

## **THE FUTURE OF STANDARDS**

This appendix poses a range of questions that Members need to consider. Wherever possible these follow a logical sequence.

### **STANDARDS COMMITTEE**

There is no statutory requirement to have a Standards Committee. Public bodies will retain a 'standards' role within their Member structures, (although this might not be discharged by a Standards Committee). Members originally indicated that they believed there to be a value in retaining a Standards Committee at the Fire Authority. Currently Standards Committee is scheduled to meet seven times a year.

#### **Question 1**

Do Members believe that the Fire Authority should continue to have a Standards Committee?

#### **Question 2**

Should Standards Committee continue to have scheduled meetings (what number), or meet on an ad hoc basis?

### **TERMS OF REFERENCE**

Existing Standards Committees' Terms of Reference (ToR) tend to include responsibility for both Member and officer conduct (albeit with the main focus being Member conduct).

The current ToR are attached, headed 'old ToR' (Annex A).

Proposed new ToR are attached, headed 'new ToR' (Annex B).

#### **Question 3**

Do Members agree with the proposed new ToR?

#### **Question 4**

Should officer conduct issues sit with HR/personnel-related functions?

### **MEMBERSHIP**

#### **INDEPENDENT MEMBERS**

There is no longer a statutory requirement to have independent members. Continue to be able to co-opt non-Councillors to sit on Committees. Members originally indicated that they wished to retain independent members' involvement in standards issues (albeit before new requirements were developed). Independent members were able to vote under old regime – but will not be under the new regime (as they will be treated the same as 'normal' co-opted members). It has been common practice for independent members to chair the Standards Committees. Under the new regime, as independent members would not have a right to vote, there would be disadvantages in them sitting as Chair, e.g. there would be no casting vote.

Previous advice concerning the length of time that an independent member should be retained will no longer apply.

An independent member cannot be an Independent Person (see later).

**Question 5**

Do Members wish to retain an independent member role on Standards Committee?

**Question 6**

Do Members believe that independent members need to be changed from time to time, and if so how frequently?

**Question 7**

Do Members wish to explore the pros and cons of the position of Chair being retained by an independent member?

NUMBER

Currently, Standards Committee has 6 Members and 3 independent members. There was no requirement for political balance, although the Fire Authority did appoint from all three political groups.

The quorum is stated to be three.

In future, as there is no statutory requirement covering the Standards Committee, it will be treated as an 'ordinary committee' and need to be politically balanced.

**Question 8**

How many people should sit on the new Standards Committee?

**Question 9**

How many should be Members and how many independent members?

**Question 10**

What effect does this have on the quorum of the Committee?

CODE OF CONDUCT

There will be no national code of conduct and the document being prepared by ACSeS (which could form the basis of a code of conduct) cannot be finalised as ACSeS is awaiting the publication of Regulations by the Government (which deal with the definition of 'interests').

The existing national code of conduct contains provisions that appear to be both uncontroversial and helpful.

Whilst the ACSeS code is awaited, some elements should be considered for inclusion in the Authority's Code of Conduct. A draft of those elements is attached (Annex C)

**Question 11**

Do Members agree with the approach to the proposed generic elements?

**Question 12**

Do Members wish to change aspects of the drafting of the proposed generic elements?

## DEALING WITH COMPLAINTS

### DECISION MAKING PROCESS

There have been no previous complaints to the Fire Authority.

However, the Authority must make arrangements:

For handling the investigation of complaints about a breach of code of conduct; and

For decision-making in relation to such complaints.

The machinery for handling complaints has been criticised for being too complex and taking too long.

A simplified procedure has been drafted for consideration (Annex D)

#### **Question 13**

What do Members think of the procedure?

#### **Question 14**

What are Members' views about the issues highlighted at the end of the procedure?

### INDEPENDENT PERSONS

This is a new concept introduced by the Act.

The Authority must have Independent Person(s) in place.

An Independent Person's view may be sought by the Authority, or a Member that is the subject of a complaint.

An Independent Person's view must be sought (and taken into account) by the Authority before it can make a decision.

The Act places restrictions upon certain individual's ability to fulfil this role and requires the Authority to secure Independent Persons by advertising the role.

The restrictions mean that our independent members cannot be our Independent Person(s). However, the Government appears to be attempting to introduce some transitional arrangements that might allow this, at least on an interim basis. Our independent members could serve as Independent Persons for other Authorities, provided that they do not have a role at the Authority wishing to utilise them.

The Cheshire Secretaries (the senior solicitors for the constituent authorities, fire and police) concluded that any recruitment of Independent Persons could take place jointly. They also felt that a 'pool' of Independent Persons could be formed to service all of the Authorities.

A draft of the attributes necessary to fulfil the role of Independent Person is attached (Annex E)

#### **Question 15**

Are Members comfortable with the concept of introducing a pool of Independent Persons?

#### **Question 16**

Are Members comfortable with the proposal to run a process to secure the appointment of Independent Persons jointly with the constituent authorities (the police do not need to be involved)?

#### **Question 17**

Do Members believe that the proposed attributes are sufficient and that they can form the basis of a process to be completed by a combination of officers from the constituent authorities?