



MINUTES OF THE STANDARDS COMMITTEE held on 29 September 2010 at Lecture Theatre, FSHQ at 10:00.

PRESENT: Councillors B Livesley, C Thorley, K Musgrave, B Crowe, M Biggin and H Mundry

Independent Members: Mr W Ravenscroft (in the chair), Mr R Garner and Mr M McBride

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

There were no apologies for absence.

B DECLARATION OF MEMBERS' INTERESTS

There were no declarations of Members' interests.

C MINUTES OF THE STANDARDS COMMITTEE

RESOLVED: That

- [1] the minutes of the meeting of the Standards Committee held on 30 June 2010, be confirmed as a correct record.

ITEMS REQUIRING DISCUSSION / DECISION

2 2007 REVISED CODE OF CORPORATE GOVERNANCE – SUMMARY PROGRESS REPORT

The Corporate Intelligence Unit Manager presented Members with a summary progress report on the revised Code of Corporate Governance themes 4-6. Corporate Governance helps Cheshire Fire and Rescue Service to conduct its business in the right way and in a timely, accountable manner.

RESOLVED: That

- [1] the progress on core principles 4-6 of the revised Code of Corporate Governance action plan be noted.

3 REVIEW OF PROTOCOL ON MEMBER AND OFFICER RELATIONS

The Monitoring Officer presented a report that provided Members with the opportunity to review the Protocol on Member and Officer Relations. Members were advised that the Authority had approved the Protocol at its meeting on 9 December 2009 following a recommendation from the Standards Committee in September 2009.

The Monitoring Officer advised Members that the current protocol remained fit for purpose and mirrored similar protocols used by other public bodies. However, there were two matters that merited attention. Firstly, the protocol may need to be further promoted within the Service and secondly, the protocol's status was unclear and it was suggested that it may be appropriate for it to sit within the Authority's Constitution.

RESOLVED: That

- [1] the minor amendments be approved;
- [2] the protocol be further promoted; and

Recommendation to CFA: That

- [1] the Protocol be included within the Constitution.

4 FUTURE OF STANDARDS FOR ENGLAND

The Monitoring Officer presented Members with a report that provided them with an opportunity to discuss the latest bulletin from Standards for England, which set out what it intended to do in the period leading up to its abolition.

Members were advised that the recently published Bulletin 48 clarified the likely timescales involved in the abolition of Standards for England. The work of Standards for England would continue as usual until the abolition took place. However, there would be a reduction in resources which would affect its ability to fulfil all of its obligations. Members were reminded that the Standards Framework was still in place and unchanged.

The Monitoring Officer presented Members with a copy press release published on 20th September 2010 entitled '*Stunell – Corrupt councillors will go to court not Standards committees*'. It was noted that there appeared to be an intention to change the focus on standards issues towards those that were more serious.

RESOLVED: That

- [1] the Bulletin be noted and at present there were no specific actions for the Service; and
- [2] further reports be produced as the situation surrounding 'standards' becomes clearer.

5 REVIEW OF PROCEDURE FOR HANDLING COMPLAINTS

The Monitoring Officer presented Members with a paper on the review of procedures for handling complaints. Members were reminded that the Committee had previously considered a report entitled 'Review of Local Code of Conduct Complaint Documentation and Publicity' at its meeting held on 31 March 2010. They had also considered a report entitled 'Review of Local Investigation and Local Hearing Procedures' at that meeting. The Monitoring Officer reminded Members that some minor changes had been approved regarding the structure of the arrangements for handling complaints through various sub-committees of the Standards Committee.

Whilst the Authority had not yet received any complaints, it was important that relevant procedures were kept up to date and reflected the current situation. The Monitoring Officer highlighted a number of recommended changes on the procedure for handling standards complaints. It was noted that there would be a reciprocal arrangement with Staffordshire Fire and Rescue Service where the Monitoring Officer from Staffordshire would advise the Review Sub Committee and would undertake the investigation stage where the Assessment Sub Committee had accepted the complaint as valid and requiring investigation. The Cheshire Fire and Rescue Service Monitoring Officer would advise the Assessment Sub Committee and the Hearing Sub Committee.

Members discussed the amendments and suggested that wherever possible there should be a Member from each party represented on the sub committees.

RESOLVED: That

- [1] the revised document, Guidance about Standards Complaints be approved; and
- [2] the revised document, Handling Standards Complaints be approved.

6 REVIEW OF PROCESSES RELATING TO MAJOR DECISIONS OF THE FIRE AUTHORITY

The Monitoring Officer presented Members with a paper relating to the review of processes to be followed when making major decisions. Members were advised that the report was intended to provide Members with an opportunity to consider some of the issues that had arisen during the consultation process for the current integrated risk management plan and make recommendations where necessary.

The report provided Members with guidance on the distinction between predisposition and predetermination. Members discussed the guidance and the issues that had previously arisen. It was agreed that the guidance given was useful. However, Members requested further information on predetermination and the capacity to speak but not vote. The Monitoring Officer advised that he would consider this point and circulate a note to Members.

Members discussed the Constitution and considered whether there was a need to give a right to Members of the Fire Authority to speak at all meetings. It was

noted that the Constitution contained rules allowing members of the public to ask questions and constituent authority members the right to attend and speak with the permission of the Chair. Members were advised that the Chair of the meeting could decide whether the Fire Authority Member could speak. Members felt it was not necessary for this to be formalised as the Chair's discretion was an acceptable way to regulate this.

Members discussed the call in procedure. Following a lengthy debate Members agreed that it may be necessary to redraft the procedure and that a paper should be presented to the Fire Authority. The Chief Fire Officer suggested that this could be raised at the Members' away day for discussion.

RESOLVED: That

- [1] the Standards for England guidance on 'Predisposition, Predetermination and Bias and the Code be circulated to all Members with any additional guidance from the Monitoring Officer;
- [2] the current rules within the Constitution regarding Members rights to speak at meetings remain the same; and
- [3] a further paper on the call-in procedure be presented to the next Fire Authority meeting (following a discussion at the upcoming Members' away day).