

## Standards Committee Terms of Reference

### Report of the Chief Fire Officer

For further information about this report please contact Paul Raymond, Chief Fire Officer, on 01743 260203 or Sharon Lloyd, Corporate Services Manager, on 01743 260210.

#### 1 Purpose of Report

This report provides details of the Terms of Reference of the Standards Committee, as they appear in the Fire Authority's Members' Handbook, for review by this Committee.

#### 2

##### Recommendations

That the Standards Committee review its Terms of Reference and make any recommendations for changes, as appropriate, to the Fire Authority

#### 3 Background

The Standards Committee reviews its Terms of Reference annually and this action is included in the Committee's Work Plan for March 2010. The Committee is, therefore, asked to consider whether any amendments are required to the Terms of Reference (attached as an Appendix) and make any recommendations for further changes, as appropriate, to the Fire Authority.

The system for local assessment of Code of Conduct complaints has now been in place for some 20 months. The Committee may wish, as part of the review, to focus particularly on the local assessment process to address any areas, which it believes may require amendment.

## **4 Proposed Addition**

Officers propose an addition, which is shown in bold, italic type at the Appendix. This relates to an annual review by the Committee of its Terms of Reference. Although, as previously stated, this action is included in the Committee's Work Plan, it is not formalised in its Terms of Reference.

The Committee will also note (on pages 3 and 5 of the Appendix) that some minor administrative changes are proposed to reflect the change in the operating name of the Standards Board for England to Standards for England.

## **5 Financial Implications**

There are no direct financial implications resulting from this report. There may, however, be financial implications associated with some of the responsibilities listed, for which individual reports will be brought to the Committee as necessary, detailing those specific implications.

## **6 Legal Comment**

The Standards Committee undertakes functions in accordance with legislative requirements set out in the Local Government Act 2000, as amended, and other associated legislation. Any changes to the Terms of Reference must not only be compliant with legislative requirements but should also take into account guidance from Standards for England.

Any proposed changes to the Committee's terms of reference must be approved at a meeting of the full Fire Authority.

## **7 Equality Impact Assessment**

Officers have considered the Service's Brigade Order on Equality Impact Assessments (Personnel 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.

## **8 Appendix**

Standards Committee terms of Reference

## **9 Background Papers**

There are no background papers associated with this report.

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*

## **Standards Committee Terms of Reference**

### **Quorum – 3**

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

### **Chair**

The Chair must be an Independent Member of the Committee

### **Members – 8**

4 Members of the Fire Authority and 4 Independent Members

### **Meeting Dates**

#### **2010**

1 March 2010

12 July 2010

1 November 2010

### **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 complains 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

## **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 Chairman, 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 one of whom shall chair the Sub-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 the Standards Board 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 1(b) or 2(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 Sub-Committee shall be 3 members, with an Independent member as Chairman, 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 one of whom shall chair the Sub-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 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 ~~the Standards Board~~ 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 1(b) above, the Sub-Committee shall state its reasons for that decision.

