

ROYAL BERKSHIRE FIRE AUTHORITY'S STANDARDS COMMITTEE MEETING

Held on Wednesday 4 April 2007

Strategic Command Centre, Headquarters, Royal Berkshire Fire and Rescue Service, Dee Road, Tilehurst, Reading, Berkshire, RG30 4FS



Independent Members present: Mr Albert Gregory
Mr Peter McGuigan
Mr John Quinton
Mr Ronald Webb

Fire Authority Members present: Councillor Andrew Bradley
Councillor Peter Jones

In attendance: Lynda Kenyon (Committee Manager)
Rosemary Lansdowne (Clerk and Monitoring Officer)

Action

02.01.07 APOLOGIES FOR ABSENCE

Apologies were received from Councillor James Mole (Fire Authority Member).

02.02.07 DECLARATION OF INTERESTS

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, the Chairman, as a resident of the Royal Borough of Windsor and Maidenhead and a Council Tax payer, sought the advice of the Clerk and Monitoring Officer as to whether he was required to declare an interest in respect to the considerations of the letter of complaint received from Councillor Peter Jones. The Clerk and Monitoring Officer advised that there was no requirement to declare an interest, and this was supported by the Standards Committee.

The Standards Committee **Noted** that, on this occasion, there were no such declarations made.

02.03.07 MINUTES OF THE MEETING HELD ON 30 JANUARY 2007

The Part I Minutes of the meeting held on Tuesday 30 January 2007 were **Agreed** as a correct record for signing by the Chairman.

02.04.07 LETTER OF COMPLAINT FROM COUNCILLOR PETER JONES

The Standards Committee was invited to consider the letter from Councillor Peter Jones, dated 8 February 2007, and to decide what action, if any, should be taken by the Standards Committee.

The Chairman invited comments from the Standards Committee Members, the salient points as follows:

- Mr Peter McGuigan asked the Clerk and Monitoring Officer to confirm the relationship between the Members of the Fire Authority and their role as Members of Unitary Authorities, and what the Code of Conduct, as adopted by the Fire Authority and the respective Unitary Authorities, required of Members who sat on other Public Bodies. The Clerk and Monitoring Officer tabled a copy of the Statutory Instruments 1997 No. 2695, The Berkshire Fire Services Combination Scheme Order 1997 which came into force on 9 November 1997 (*copy available from the Committee Manager*). She confirmed that the Fire Authority was a stand-alone Local Authority in its own right, and that at each of the Berkshire Unitary Authority annual meetings, Councillor representatives were appointed as Members of the Fire Authority. She stated that the (Elected) Members then represented the Fire Authority, and not their respective Unitary Authority, when dealing with Fire Authority business.
- Mr John Quinton believed that if a Member was elected to a Public Body, their appointment was to serve the interests of that Body, and not their respective Authority. The Clerk and Monitoring Officer confirmed that Members of the Fire Authority must represent the interests of Berkshire as a whole, and that any decisions must be taken in the interests of both the Fire Authority and the entire population of Berkshire.
- Mr Peter McGuigan asked the Clerk and Monitoring Officer to clarify that the legal disputes between the Fire Authority and The Royal Borough of Windsor and Maidenhead and West Berkshire District Council were recorded. The Clerk and Monitoring Officer confirmed this.
- Mr Peter McGuigan asked the Clerk and Monitoring Officer to confirm if the Standards Committee had a duty and right to refer the complaint received from Councillor Peter Jones to the Standards Board for England. The Clerk and Monitoring Officer explained that it was not within the Standards Committee's remit to refer such a complaint to the Standards Board for England, the Code of Conduct placed the duty to report a breach with Councillor Peter Jones, and that Councillor Peter Jones should report the matter to the Standards Board for England as soon as possible if he considered that there had been a breach of the Code of Conduct. She confirmed that the Standards Committee could recommend an informal way of dealing with the matter raised by Councillor Peter Jones.
- Mr Peter McGuigan asked the Clerk and Monitoring Officer to confirm whether the Standards Committee could give a suitable dispensation in respect to the issues raised by Councillor Peter Jones. The Clerk and Monitoring Officer stated that the Standards Committee's Terms of Reference did not allow for any dispensation to be given, in this instance.
- Mr Peter McGuigan referred to the Paragraph 10(2)(a) of the Code of Conduct (*"A Member may regard himself as not having a prejudicial*

interest in a matter if that matter relates to another relevant Authority of which he is a Member"). He felt that this paragraph could be perceived as being somewhat ambiguous, and, as such, interpreted by some Fire Authority Members as not being required to declare a prejudicial interest. Councillor Andrew Bradley did not wish to see Fire Authority Members influence, in any way, any decisions which related to a legal challenge.

- Mr John Quinton felt that, if Councillor Peter Jones referred his complaint to the Standards Board for England, the Standards Board should pursue an investigation. Councillor Andrew Bradley supported this, however his preference would be to seek an informal resolution to this matter. Mr Ronald Webb also felt that the nature of Councillor Peter Jones' complaint should be examined and tested by the Standards Board for England.
- The Chairman asked those Standard Committee Members who had been present at the Fire Authority meeting held on 7 February 2007 whether, in their opinion, any Members or Officers had not been treated with respect. Councillor Peter Jones did not feel that any Member was disrespectful to another Member.
- Councillor Peter Jones referred to Paragraph 10(1) of the Code of Conduct ("*... a Member with a personal interest in a matter has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest*"). He felt that this paragraph had implications for the Fire Authority and the Unitary Authorities in respect to the nature of his complaint. Councillor Peter Jones questioned whether this particular section served the purpose for which it was written.
- Mr John Quinton felt that the Fire Authority Chairman should not have allowed the discussions by Members at the Fire Authority meeting held on 7 February 2007 relating to the membership of the 'Property and Resources Committee' to continue. Councillor Andrew Bradley supported this, and stated that the Chairman should have heeded the advice given by the Clerk and Monitoring Officer. The Chairman stated that Members should also observe the advice given by the Clerk and Monitoring Officer but that this was not mandatory on their part. Councillor Peter Jones noted that Members needed to be mindful of any breach to the Code of Conduct should they disregard any advice given by the Clerk and Monitoring Officer in respect to declaration of interests.
- Mr John Quinton noted that the Clerk and Monitoring Officer had advised the Fire Authority, at its meeting on 7 February 2007, that she considered that Members of The Royal Borough of Windsor and Maidenhead and West Berkshire District Council should not be a Member of the Property and Resources Committee because they would be precluded from

speaking or voting on the Committee due to having a prejudicial interest, and that to speak or vote in relation to proceedings being instigated by their own Unitary Authorities could amount to a breach of the Code of Conduct. He felt that both the Chairman and the Vice Chairman, both Councillors of West Berkshire District Council, should have withdrawn from the debate and stood down as Chairman and Vice Chairman respectively, and that a proxy Chairman and Vice Chairman should have been elected for the consideration of this Agenda Item. He also felt that if Members of The Royal Borough of Windsor and Maidenhead and West Berkshire District Council had been excluded from voting, a democratic decision would have been reached. Councillor Peter Jones believed that the decision reached by the Fire Authority in respect to the membership of the Property and Resources Committee had been wrong in principle and in law.

- Councillor Peter Jones felt that the Royal Borough of Windsor and Maidenhead's appointment of Councillor Mrs Mary Rose Gliksten's to the new Committee raised issues of prejudicial interests in relation to her other role as Leader of The Royal Borough of Windsor and Maidenhead. Mr Peter McGuigan agreed.

The Standards Committee:

- **Agreed** that the Clerk and Monitoring Officer should respond to the letter, dated 8 February 2007, received from Councillor Peter Jones regarding her considerations on the matter raised, and to confirm that the advice given by her to Members in respect to the prejudicial interests at the meeting of the Fire Authority on 7 February 2007 was correct. CMO
- **Agreed** that the Chairman would write, on behalf of the Standards Committee, to Councillor Peter Jones confirming that: CMO /
Chairman
 - The Standards Committee believed that he was right to seek the Standards Committee's considerations of his complaint.
 - It was the opinion of the Standards Committee that, if he felt there had been a breach to the Code of Conduct, he must refer it to the Standards Board for England.
 - Paragraph 10(2)(a) of the Code of Conduct ("*A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to another relevant Authority of which he is a Member*") could be open to different interpretation, and, therefore, it was the recommendation of the Standards Committee that the Standards Board for England determine its meaning.
- **Agreed** that, in respect to the Fire Authority's considerations of the Agenda Item "Establishment of a new Property and Resources Committee", the Chairman of the Fire Authority failed to chair the discussions satisfactorily, and that the Chairman might find it helpful to receive some chairmanship training.

CMO

- **Agreed** that the Clerk and Monitoring Officer should seek confirmation from each Berkshire Unitary Authority that their respective Fire Authority Elected Members had received appropriate Code of Conduct training, and that, if any Member had not been in receipt of such training, respective training sessions should be arranged.
- **Noted** that no substantive written replies had yet been received by the Clerk and Monitoring Officer from the Monitoring Officers at both The Royal Borough of Windsor and Maidenhead and West Berkshire District Council following her letter to them requesting their views on Councillor Peter Jones' complaint and to the advice they had given their respective Members. The Clerk and Monitoring Officer confirmed that a holding reply only had been received from The Royal Borough of Windsor and Maidenhead.

02.05.07 DATE OF NEXT MEETING

The next meeting of the Standards Committee will take place on Tuesday 15 May 2007 at 5pm in the Strategic Command Centre, Headquarters, Royal Berkshire Fire and Rescue Service.

Minutes signed by Chairman as a correct record:

Signature



Print Name

A. GREGORY

Date signed:

15 May 2007

