

AGENDA ITEM 3: PART I MINUTES

ROYAL BERKSHIRE FIRE AUTHORITY'S EXECUTIVE COMMITTEE MINUTES MONDAY 16 MAY 2005

**HELD AT BRIGADE HEADQUARTERS COMMENCING AT 6.30PM AND CONCLUDED
AT 8.36PM**

**Present: Terry Mills (Chairman), Jeff C G Brooks (Vice-Chairman),
James Mole, Barrie Patman**

Apologies: Mike Adams, Christine Borgars

4.01/05 DECLARATIONS OF INTEREST

Having been reminded that in accordance with the Fire Authority's Code of Conduct, Members are required to declare interests, which are Personal or Personal and Prejudicial, where appropriate, it was noted that on this occasion there were no such declarations to be made.

4.02/05 MINUTES: 14 MARCH 2005

The Minutes of the last meeting held on Monday 14 March 2005, having been previously circulated, were received and approved as a correct record.

4.03/05 APPOINTMENT OF NEW INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE

The Committee's endorsement was sought (Agenda item 4 – not reproduced) to the appointment of Mr Ron J Webb, a former Elected member of both the Fire Authority and Slough Borough Council, as a new Independent Member of the Standards Committee for recommendation to the Fire Authority. A copy of Mr Webb's CV was presented as Appendix A (not reproduced)

RESOLVED: That the appointment of Mr Ron J Webb as an Independent Member of the Standards Committee with effect from Friday 1 July 2005 for a period of three years, be endorsed and referred to the Fire Authority at its meeting on Wednesday 29 June 2005 with a recommendation that it be approved.

4.04/05 CONSULTATION ON THE NEW CODE OF CONDUCT FOR ELECTED MEMBERS

The Committee's view were sought (Agenda item 5 – not reproduced) on the consultation for a New Code of Conduct for Elected Members produced by the Standards Board and were requested to authorise the Clerk and Monitoring Officer, in consultation with the Chairman, to formulate and submit the Authority's response in line with Members comments and those of the Standards Committee who would be considering the document at its meeting on Wednesday 15 June 2005.

The existing Code has been in operation for approximately three years and the Standards Board for England has indicated that it will be reviewing the existing Code towards the latter part of 2005. The Board has therefore issued a Consultation Paper, a copy of which

was presented as Appendix 1 (not reproduced). The consultation takes the form of twenty-nine questions in total covering different aspects of the Code.

The Committee therefore considered the Consultation Document and the following is a summary of the comments made:

- The Vice-Chairman, in acknowledging the fact that the consultation does allow Members to comment was of the opinion that it could be seen as possible overkill of the Code of Conduct for Members.
- It was agreed that it would not be prudent or feasible to answer or comment on all twenty-nine questions.
- Members were of the opinion that there was precious little evidence to suggest that breaches of the Code are taking place on a regular basis.
- In respect of Question 29, Members felt that the appropriate threshold for the declaration of gifts and hospitality should be more in line with those for Members of Parliament.

RESOLVED: That subject to the comments of the Standards Committee, the Clerk and Monitoring Officer be authorised, in consultation with the Chairman, to formulate and submit the Authority's response to the Standards Board for England.

4.05/05 LOCAL INVESTIGATION OF STANDARDS COMPLAINTS

The Committee's views were sought (Agenda item 6 – not reproduced) on the new Regulations which will enable the Standards Board for England to refer complaints to the Local Authority's Monitoring Officer for local investigation and together with the comments made by the Standards Committee at its meeting on Wednesday 15 June 2005 refer the procedure and the supporting five recommendations to the Fire Authority for approval and adoption.

A copy of the proposed new procedure, prepared by the Clerk and Monitoring Officer and based on the new Regulations, was presented as Appendix 2 (not reproduced) and the following is a summary of the comments made:

- Members expressed their reservations on the exceptional and perhaps unnecessary length of the new Regulations.
- In response to a question the CMO indicated that in the case of an investigation taking place at local level then she would ensure that the Councillor involved would be notified prior to the complaint being considered and afforded the opportunity to comment. It should be noted however that in the event of the Standards Board conducting the investigation they may not even notify the Councillor that he/she is being investigated.
- In noting that a preliminary investigation could possibly take place without the knowledge of the accused, Members were of the opinion that a Councillor should be afforded the opportunity to defend themselves and if necessary be able to bring representatives and/or witnesses. The CMO pointed out that under Section 3f(ii) of Appendix 2 a Councillor has the opportunity to be accompanied by a friend and/or Legal Representative but at his/her own expense. It was noted that this is also referred to in the Appendix under Section 3 of the Procedure for Local Standards Hearings).

In supporting the new procedure and associated recommendations Members asked the Clerk and Monitoring Officer to produce an explanatory flow chart on the steps to be taken in accordance with the procedure, with a copy being circulated to all Fire Authority Members and Independent Members of the Standards Committee for information.

RESOLVED:

- 1 That, subject to no adverse comments emanating from the Standards Committee, the following five Recommendations be endorsed and referred to the Fire Authority with a recommendation that they be approved:
 1. That contingency provision be made to cover the cost of appointing external investigators and legal advisors for individual case hearings as required in the current year, and that formal provision for such costs be made in the Standards Committee Budget for future years.
 2. That an indemnity is provided to Investigating Officers against any claims for defamation, and that such risk is covered by insurance.
 3. That the Procedure for Local Investigations as set out in Appendix 1 be adopted.
 4. That the amended Procedure for Local Hearings as set out in Appendix 1 be adopted.
 5. That the same procedures for local investigation and local hearings be applied for the enforcement by the Standards Committee of complaints and breaches of local protocols.
- 2 That the Clerk and Monitoring Officer be requested to produce an explanatory flow chart on the steps to be taken in accordance with the procedure, with a copy being circulated to all Fire Authority Members and Independent Members of the Standards Committee for information.

4.06/05 INDEMNITIES FOR ELECTED MEMBERS AND OFFICERS

The Committee's views were sought (Agenda item 7 – not reproduced) on the process regarding indemnities for Elected Members and RBFRS Officers and together with the comments made by the Standards Committee at its meeting on Wednesday 15 June 2005 refer the process to the Fire Authority for approval and adoption.

It was reported that Members and Officers of Local Authorities can incur personal civil and criminal liability as a result of their actions, both within the Fire Authority and as a result of their actions carried out on behalf of a wide range of outside bodies.

The matter is also being presented to the Standards Committee and a copy of the report, prepared by the Clerk and Monitoring Officer, was presented as Appendix 3 (not reproduced). Members attention was drawn to the Recommendations set out in paragraph 7 of the Appendix, which if approved by both the Executive and Standards Committee would be referred to the Fire Authority for final adoption.

In endorsing the proposed recommendations, without amendment, Members were advised by the CMO of the debate currently taking place at national level on whether Authorities are able to provide blanket indemnity or deal with each one on a case by case basis. In noting that the CMO was of the opinion that a Court case would eventually resolve the matter, Members felt that a blanket indemnity cover appears to be the most feasible option.

The Authority Treasurer was of the opinion that there would not be a significant increase in the Authority's Insurance Premium to cover the liability under this indemnity.

RESOLVED: That, subject to no objections being raised by the Standards Committee the following Recommendations be endorsed and referred to the Fire Authority at its meeting on Wednesday 29 June 2005 with a recommendation that they be approved:

- 1 That indemnity be granted to Elected Members and Officers of the Royal Berkshire Fire Authority in the terms set out in Appendix 3 and that the Authority Treasurer be requested to secure insurance to cover the Fire Authority's liability under this indemnity, in so far as he is of the opinion that such insurance would be financially prudent.
- 2 That any Member/Officer appointed to a position with an outside organisation which comes within these indemnities shall be treated as a representative of the Royal Berkshire Fire Authority for the purposes of the Code of Conduct for Members.

4.07/05 REVIEW OF CO-OPTED MEMBER ALLOWANCES

The Committee was requested (Agenda item 8 – not reproduced) to consider and decide on the level of allowances paid to the Co-opted Members for recommendation to the Fire Authority in June 2005.

Following a fairly extensive period of consultation and debate the Fire Authority, at its meeting on Wednesday 17 March 2004, adopted a scheme of allowances for Co-opted Members of the Standards Committee, but subject to annual review. The report had therefore been prepared in response to a request from Members at the last Executive Committee meeting that the Co-opted Member allowances be referred to this meeting for consideration and review.

Currently the Chairman and other Independent Members are paid a Co-opted Member allowance of £115.10 and £105.10 per meeting respectively. There has however been some uncertainty as to whether these allowances cover just committee meetings or all meetings, including courses and conferences etc. Until the matter has been clarified the CMO has authorised for attendance at all functions, which has resulted in the Independent Members being able to claim more than the current basic allowance paid to the Authority's Elected Members on the Standards Committee.

The Standards Board for England recommends that Co-opted Members of Standards Committees are paid an allowance based on the daily rates recommended by the Board. Some concerns was expressed by Members at the current level of allowances payable to Co-opted Members and were of the opinion that it should be capped at a more reasonable level and not more than the existing Elected Members basic allowance.

The Chairman suggested that the allowance should be the same as that paid to Elected Members. In supporting the Chairman's suggestion in principal the Vice-Chairman proposed that the sum of £300 per annum would be a more preferable rate i.e. 75% of the Elected Members Basic Allowance plus travelling/subsistence and annual increases for inflation. The proposal having been seconded was approved. Members were advised that the Standards Committee at its meeting on 15 June 2005 would be advised of the Committee's decision for information.

RESOLVED: That the proposal that Co-opted Members of the Standards Committee be paid a Basic Allowance of £300 per annum plus travelling/subsistence and annual increases for inflation be endorsed and referred to the Fire Authority at its meeting on Wednesday 29 June 2005 with a recommendation that it be approved.

4.08/05 MEMBERS HANDBOOK – NEW POLICIES

The Committee's views were sought (Agenda item 9 – not reproduced) on three new policies for inclusion in the revised version of the Fire Authority's Members Handbook and together with the views of the Standards Committee would be referred to the Fire Authority meeting in June 2005 for final consideration and adoption.

Members were advised that as part of the strengthening Corporate Governance the existing Members Handbook is currently being updated by the Clerk and Monitoring Officer with a view to producing a revised version in Autumn 2005. As part of this process Members views were sought on three new Policies (Training Policy for Members, Gifts and Hospitality Protocol and Information Technology Protocol) presented as Appendices A, B and C respectively.

The local Protocols, presented as Appendices Band C, if adopted by the Authority will form part of the standards of conduct expected of Fire Authority Members and a breach of Protocol by a Member could then be the subject of a complaint against that Member being referred to the Standards Committee.

Consideration was therefore given to the three new Policies and the following is a summary of the comments made and where necessary decisions reached:

Appendix A: Training Policy for Members

It was agreed that a decision on the Training Policy would be deferred on the grounds that further detailed investigations are required on the extent of the training and the legal/financial implications.

Appendix B: Gifts and Hospitality Protocol

In supporting the Protocol Members agreed that in paragraph 2(vi) the sum of £10 be amended to read "£25".

Appendix C: Information Technology Protocol

In supporting the Protocol as presented Members were advised that the document may require amendment in line with the Authority's current IT and Comms Policy, and updated as new equipment is introduced.

RESOLVED: That:

- 1 Subject to the views of the Standards Committee the Gifts and Hospitality Protocol (as amended) and Information Technology Protocol be endorsed and referred to the Fire Authority at its meeting on Wednesday 29 June 2005 with a recommendation that they be approved and adopted as part of the Revised Members Handbook.**
- 2 A decision on the Training Policy be deferred and that the CMO be requested to undertake further detailed investigations on the extent of the training and the legal/financial implications and present a revised Policy to a future meeting of the Executive Committee for consideration and referral to the Fire Authority.**
- 3 The Information Technology Protocol be amended in line with the Authority's current IT and Comms Policy, and updated as new equipment is introduced with any major changes being referred to a future Executive Committee for determination and, if necessary, referral to the Fire Authority.**

4.09/05 CORPORATE PLAN 2005/2006 – DRAFT VERSION

The Committee's approval was sought (Agenda item 10 – not reproduced) to the Draft version of the Corporate Plan 2005/2006, which under the legislation must be published by 30 June 2005.

As the final version of the 2005/2006 Plan is still being prepared, members were requested to approve the draft but in doing so allow Officers the discretion to make amendments as appropriate. Members also supported a suggestion that the Chairman, Vice-Chairman

and Leader of the Labour Group be authorised to approve the final version of the Corporate Plan.

A copy of the Draft Plan was therefore presented as Appendix 4 (not reproduced) and the following is a bullet point summary of the comments made:

- It was suggested that the consultation statement on page 9 be re-written to make it more reader friendly.
- In response to a suggestion that the CPA Improvement Plan should have been included on page 17, the Chief Fire Officer indicated that whilst this had been considered, its inclusion could be seen as pre-empting the outcome of the report on the CPA appraisal.
- It was also suggested that in respect of the Local PI's an explanation on the variation in the figures be added to the text.

RESOLVED: That:

- 1 Subject to the Chairman, Vice-Chairman and Leader of the Labour Group approving the final version, the draft version of the 2005/2006 Corporate Plan be approved and that an Information Report be presented to the Fire Authority at its meeting on Wednesday 29 June 2005.**
- 2 Officers be allowed the discretion to make amendments as appropriate.**

4.10/05 DATE OF NEXT MEETING

It was noted that the next meeting of the Executive Committee is scheduled to take place on Monday 18 July 2005 at Brigade Headquarters commencing at 6.30pm.

4.11/05 EXCLUSION OF THE PUBLIC

RESOLVED: That under Section 100(A)(4) of the Local Government Act 1972 (as amended), the public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the said Act as indicated:

	Agenda item	Paragraph
13	Part II Minutes – Monday 14 May 2005	1, 7 & 8
14	Single Tender Action – Database and Web Services Support	7 & 8
15	Single Tender Action – Consultancy and Associated Software	7 & 8
16	Retention Payments for Fire Control Staff	1
17	Employment Tribunal Update – Ann Neylan	1
18	Review of Local Pay Ranges for Non-Uniformed Principal Officer Posts	1

Note: The following is a summary of the items considered in the Part II Agenda of the Royal Berkshire Fire Authority's Executive Committee meeting held on Monday 14 March 2005)

4.12/05 PART II MINUTES: 14 MARCH 2005

The Part II Minutes of the last meeting held on Monday 14 March 2005, having been previously circulated, were taken as read and signed by the Chairman as a correct record.

4.13/05 SINGLE TENDER ACTION – DATABASE AND WEB SERVICES SUPPORT

The Committee approved the award of a Contract, under single tender action, for the provision of database and web services support.

4.14/05 SINGLE TENDER ACTION – CONSULTANCY AND ASSOCIATED SOFTWARE

The Committee approved the award of a Contract, under single tender action, to use a resource-modelling specialist as consultants together with the associated software.

4.15/05 RETENTION PAYMENTS FOR FIRE CONTROL STAFF

The Committee determined the Fire Authority's policy in respect of the retention payments being made to RBFRS Control Room Staff, which is subject to the outcome of the regional consultation exercise.

4.16/05 EMPLOYMENT TRIBUNAL UPDATE – ANN NEYLAN

The Committee was advised of the current position regarding the recent Employment Tribunal case involving Ann Neylan.

Note: Prior to consideration of the next item the Director of Human Resources withdrew from the meeting

4.17/05 REVIEW OF SENIOR MANAGER'S PAY DIFFERENTIALS

The Committee approved the proposed revised salary ranges for two senior manager's posts within the Royal Berkshire Fire and Rescue Service.

Signed:.....
Councillor Terry Mills
Chairman

Date: 18 July 2005