CFA under Sections 5(2) of the Local Government and Housing Act 1989.

The Register of Members interests

6. The Localism Act 2011 requires members to register their Disclosable Pecuniary Interests and the Constitution of the CFA requires the registration of defined personal interests within 28 days of appointment to office as a member. The Register is maintained by the Democratic Services Officer supporting the CFA. The declaration signed by members contains an acknowledgement that failure to disclose a personal interest constitutes a criminal offence under the

relevant legislation and that the failure to provide accurate information regarding a disclosable pecuniary interest and a personal interest constitutes a breach of the Members Code of Conduct. There is also an acknowledgement of the obligation to keep the declaration up-to-date in light of any change in a member's circumstances during the period in office.

7. The Register of members' interests (attached at Appendix A) has been completed by all members of the CFA as required.

The Register of Officer's interests

8. The CFA Constitution recognises that an officer must not allow their private interests to conflict with their public duty and the CFA has adopted a Service Policy (Code of Conduct for Directors, managers and employees) on the registration and declaration of officers' interest which sets out the arrangements for this. The policy is due to be reviewed in 2020 and will be updated as required. The register of interests is reviewed at regular intervals by the Area Manager, Service Assurance and the Monitoring Officer. In addition, the register is periodically subject to review by officers from the Internal Audit and Assurance Service. Officers are alerted to the requirements in the register as part of the induction process and periodic reminders. The CFA takes part in the biennial National Fraud Initiative (NFI) which matches electronic data within and between public and private sector bodies to prevent and detect fraud. These bodies include police authorities, local probation boards, fire and rescue authorities as well as local councils and several private sector bodies. If any matches are identified these can be cross checked back to the register to confirm they have been declared and are addressed on a case-by-case basis with the officer concerned. Over the period 2019-20 no issues of concern have been identified.

The Register of Gifts and Hospitality

9. As above, the CFA Constitution requires that officers comply with the CFA's policy on the acceptance of gifts and hospitality. The CFA's policy which is due to be reviewed in 2020 sets out the principles on when a gift/hospitality may be accepted and arrangements for this. In accordance with the policy the register is reviewed at regular intervals by the Area Manager, Service Assurance and the Monitoring Officer. Where issues are identified these are addressed on a case-by-case basis with the officer concerned. Over the period 2019-20 no issues of concern have been identified. As set out above, steps are taken to remind officers of the obligations in relation to this issue at regular intervals. There has been a recent reminder arising out of the gifts received as part of the Covid-19 response as referred to in paragraph 13 below.

Whistleblowing

10. The Whistleblowing Policy is due to be reviewed in 2020; the service continues to promote access to Protect (formerly Public Concern at Work) which is an independent whistleblowing charity providing free, confidential advice to workers on whether or how to raise a public interest concern. The policy is

promoted via posters, internal newsletters and animations and staff are asked if they are aware of the process. Over the period 2019-20 there has been one whistleblowing referral which has been addressed by the Monitoring Officer with the Service.

Politically Restricted Posts

11. A small number of posts are subject to political restriction by operation of law under the Local Government and Housing Act 1989 which disqualifies the post holder from undertaking certain political activities. The contracts of employment of the officers affected incorporate the restriction and a list of politically restricted posts (attached at Appendix B) is maintained by the Monitoring Officer and reviewed regularly. It is intended to add the list to the LFRS website for transparency purposes. The policy on politically restricted posts is due to be reviewed in 2021.

Standards Issues and Complaints

12. The Constitution confers responsibility on this Committee for the promotion and maintenance of high standards of conduct by members of the CFA. That obligation is achieved through the maintenance of a Member Code of Conduct. There have been no complaints in relation to members under the Code during the period 2019–20. Over the next review period, it is of note that there is likely to be a new model Code of Conduct and the CFA will be required to consider whether to adopt this Code in due course. If there are any changes in the Code member training will be arranged. In 2019/20 there have been no complaints made to the Local Government and Social Care Ombudsman.

Covid-19 related activity

13. Communities have visibly shown their appreciation for key workers, including fire and rescue services during the Covid-19 pandemic. Members of the public, local and national businesses have donated various expressions of gratitude that have supported LFRS operationally whilst boosting the morale of the staff. The origin of the donations is broad with varying monetary values associated with them. BP ran an initiative during March, April and May where they provided free fuel to emergency services. Safeguards were in place to ensure that the fuel could not be obtained fraudulently, which realised fuel savings of approximately £22,000. A number of properties were let free of charge to LFRS to accommodate staff who would have been unable to work as their domestic situation would have prevented them from doing so and various foodstuffs were donated to all staff ranging from Easter eggs from Nestle, crisps from Tyrrells and drinks from Monster. Controls put in place ensured that all staff were able to benefit from this generosity with all donations featuring on the gifts and hospitality register for transparency.

Report Implications/Impact

14. Legal (including crime and disorder)

The governance requirements above are underpinned by legislation in the Localism Act 2011 and Local Government and Housing Act 1989 or are a constitutional requirement.

15. Financial (including value for money, benefits and efficiencies)

The controls and measures referred to in this report help the CFA to manage its financial obligations and reduce the risk of fraud.

16. Risk (including corporate and operational, health and safety and any impact on the continuity of service delivery)

The controls and measures referred to in this report help the CFA to manage its risk in the areas identified.

17. Staff, Service Users and Stakeholders (including the Equality Impact Assessment)

The obligations affect all staff and members. There are no equality implications.

18. Environmental

None.

19. Impact upon "Our Plan" Objectives

The CFA is responsible for delivering an effective fire and rescue service to Leicester, Leicestershire and Rutland and to provide clear leadership for residents and communities. The governance and ethical measures in place provide assurance that the Service operates with transparency and accountability.

Background Papers

None.

Appendices

Appendix A - Register of Members' Interests

Appendix B - Register of politically restricted posts

Officers to Contact

Callum Faint
Interim Chief Fire and Rescue Officer
Callum.Faint@leics-fire.gov.uk
0116 210 5770

Lauren Haslam
Monitoring Officer
Lauren.haslam@leics.gov.uk
0116 305 6240

Mick Grewcock
Interim Assistant Chief Fire and Rescue Officer
mick.grewcock@leics-fire.gov.uk
0116 210 5765