

## 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 in order to carry out a review and make recommendations regarding any amendments required to the Fire Authority. The report also asks the Committee to decide the frequency of its meetings and when they should take place.

#### 2 Recommendations

Members are asked:

- a) To review the constitution of the Standards Committee, attached as an appendix, and make recommendations regarding any amendments required to the Fire Authority; and
- b) To decide whether to schedule two meetings per annum in the Fire Authority diary for April and October.

#### 3 Background

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 regularly revisit its constitution, to ensure that Members are familiar with the latest terms of reference.

Furthermore, the Localism Act 2011 and regulations stemming from it have abolished a number of requirements relating to Standards Committee, for example the need for at least 25% of the Committee to be made up of independent, non-elected members. This is, therefore, a good opportunity for the Committee to review the terms of reference to ascertain whether they are still relevant and up-to-date.

## **4 Review**

Having carried out a review, your officers recommend some minor additions to the constitution of the Standards Committee, which are shown in bold italics in the appendix attached to this report.

## **5 Frequency of Meetings**

It is proposed that two meetings per year are scheduled for the Standards Committee in April and October. Officers believe that this will be sufficient to deal with the work of the Committee, which is set out in the report at item 9 on the agenda for this meeting.

Additional meetings would be arranged, should the need arise to deal with any complaints about Member conduct.

## **6 Financial Implications**

There are no financial implications arising from this report.

## **7 Legal Comment**

A regular review of the constitution of the Standards Committee is good practice. The Local Government Act 2000, Part III, Chapter 1 (as amended) sets out requirements for the Standards Committee, although some local variations are allowed to give additional responsibilities to the Committee, if the Fire Authority deems it appropriate.

The amendments to the ethical framework last year, following the changes brought about by the Localism Act 2011, resulted in significant changes to the constitution and functions of the Standards Committee. The changes proposed in this report are minor amendments.

## **8 Risk Monitoring**

When writing this report officers have reviewed Brigade Order 3 Part 2 Risk Management Protocol and have determined that there are no risk implications associated with it.

## **9 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.

## **10 Appendix**

Standards Committee Constitution

## **11 Background Papers**

There are no background papers associated with this report.

## Standards Committee

**Quorum - 3**

**Members – 5**

***M Bennett  
E Carter  
J Jones  
C Mellings  
D Minnery***

***The Standards Committee is politically balanced.***

***Independent Person(s)***

***M Tebbutt (appointment to terminate on 30 June 2013)  
C Humphries***

***The Independent Person(s), whom the Fire Authority shares with Telford & Wrekin Council, are not members of the Standards Committee or the Fire Authority but can be approached to give an independent view about standards issues, either by the Monitoring Officer or the Member, about whom a complaint has been made.***

**Meeting Dates**

***8 March 2013***

***Further dates to be agreed***

**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 **disclosable** pecuniary interests and on conduct matters generally

To oversee the process for the recruitment of an Independent Person and make recommendations to the Fire Authority for their appointment

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

1. The dispensation is in the interests of persons living in the area of the Fire Authority; or
2. It is otherwise appropriate to grant a dispensation

To receive reports from the Monitoring Officer about:

- a) Complaints
- b) The progress and outcome of investigations
- c) The establishment and maintenance of the Register of Interests of Members of the Fire Authority
- d) Dispensations granted to Members of the Fire Authority

To consider complaints referred to them by the Monitoring Officer and to decide if the complaint should be referred for investigation

To consider investigation reports in respect of Code of Conduct complaints referred to the Committee by the Monitoring Officer

To report its findings to the Fire Authority, as appropriate, for information

Where a breach is found, to make decisions about sanctions including:

- 1) To make recommendations to the relevant Group Leader regarding future membership of committees and sub-committees
- 2) To make recommendations to the Fire Authority regarding the removal of a non-aligned Member from membership of committees and sub-committees
- 3) To instruct the Monitoring Officer to arrange training for a Fire Authority Member
- 4) To remove a Member from all outside appointments to which he / she has been appointed or nominated by the Fire Authority
- 5) To withdraw facilities provided to the Member or exclude the Member from defined premises (except as necessary for the Member to attend formally constituted Authority meetings)

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 review the Role Descriptions of the Committee's Chair and Vice Chair***

***To review the Role Description and Skills and Competencies for Independent Persons***

To exercise such other functions as the Authority considers appropriate

**NB**

Please note that the various Procedures relating to dealing with complaints and making decisions about complaints, which have been investigated, are set out on the following pages.

## **Shropshire and Wrekin Fire and Rescue Authority Managing Complaints about Members**

All Members of the Fire Authority have to comply with a Code of Conduct that details what is expected of them when they carry out their role as a Member of the Fire Authority.

This document explains how to make a complaint about a Member of the Fire Authority, if you think that they might have breached the Fire Authority's Member Code of Conduct.

### **The Code of Conduct**

You can get a copy of the Fire Authority's Member Code of Conduct by following this link

[https://www.shropshirefire.gov.uk/sites/alpha.shropshirefire.gov.uk/files/fra/members handbook/01%20-%20members'%20code%20of%20conduct.pdf](https://www.shropshirefire.gov.uk/sites/alpha.shropshirefire.gov.uk/files/fra/members%20handbook/01%20-%20members'%20code%20of%20conduct.pdf)

or by contacting the Monitoring Officer, whose contact details are provided below.

### **Can I be confident that my complaint will be properly dealt with?**

The law requires the Fire Authority to appoint an Independent Person: a person who has nothing to do with the Authority, other than in this role, who must to be consulted at various stages during the complaints process, and whose role is to ensure that all complaints are dealt with fairly.

### **Making a Complaint**

Write to the Monitoring Officer:

Jonathan Eatough  
Telford & Wrekin Council  
Civic Offices  
PO Box 215  
Telford  
TF3 4LF  
***Darby House  
Lawn Central  
Telford  
TF3 4JA***

Telephone: (01952) 383200

Email: [jonathan.eatough@telford.gov.uk](mailto:jonathan.eatough@telford.gov.uk)

The Monitoring Officer is an officer of the Fire Authority, who is responsible for administering this complaints system. There is a form for you to use to complain

<https://www.shropshirefire.gov.uk/managing-the-service/fra/complaints/complaint-form>

You do not need to use it but the information requested on the form will be required and it could delay the process, if you do not include all of this information.

## **What happens next?**

The Monitoring Officer aims to acknowledge receipt of your complaint within 5 working days of receiving it.

The Monitoring Officer will review your complaint, discuss it with the Independent Person and write to you to inform you whether or not he / she has decided to refer it for investigation. Normally this will be within 14 working days of receiving your complaint. Sometimes the Monitoring Officer may refer your complaint for consideration by the Standards Committee, where, for example he / she has previously advised on the matter or the complaint is particularly sensitive.

The Monitoring Officer might ask for more information, he / she might also ask for information from the Member, about whom you are complaining, or the Council, of which they are a member.

The Monitoring Officer might seek to resolve the complaint informally, i.e. before deciding to refer your complaint for investigation. Obviously, your views are important here but, if the Monitoring Officer believes that the proposed solution is reasonable, for example acceptance that behaviour was unacceptable and an offered apology, this might affect the decision of the Monitoring Officer about whether or not the complaint merits formal investigation.

## **Investigations**

If referring for formal investigation, the Monitoring Officer will appoint an Investigating Officer, who will contact you and the Member about whom you have complained, and undertake any other such investigations as he / she considers appropriate for the purposes of the investigation. In exceptional cases your identity will be protected for some or all of the investigation. If you consider that it would be appropriate to do this in your case, you must let the Monitoring Officer know when you make your complaint. This would generally only be done where providing your details might prejudice the investigation.

The Investigating Officer will publish a draft report for consideration by you and the Member, about whom you have complained. Once any comments have been considered by the Investigating Officer a Final Report will be produced and sent to the Monitoring Officer. The Final Report will then be considered by the Monitoring Officer, who may either accept the report or ask the investigating Officer to re-consider his / her report.

## **Investigation Finding of No Breach**

The Monitoring Officer will write to you and the Member, about whom you have complained, enclosing a copy of the Final Report and confirming that no further action is required.

## **Investigation Finding of Breach**

The Monitoring Officer will write to you and the Member, about whom you have complained, enclosing a copy of the Final Report, and will either seek local resolution or will convene a hearing of the Fire Authority's Standards Committee.

## **Local Resolution**

If, at any time before, during, or after, the investigation the Monitoring Officer, the Independent Person and you all agree a fair resolution of the complaint in a way that promotes high standards of conduct and the Member complies with the suggested resolution, then the Monitoring Officer will report the matter to the Standards Committee for information but will take no further action.

## **Hearing**

If local resolution is not possible, then the Monitoring Officer will convene a meeting of the Fire Authority's Standards Committee for it to consider the Investigating Officer's Report and the views of the Independent Person on the allegation and to determine whether or not there has been a breach of the Fire Authority's Code of Conduct and, if so, what action, if any, to take in respect of the Member.

## **Hearing Procedure**

The Hearing Procedure is detailed below but may be changed by the Chair of the Committee, if he considers that it is appropriate to do so:

### **Note**

You might be asked by the Investigating Officer to attend and give evidence to the Standards Committee.

### **Pre Hearing**

1. Notification of hearing date (Investigation Report already provided to the Member)
2. Invitation to Member to submit list of further documents / witnesses that he / she wishes to call
3. Circulation of papers

### **Hearing**

4. Introductions
5. Chair explains the process to be followed
6. Investigating Officer presents his / her report (and may ask witnesses to attend, if necessary)
7. Members of the Standards Committee may ask questions
8. Member or his / her representative may ask questions
9. Member or his / her representative responds to the Investigation Report (and may ask witnesses to attend, if necessary)
10. Members of the Standards Committee may ask questions
11. The Investigating Officer may ask questions
12. The Committee will retire to consider whether or not it considers that there has been a breach of the Fire Authority's Code of Conduct

### **Decision – No Breach**

13. The complaint is dismissed.



## **Decision – Breach**

14. After offering the Member complained about, or his / her representative an opportunity to speak, the Standards Committee will consider what action, if any, to take in respect of the Member.

## **Actions**

15. There are no provisions in law to apply sanctions to the Member found to be in breach of the Code of Conduct, so any actions are aimed at securing the continuing ability of the Fire Authority to discharge its functions effectively and might include the following:
  - Reporting its findings to the Fire Authority, considering a censure motion;
  - Recommending to the Member's Group Leader (or the Fire Authority, if they are not part of a Group) that he / she be removed from some or all Committees or Sub-Committees and / or outside appointments;
  - Recommending that the Member attend training; and / or
  - Withdrawing facilities provided to the Member, including restricting access to premises, except as necessary to attend Fire Authority meetings