

Standards Committee Constitution

Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260205 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

1 Purpose of Report

This report brings the latest version of the Committee's constitution to the notice of its Members.

2 Recommendations

Members are asked to note the constitution of the Standards Committee, attached as an appendix.

3 Committee Constitution

At its Annual Meeting in July each year, the Fire Authority may agree changes in the membership and terms of reference of its committees. It is, therefore, considered good practice for each of the committees to revisit its constitution at the first meeting, which takes place after the Fire Authority Annual Meeting, to ensure that Members are familiar with the latest terms of reference. Accordingly, the constitution of the Standards Committee is attached as an appendix to this report.

4 Financial Implications

There are no financial implications arising from this report.

5 Legal Comment

The constitution of the Standards Committee must comply with the legal requirements set out in the Local Government Act 2000 (as amended) and associated legislation such as the Standards Committee (England) Regulations 2008. For example, the Committee must have an independent chairman and have at least 25% independent membership. If the Fire Authority considers any change to the constitution it must ensure that the legal requirements for the Standards Committee are maintained. Bringing the latest version of the Committee's constitution to the notice of its Members is not a legal requirement but represents good practice.

6 Equality Impact Assessment

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Human Resources 5 Part 2) and have decided that there are no discriminatory practices or differential impacts upon specific groups arising specifically from this report. An Initial Equality Impact Assessment has not, therefore, been completed.

7 Appendix

Standards Committee Constitution

8 Background Papers

There are no background papers associated with this report.

Standards Committee

Quorum - 3

The quorum must include at least two Members of the Fire Authority and one Independent Member.

Members – 8

4 Members of the Fire Authority and 4 Independent Members
There are currently 2 Independent Member vacancies.

Chair

The Chair of the Committee must be an Independent Member.

Meeting Dates

21 November 2011 at 5.15 pm

There are no other dates scheduled for meetings of the Committee.

Terms of Reference

To promote and maintain a high standard of conduct by Members, to oversee the Register of Members' Interests and to oversee the effectiveness of the Authority's procedures for investigating and responding to complaints about Members

To advise the Authority on the adoption or revision of the Members' Code of Conduct

To assist Members to observe the Members' Code of Conduct

To advise, train, or arrange to train Members on matters relating to the Members' Code of Conduct

To develop, maintain and monitor the operation of such Code

To issue advice to Members on the treatment of personal interests and on conduct matters generally

To consider and grant, or otherwise, dispensations in respect of Members interests

To establish sub-committees of the Standards Committee to make initial assessments of complaints received by the Standards Committee alleging a breach of the Members' Code of Conduct

To establish sub-committees of the Standard Committee to consider requests received by the Standards Committee to review decisions to take no action in relation to a complaint made to its sub-committee as set out above

To consider and act on any report from the Monitoring Officer on any matter which is referred to the Monitoring Officer

To exercise such functions as are required under the Fire Authority's procedures for local investigation of referred complaints and for the local determination of allegations of misconduct

To consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act

To review its Terms of Reference annually and make recommendations to the Fire Authority accordingly

To exercise such other functions as the Authority considers appropriate

NB

Please note that the various Procedures relating to Local Investigations and Determinations and Dispensations are set out in Section 4 of the Handbook.

Standards Committee Referrals Sub-Committee

Quorum - 3

The quorum for a meeting of the Sub-Committee shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Authority.

Composition – 4

The Referrals Sub-Committee shall comprise 4 Members, of whom at least 1 shall be an Independent Member of the Standards Committee, and at least 2 elected Members of the Authority.

Chair

The Chair of the Sub-Committee shall be an Independent Member.

Meeting Dates

The Referrals Sub-Committee shall meet on an ad hoc basis as and when required.

Terms of Reference

- a The Referrals Sub-Committee is established to receive allegations that a Member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct.
- b Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following:
 - i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or directing that he/she arrange training, conciliation or such appropriate alternative steps as permitted by Regulations;
 - ii refer the allegation to Standards for England;
 - iii decide that no action should be taken in respect of the allegation; or
 - iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c Upon completion of an investigation by the Monitoring Officer, the Sub-Committee shall be responsible for determining whether:
 - i it accepts the Monitoring Officer's finding of no failure to observe the Code of Conduct;
 - ii the matter should be referred for consideration at a hearing before the Hearings Sub-Committee of the Standards Committee; or
 - iii the matter should be referred to the Adjudication Panel for determination.
- d Where the Sub-Committee resolves to do any of the actions set out in Paragraph b or c above, the Sub-Committee shall state its reasons for that decision.
- e The Sub-Committee shall consider any application received from any officer of the Authority for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that officer and may direct the Authority that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Authority under Section 2(2) of that Act.
- f The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2(2) of the 1989 Act, and may direct the Authority to include a post in that list.

Standards Committee Review Sub-Committee

Quorum - 3

The quorum for a meeting of the Review Sub-Committee shall be 3 Members, with an Independent Member as Chair, and at least one elected Member of the Authority.

Composition – 4

The Review Sub-Committee shall comprise 4 Members, of whom at least 1 shall be an Independent Member of the Standards Committee, and at least 2 elected Members of the Authority.

Chair

The Chair of the Sub-Committee shall be an Independent Member.

Meeting Dates

The Review Sub-Committee shall meet on an ad hoc basis as and when required.

Terms of Reference

- a The Review Sub-Committee is established to review, upon the request of a person who has made an allegation that a member of the Authority has failed, or may have failed, to comply with the Authority's Code of Conduct, a decision of the Referrals Sub-Committee that no action be taken in respect of that allegation.
- b Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals Sub-Committee and shall then do one of the following:
 - i refer the allegation to the Monitoring Officer, with an instruction that he/she arrange a formal investigation of the allegation, or specifying that he/she take an alternative action as permitted by Regulations;
 - ii refer the allegation to Standards for England;
 - iii decide that no action should be taken in respect of the allegation; or
 - iv where the allegation is in respect of a person who is no longer a member of the Authority, but is a member of another relevant authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the member concerned of that decision.

- c Where the Sub-Committee resolves to do any of the actions set out in Paragraph b above, the Sub-Committee shall state its reasons for that decision.