

SIGNED COPY

Chairman's Initials



ROYAL BERKSHIRE FIRE AUTHORITY'S STANDARDS COMMITTEE MEETING (PART I)

Held on Monday 15 September 2008

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 Ronald Webb

Elected Members:

Councillor Peter Jones

In attendance:

Lynda Kenyon (Committee Manager)
Caroline Redzikowska (Clerk and Monitoring Officer)

Action

01.01.08 ELECTION OF CHAIRMAN (2008/09)

The Clerk and Monitoring Officer (CMO) invited nominations for the position of Chairman of the Standards Committee. Mr Ronald Webb nominated Mr Albert Gregory, and this was seconded by Mr Peter McGuigan. The Clerk and Monitoring Officer made the Committee aware that Mr John Quinton had advised her that he would be pleased to be nominated as Chairman, if no other nominations were received. The appointment of Mr Albert Gregory as Chairman of the Standards Committee was carried, and Mr Albert Gregory was duly elected Chairman of the Standards Committee for the ensuing year until the Fire Authority's annual meeting in June 2009.

Mr Albert Gregory in the Chair.

01.02.08 ELECTION OF VICE-CHAIRMAN (2008/09)

The Chairman nominated Mr Ronald Webb for the position of Vice-Chairman, and this was seconded by Mr Peter McGuigan. There were no further nominations received. The Standards Committee **Resolved** that Mr Ronald Webb be elected Vice-Chairman of the Standards Committee for the ensuing year until the Fire Authority's annual meeting in June 2009.

01.03.08 APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr John Quinton (Independent Member), Councillor Andrew Bradley and Councillor Mrs Prue Bray.

01.04.08 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, it was **Noted** that on this occasion there were no such declarations made.

01.05.08 ELECTED MEMBERS OF THE STANDARDS COMMITTEE

The Standards Committee Noted the Elected Members of the Standards Committee, as appointed by the Fire Authority at its annual meeting on 25 June 2008, as follows:

- Councillor Andrew Bradley
- Councillor Mrs Prue Bray
- Councillor Peter Jones

The Committee Manager (CM) conveyed her apologies to Councillor Mrs Prue Bray for an error in the presented report regarding her salutation.

01.06.08 PART I MINUTES OF THE MEETING HELD ON 19 SEPTEMBER 2007

The Part I Minutes of the meeting held on 19 September 2007 were **Agreed** as a correct record for signing by the Chairman, subject to Councillor Peter Jones being recorded as being present at the meeting as an 'Elected Member' and not 'In Attendance'.

01.07.08 TERMS OF REFERENCE

The Committee considered the revisions to the Committee's Terms of Reference following the enactment of new legislation, including the Local Government and Public Involvement in Health Act 2007 (LGPIH), and, in particular, the sections of the Act which amend the Local Government Act 2000 in relation to the ethical framework and the local filtering of complaints, the Standards Committee (England) Regulations 2008 and new Guidance from the Standards Board for England (SBE) on the role and make up of Standards Committees.

The Clerk and Monitoring Officer provided further explanation to points of clarity sought by Members, and consideration was given to the virtues of increasing the Standards Committee to nine Members, the salient points of discussion being:

- Viability of temporary appointments of Independent Members from other Standards Committees.
- Appointment of nominated substitute Elected Members. The Clerk and Monitoring Officer referred the Standards Committee to the Standards Board for England's Guidance that the use of substitutes was not recommended.

The Clerk and Monitoring Officer confirmed that training would be tailored to meet the needs of the respective Standards Committee Members. Councillor Peter Jones felt that, to ensure consistency, training should be specifically aligned to meet the responsibilities of the Fire Authority's Standards Committee Members. Mr Peter McGuigan advised that on-line training packages were now available and that this resource might also wish to be considered as a training tool.

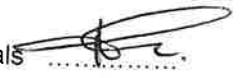
The Standards Committee Agreed:

- a) That the Fire Authority be recommended to accept the Standards Committee's revised Terms of Reference as set out in Appendix 1 to the presented report.

- b) That the size of the Standards Committee be increased by two (one Independent Member and one Elected Member) to a total of nine Members (a minimum of 25% Independent Members).
- c) That the Fire Authority is recommended to determine the allocation of the additional Councillor seats on the Committee for the period from October 2008 until the annual meeting of the Fire Authority in June 2009.
- d) That, with effect from the date of this meeting (15 September 2008), there shall be three Sub-Committees of this Committee, to be known respectively as the Assessment Panel, the Assessment Review Panel, and the Standards Hearing Panel.
- e) That the Terms of Reference of the Sub-Committees shall be as follows:

Sub-Committee	Terms of Reference
Assessment Panel	To carry out the initial assessment of misconduct allegations, in accordance with Section 57A of the Local Government Act 2000 and any relevant Regulations, including any subsequent reference back to the Panel by the Monitoring Officer.
Review Panel	To review a decision by an Assessment Panel to take no action in respect of a misconduct allegation, in accordance with Section 57B of the Local Government Act 2000 and any relevant Regulations.
Standards Hearing Panel	To determine any matters referred to it in accordance with the provisions of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 as subsequently amended.

- f) That a meeting of any of the above Sub-Committees shall comprise three Members, and that no Member who has sat on an Assessment Panel may also sit on a Review Panel which considers an appeal against the decision of the Assessment.
- g) That each of the Sub-Committees shall be chaired by an Independent Member of the Standards Committee.
- h) That at least one Member of each of the Sub-Committees shall be drawn from the Fire Authority Members of the Standards Committee and be selected on an alphabetical rota basis.
- i) That any person appointed to serve on any of the Sub-Committees shall attend appropriate training before doing so.
- j) That the arrangements approved be reviewed after 12 to 18 months of operation, ie by no later than March 2010.



- k) That the Monitoring Officer be requested to ensure that processes are in place for training for the Chairman and Vice-Chairman of the Standards Committee and for all Committee Members in relation to the Local Assessment of complaints and Standard Committee Hearings.
- m) That the Fire Authority is recommended to authorise the Monitoring Officer to make any consequential amendments to the Constitution.

The Standards Committee:

- i) **Noted** that the information in paragraphs 3.37 and 3.39 of the report presented in relation to the imminent consultation on the revised general principles and model code of conduct.

In response to Councillor Peter Jones, the Clerk and Monitoring Officer confirmed that she would advise the Unitary Authority's Monitoring Officers of the advertisement to be placed in due course for the additional Independent Member appointment in accordance with Regulations and Standards Board for England Guidance.

01.08.07 LOCAL HANDLING OF COMPLAINTS

The Standards Committee was advised of the coming into force of the Standards Committee (England) Regulations 2008 and the associated duty for the Committee to undertake local assessment of breaches of the Code of Conduct. The Standards Committee was invited to consider the adoption of guidance related to the new requirements and consequential amendments to the Constitution.

In response to the Chairman, the Clerk and Monitoring Officer confirmed that she would liaise with the Corporate Communications Manager to consider bringing to the attention of the Berkshire media editors the role and purpose of the Standards Committee and of the complaints process.

CMO

The Standards Committee:

- **Noted** the contents of the report.
- **Approved** the Complaints Guidance attached as Appendix C of the presented report, including the assessment criteria referred to in Section 5 of that Guidance.

01.09.08 UPDATE REPORT FROM THE CLERK AND MONITORING OFFICER

The Clerk and Monitoring Officer provided an update on 'Standards Activity' and issues, including the Members Scheme of Allowances, complaints of breaches of the Code of Conduct, training and the Membership of the Standards Committee. She also presented a proposed Work Programme for forthcoming meetings of the Committee for consideration.

Councillor Peter Jones believed that Elected Members should not be involved in future considerations of the Members Scheme of Allowances and that he did not personally wish to participate in such future considerations of the Scheme. He suggested that an Independent Remunerations Panel, its membership to comprise Independent Members

only, be appointed to review the Scheme. Mr Peter McGuigan suggested that an alternative arrangement might be for the Standards Committee to appoint a fourth Sub Committee. The Clerk and Monitoring Officer agreed to ascertain the validity of the aforementioned suggestions, and she agreed to present the findings and options to a future meeting. The Standards Committee recognised that, although not strictly required, it considered it a matter of good practice that an independent view of the Members Scheme of Allowances would, for audit purposes, support any revised Scheme that might be drawn up.

CMO

The Standards Committee:

- a) **Noted** the contents of the report.
- b) **Agreed** that Fire Authority be recommended to seek confirmation from each constituent appointing Authority that its appointees have received training in the Code of Conduct and to confirm the date it was received.
- c) **Agreed** that all Members and Co-opted Members of the Fire Authority be asked to review their Registers of Interests and, if necessary, seek advice from the Monitoring Officer.
- d) **Noted** the position with regard to the Members Scheme of Allowances and **Agreed** that a review of the current Scheme be undertaken forthwith.
- e) **Agreed** that the Fire Authority be asked to note the position regarding the Scheme of Allowances and the action that the Standards Committee has taken.
- f) **Agreed** the Committee's forthcoming Work Programme as follows:
 - To review the Local Investigation and Hearing procedures following the implementation of the Local Government and Public Involvement in Health Act 2007 Act.
 - To review the Scheme of Members Allowances in light of legal advice that elements of the current Scheme are inappropriate.
 - To review the Corporate Complaints Procedure.
 - To annually review the Members Registers of Interests, the Gifts Register and Hospitality Register.To annually review the Members' attendance at meetings of the Fire Authority.
- g) **Agreed** that a representative Independent Member would attend at least two meetings per annum of the Fire Authority.

CMO

CMO

CMO

CMO

CMO

01.10.08 COMMITTEE'S ANNUAL REPORT TO THE FIRE AUTHORITY

The Standards Committee Agreed that the Clerk and Monitoring Officer should prepare a draft report, for subsequent approval by the Chairman, of the work of Standards Committee since last reported to the Fire Authority in June 2007, and of its current Work Programme, including the salient issues previously considered, the

CMO

SIGNED COPY

Chairman's Initials



number of meetings held since last reported, and how the Independent Members had been actively involved in the work of the Berkshire, Oxfordshire and Wiltshire Standards Committees' Independent Members' Forum.

04.08.07 DATE OF NEXT MEETING

The Standards Committee Noted that its next meeting would be held on Tuesday 11 November 2008 at 5pm in the Strategic Command Centre, Headquarters, Royal Berkshire Fire and Rescue Service.

The Standards Committee Agreed that, to ensure sufficient opportunities to deal with any issues that might arise and to properly undertake its role within the Fire Authority, the Committee Manager should schedule six meeting dates (bi-monthly) during 2009, the proposed dates and times for consideration at its next meeting.

CM

Minutes signed by Chairman as a correct record:

Signature 

Print Name ALBERT GREGORY

Date signed: 11th November 2008.

