

**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.

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.



Shropshire and Wrekin Fire and Rescue Authority

Role Description Chair of Standards Committee

Office:	Chair of Standards Committee
Allowance:	None
Responsible to:	Shropshire and Wrekin Fire and Rescue Authority

This Role Description should be read in conjunction with the Role Description and Person Specification for a Non-Elected, Independent Member of the Fire Authority's Standards Committee.

Officer Holder

The Chair of the Standards Committee must be a Non-Elected, independent Member of that Committee.

Purpose of Role

The overall purpose of the role of the office holder is:

- To chair the Standards Committee; and
- To provide leadership in matters concerning that Committee

Main Responsibilities

The main responsibilities of the office holder are:

- To work closely with the Chief Fire Officer and the Chair of the Fire Authority in order to promote and maintain a high standard of conduct by Members
- To maintain the integrity of the Fire Authority's Standards Committee
- To represent the Fire Authority and its policies in a positive and professional manner

- To chair meetings of the Standards Committee, including attendance at pre-meeting briefings
- To contribute to, and present, an Annual Report on the work of the Committee to the Fire Authority
- To attend relevant conferences and meetings, as appropriate
- To participate in the recruitment process for Non-Elected, Independent Members of the Fire Authority's Standards Committee
- To undertake, in addition, all of the duties specified in the Role Description of a Non-Elected, Independent Member of the Fire Authority's Standards Committee

Accountability

The tasks and duties outlined in this role description relate to the member level activities of the Fire Authority.

The responsibilities outlined are without prejudice to the separate duties and responsibilities exercised by officers of the Fire Authority, for which they are accountable as employees of the Fire Authority as a whole.

When carrying out this role the Chair must have regard to the Fire Authority's Protocol on Member / Officer Relations, which can be found in Section 15 of the Members' Handbook.

Shropshire and Wrekin Fire and Rescue Authority

Role Description Vice-Chair of Standards Committee

Office:	Vice-Chair of Standards Committee
Allowance:	None
Responsible to:	Shropshire and Wrekin Fire and Rescue Authority

This Role Description should be read in conjunction with the Role Description and Person Specification for a Non-Elected, Independent Member of the Fire Authority's Standards Committee.

Officer Holder

The Vice-Chair of the Standards Committee must be a Non-Elected, independent Member of that Committee.

Purpose of Role

The overall purpose of the role of the office holder is:

- To deputise for the Chair of the Standards Committee, as required; and
- To support and assist the Chair of the Committee in providing leadership in matters concerning that Committee.

Main Responsibilities

The main responsibilities of the office holder are:

- To assist the Chair in working closely with the Chief Fire Officer and the Chair of the Fire Authority in order to promote and maintain a high standard of conduct by Members
- To assist and support the Chair in maintaining the integrity of the Fire Authority's Standards Committee

- To represent the Fire Authority and its policies in a positive and professional manner
- To chair meetings of the Standards Committee, including attendance at pre-meeting briefings, as required in the absence, or inability to act, of the Chair
- To undertake, in addition, all of the duties specified in the Role Description of a Non-Elected, Independent Member of the Fire Authority's Standards Committee

Accountability

The responsibilities outlined in this role description relate to the Member level activities of the Fire Authority.

The responsibilities outlined are without prejudice to the separate duties and responsibilities exercised by officers of the Fire Authority, for which they are accountable as employees of the Fire Authority as a whole.

When carrying out this role the Chair must have regard to the Fire Authority's Protocol on Member / Officer Relations, which can be found in Section 15 of the Authority Handbook.

Shropshire and Wrekin Fire and Rescue Authority

Proposed Role Description Independent, Non-Elected Member of Standards Committee

Office:	Independent, Non-Elected Member of Standards Committee
Allowance:	Co-optee's allowance of £273 per annum plus £53 for up to 4 hours and £106 for over 4 hours spent considering locally allegations of breaches of the Code of Conduct
Responsible To:	Shropshire and Wrekin Fire and Rescue Authority

This Role Description should be read in conjunction with the Person Specification for Independent Members of the Fire Authority's Standards Committee.

Purpose of Role

The overall purpose of the role of the office holder is:

- 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 Fire Authority's procedures for investigating and responding to complaints about Members

Main Responsibilities

The main responsibilities of the office holder are:

- 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 the Members' Code of Conduct
- 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 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 **assessment**, investigation of referred complaints and for the local determination of allegations of misconduct*
- To exercise such other functions as the Fire Authority considers appropriate

Maintenance of Independence

The role of Independent Members will influence the public's perception of the integrity of the Standards Committee. It is, therefore, essential that Independent Members are seen to be genuinely independent of the Fire Authority. Consequently, an Independent Member cannot be someone, who

- Is a relative or close friend of a Member or officer of the Fire Authority, which may reasonably be seen to prejudice their independence;
- Has been a Member or officer of the Fire Authority in the previous five years;
- Is a current, elected Member of another authority, such as a Parish, Town, Borough, District, Unitary or County Council; or
- Is an undischarged bankrupt.

Guidance from Standards for England states that it is preferable that an Independent Member is not a member of any political party (although there is nothing in law which prevents it). It is, therefore, a condition of appointment that a successful candidate is not, or will not, during their term of office, become, a member of any political party.

* The various procedures relating to dispensations and local Investigations and determinations are set out in Section 4 of the Shropshire and Wrekin Fire and Rescue Authority Members' Handbook.

Accountability

The tasks and duties outlined in this role description relate to the Member level activities of the Fire Authority.

An Independent, Non-elected Member is accountable for his/her performance to the full Fire Authority, which is responsible for his/her appointment.

The tasks outlined are without prejudice to the separate duties and responsibilities exercised by the officers of the Fire Authority, for which they are accountable as employees of the Fire Authority.

Whilst performing their role Independent, Non-elected Members must have regard to the Fire Authority's Protocol on Member / Officer Relations, which can be found in Section 14 of the Authority Handbook.

Term of Office

Appointments are for a term of three years and persons appointed will be eligible for re-appointment for subsequent terms.

Shropshire and Wrekin Fire and Rescue Authority

A Protocol on Gifts and Hospitality for Members

The acceptance of gifts and hospitality by Members is not merely an administrative issue. It reflects directly upon the perception of Members and of the Fire Authority. Members of the public may perceive that Members are not acting in the public interest but for their own personal advantage or that of friends or associates.

The law on the acceptance of gifts and hospitality is set out in the Fire Authority's Code of Conduct and in the Prevention of Corruption Acts. These requirements are supplemented by this Protocol, to provide a clear set of rules for the protection of both Members and the Fire Authority. Acceptance of a gift or hospitality in breach of the Code, or failure to declare receipt of such a gift or hospitality, can lead to disqualification from holding any public office for a period of up to five years. Corrupt acceptance of a gift or hospitality can lead to a heavy fine or up to seven years' imprisonment.

This Protocol sets out:

- (a) The principles, which you should apply whenever you have to decide whether it would be proper to accept any gift or hospitality
- (b) A procedure for obtaining consent to accept a gift or hospitality, when you consider that it would be proper to accept it
- (c) A procedure for declaring any gift or hospitality, which you receive, and for accounting for any gift to the Fire Authority

This Code does not apply to the acceptance of any facilities or hospitality, which may be provided to you by the Fire Authority.

1 General Principles

In deciding whether it is proper to accept any gift or hospitality, you should apply the following principles. Even if the gift or hospitality comes within one of the general consents set out below, you should not accept it, if to do so would be in breach of one or more of these principles:

- (a) **Never accept a gift or hospitality as an inducement or reward for anything you do as a Member**

As a Member, you must act in the public interest and must not be swayed in the discharge of your duties by the offer, prospect of an offer, or the non-offer of any inducement or reward for discharging those duties in a particular manner.

The Public Bodies (Corrupt Offences) Act 1889 provides that, if you accept any gift, loan, fee, reward or advantage whatsoever as an inducement to, or reward for, doing or forbearing to do anything in respect of any matter or transaction, in which the Fire Authority is concerned, you commit a criminal offence carrying a maximum term of imprisonment of seven years

Furthermore, the Fire Authority's Code of Conduct provides that you must act in the public interest, serving the Authority and the whole community, rather than acting in the interests of any particular individual or section of the community, and that it is a breach of the Code improperly to confer any advantage or disadvantage on any person, including yourself.

(b) You should only accept a gift or hospitality, if there is *an appropriate* a ~~commensurate~~ benefit to the Fire Authority

The only proper reason for accepting any gift or hospitality is that there is ***some appropriate*** a ~~commensurate~~ benefit for the Fire Authority, which would not have been available but for the acceptance of that gift or hospitality.

Acceptance of hospitality can confer an advantage on the Fire Authority, such as an opportunity to progress the business of the Authority expeditiously through a working lunch, or to canvass the interests of the Authority and its area at a meeting. Acceptance of a gift is much less likely to confer such an advantage. Unless the benefit to the Authority is clear, and is ***appropriate in respect*** ~~commensurate with the value~~ of the gift or hospitality, the presumption must be that the gift or hospitality is purely for a Member's personal benefit.

As set out above, the Fire Authority's Code of Conduct provides that you must not improperly confer any advantage on anyone, including yourself. Acceptance as a Member of a gift or hospitality for personal benefit or advantage, rather than for the benefit to the Authority, would be a breach of the Code.

(c) Never accept a gift or hospitality, if acceptance might be open to misinterpretation

The appearance of impropriety can be just as damaging to the Fire Authority and to you, as a Member, as actual impropriety. The Fire Authority's ability to govern rests upon its reputation for acting fairly and in the public interest. You must, therefore, consider whether the acceptance of the gift or hospitality is capable of being interpreted as a sign that you or the Fire Authority favours any particular person, company or section of the community or as placing you under any improper obligation to any person or organisation. If there is any possibility that it might be so interpreted, you must either refuse the gift or hospitality or take appropriate steps to ensure that such a misunderstanding cannot arise.

Certain occasions are particularly sensitive, and require the avoidance of any opportunity for such misunderstanding. These include:

- Occasions when the Fire Authority is going through a competitive procurement process, in respect of any indication of favour for a particular tenderer.
- Funding decisions, when the Fire Authority is determining an application for funding by any person or organisation.

(d) Never accept a gift or hospitality which puts you under an improper obligation

Some commercial organisations and private individuals see the provision of gifts and hospitality as a means of buying influence. If you accept a gift or hospitality improperly, it is possible that they may seek to use this fact to persuade you to determine an issue in their favour. Equally, if others note that you have been prepared to accept a gift or hospitality improperly, they may feel that they will no longer be able to secure impartial consideration from the Fire Authority.

(e) Never solicit a gift or hospitality

You must never solicit or invite an offer of a gift or hospitality in connection with your position as a Member unless the acceptance of that gift or hospitality would be permitted under this Protocol. You should also take care to avoid giving any indication that you might be open to such any improper offer.

2 Consent Regimes

In the interests of openness and transparency you should, in principle, declare gifts and / or hospitality, which fall within these consent regimes. It is, however, a question of proportionality (e.g. pens, mugs etc.) and there is an element of discretion. If in doubt, either declare or seek guidance from the Monitoring Officer or Deputy.

(a) General consent provisions

For clarity, the Fire Authority has agreed that you may accept gifts and hospitality in the following circumstances:

- (i) Civic hospitality, ***including cultural and entertainment events***, provided by another public authority.
- (ii) Modest refreshment in connection with any meeting in the ordinary course of your work, such as tea, coffee, soft drinks and biscuits.

- (iii) Tickets for cultural and entertainment events, ***usually local events presented by voluntary or charitable organisations***, which are sponsored by the Fire Authority.
- (iv) Small gifts of low intrinsic value below £25, branded with the name of the company or organisation making the gift, such as pens, pencils, mouse pads, calendars and diaries. You should, however, take care not to display any such branded items, when this might be taken as an indication of favour to a particular supplier or contractor, for example in the course of a procurement exercise.
- (v) A modest alcoholic or soft drink on the occasion of an accidental social meeting, such as a pint of beer from an employee of a contractor or party with whom you have done business on behalf of the Fire Authority, if you meet accidentally in a public house, cafe or bar. In such cases, you should make reasonable efforts to return the offer where this is practicable.
- (vi) A modest working lunch not exceeding ~~£10~~ **£20** per head in the course of a meeting in the offices of a party, with whom the Fire Authority has an existing business connection, where this is required in order to facilitate the conduct of that business. Members should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction, when arranging any such meeting, to make it clear to the other party that such a lunch must not exceed a value of ~~£10~~ **£20** per head.
- (vii) Modest souvenir gifts with a value below £25 from another public authority, given on the occasion of a visit by, or to, the Fire Authority.
- (viii) Hospitality received in the course of an external visit or meeting, which has been duly authorised by the Fire Authority. Members should not make such arrangements themselves, but request officers to settle the detailed arrangements, and officers are under instruction to make it clear that any such hospitality for Members and officers is to be no more than commensurate with the nature of the visit.
- (ix) Other unsolicited gifts, where it is impracticable to return them to the person or organisation making the gift, provided that the Member deals with the gift strictly in accordance with the following procedure:

The Member must, as soon as practicable, and in any event within 28 days of receipt of the gift, pass it to the Corporate Services Manager at Brigade Headquarters, Shrewsbury together with a written statement identifying the information set out at Paragraph 2(b) below.

The Corporate Services Manager will then write to the person or organisation offering the gift, thanking them on your behalf and informing them that the gift will be raffled or otherwise disposed of in due course and the proceeds donated to a charitable cause chosen by the Chair.

(b) Special consent provisions

If you wish to accept any gift or hospitality, which is in accordance with the General Principles set out at Paragraph 1, but is not within any of the general consents set out at Paragraph 2(a), you may only do so, if you have previously obtained specific consent in accordance with the following procedure:

You must make an application in writing to the Monitoring Officer, setting out:

- (i) The nature and your estimate of the market value of the gift or hospitality.
- (ii) The person by whom, or on whose behalf, the invitation or offer has been made.
- (iii) The connection, which you have with the person or organisation making the offer or invitation, such as any work, which you have undertaken for the Fire Authority, in which they have been involved.
- (iv) Any work, permission, concession or facility, of which you are aware, that the person or organisation making the offer or invitation may seek from the Fire Authority.
- (v) Any special circumstances which lead you to believe that acceptance of the gift or hospitality would not be improper.

You must not accept the gift or hospitality until you have received the appropriate consent.

The Monitoring Officer will enter details of any approval in a register, which will be available for public inspection on the occasion of the public inspection of the Fire Authority's accounts for the relevant year. This does not, however, relieve you of the obligation to register the receipt of gifts and hospitality in accordance with Paragraph 3 below.

3 Equality and Diversity Considerations

It is recognised that there are various cultural and religious practices, which would be difficult to accommodate prescriptively within this Protocol. Where, therefore, it is an accepted practice that a Member, as someone from a particular cultural or religious background be offered a gift or hospitality, that Member should seek the advice of the Monitoring Officer before accepting the gift or hospitality. If circumstances prevent such a course of action, the Members should advise the Monitoring Officer immediately after acceptance of the gift or hospitality to ensure that appropriate action is taken.

4 Reporting

Where you accept any gift or hospitality, which you estimate to have a market value or cost of provision of £25 or greater, you must, as soon as possible after receipt of the gift or hospitality, and in any event within 28 days of receipt, make a declaration in writing to the Monitoring Officer (via the Corporate Services Manager at Brigade Headquarters, Shrewsbury), detailing the information set out at Paragraph 2(b) above. A form for this purpose is attached to this Protocol, but you can send the same information by any convenient means. The Corporate Services Manager will retain a copy of any such declaration in a register, which will be available for public inspection.

It is also a requirement of the code of conduct that any gift or hospitality valued at £25 or more is recorded on your register of interest form within 28 days. The record of that gift or hospitality then needs to remain on your register of interest form for three years from the date that you have registered it. This registration will bring certain obligations regarding personal/prejudicial interests regarding the donor of the gift/hospitality and further advice should be sought from the Monitoring Officer in such circumstances.

Even if the value of the gift or hospitality is less than £25, if you are concerned that its acceptance might be misinterpreted, and particularly where it comes from a contractor or tenderer, you may make a voluntary declaration in the same manner to ensure that there is nothing secret or underhand about the gift or hospitality.

Where a Member has refused a gift or hospitality worth more than £25, the Fire Authority has agreed that this should also be recorded in the interests of openness and transparency and to provide additional protection for Members. The second form attached to this Protocol can be used for this purpose.'

5 Gifts to the Fire Authority

Gifts to the Fire Authority may take the form of the provision of land, goods or services, either to keep or to test with a view to future acquisition, an offer to carry out works or sponsorship of a function, which is organised or supported by the Authority.

You should not solicit any such gift on behalf of the Fire Authority, except where the Authority has formally identified the opportunity for participation by an external party and how that participation is to be secured. If you receive such an offer on behalf of the Authority, you must first consider:

- Whether it is appropriate for the Authority to accept the offer, in terms of whether the acceptance of the gift might be seen as putting the Authority under any improper obligation.

- Whether there is a real benefit to the Authority, which would outweigh any contra benefits.

If you do not have authority to accept the gift, you should report the offer directly to the Monitoring Officer, together with your recommendation. The Monitoring Officer will then write to the person or organisation making the offer, advising of the acceptance or non-acceptance of the gift. The Monitoring Officer will also record the gift for audit purposes and ensure that it is properly applied for the benefit of the Fire Authority. If you have any concerns about the motives of the person or organisation making the offer, or whether it would be proper for the Fire Authority to accept the gift, you should consult the Monitoring Officer directly.

6 Definitions

- (a) “Gift or hospitality” includes any of the following:
- The free gift of any goods or services.
 - The opportunity to acquire any goods or services at a discount or on terms, which are more advantageous than those which are available to the general public.
 - The opportunity to obtain any goods or services, which are not available to the general public.
 - The offer of food, drink, accommodation or entertainment, or the opportunity to attend any cultural, sporting or entertainment event.
- (b) References to the “value” or “cost” of any gift or hospitality are references to the higher of:
- Your estimate of the cost to the person or organisation of providing the gift or consideration.
 - The open market price, which a member of the public would have to pay for the gift or hospitality, if it were made available commercially to the public, less the cash sum of any contribution, which you would be required to make toward that price to the person or organisation providing or offering the gift or hospitality.

NOTE – A series of small gifts received from the same source over a short period of time with a cumulative value of £25 or more ought to be registered as set out above.

- (c) ***“Public Authority” is defined as any other fire authority, council (including parish and town councils) or police authority.***

Shropshire and Wrekin Fire and Rescue Authority Declaration of Receipt of Gifts or Hospitality

Name	
Address	
What was the gift or hospitality?	
What is your best estimate of its market value or cost?	
Who provided it?	
When and where did you receive it?	
Does it come within one of the general consents set out in the Code of Conduct? If so, which?	
Did you obtain the consent of any officer before accepting it? If so, what is the position and name of the officer?	
Were there any special circumstances justifying acceptance of this gift or hospitality?	
Do you have any contact in your role as Member with the person or organisation providing the gift or hospitality?	
Signed	Date

Please complete and return this form to:

The Corporate Services Manager, Shropshire Fire and Rescue Service,
Headquarters, St Michael's Street, Shrewsbury, SY1 2HJ

Shropshire and Wrekin Fire and Rescue Authority Protocol on Member / Officer Relations

1 Introduction

- 1.1 The relationship between Members and officers is essential to the successful working of Shropshire and Wrekin Fire Authority and its service, Shropshire Fire and Rescue Service. This relationship is characterised by mutual respect, informality and trust. Members and employees feel free to speak to one another openly and honestly. Nothing in this Protocol is intended to change this relationship. Its purpose is rather to help Members and officers perform effectively by giving guidance on their respective roles and expectations, and on their relationship with each other. The Protocol also gives guidance on what to do on the rare occasions when things go wrong.

Responsibility for the operation of this Protocol lies with the Chief Fire Officer.

- 1.2 The Protocol must be read and operated in the context of any relevant legislation and national and local Codes of Conduct and any procedure for confidential reporting.

2 Roles of Members and Officers

- 2.1 The respective roles of Members and employees can be summarised as follows:

Members and employees are servants of the public and they are indispensable to one another but their responsibilities are distinct. Members are nominated by their constituent authority (either ~~Borough of~~ Telford & Wrekin **Council** or Shropshire ~~County~~ Council) and serve only as long as their term of office lasts. Employees are responsible to the Fire Authority. Their job is to give advice to Members and the Fire Authority, and to carry out the Fire Authority's work under the direction and control of the Fire Authority, its committees, panels and working groups. Mutual respect between Members and officers is essential to good local government.

2.2 Members

The main areas of Member responsibility are to set the Fire Authority's budget, determine its policy and give it political leadership and to represent the Fire Authority externally. It is not the role of Members to involve themselves in the day-to-day management of the Fire and Rescue Service.

2.3 Chairs and Vice-Chairs

Chairs and Vice-Chairs of the Fire Authority, its committees, panels and working groups have additional responsibilities and their relationships with officers may, therefore, differ from, and be more complex than, those of Members without those responsibilities. This is recognised in the expectations they are entitled to have.

2.4 Opposition Members

As individual Members of the Fire Authority, all Members have the same rights and obligations in their relationship with officers and should be treated equally. Where, however, a political group forms an administration, either alone or in partnership with another group or groups, it is recognised that the relationship between officers, particularly those at a senior level in the organisation, and the administration will differ from that with opposition groups.

2.5 Officers

The role of officers is to give advice and information to Members and to implement the policies determined by the Fire Authority.

Certain employees, such as the Chief Fire Officer, the Monitoring Officer and the Treasurer (Section 151 Officer), have responsibilities in law over and above their obligations to the Fire Authority and its Members, which they must be allowed to discharge.

3 Expectations

3.1 Members can expect from officers:

- A commitment to the Fire Authority as a whole, and not to any political group
- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- A timely response to enquiries and complaints
- Professional advice, not influenced by political views or preference, which does not compromise the political neutrality of employees
- Regular, up-to-date information on matters, which can reasonably be considered appropriate and relevant to their needs, having regard to any individual responsibilities they have and positions they hold

- Awareness of, and sensitivity to, the political environment
- Respect, dignity and courtesy
- Training and development in order to carry out their role effectively
- Integrity, mutual support and appropriate confidentiality
- Not to have personal issues raised with them by officers outside agreed procedures
- That officers will not use their relationship with Members to advance their personal interests or to influence decisions improperly

3.2 Officers can expect from Members:

- A working partnership
- An understanding of, and support for, respective roles, workloads and pressures
- Political leadership and direction
- Respect, dignity and courtesy
- Integrity, mutual support and appropriate confidentiality
- Not to be subject to bullying or to be put under undue pressure. Members should have regard to the seniority of officers in determining what are reasonable requests, having regard to the power relationship between Members and officers, and the potential vulnerability of officers, particularly at junior levels
- That Members will not use their position or relationship with officers to advance their personal interests or those of others or to influence decisions improperly
- That Members will at all times comply with the Fire Authority's Code of Conduct for Members

4 Provision of Information to Members

4.1 Every Member has the right to information, explanation and advice reasonably required to enable them to perform their duties as a Member of the Fire Authority (the 'need to know') but not where:

- The information is primarily needed for a non-Fire Authority purpose; or
- There is a conflict of interest; or

- There is an overriding individual right of confidentiality, for example in an employment matter; or
- The resources needed to supply the information would be unreasonable.

Members should direct initial requests for advice, information and officer support to the Chief Fire Officer.

Members need not state a “need to know” when requesting information. It may, however, be necessary to justify the request – mere curiosity alone does not create a need to know. Any relevant interests should be declared at the time of the request. If a Member is dissatisfied with a refusal, it should be discussed with the Chief Fire Officer. If, following that discussion, the Member is still dissatisfied, the Monitoring Officer may be asked to determine entitlement.

Officers should not automatically assume that a Member has a “need to know” but the burden of showing a “need to know” is not high. If there is any doubt, then the Member should be asked to explain why they wish to see the document(s) and, in cases of doubt, the Monitoring Officer may be consulted. An officer must seek clearance from the Chief Fire Officer before embarking on a significant amount of work to provide information.

4.2 Members are normally entitled to be given information on a confidential basis (i.e. the fact that the Member has requested, and been provided with, the information will be kept confidential by officers), the exceptions being:

- An overriding Fire Authority interest, for example protecting its legal and financial position); and
- Natural justice, for example giving an individual the chance to respond to allegations.

Correspondence between individual Members and an officer should not normally be copied (by the officer) to any other Member. Where exceptionally it is necessary to copy correspondence to another Member, the original Member will be advised. In other words, a system of “silent copies” will not be employed.

4.3 Members must respect the confidentiality of confidential Fire Authority information and must use such information only for the purpose it is given.

“Managed Access” may be offered when information is particularly sensitive or needs interpretation. This involves inspection of the file combined with a briefing. Names and supporting evidence may need to be withheld. The officer must be clear as to whether any information is confidential and state this in writing.

- 4.4 Members with a particular role may have a special “need to know” arising from that role, for example party leaders.

5 If Things Go Wrong

5.1 Procedure for Officers

From time to time the relationship between Members and officers may break down or become strained. Whilst it will always be preferable to resolve matters informally, through conciliation by a senior manager or Member, officers will have final recourse to the Chief Fire Officer or to the Fire Authority’s Monitoring Officer, as appropriate to the circumstances. In the first instance an initial approach may be made by a concerned officer to the Deputy Chief Fire Officer or the Assistant Chief Officer (Human Resources).

In the event of a complaint being upheld, the Chief Fire Officer will advise the Chair of the Fire Authority and the appropriate Group Leader and decide on the course of action to be taken, following consultation with the Chair and Vice-Chair of the Standards Committee and the Monitoring Officer.

If the concerned officer believes that the behaviour of a Member or Members constitutes a breach of the Code of Conduct for Members, then it is also open to that officer to make a complaint to the Standards ~~Committee Board for~~ **Committee Board for** England. It is preferable, however, that all other courses of action have been exhausted before this step is taken.

5.2 Procedure for Members

In the event that a Member is dissatisfied with the conduct, behaviour or performance of an officer, the matter should be raised with the Chief Fire Officer, unless the concern relates to that officer, in which case the Assistant Chief Officer (Human Resources) should be approached. If the matter cannot be resolved informally, it will be dealt with through the Service’s normal line management procedures and performance appraisal process. If the concern relates to the Chief Fire Officer then the issue will be raised with the Chair and Vice-Chair of the Fire Authority for resolution.

5.3 Involvement of the Advisory Conciliation and Arbitration Service (ACAS)

Should it not be possible to resolve internally a matter involving a Principal Officer and a Member, then an external mediation process facilitated by ACAS will be available to the parties. Both parties must, however, enter into the process voluntarily.

The Brigade’s Human Resource Department will be responsible for implementing the external mediation process.