

**Minutes of the Meeting of
Shropshire and Wrekin Fire Authority
Standards Committee
held at Headquarters, Shrewsbury
on Monday, 1 March 2010 at 5.15 pm**

Present

Members

Councillors Davies and Mellings and non-elected Independent Members, Mr Brereton (Vice-Chair) from 5.35 pm and Mr Tebbutt (Chair)

Officers

Deputy Chief Fire Officer, Corporate Services Manager and Deputy Monitoring Officer

At the commencement of the meeting the Chair welcomed and introduced Mr John Redmond, who had recently been appointed as Deputy Chief Fire Officer to the Service.

1 Apologies for Absence

Apologies for absence had been received from Councillor Mason. Mr Brereton had advised that he would not arrive until about 5.30 pm.

2 Declarations of Interest

The Chair reminded Members that they should declare any personal and/or prejudicial interests at this point and that they should leave the meeting room before any item, in which they had a prejudicial interest, was discussed.

There were no declarations of interest.

3 Minutes

Members received the minutes of the last meeting of the Standards Committee, held on 26 October 2009.

It was proposed by Councillor Davies, seconded by Councillor Mellings and

Resolved that the Committee agree the minutes of the meeting of the Standards Committee, held on 26 October 2009, and that they be signed by the Chair as a correct record

4 Public Questions

There were no questions, statements or petitions from members of the public.

5 Standards Committee Terms of Reference

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

The Corporate Services Manager highlighted the proposed minor amendments and addition to the Terms of Reference, outlined in section 4 of the report.

It was proposed by Councillor Mellings, seconded by Councillor Davies and

Resolved that the Committee agree the proposed minor amendments and addition to the Terms of Reference, outlined in section 4 of the report, for recommendation to the Fire Authority

6 Role Descriptions for the Committee Chair, Vice Chair and Non-Elected, Independent Member

This report sought to establish Role Descriptions for the Chair and Vice-Chair of the Standards Committee and to review the Role Description and Person Specification for a Non-Elected, Independent Member of the Committee.

Referring to the proposed Role Descriptions for the Chair and Vice-Chair of the Committee, the Corporate Services Manager advised that the reference to 'in the media' in the first bullet point on page 2 of the latter (Appendix B) had been included in error. The bullet point should have read:

'To represent the Fire Authority and its policies in a positive and professional manner'

Subject to the above amendment, it was proposed by Councillor Davies, seconded by Councillor Mellings and

Resolved that the Committee agree:

- a) The Role Descriptions for the Chair and Vice-Chair of the Standards Committee (attached at Appendix A and Appendix B to the report respectively); and
- b) The current Role Description and Person Specification for a Non-Elected, Independent Member of the Committee (attached at Appendix C1 and Appendix C2 to the report respectively)

for recommendation to the Fire Authority

7 Standards Committee Work Plans 2009/2010 and 2010/2011

This report reviewed progress against the Standards Committee 2009 / 2010 Work Plan and sought to establish a Work Plan for the year April 2010 to March 2011.

The Corporate Services Manager pointed out that there were no actions for the July meeting in the proposed 2010 / 2011 Work Plan. It was intended, however, to keep this meeting in the diary and, if there were no business to be carried out at that time, it would be used for Member training. Councillor Mellings felt that it would be useful to have a refresher relating to the hearing of cases. The Deputy Monitoring Officer replied that the training was likely to be of a practical nature, based on case studies, to provide the Committee with more knowledge of how to deal with any cases, which came forward. The Committee agreed that joint training with Telford & Wrekin and Shropshire Councils should be pursued, wherever possible.

The Deputy Monitoring Officer referred to item 12 in the proposed Work Plan relating to the new version of the Code of Conduct. This had been included as a result of information given to him by Standards for England. He had since heard, however, that the legislation, introducing a new Code, and consequently execution of this action, was likely to be delayed.

It was proposed by Councillor Mellings, seconded by Councillor Davies and

Resolved that the Committee:

- a) Note progress made against the Standards Committee 2009 / 2010 Work Plan; and
- b) Approve the Work Plan 2010 / 2011, attached as an appendix to the report, without amendment

The Chair adjourned the meeting at this point (5.35 pm), when Mr Brereton arrived, and reconvened the meeting at 5.40 pm.

8 Protocol on Gifts and Hospitality

This report asked the Committee to review the Protocol on Gifts and Hospitality and to decide on any changes to be made.

The Deputy Monitoring Officer advised that it had been difficult to provide clarity on some of the wording raised previously by the Committee without going into considerable detail. He pointed out that the Protocol was the first point of reference for Members but, if they still had any queries, then they should raise them with either him or the Monitoring Officer.

Referring to the consent regimes listed in the Protocol, Councillor Davies asked whether it was still necessary to declare such gifts and / or hospitality.

The Deputy Monitoring Officer advised that ideally Members should do so in the interests of transparency. It was, however, a question of proportionality, particularly where pens and mugs were concerned, and there was an element of discretion. If in doubt, Members should either declare or raise the matter with the Monitoring Officer, who would advise on each situation. In light of the Deputy Monitoring Officer's advice Councillor Davies felt that the Protocol should be amended to make this clear.

Subject to the above amendment, it was proposed by Councillor Davies, seconded by Councillor Mellings and

Resolved that the Standards Committee agree the proposed changes to the Protocol on Gifts and Hospitality, attached at Appendix A to the report, for recommendation to the Fire Authority

9 Protocol on Member/ Officer Relations

This report asked the Committee to review the Fire Authority's Protocol on Member / Officer Relations, which gives guidance for Members and officers on their respective roles and expectations, and on their relationship with each other.

Councillor Davies felt that it was useful to confirm in the Protocol (section 2.2) that it was not the role of Members to be involved in the day-to-day management of the Service. He also pointed out that there was a reference (in section 2.1) to Shropshire County Council, which required amendment.

Subject to the above amendment, it was proposed by Councillor Mellings, seconded by Councillor Davies and

Resolved that the Committee agree the Protocol on Member / Officer Relations, attached as an appendix to the report, for recommendation to the Fire Authority

10 Update to Local Investigation and Hearing Procedure

This report provided the Standards Committee with updated procedures for local investigation of code of conduct complaints and local hearings, following local investigations, for consideration and approval.

The Deputy Monitoring Officer pointed out that, although the existing Procedures had not been used, it had been necessary to review them to take account of the latest developments. Whilst doing so, officers had taken the opportunity to set them out in a more straightforward and concise manner.

Councillor Davies voiced his disappointment that Standards for England had not set up model procedures to be used by all local authorities.

The Committee noted that the second recommendation, contained in the report, was, not to give blanket delegation to the Monitoring Officer to depart from the procedures, but merely to ensure a pragmatic approach to dealing with cases.

It was proposed by Mr Brereton, seconded by Councillor Mellings and

Resolved that the Committee:

- a) Approve the local investigation and hearing procedures, attached at Appendix A and Appendices B1 to B3 to the report respectively, without amendment; and
- b) Give delegated authority to the Monitoring Officer to amend or depart from the procedures, when considered necessary to do so

11 Review of Publicity and Guidance Documents for Code of Conduct Complaints

This report provided details of the proposed changes to documentation used to publicise the local Code of Conduct complaints system and to confirm the publicity, which would be undertaken to inform the local community of these changes.

The Deputy Monitoring Officer emphasised that the rationale behind the new documentation was that it should be straightforward and simple to use. When compiling the 'Frequently asked Questions' officers had also used their experience in dealing with past cases.

Councillor Mellings said that this was an excellent piece of work, which was also helpful from a Member's point of view. He asked whether officers had incorporated any feedback from complainants in the documentation. The Deputy Monitoring Officer replied that they had not but they would consider using such feedback, when the documentation was next reviewed.

A discussion took place about why the complainant should be given the opportunity to state what outcome they sought by making the complaint. It was noted that this might sometimes lead to the quick and informal resolution of a complaint without invoking the costly, and time-consuming, formal approach. The Deputy Monitoring Officer emphasised, however, that the complainant did not have the final say. Where a very serious matter had been raised, this must be dealt with through the Committee's formal procedures.

It was proposed by Mr Brereton, seconded by Councillor Mellings and

Resolved that the Committee approve the new documentation, attached as appendices to the report, without amendment

12 Joint Standards Committee

This report updated Members on the latest position regarding the establishment of a Joint Standards Committee, asked Members to decide upon the way forward, and, depending upon their decision, to proceed with the recruitment of two additional Non-Elected, Independent Members to the Standards Committee.

Highlighting the resources required to set up a Joint Standards Committee, the Deputy Monitoring Officer asked whether the Committee wished to proceed. Councillor Mellings felt that in the current climate Members and officers should be considering ways of working, which would deliver better value for money. He did, however, appreciate how resource intensive it would be to pursue this matter. Under the circumstances Members agreed that it would be prudent to put in abeyance the establishment of a Joint Standards Committee but include it in the Committee's Work Plan for review in March 2011.

It was, therefore, proposed by Mr Brereton, seconded by Councillor Mellings and

Resolved that the Committee:

- a) Note the latest position regarding the establishment of a Joint Standards Committee;
- b) Decide to hold the matter in abeyance for review in March 2011; and
- c) Commence with the recruitment of two additional Non-Elected, Independent Members to the Committee

13 Standards Bulletin

Members received the latest Bulletin no. 46, issued by Standards for England, copies of which had been emailed to all Members (including the Independent Members of the Standards Committee).

Resolved that Bulletin no. 46, issued by Standards for England, be noted

14 Ethical Standards Bulletin

Members received the Winter 2009/10 edition of the Ethical Standards Bulletin, published by Telford & Wrekin Council. A copy of the Bulletin had been emailed to all Members (including the Independent Members of the Standards Committee).

Resolved that the Winter 2009/10 edition of the Ethical Standards Bulletin, published by Telford & Wrekin Council be noted

Following a question from the Deputy Monitoring Officer as to whether both Bulletins should continue to be included on the Standards Committee agenda Members agreed that they should, as this provided a record that they had been considered by the Committee.

15 Timing of Future Committee Meetings

Members were asked to consider whether the time of future meetings should be brought forward from 5.15 pm to 2.00 pm.

The Corporate Services Manager advised that this item had been brought before the Committee following a request from Councillor Mason.

All four Members present advised that they were in favour of keeping the time, at which the meetings of the Standards Committee commenced, at 5.15 pm.

The meeting closed at 6.20 pm.