

REPORT OF THE CLERK AND MONITORING OFFICER

AMENDMENTS TO TERMS OF REFERENCE OF THE STANDARDS COMMITTEE AND ROLE DESCRIPTION OF INDEPENDENT MEMBERS

1 Purpose of Report

To propose amendments to the Terms of Reference of the Standards Committee and the Role Description for Independent Members of that Committee to take into account the responsibility for local investigation and determination of alleged breaches of the Code of Conduct.

2 Recommendations

Members are asked to agree, and recommend to the Fire Authority, the proposed amendments to the terms of reference of the Standards Committee and to the Role Description for Independent Members of that Committee, as shown at section 4 of this report.

3 Background

The Local Government Act 2000 and regulations made thereunder allow for the local investigation and determination of allegations of Member misconduct. The Fire Authority has developed procedures for these functions, in which the Standards Committee has a role to play. The current terms of reference of the Committee do not, however, reflect these additional responsibilities nor does the Role Description for Independent Members of the Committee.

4 Proposed Changes

The current terms of reference of the Standards Committee are attached at Appendix A to this report. The following addition is proposed to reflect the responsibilities assigned to the Committee under the Fire Authority's local investigation and determination procedures:



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

It is proposed that these responsibilities are also included in the Role Description for Independent Members of the Standards Committee. The current Role Description is attached at Appendix B to this report.

5 Legal Comment

The Local Government Act 2000 and regulations made thereunder allow for the local investigation and determination of allegations of Member misconduct. The Fire Authority's procedures relating to these functions take into account legislative requirements and guidance issued by the Standards Board.

Any changes to the terms of reference of its committees must be agreed by the Fire Authority.

6 Financial Implications

There are no financial implications arising directly from this report. There will, however, be costs associated with investigating and determining locally any alleged breaches of the Code of Conduct.

7 Appendices

Appendix A Current Terms of Reference of the Standards Committee

Appendix B Current Role Description for Independent Members of the Standards Committee

8 Background Papers

Local Government Act 2000 and Regulations made thereunder

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

Balance Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Equality and Diversity		Retained	
Efficiency Savings		Risk and Insurance	
Environmental		Staff	
Financial	*	Strategic Planning	
Fire Control/Fire Link		West Midlands Regional Management Board	

For further information about this report please contact Sharon Lloyd, Committee and Administration Manager, on 01743 260210 or Susan Kembrey, Clerk and Monitoring Officer, on 01952 202461.



STANDARDS COMMITTEE

QUORUM - 3

The quorum must include at least two Members of the Fire Authority (one from each constituent authority) and one Independent Member.

MEMBERS – 5 (3 Members of the Fire Authority and 2 Independent Members)

Fire Authority Members

Mrs Y Holyoak (Cons)
C J Mellings (Lib Dem)
D J Morgan (Vice-Chair) (Lab)

Independent Members

M L Tebbutt (Chair)
I O Webb

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 complaints 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 consider and act on any report from the Monitoring Officer on any matter which is referred to the Monitoring Officer

To exercise such other functions as the Authority considers appropriate

MEETING DATES

26 April 2006

24 July 2006

16 October 2006 *

22 January 2007

16 April 2007

* To be re-arranged due to clash with Annual Assembly of Standards Committees

SHROPSHIRE AND WREKIN FIRE AUTHORITY

ROLE DESCRIPTION

OFFICE:	Independent Member of Standards Committee
ALLOWANCE:	Co-optee's allowance of £257 per annum
RESPONSIBLE TO:	Shropshire and Wrekin Fire Authority

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 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.

ACCOUNTABILITY

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

An Independent 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.

TERM OF OFFICE

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