

**Minutes of the Meeting of
Shropshire and Wrekin Fire Authority
Standards Committee
held at Brigade Headquarters, Shrewsbury
on Monday, 27 October 2008 at 5.15 pm**

Present

Members

Councillors Holyoak and Mason and non-elected Independent Members,
Mr Brereton (Vice-Chair), Mr Tebbutt (Chair) Mr Turner and Mr Webb

Officers

Matthew Cumberbatch, Deputy Clerk and Monitoring Officer, Lynn Ince, Committee Clerk and Alan Taylor, Chief Fire Officer

1 Election of Chair

It was proposed by Councillor Holyoak and seconded by Councillor Mason

That Mr Tebbutt be elected Chair of the Standards Committee.

There being no other nominations, Mr Tebbutt was duly elected Chair to hold office until the meeting of the Committee immediately following the Annual Meeting of the Fire Authority.

2 Appointment of Vice-Chair

Prior to nominations being made for Vice-Chair, Councillor Holyoak asked if it was the case that an elected Member, who is appointed as Vice-Chair of the Committee, cannot chair meetings in the absence of the Chair, as the Chair is required to be an Independent Member. The Deputy Monitoring Officer confirmed that this was the case and that, whilst there is no legal requirement for the Vice-Chair to be an Independent Member, regulations require that the Chair of the Committee is an Independent Member. The meeting thanked Councillor Mellings for his work as Vice-Chair and concluded that there was no advantage to having an elected Member as Vice-Chair of the Committee.

It was proposed by Councillor Holyoak and seconded by Councillor Mason

That Mr Brereton be appointed Vice-Chair of the Standards Committee.

There being no other nominations, Mr Brereton was duly appointed Vice-Chair to hold office until the meeting of the Committee immediately following the Annual Meeting of the Fire Authority.

3 Apologies for Absence

Apologies for absence had been received from Councillors Mellings and Williams.

4 Declarations of Interest

There were no declarations of interest.

5 Minutes

Members received the minutes of the Standards Committee meeting, held on 16 June 2008.

Resolved that the minutes of the Standards Committee meeting, held on 16 June 2008, be agreed and signed by the Chair as a correct record

6 Public Questions

No questions, statements or petitions had been received from members of the public.

7 Assessment and Review Criteria for Initial Assessment of Standards Complaints

This report informed Members about the assessment and review criteria for the initial assessment of Member Code of Conduct complaints.

The Deputy Monitoring Officer informed the Committee that the criteria, set out in the appendix to the report, will not fetter the discretion of any sub-committees.

Mr Brereton asked who would make the decision that the nature of the complaint is outside the Committee's remit. The Deputy Monitoring Officer explained that the Monitoring Officer would assess the complaint and redirect it through the appropriate channels as necessary, which it the Committee to be informed of.

Councillor Mason asked about anonymous complaints and if the complainant has to be prepared to come forward at some point. The Deputy Monitoring Officer explained that the complainant can request their name to be removed from the complaint under certain circumstances, although it can be difficult to test evidence, if provided anonymously. Mr Turner commented that the clause in the assessment criteria is driven by the guidance from the Standards Board for England and needs to be kept in to deal with circumstances that may arise in the future.

The Deputy Monitoring Officer advised the Committee that recommendation b) had been included to take account of any future Standards Board for England changes, in order to ensure that the Authority remains compliant with regulations.

Resolved that the Committee:

- a) Approve the initial assessment of standards complaints criteria, attached as an appendix to the report; and
- b) Agree that delegated authority be given to the Clerk and Monitoring Officer, after consultation with the Chair and Vice-Chair of the Standards Committee, to amend the assessment and review criteria as appropriate in the event of new or updated relevant guidance issued by the Standards Board for England

8 Consultation on the Code of Conduct for Local Authority Members and Employees

This report informed the Committee about a consultation being undertaken by the Department for Communities and Local Government relating to the members' code of conduct and sought comments for a response.

The Deputy Monitoring Officer worked through the draft consultation response, attached at Appendix 3 to the report, and addressed each of the consultation questions in turn, allowing the Committee to discuss the issues raised in each one. A brief synopsis of this discussion is given below.

- 1) Members discussed what is classified as a 'criminal offence', the issue that is addressed in consultation question 2. The consultation document defines a criminal offence as being 'any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction'. Mr Tebbutt commented that the issue is expressed well in the draft reply. Councillor Mason asked who the onus would be on to report offences. The Deputy Monitoring Officer replied that it is difficult to see how this would work, hence the suggestion in the draft response that a mechanism be developed to deal with this issue.
- 2) Mr Turner asked for clarification of which other enforcement authorities could issue cautions. The Deputy Monitoring Officer explained that cautions can be used by local authorities, for example to deal with breaches of the Environmental Health Act or Fire Regulations. The Committee then discussed the difference between a verbal and a formal caution and agreed that the first line of the response should be changed to read 'Formal cautions...'
- 3) There were no changes to this draft response.

- 4) There were no changes to this draft response.
- 5) There were no changes to this draft response.
- 6) There were no changes to this draft response.
- 7) There were no changes to this draft response.
- 8) The issue of training for Members was debated as were some issues relating to Parish Councils. The Deputy Monitoring Officer advised the Committee that members can submit their own individual responses to the consultation, if they so wish. There were no changes to the draft response.
- 9) There were no changes to this draft response.
- 10) The Committee felt that there was a difference between a 'duty to uphold the law' and a 'duty to abide by the law'. The Committee agreed that the draft response should be removed and the answer be changed to 'yes'.
- 11) The Committee agreed that the response be changed to read 'yes, but please note our response to question 2 above'.
- 12) There were no changes to this draft response.

Resolved that the Committee agree that the consultation response, attached at Appendix 3 to the report, be submitted to the Department for Communities and Local Government in response to their consultation document, subject to the inclusion of the amendments made by the Committee to responses 2, 10 and 11

9 Register of Interests Review and Code of Conduct Training 2008

This report provided details of the position regarding the completion of the Register of Members' Interests form and advised the Committee of the uptake for the forthcoming Code of Conduct Training provided by Telford & Wrekin Council.

The Committee agreed that an email should be sent out, in the name of the Chair, prompting Members to return any outstanding Register of Interests and training forms. Mr Webb suggested that a read receipt be attached to the email when it is sent out.

Mr Turner moved a proposal that a recommendation be brought before the next meeting of the Fire Authority, which reminded Members to ensure that they keep their register of interests up-to-date and attended Code of Conduct training. This was seconded by Mr Brereton and agreed by the Committee.

Resolved that the Committee:

- a) Note the contents of the report;
- b) Advise Officers to send out a reminder email to ensure the Register of Members' Interests for all Members is up-to-date;
- c) Advise Officers to send out a reminder email with regard to Member attendance at the Code of Conduct training; and
- d) Determine that they require Officers to obtain details of any Code of Conduct training provided to Fire and Rescue Authority Members by other authorities

10 Standards Board for England Annual Review 2007/08

This report provided the Committee with a summary of the Standards Board for England Annual Review report for 2007/08.

Resolved that the Committee note the contents of the report

11 Standards Board for England Guidance on the Role and Make-up of Standards Committee

This report informed the Committee of recent guidance issued by the Standards Board for England in particular concerning independent members serving on the Standards Committee.

Resolved that the Committee note the contents of the report

12 Update on Code of Conduct Complaints made to the Standards Committee – 8 May to 30 June 2008 and 1 July to 30 September 2008

This report provided the Committee with details of the Code of Conduct complaints received by the Standards Committee during the periods 8 May to 30 June 2008 and 1 July to 30 September 2008.

The Deputy Monitoring Officer provided an update on the number of complaints received by the Standards Board for England. In the second quarter of 2008-09, the Standards Board for England received 624 complaints, compared to 937 in the same quarter last year.

Resolved that the Committee note the contents of the report

13 Standards Board Bulletin

The latest Bulletins (no. 39 – June 2008 and no. 40 – August 2008) issued by the Standards Board for England, were brought to Members for discussion, as previously agreed by the Committee.

Resolved that Members note the contents of the Bulletins

Councillor Holyoak left the meeting at this point (6.55 pm).

14 Ethical Standards Bulletin

The Summer 2008 edition of the Ethical Standards Bulletin, published by Telford & Wrekin Council, was brought to Members for discussion, as previously agreed by the Committee. A copy of the Bulletin had been emailed to all Members (including the four non-elected, Independent Members of the Standards Committee).

Resolved that Members note the contents of the Bulletin

15 Seventh Annual Assembly of Standards Committees

A verbal update on the Seventh Annual Assembly of Standards Committees, which was held on 13 and 14 October 2008 in Birmingham, was given to the Committee by those Officers and Members who attended.

The Deputy Monitoring Officer reported that there had been a varied amount of speakers on different topics at the Assembly and that the complaints form is to be reviewed as a result of information gained at the Assembly.

Mr Tebbutt reported that the Standards Board for England appears to have gained from having a new Chair and Chief Executive, which augurs well for the future. The highlights for Mr Tebbutt had been the address given by Christopher Kelly, Chair of the Committee on Standards in Public Life; and the workshop session, entitled 'Focus on fire, police and park authorities'. The workshop session was populated with people in a similar situation, who were trying to seek a higher profile for the work of their committees. Suggested possibilities were increased publicity and a greater role in the audit processes. It was agreed that a paper relating to these issues should be brought to the next meeting of the Standards Committee.

The Committee also discussed the West Mercia Independent Members' Forum, which had proved useful for the sharing of best practice, but which may appear to be coming to the end of its useful life.

Mr Turner highlighted several things that had stood out for him during the Assembly. These included the issues of public perception and developing a wider remit for Standards Committees and also elected members needing to be aware of any content that they may publish in an internet 'blog'.

It was suggested, and the Committee agreed, that the Service's Press Officer be invited to attend the next meeting of the Standards Committee to look at the issue of raising its profile.

Resolved that Members note the verbal update

The meeting closed at 7.10 pm.

Chair.....

Date.....