

**Minutes of the Meeting of
Shropshire and Wrekin Fire Authority
Standards Committee
held at Brigade Headquarters, Shrewsbury
on Wednesday, 1 August 2007 at 5.15 pm**

Present

Councillors Groom, Mrs Holyoak, Mason and Mellings (Vice-Chair) and non-elected Independent Member, Mr Tebbutt (Chair)

1 Election of Chair

It was proposed by Councillor Mellings and seconded by Councillor Holyoak

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

It was proposed by Councillor Mason and seconded by Councillor Groom

That Councillor Mellings be appointed Vice-Chair of the Standards Committee.

There being no other nominations, Councillor Mellings 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

No apologies for absence had been received from Members.

4 Declarations of Interest

There were no declarations of interest.

5 Minutes

Members received the minutes of the Standards Committee meeting, held on 16 April 2007.



Councillor Mellings drew Members' attention to item 12b) of the minutes which related to training in the Revised Model Code of Conduct. Councillor Mellings asked how many Fire Authority members attended the training provided by Telford & Wrekin Council. The Management Support Officer explained that this information was not immediately available but could be supplied to the Committee. The Management Support Officer also undertook to check that those Members, who had not attended the Telford & Wrekin training sessions, had attended training with their local councils.

The Members of the Committee, who had attended the training with Peter Keith-Lucas, commented on the high quality of the presentations.

Resolved that the minutes of the Standards Committee meeting, held on 16 April 2007, be agreed and signed by the Chair as a correct record

Committee Clerk's Note

A report on the Code of Conduct training and attendance by Fire Authority Members will be brought to the October meeting of the Standards Committee.

6 Public Questions

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

7 Revised Code of Conduct for Members of Shropshire and Wrekin Fire Authority

A revised Model Code of Conduct for elected Members has come into effect, following a consultation process. Members of the Fire Authority have considered the Code and have delegated authority to the Standards Committee for the adoption of the Code together with alterations / amendments.

The Group Solicitor presented the report to the Committee and drew Members' attention to a typographical error on page 4 of the appended report. The 10th and 14th lines of paragraph k) should read 'a person or body' rather than 'personal body'.

The Group Solicitor explained to Members that the Code of Conduct outlined in the Statutory Instrument is different to the Code of Conduct, which is proposed for adoption by the Fire Authority, as some sections from the Statutory Instrument have been omitted from the version of the Code at Appendix C of the attached report. The Group Solicitor talked Members through the areas of the Code that were not included for the Fire Authority, as they were not applicable. He also provided Members with a brief synopsis of the main changes to the Code.

Mr Tebbutt commented that the revised Code was a distinct improvement, in that it appears to be clearer and fairer. Councillor Holyoak felt that the issue of prejudicial interests was much clearer in the revised Code. Councillor



Mellings felt that that inclusion of the Nolan principles, in the Fire Authority's Code, was positive but was disappointed that they had not been included in the Statutory Instrument. Councillor Mellings was also pleased that the Committee had been given the opportunity to look at the full Model Code before approving the Code for the Fire Authority. Councillor Groom felt that the Code had been professionally revised and was suited to Members' needs.

Councillor Holyoak proposed the recommendations in the report and Councillor Mellings seconded the proposal, which was based on the adoption of the version of the Code, as set out at Appendix C of the attached report to the Fire Authority dated 18 July 2007, and the adoption of the Code taking effect immediately.

The Group Solicitor advised the Committee that the Standards Board for England need to be advised that the Code has been adopted and the fact also needs to be advertised in the local newspaper but the date of adoption is not governed by this.

Councillor Mellings asked if Members would be required to complete a new Register of Interests form. The Group Solicitor advised that there are differing views on this issue but that the current advice to the Committee is that following the adoption of the new Code of Conduct all Fire Authority members should be asked to look at their current Register of Interest forms and confirm that the contents are correct and/or make any alterations as required.

Having considered the Model Code of Conduct issued by the Secretary of State for Communities and Local Government as set out in the Local Authorities (Model Code of Conduct) Order 2007 ["the Code"] together with a preamble incorporating the ten general principles governing the conduct of members ("the preamble"), in place of the existing code, Members

Resolved on behalf of the Fire Authority, to agree adoption of the Code, as set out in Appendix C of the attached report, with immediate effect

The Chief Fire Officer asked if Telford & Wrekin Council had advertised their adoption of the Code in the local newspaper. The Group Solicitor advised that they had not yet done so and would check, with the Monitoring Officer, to see if a combined advert for Telford & Wrekin Council and the Fire Authority could be issued.

The Standards Board for England have issued guidance with regard to the revised Code of Conduct. Members confirmed that they had received this from their councils. The Management Support Officer will distribute copies to the Independent Members of the Committee.



8 Amended Procedures in relation to Local Determinations, Investigations and Hearings

This report sought approval of the draft procedures for Local Determinations, Investigations and Hearings, which were attached as appendices to the report.

The Group Solicitor explained that there are procedures for local investigations and determinations set out in the Fire Authority Handbook. These have been reviewed and the draft procedures appended to the report have been produced to ensure that consistent and improved procedures are in place.

Councillor Groom commented that he initially felt that four separate procedures seemed to be overkill but, having read the report and heard the explanation given by the Group Solicitor, the need for the four procedures has become clear.

Councillor Groom asked if the Monitoring Officer had unilateral powers to decide whether a breach of the Code had taken place, as this seemed to be implied in section 4 of the report. The Group Solicitor explained that this aspect of the report related to an instance where a complaint was referred back to the Monitoring Officer to be dealt with locally. Councillor Groom asked that 'via local procedures' be inserted into the relevant place in section 4 of the report. The Group Solicitor agreed to raise this with the Monitoring Officer.

The Chief Fire Officer referred to section 3.1 of Appendix 3, which refers to a sub-committee of five members of the Authority's Standards Committee and asked whether this was a practical number for the panel, given the size of the Standards Committee. The Group Solicitor explained that the quorum for the panel is 3 members, including an Independent Member as set out in section 6.2 of Appendix 3.

Councillor Mellings commented that 3 seems an entirely appropriate number for membership of the panel and the quorum. Councillor Holyoak asked if the difference in size between Telford & Wrekin's Standards Committee and the Fire Authority's Standards Committee had been taken into account, when the procedures were drafted. The Group Solicitor advised that having a panel of 5 members helps on occasions, where Members may not be available, for example, because of illness or if Members are conflicted out of hearings.

Councillor Mellings asked if information about possible witnesses would be made available before the hearings. This may help to eliminate situations where Members are conflicted out at the last minute. The Group Solicitor advised that, even if this was done, it may not prevent the problem, if, for example, there was a late change to witnesses to be called by the complainant.



Mr Tebbutt commented that the issue about the 'small' size of the Fire Authority's Standards Committee had arisen at the Pilot Scheme session, which was held on 25 July 2007. The Group Solicitor advised that it is proposed, under the Local Government and Public Involvement in Health Bill, that complaints will be dealt with at a local level. If this happens, it may be necessary for the Committee membership to be reviewed.

Councillor Mellings suggested that the membership of the panel be reduced to 3, in line with the quorum. Councillor Mason suggested that the membership of the panel be set at 3 with a substitute being nominated, who will receive the any papers etc at the same time as the panel and will act as a 'contingency'. Councillor Holyoak seconded Councillor Mason's proposal.

Councillor Groom referred to section 3.2 of Appendix 1 and asked what factors would be taken into consideration, when deciding who was an appropriate person to represent the Member. The Group Solicitor provided some possible examples. Councillor Groom asked if the authority to refuse to allow a chosen representative in certain circumstances could be extended to appear in other procedures and not just the determination procedure.

Councillor Groom then referred to section 4.2 of Appendix 2 and asked if the Investigating Officer has a duty to report any suspected breaches of the Code, if the person from whom the evidence is obtained refuses to report the Member concerned. The Group Solicitor explained that there was a provision for this in the old procedure and that its removal may relate to the removal of the 'whistleblowing' procedure. The Group Solicitor undertook to look into this matter.

The Committee then agreed to adopt Councillor Mason's proposal and

Resolved that the Committee agree, and recommend to the Fire Authority, that the Fire Authority adopts the procedures as attached in the report, subject to the numbers relating to the Hearing Panel in the Draft Local Standards Hearings Procedure being reduced from five to three with a provision for a fourth member to be named as a substitute.

The Group Solicitor will investigate the other issues raised by Members and will submit a report on these to the next meeting of the Standards Committee, where any necessary amendments to the procedures will be made.

Members then agreed to the addition to the Standards Committee's Terms of Reference, as outlined in paragraph 8 of the report.

9 Annual Review by the Standards Board for England

This report briefly outlined the contents of the Annual Review.

The Group Solicitor advised Members that he has a full copy of the Annual Review report, should Members wish to read it.



Resolved that the Committee note the contents of the report

10 Standards Board Bulletin

The latest Bulletins (no. 33 – May 2007 and no. 34 – July 2007), issued by the Standards Board for England, were brought to Members for discussion, as previously agreed by the Committee. Copies of the Bulletin had previously been emailed to all Members (including the two Independent Members of the Standards Committee).

Mr Tebbutt asked if the training DVD referred to in Bulletin no. 33 had been received. The Group Solicitor advised that it had not yet been received but once it has been, arrangements will be made for it to be shown to Members.

The Group Solicitor referred to page 4 of Bulletin no. 34 and advised that officers would look at the recommendation relating to a protocol for Members regarding the disclosure of information and would bring this before a future meeting of the Committee.

Resolved that Members note the contents of the bulletins

11 Ethical Standards Bulletin

The Spring 2007 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 had previously been emailed to all Members (including the two Independent Members of the Standards Committee).

Councillor Mellings asked if the Summer 2007 edition of the Ethical Standards Bulletin was due. The Group Solicitor advised that it was, but that unfortunately there were no recent Adjudication Panel Case summaries from the Chartered Institute of Public Finance and Accountancy (CIPFA) to include.

Councillor Groom asked how vexatious complaints were treated. The Group Solicitor advised that this had not been specifically addressed in the revised Code of Conduct. It was noted, however, that the removal of the 'whistleblowing' provision may assist in respect of this issue.

Councillor Mason gave a brief account of his experience of being reported to the Standards Board for England. The most frustrating part had been that, although the complaint had not been pursued by the Board, Councillor Mason had not been told that he was not guilty. The Group Solicitor explained that guilt could only be proved or disproved through an investigation, which will not happen, if the Standards Board does not pursue the complaint. Members can however, write to the Standards Board, if they have been the subject of a complaint that has not been investigated, and ask for their comments to be put on the complaint file.

Resolved that Members note the content of the Bulletin



12 West Mercia Independent Members' Forum

A meeting of the West Mercia Independent Members' Forum was held on Wednesday, 11 July 2007 in Worcester. Mr Tebbutt, Independent Member and Chair of Shropshire and Wrekin Fire Authority Standards Committee attended the meeting and gave a brief verbal summary of the business discussed.

Mr Tebbutt reported that he had been disappointed with the speaker, who was supposed to explain the revised Code of Conduct in detail. Mr Tebbutt felt that the meeting had not achieved its objective in doing this but that the practical exercises, which Members had undertaken at the meeting, had been worthwhile.

Councillor Holyoak asked how often the Independent Members' Forum met. Mr Tebbutt reported that it met 3 times a year.

Resolved that Members note the contents of the verbal update

The meeting closed at 6.45 pm.

Chair.....

Date.....

