

## ROYAL BERKSHIRE FIRE AUTHORITY'S STANDARDS COMMITTEE MINUTES WEDNESDAY 15 JUNE 2005

HELD AT BRIGADE HEADQUARTERS COMMENCING AT 10.15AM AND CONCLUDED  
AT 1.30PM

### Present:

**Fire Authority Members:** Councillors Mrs Christine Bateson, Owen E Jeffery  
**Independent Members:** Peter Harris (Chairman),  
Geoffrey B Mayes (Vice-Chairman), Paul Sidwell  
**Officers:** Iain Cox (Chief Fire Officer)  
Rosemary Lansdowne (Clerk and Monitoring Officer)  
David R Weller (Committee Administrator)  
**Apologies:** Councillor Tom Crisp  
Ron J Webb (Independent Member Elect)

### 2.01/05 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 or Prejudicial, where appropriate, it was noted that on this occasion there were no such declarations to be made.

### 2.02/05 MINUTES: 21 JANUARY 2005

The Minutes of the last meeting held on Friday 21 January 2005, having been previously circulated, were taken as read and signed by the Chairman as a correct record, subject to the following amendments and further comments as indicated:

**Amendments:** Minute 1.04/05 Minutes  
In first line delete "2005" and insert "2004"  
Minute 1.05/05 Member Attendance at Fire Authority Meetings  
In second line of Resolution delete "Mils" and insert "Mills"

### Summary of further discussions

1 Recommendations Referred to the Fire Authority and/or Executive Committee

The Chairman referred to decisions made by the Standards Committee and then referred to the Fire Authority and expressed his concern that the Standards Committee did not have the opportunity to comment on the referred reports prior to their inclusion in the Fire Authority Agenda, which means that in reality recommendations from the Committee were not being authorised by this Committee. As an example he cited a report included in the last Fire Authority Agenda which, in his opinion required an amendment, and on his initiative the amendment was made and a revised version of the report circulated.

Having considered various options to improve this situation it was **Agreed that Members would try and schedule future meetings of the Standards Committee on dates that fall between Fire Authority meetings, which should then enable the Chairman to see and approve referred reports.** Members were also reminded that the Chairman is

authorised to attend Fire Authority meetings and with the approval of the Chairman speak to any item that is relevant to the work of the Standards Committee.

## 2 Training Strategy for Independent Members

The Chairman sought an update from the Clerk and Monitoring Officer (CMO) and Vice-Chairman on the current situation regarding the collection of information from other Authorities on the training provide for its Standards Committee members and the development and production of a Training Strategy.

The CMO confirmed that in accordance with the decision made at the last meeting she has sought and received information from the Unitary Authorities and whilst they all appear to provide training for their Elected Members they only have ad-hoc arrangements for members of their Standards Committee. As a result of this no formal documentation is available. In addition the CMO had also written to the Standards Board for England and a copy of their response has been circulated to members.

A Training Policy has been produced and was presented to the Executive Committee at its meeting on Monday 16 May 2005 but a decision was deferred on the grounds that further detailed investigation was required on the extent of the actual training and the legal/financial implications.

As a way forward the CMO suggested that the Chairman, Vice-Chairman meet on an informal basis with the three Party Leaders to discuss a Training Strategy

The CMO also explained the procedure that would be adopted in the event of the Committee having to consider a complaint against an Elected Member of the Fire Authority. The process would be on similar lines to that currently used for a criminal tribunal, but adapted accordingly and would include full training to members prior to the meeting taking place. It was however recognised that members could be in a very difficult position in the event that a complaint against an Elected Member is received.

The Chairman was of the opinion that some training on the procedure that would be adopted at a complaint hearing should be arranged as a matter of priority. The CMO in confirming that whilst some training could be arranged it could not deal with matters that arise on the actual day. She therefore suggested that members take the opportunity to attend a Magistrates Court, which will provide some idea of the procedure to be used. Ultimately however it will be the Executive Committee who decides on the extent of training to be provided. Following a detailed and informative discussion there was general agreement that some form of comfort training is necessary and that it should be arranged as soon as possible.

The Chief Fire Officer suggested that whilst it may not be possible to arrange for members to be involved in any current training it would however be possible to provide a mock-up of a likely case, which would be videoed and copies provided for members.

After some further discussion it was **RESOLVED: That**

- 1. The proposal to develop a Training Strategy be discussed in more detail at the informal meeting between the Chairman/Vice-Chairman and the Authority's three Party Leaders, which will include an invitation to the Elected Members of the Standards Committee to attend.**
- 2. A report on the outcome of that meeting be presented to the next meeting of the Standards Committee on a date to be determined.**

## **2.03/05 APPOINTMENT OF NEW INDEPENDENT MEMBER TO THE STANDARDS COMMITTEE**

The Committee was advised (Agenda item 4 – not reproduced) of the Executive Committee's decision to appoint a new Independent Member of the Standards Committee.

Following the sad and untimely death of David Distin JP, the Clerk and Monitoring Officer, on behalf of the Chairman, invited Mr Ron Webb to become an independent Member of the Standards Committee. Mr Webb is a former Fire Authority/Slough Borough Council Member and had great pleasure in accepting the invitation.

The Executive Committee Resolved that the appointment of Mr Webb as an Independent Member of the Standards Committee with effect from 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.

The Standards Committee welcomed the appointment of Mr Webb.

### **NOTED**

## **2.04/05 REVIEW OF CO-OPTED MEMBER ALLOWANCES**

The Committee was advised (Agenda item 5 – not reproduced) of the Executive Committee's consideration of and decision on the level of allowances to be paid to Co-opted Members of the Standards Committee for recommendation to the Fire Authority at its meeting on Wednesday 29 June 2005.

At its meeting on Monday 16 May 2005 the Executive Committee were reminded that 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, which also included the requirement to annually review this issue.

At the last meeting of the Executive Committee, the Clerk and Monitoring Officer was requested to present a report on the Co-opted Member allowances to the next meeting for consideration and review. A summary of the report presented to the Executive Committee was presented in paragraph 2 of the report (not reproduced).

The Executive Committee therefore considered whether the level and nature of the allowances for Co-opted Members of the Standards Committee are both reasonable and appropriate, and whether the existing scheme should continue or changes be made. Some concern was expressed by Executive Committee Members at the level of the allowances paid 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 of £400 per annum. Having considered the matter further it was proposed that £300 per annum would be a 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 therefore approved and referred to the Fire Authority with a recommendation that it be approved.

Mr Sidwell in expressing his concern that if the allowances are reduced this could have a profound effect on existing and future independent members of the Committee in the event of them having to take time off work in that they could be seen a derisory, suggested that any recompense should be at a suitable level. The Vice-Chairman indicated that he could not understand the logic of only paying for attendance at meetings and not training.

Councillor Mrs Christine Bateson was of the opinion that allowances are payable for attendance at meetings only and if they go beyond that it will be more than Fire Authority Members are receiving. In noting the comments made the Chairman reflected on the

amount of time he has spent in this particular position, which is in excess of what he actually imagined.

Councillor Owen Jeffery proposed that the report as presented be noted. The proposal having been seconded was put to the vote and was lost by two votes for to three against with no abstentions.

In recognising that the report had only been presented for information the Independent Members asked that the following statement be reported to the Fire Authority:

“In noting the Executive Committee’s decision the Independent Members are of the opinion that it may discourage other people from putting their names forward as Independent Members of the Standards Committee, which may have an adverse effect on the future of the Committee. It is also considered that the original allowances should be maintained for both Meetings and Training Courses etc.”

**RESOLVED: That the statement from the Independent Members, as set out above, be reported to the Fire Authority at its meeting on Wednesday 29 June 2005.**

## **2.05/05          CONSULTATION ON NEW CODE OF CONDUCT FOR ELECTED MEMBERS**

The Committee’s views were sought (Agenda item 6 – not reproduced), as requested by the Executive Committee, on the consultation for a New Code of Conduct for Elected Members produced by the Standards Board for England, who have indicated that they would be reviewing the existing Code, which has been in operation for approximately three years, 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) and which takes the form of a series of questions, being twenty-nine in total, covering different aspects of the Code.

Although responses are requested by 17 June 2005, Members were advised that the Standards Board for England specifically requests that Fire Authority’s Standards Committees consider this matter, hence the report being presented at today’s meeting. The Standards Board has been advised of the likely delay and in an attempt to speed up the Authority’s response it had been suggested and agreed by the Executive Committee that following this meeting the Clerk and Monitoring Officer (CMO), in consultation with the Chairman, be authorised to formulate and send the Authority’s response to the Standards Board in line with the comments made by both the Executive and Standards Committees.

Members were advised that the Executive Committee had made the following comments:

- Councillor Jeff Brooks, 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.
- Members 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 is 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 i.e. £250.

In noting the comments made by the Executive Committee, Members supported those made by Councillor Brooks. In response to a question from the Chairman as to whether it is really the privilege of this Committee to decide what the Code should be the CMO indicated that it was as this would be the Code for future use by all Local Authority

Members on Fire Authorities. The CMO therefore took Members through the twenty-nine questions and the following is a summary of the comments made and the guidance provided by the CMO based on her legal experience:

Questions 1 to 6: Noted

Questions 7 and 8: The question of disrepute should continue to apply to certain activities in a members' private life but only limited to criminal convictions.

Question 9: Noted

Question 10: Define "Inappropriate political purposes" – This should be defined as suggested but within the bounds of possibility and reason. In welcoming this members were of the opinion that it could be difficult to actually define.

Question 11: Noted

Question 12: The provision of the Code of Conduct that requires members to report breaches of the Code by fellow members should be retained in full.

Question 13: Noted

Question 14: Should there be a further provision about making false, malicious or politically-motivated allegations. Members felt that there should be a better system of weeding out silly and/or unnecessary allegations with a more streamlined system to remove those cases where it is not considered appropriate to proceed.

Question 15: Noted

Question 16: Does the term "friend" require further definition? Members were of the opinion that it should also include reference to another person or acquaintance.

Questions 17 to 21: Noted

Questions 22 and 23: Members felt that if an interest is declared the person should remain in the meeting and speak if necessary.

Questions 24 and 28: Noted

Question 29: Members supported the comments made by the Executive Committee that the appropriate threshold for the declaration of gifts and hospitality should be more in line with those for Members of Parliament i.e. £250.

**RESOLVED: That the comments set out above be included in the Authority's response to the Standards Board for England, which in accordance with the Executive Committee's decision will be formulated by the Clerk and Monitoring Officer in consultation with the Chairman of the Fire Authority.**

## **2.06/05 LOCAL INVESTIGATION OF STANDARDS COMPLAINTS**

The Committee's views were sought (Agenda item 7 – 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 Executive Committee at its meeting on Monday 16 May 2005, for referral to the Fire Authority at its meeting on Wednesday 29 June 2005 for adoption.

In speaking to the report the Clerk and Monitoring Officer advised that the new Regulations will enable the Standards Board to refer complaints of Councillor misconduct to the Local Authority's Monitoring Officer for local investigation, instead of investigation by the Standards Board's Ethical Standards Officer, before the Authority's Standards Committee determines a complaint.

A copy of the report entitled "Local Investigation of Standards Complaints" prepared by the CMO was presented as Appendix 2 and Members views were invited. The Executive

Committee had considered the five recommendations set out in the Appendix and in referring to the exceptional and perhaps unnecessary length of the New Regulations had made the following comments:

- In response to a question the CMO indicated that in the event 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 given the opportunity to comment. However in the event that the Standards Board conducted 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 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. (Note: This is also referred to in the Appendix under Section 3 of the Procedure for Local Standards Hearings).

The Executive Committee in supporting the new procedure and the five associated Recommendations asked the CMO to produce an explanatory flow chart of the steps to be taken in accordance with the procedure, which when produced will also be presented to the Standards Committee for information.

Having considered the five recommendations set out in Appendix 2, Members agreed that they be supported and referred to the Fire Authority without comment.

**RESOLVED: That the following five Recommendations be endorsed and referred to the Fire Authority with a recommendation that they be approved and adopted:**

- 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.**

## **2.07/05 INDEMNITIES FOR ELECTED MEMBERS AND OFFICERS**

The Committee's views were sought (Agenda item 8 – not reproduced) on the process regarding indemnities for Elected Members and RBFRS Officers, and having taken into account the views of the Executive Committee, refer the recommendations relating to the procedure to the Fire Authority for adoption.

At its meeting on Monday 16 May 2005 the Executive Committee was advised 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.

A copy of the report, prepared by the Clerk and Monitoring Officer (CMO) was presented as Appendix 3 (not reproduced). Members were advised that the Executive Committee having endorsed the two recommendations set out in paragraph 7 of the Appendix without comment had been 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 in the CMO's opinion a Court case would eventually resolve this matter, Executive Committee Members were of the opinion that a blanket indemnity cover is the most feasible option.

Having considered the report and taken into account the views of the Executive Committee, Members agreed that the two recommendations be supported and referred to the Fire Authority with a recommendation that they be approved.

The Chairman did however refer to the fact that no reference had been made in the recommendations to Independent Members of the Standards Committee and queried whether they would be covered by the same indemnity. The CMO in agreeing to investigate this issue was of the opinion that they would be covered under the definition of "Member". If however a legal bar was in place it would be necessary for further enquiries to be made regarding its possible removal or to seek information on the provision of specific cover for Independent Members.

#### **RESOLVED:**

- 1 That the recommendations on Indemnities for Elected Members and RBFRS Officers as set out below be endorsed and referred to the Fire Authority Meeting in June 2005 with a recommendation that they be approved:**
  - (i) An indemnity be granted to Elected Members and Officers of the Royal Berkshire Fire Authority in accordance with the terms set out in Appendix 2 and that the Authority Treasurer be instructed 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.**
  - (ii) An appointment to a position with an outside organisation, which comes within these indemnities shall be treated as an appointment as a representative of the Royal Berkshire Fire Authority for the purposes of the Code of Conduct for Members.**
- 2 That the CMO be asked to investigate whether Independent Members of the Standards Committee are covered by the same indemnity and if not to seek information on the provision of specific cover for Independent Members and present a report on the outcome of the investigation to the next meeting of the Standards Committee on a date to be determined.**

#### **2.08/05 MEMBERS HANDBOOK – NEW POLICIES**

The Committee's views were sought (Agenda item 9 – not reproduced) on two new Policies for inclusion in the revised version of the Fire Authority's Members Handbook, and having taken into account the views of the Executive Committee, to refer the Policies to the Fire Authority for approval and adoption.

At its meeting on Monday 16 May 2005, the Executive Committee was advised that as part of the strengthening Corporate Governance, the Fire Authority's 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 the Executive Committee had considered the following two new Policies, copies of which were presented as Appendices A and B respectively:

## Gifts and Hospitality Protocol

## Information Technology Protocol

The Executive Committee in supporting both Protocols had made the following amendment to the Gifts and Hospitality Protocol:

In paragraph 2(vi) amend £10 to read £25

With regard to the IT Protocol Members were advised that the documents may require amendment in line with the Authority's current IT and Comms Policy, and updated as new equipment is introduced. A Training Policy and Programme for Members had also been presented to the Executive Committee but a decision was deferred on the grounds that further detailed investigation was required on the extent of the training and the legal/financial implications.

Members were advised that if adopted by the Fire Authority, the local Protocols will form part of the standards on conduct expected of Fire Authority Members and a breach of a Protocol by the Member could then be the subject of a complaint against that Member to the Standards Committee.

The Standards Committee in supporting both Protocols indicated their wish to make the following statement to be relayed to the Fire Authority meeting on 29 June 2005:

"The Standards Committee welcome and support the principle of the Gifts and Hospitality Protocol and encourage and expect every Fire Authority Member to abide by the Protocol but recognise that each case will be considered on its merits and with a common sense approach prevailing."

### **RESOLVED: That:**

- 1. The Gifts and Hospitality and Information Technology Protocols 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. The above mentioned Statement by the Standards Committee be included in the report to be presented to the Fire Authority.**

## **2.09/05 NOTES ON THE INDEPENDENT MEMBERS' FORUM MEETING**

The Committee received a copy (Appendix 4: Agenda item 10 – not reproduced) of the Notes of the Independent Members' Forum Meeting held on Friday 22 April 2005 at County Hall, Trowbridge, attended by Peter Harris (Chairman), Geoffrey Mayes (Vice-Chairman), and accompanied by the Clerk and Monitoring Officer.

Members were reminded that a summary of the events, prepared by the Vice-Chairman, had been circulated on 28 April 2005.

In noting the report Councillor Owen Jeffery took the opportunity to remind those present of the need to act as a Committee in totality and that the Independent Members do not meet on an ad-hoc basis or as a Committee unless it is on a formal basis. It is essential to ensure that we are not sub-divided but always act as one Committee.

Members were of the opinion that the Standards Board should be asked to provide a definition of the reasons for the Forums and what they are expected to achieve. Bearing in mind the comments above, the Elected Members expressed concern that they were excluded and wished this to be passed on to the Forum organisers. There was also general agreement that the decision to include Monitoring Officers is correct and appropriate.

It was therefore suggested and agreed that the Chairman raises these points and seeks clarification at the next Forum meeting on Friday 21 October 2005 in Witney, Oxfordshire.

**NOTED**

**2.10/05      DATE OF NEXT MEETING**

**RESOLVED:** That a further meeting of the Standards Committee be arranged for Wednesday 30 November 2005 at Brigade Headquarters commencing at 10.00am.

**2.11/05      COUNCILLOR OWEN JEFFERY/DAVID WELLER COMMITTEE ADMINISTRATOR**

The Chairman referred to the fact that regrettably this is Councillor Owen Jeffery's last meeting as he is standing down as a Fire Authority member on 28 June 2005. On behalf of the Committee he therefore wished to place on record his sincere thanks to Councillor Jeffery for all his hard work for and on behalf of the Fire Authority but more especially for the very valuable contribution that he has made to the work of the Standards Committee. He wished him every happiness in the future. Councillor Owen Jeffery in thanking the Chairman for his kind comments also wished to place on record his thanks to other Members of the Committee for their support during his time as a Member and wished the Committee every success in the future.

It was noted that this would also be the last meeting for David Weller as Committee Administrator as he was retiring on 2 September 2005. The Chairman, on behalf of the Committee, placed on record a sincere vote of thanks for his services since the inception of the Committee together with best wishes for the future. David thanked the Chairman for his kind comments.

**NOTED**

Signed:.....  
  
Chairman

**Date: 30 November 2005**