

ROYAL BERKSHIRE FIRE AUTHORITY'S STANDARDS COMMITTEE MINUTES FRIDAY 21 JANUARY 2005

HELD AT BRIGADE HEADQUARTERS COMMENCING AT 10.00AM AND CONCLUDED
AT 1.52PM

Present:

Fire Authority Members: Councillor Owen E Jeffery

Independent Members: Peter Harris, Geoffrey B Mayes, Paul Sidwell,

Officers: Rosemary Lansdowne, Clerk & Monitoring Officer
David Wallace, Director of Human Resources
David R Weller, Committee Administrator

Apologies: Councillor Christine Bateson,
Councillor Tom Crisp, David J Distin JP

1.01/05 ELECTION OF CHAIRMAN

RESOLVED: That Peter Harris be elected Chairman of the Royal Berkshire Fire Authority's Standards Committee for the remainder of the ensuing year.

1.02/05 ELECTION OF VICE-CHAIRMAN

RESOLVED: That Geoffrey B Mayes be elected Vice-Chairman of the Royal Berkshire Fire Authority's Standards Committee for the remainder of the ensuing year.

1.03/05 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.

1.04/05 MINUTES: 5 FEBRUARY 2004

The Minutes of the last meeting held on Thursday 5 February 2005, having been previously circulated, were subject to the following amendments and further discussions, supported by a new Resolution:

Amendment: Under Independent Members in those Present delete "G D Mayes" and insert "G B Mayes"

Summary of further discussions and new Resolution

1 Minutes of the last Meeting

In response to a question from the Chairman as to why the Minutes of the last meeting held on Thursday 5 February 2004 had not been produced until the publication of the Agenda for this meeting, the Clerk and Monitoring Officer accepted that it had taken far too

long to produce the Draft Minutes and tendered her sincere apologies to Members for the delay on her part.

Nevertheless the Chairman felt that it is not acceptable for Members to wait so long and was of the opinion that it may now be difficult for the Committee to consider whether the Minutes can indeed be confirmed as a correct record. It would have been prudent if Members had received a copy earlier thereby affording them the opportunity to confirm if they are an accurate and complete record of the meeting. Mr Paul Sidwell indicated that he was not prepared at the moment to support any proposal that the Minutes be approved and accepted as a correct and complete record.

Councillor Owen Jeffery did not support Mr Sidwell's suggestion and suggested that the Minutes of the last meeting held on Thursday 5 February 2004 be approved as a correct record. The Chairman in indicating that it would be necessary for rules to be established regarding the production of Minutes also suggested that for future meetings of the Standards Committee the Draft Minutes be produced within one calendar month of the meeting taking place and this was agreed.

A lengthy debate took place over the implications of the Committee being unable to approve and adopt the Minutes. The CMO explained that if this were the case then the Minutes would simply be bounced back and forth between the Fire Authority and Standards Committee. In an attempt to resolve the deadlock the Chairman suggested that the Minutes be adopted subject to a qualification being inserted in the Minutes of this meeting with respect to the dilemma that the Committee faced.

Councillor Jeffery therefore proposed that the suggestion made by the Chairman be adopted and having been seconded by Mr G B Mayes it was put to the vote and carried by four votes to none against. The Chairman asked the Committee Administrator to draft a suitable statement to define the Committee's qualification to the acceptance of the Minutes.

RESOLVED: That:

- 1 The Minutes of the last meeting held on Thursday 5 February 2004 be approved as a correct record, subject to the qualification that as the Minutes were not prepared and presented for twelve months it is therefore difficult for Members to verify them as a true, full and accurate record.**
- 2 For future meetings of the Standards Committee the Draft Minutes be produced within one calendar month of the meeting taking place.**

In accordance with the Committee's decision as recorded above the Chairman then signed the Minutes of the last meeting as a correct record.

2 Scheme of Allowances for Members and Co-opted Members

Mr Mayes referred to the Committee's recommendations agreed at the last meeting and referred to the Fire Authority for approval and suggested that as far as he was aware Resolution (e) recommending that Co-opted Members of the Standards Committee be paid an allowance of £105.10 per meeting also included the payment of that allowance for Independent members attending Training Days. The Clerk and Monitoring Officer (CMO) in advising that the payment of an allowance for Training Days was not part of the Committee's original recommendation confirmed that as the scheme of allowances had already been approved by the Fire Authority it would be necessary for a new proposal

relating to the payment of Training Day allowances to be referred back to the Fire Authority for consideration and determination. She indicated however that the Fire Authority might not be prepared to approve such a recommendation.

The Chairman reflected on his attendance at the recent Seminar in Birmingham, which lasted three days and involved his attendance at various meetings. He was of the opinion that these were classified as Standards Committee meetings and therefore eligible for the payment of the allowance.

It was therefore **Agreed** that the CMO would present a report on the payment of allowances to the next meeting of the Standards Committee to enable Members to consider the implications of any proposals and make recommendations to the Fire Authority.

1.05/05 MEMBER ATTENDANCE AT FIRE AUTHORITY MEETINGS IN 2004

The Committee received, in accordance with the request made by Mr Sidwell at the last meeting of the Committee, a detailed breakdown of the Elected Member attendance at Fire Authority meetings in 2004 presented in Appendix 1 (not reproduced) its purpose being to enable Members of the Standards Committee to monitor Member attendance at Authority meetings.

It was noted that for the five Authority meetings in 2004 held in February, March, June, October and December the Member attendance was 17, 19, 16, 16 and 14 respectively. In expressing his disappointment at the attendance figures Mr Sidwell drew the Committee's attention to the fact that a number of the Elected Members had a very poor attendance record.

The Director of Human Resources counselled the Committee that Member attendance at Fire Authority meeting was a more complex issue than it might first appear, for example Councillor James Mole was currently the Chairman of West Berkshire Council and was recorded as not attending the Fire Authority meeting on 15 December 2004 because of a clash with a West Berkshire meeting but had in fact attended two earlier Fire Authority pre-meetings earlier on that date.

Councillor Jeffery suggested that the Chairman should write to the Fire Authority Chairman, Councillor Terry Mills, with a copy to all other Authority Members, expressing the Committee's concern at the poor attendance record and asking them to consider their commitment to future meetings. The Committee Administrator suggested that it would be more expedient if the Chairman's letter was addressed to the Fire Authority Chairman for in reality it would be up to him, in consultation with the other Party Leaders, to decide how to deal with the problem of poor attendance.

Members therefore provided the Chairman with guidance on the contents of the letter to the Fire Authority Chairman which could also include a request that he be permitted to address the Fire Authority, which would provide him with the opportunity of drawing Members attention to the Committee's concern over the poor attendance record but also recognising the fact that many Members do have meeting and other commitments within their Unitary Authorities.

RESOLVED: That the Chairman be authorised to write to the Fire Authority Chairman, Councillor Terry Mills, expressing the Standards Committee's concern over the poor attendance record for meetings of the Fire Authority together with a request that he be permitted to address a future Fire Authority meeting.

1.06/05 REPORT ON THE THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEE'S 2004

The Committee received a report (Agenda item 7 – not reproduced), prepared by the Chairman on his attendance at the Third Annual Assembly of Standards Committee's 2004 held at the ICC Birmingham on 13-14 September 2004.

A copy of the Chairman's notes was presented together with a synopsis of the Presentation by David Prince, Chief Executive of the Standards Board for England were presented as Appendices 2 and 3 respectively (not reproduced). Members were advised that the report had been presented to the Fire Authority at its meeting on Wednesday 15 December 2004 when its contents had been noted.

The Chairman in speaking to his report drew Members attention to specific points one of which was the fact that the depth of penetration of Standards Committees goes down to Town and Parish Council level with a disproportionate number of complaints. Many of the complaints are concerning the activity of members in their private life and judgements have had far reaching effect on the reputation of the accused.

One of the main messages is that cases are taking far too long to be determined with the majority of cases taking over six months to investigate and settle. In order to speed up the process it is intended that the Standards Board, having considered the nature of the complaint, will refer more matters back to local Standards Committees for initial determination. This will place more demands upon the Members of local Committees and require them to be ready and able to respond with speed and competence, which in itself demands investment in sufficient training at local level to ensure that Members are prepared and able to respond as quickly as possible.

In response to a question from Councillor Jeffery on what level of training would be required the Chairman indicated that whilst the Standards Committee would deal with cases of behaviour and the integrity of Fire Authority Members it is difficult to clarify the actual extent of the training required.

The CMO reminded the Committee that the Fire Authority do have the power to ask for further investigation to take place, question the Standards Committee response and sanction further evidence and if necessary empower the gathering of that evidence. In the event of a complaint being received it would be the responsibility of the CMO to consider the evidence provided and present a detailed report to the Standards Committee who would, in reality, act as the jury and investigate and adjudicate on the actions of a Fire Authority Member but only within their remit. The Chairman suggested that the Committee would need guidance either in note form and/or Training.

The CMO indicated that it is not beyond possibility that there could be a complaint against a Fire Authority Member but this is highly unlikely. It is necessary to recognise that Authority Members are also members of their respective Unitary Authority and any complaint would involve the Monitoring Officer from both the Unitary Authority and Fire Authority. It is possible that the Unitary Authority Monitoring Officer may ask for the CMO's/Standards Committee's opinion on a particular case.

The CMO confirmed that if such a case ever arose she would always ensure that there was an independent person available to assist Members in their consideration of the case. The CMO also referred to the Annual Assembly of Standards Committees recently attended by the Chairman and reminded Members that a further Assembly is scheduled to take place in September 2005.

In addition there is also to be a Standards Board 2005 Roadshow in London on 21 June 2005 and both this and the Assembly will provide Members with further training on their responsibilities and duties. All Members were therefore encouraged to attend the Assembly in September. These events together with the non-elected members seminars will provide members with the opportunity to meet with other Monitoring Officer/Standards Committee Members and share views and opinions.

If an investigation was to take place Members would receive appropriate training a week before on such matters as the conduct of the meeting and consideration of evidence etc. Whilst acknowledging the fact that training would be provided the Chairman indicated that in some instances it may be necessary for the Committee to be convened at very short notice and Members availability in terms of training and attendance at the Hearing could create difficulties.

In response to a suggestion from the Chairman that a half day Training session be arranged the CMO confirmed that she would be more than happy to provide training as requested on how to deal with a complaint. Having discussed the various options it was **RESOLVED: That:-**

- 1. The Clerk and Monitoring Officer (CMO) be requested to seek information from other Authorities on the training provided for its Standards Committee Members and from the Standards Board on their recommendations for training.**
- 2. Once the information has been received and analysed the CMO be requested to produce a Training Strategy for Members of the Standards Committee by 31 May 2005 and that the Vice-Chairman be appointed to act as co-ordinator in consultation with the CMO.**

1.07/05 DRAFT MEMBER/OFFICER PROTOCOL

The Committee's views were requested (Agenda item 8 – not reproduced) on the Draft Officer/Member Protocol, a copy of which was presented as Appendix 4 (not reproduced), for referral to the Executive Committee and then the Fire Authority for final consideration and determination.

In speaking to the report the Clerk and Monitoring Officer (CMO) advised that Member/Officer relations are largely conducted based on informal understandings and arrangements derived from experience and as such there has been no formal code or protocol to govern this working relationship. Given the recent changes to the Fire Service and as part of the ongoing commitment to review and where necessary improve all aspects of the Fire Authority's Corporate Governance and related procedures, the time is considered appropriate to introduce a more formalised written protocol.

Consideration was therefore given to the Draft Member/Officer Protocol and the following is a bullet point summary of the comments made:

- ❖ In answer to a question the CMO reported that whilst the Protocol's main objective is to cover Elected Members in should, in the spirit of working together, also cover the Independent Members of the Standards Committee.
- ❖ The Chairman enquired whether Standard Committee Members are permitted to submit items for the Agenda of the Fire Authority and its Committees. Councillor Owen Jeffery advised that whilst no Member can be prevented from putting a

specific item on an Agenda it must be done by means of a Resolution or Motion and in accordance with the Authority's Standing Orders.

- ❖ Councillor Jeffery also expressed his disappointment at the Draft Protocol, which in his opinion was not necessary and as such he was not prepared to support it. He considered that the ethos of the document is that Officers will control practically everything and would prefer to see the development of a professional relationship between Officers and Members rather than the proposed Protocol.
- ❖ The Chairman indicated that whilst he was experiencing some difficulty in identifying what comments this Committee could actually make recognised the fact that it would become part of the Committee's guidelines if required to deal with a complaint in the future. The CMO in enquiring whether Members felt that the Fire Authority should adopt a Policy based on Councillor Jeffery's comments went on to provide Members with an example of a possible complaint that could require the Committee's consideration and adjudication.
- ❖ The CMO suggested that the Standards Committee should support the proposed Protocol, but in doing so should emphasise the fact that in their opinion such a Policy should be in place and that Authority Members be recommended to support its adoption.

Although one member expressed difficulty in actually supporting the detail of the Protocol on the grounds that the Committee has not been properly informed it was nevertheless proposed that subject to the correction of minor typing errors the Member/Officer Protocol be endorsed in principle and referred to the Executive Committee with a recommendation that it be approved. The proposal having been seconded was put to the vote and was carried by three votes for to one against.

Councillor Owen Jeffery wished his dissent to the Committee's decision to be recorded in the Minutes.

RESOLVED: That subject to the correction of minor typing errors the Draft Member/Officer Protocol be endorsed in principle and referred to the Executive Committee with a recommendation that it be approved.

1.08/05 NEW ETHICAL FRAMEWORK (SECTION 66) REGULATIONS

The Committee was informed (Agenda item 8) that the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and the Standards Board for England (Functions) Order 2004 were laid before Parliament on 14 October and came into force on 4 November 2004. A copy of the Regulations and associated letter from the ODPM was presented as Appendix 5 (not reproduced).

The Regulations provide for Local Authority Monitoring Officers to carry out investigations into alleged breaches of the Code of Conduct by Members, which have been referred to them by the Ethical Standards Officer prior to his/her having carried out or concluded an investigation. The Regulations also enable Local Authority Standards Committee's to make determinations following a Monitoring Officer's report on the investigation of such a breach. The Order clarifies that the Standards Board may issue advice to Monitoring Officers and Local Standards Committees.

The Clerk and Monitoring Officer (CMO) advised that one of the main reasons for the new Regulations is an attempt to speed up the process of considering Code of Conduct

breaches by Members. The Standards Board are therefore likely to remit the more minor breaches back to the relevant Authority for local determination. The CMO also drew Members attention to an article published in the Local Government Chronicle in October, which whilst not being completely definitive did provide some useful information.

The CMO advised that the Standards Committee could, if necessary, overturn the findings of the CMO and/or seek further evidence before making a final decision. She went on to explain the actual process together with a possible scenario whereby the Committee could be faced with actually having to hear and determine the case again after having already determined it in the first place which could complicate the process and result in a possible conflict of interest. To avoid this situation arising it would be necessary to consider splitting the Committee in two, namely, four and three or vice-versa, thereby ensuring that two completely separate Committees heard the case. It was therefore agreed that the Chairman and CMO would raise this possible scenario as a concern at the forthcoming Roadshow in London together with any other comments and/or concerns they may have after considering the document and procedure again.

RESOLVED: That the Chairman and CMO be authorised to raise this possible scenario as a concern at the forthcoming Roadshow in London together with any other comments and/or concerns they may have after considering the document and procedure again

1.05/05 DATE OF NEXT MEETING

RESOLVED: That a further meeting of the Royal Berkshire Fire Authority's Standards Committee be arranged for Wednesday 15 June 2005 at Brigade Headquarters commencing at 10.00am

Signed: 

**Peter Harris
Chairman**

Date: 15 June 2005

