



NOTTINGHAMSHIRE
Fire & Rescue Service
Creating Safer Communities

Nottinghamshire and City of Nottingham
Fire and Rescue Authority

Local Determination Regime

Report of the Clerk and Monitoring Officer to the
Authority

Agenda Item No:

Date: 20 February 2009

Purpose of Report: To seek approval to the recommendations from the Standards Committee regarding delivery of the new determination regime and with regard to the future composition of the Standards Committee.

CONTACT OFFICER

Name : Malcolm R. Townroe, Clerk and Monitoring Officer to the Authority

Tel : 0115 9154555

Email : malcolm.townroe@nottinghamcity.gov.uk

Media Enquiries Contact : Elisabeth Reeson
(0115) 967 5889 elisabeth.reeson@notts-fire.gov.uk

1. BACKGROUND

At its meeting on the 28 January 2009 the Standards Committee considered a report setting out details of the new regime for the local determination of complaints following the transfer of functions from the Standards Board for England to local Standards Committees. This report now brings forward recommendations from the Standards Committee for consideration by the full Fire Authority.

2. REPORT

Prior to the introduction of the new local determination regime any allegation concerning misconduct by members had to be submitted to the Standards Board for England. This situation has changed in that any such complaints now have to be submitted to the Standards Committee of the Authority.

These changes effectively bring in a three part process in which a sub-committee of the Standards Committee has to decide whether the complaint should be investigated with another sub committee established to review decisions not to investigate. A further sub committee will conduct hearings.

The main point of the changes is to enable the Standards Committee to take over conduct of the complaints process at a local level. In order to comply with the new requirements and Standards Board for England guidance, there is a need to establish three sub committees:

(a) An "Assessment Sub Committee" to undertake an initial assessment and decide whether the complaint shows an apparent failure to comply with the Code of Conduct for Members and, if so, whether the complaint merits investigation or other action. If the Assessment Sub Committee decides to take no action in respect of an allegation the complainant has 30 days within which to request the Authority to review that decision. In addition to its main functions, it is suggested that this sub committee could also fulfil the function of deciding whether a Monitoring Officer report (i.e. following an investigation) be dealt with by local hearing or whether it raises issues which justify referral to a Case Tribunal at national level, or accept a "no breach" finding;

(b) A "Review Sub Committee" to conduct reviews of the main initial assessment function of the Assessment Sub Committee. No member can sit on the Review Sub Committee in respect of a complaint where they sat on the Assessment Sub Committee for the initial assessment of the same complaint;

(c) If the matter does go forward to investigation and the Investigating Officer concludes that there has been a failure to comply with the Code of Conduct for Members a hearing would then be held. The Standards Board recommends that any such hearings should be held before a sub committee (the "Hearings Sub Committee) of between three and five members.

The quorum for each sub committee is three members and the following requirements also apply;-

(i) at least 25% of each sub committee must be independent co-opted members one of whom must be present to chair the meeting;

(ii) at least one elected member of the authority must be present at each meeting.

A flow chart setting out the mechanics of the system is attached as Appendix A to this report.

The Standards Board for England have recommended that Authorities have at least six members on their Standards Committee. This is because different members will be required to carry out the different functions in order to avoid conflicts of interest. In practice many authorities are looking at differing numbers dependant on the number of members on the Authority in question. As examples the following Authorities are set up as follows:-

Royal Berkshire Fire and Rescue Service have 25 elected members on the Authority and have decided on a Standards Committee membership of 9. This is made up of 4 elected members and 5 independent members.

Leicestershire Fire and Rescue Service have 17 elected members on the Authority and have decided on a Standards Committee membership of 5. This is made up of 3 elected members and 2 independent members.

Derbyshire Fire and Rescue Service have 20 elected members on the Authority and have decided on a Standards Committee membership of 6. This is made up of 4 elected members and 2 independent members.

Having considered the arrangements put in place elsewhere, and having regard to the views of the Monitoring Officer, the Standards Committee are recommending that the present structure of the Committee should change in order to accommodate the new regime.

As mentioned earlier in the report the Standards Board for England recommend that Standards Committees should have a minimum of six members. It is recommended that this is the format that the Authority should adopt.

In compositional terms it is recommended that there should be 4 elected members and 2 independent members. One elected member should come from each of the main groups i.e. Labour, Conservative and Liberal Democrat with the other elected member being drawn from amongst the remaining members of the Authority.

Members will be aware that the Standards Committee does not need to be politically balanced and, as before, the Chair of the Standards Committee must be an independent member.

Following approval by the Standards Committee the revised constitutional arrangements now need to be approved by the full Fire Authority in order to take effect.

3. FINANCIAL IMPLICATIONS

An increase in the number of independent members from one to two on the Standards Committee will require additional provision to be made in the Members Allowances Budget. There will also be costs incurred in respect of the recruitment of the new independent member.

4. HUMAN RESOURCES AND LEARNING AND DEVELOPMENT IMPLICATIONS

Members of the Committee will require training and guidance in respect of the new regime for the conduct and operation of Standards Committees.

5. EQUALITY IMPACT ASSESSMENT

There are no equality issues that arise as a result of the proposals contained in the report.

6. CRIME AND DISORDER IMPLICATIONS

None

7. LEGAL IMPLICATIONS

The proposals set out in the report will ensure that the Authority complies with the relevant legislation.

8. RISK MANAGEMENT IMPLICATIONS

If the Authority does not make changes to the composition of its Standards Committee then it will not be operating within the current legislative framework which will in turn impact on its corporate governance.

9. RECOMMENDATIONS

It is recommended that:-

- (1) the number of members on the Standards Committee be increased from four to six to include two independent members and four elected members;
- (2) the elected membership be comprised of one Labour, one Conservative, one Liberal Democrat and one other elected member of the Authority;

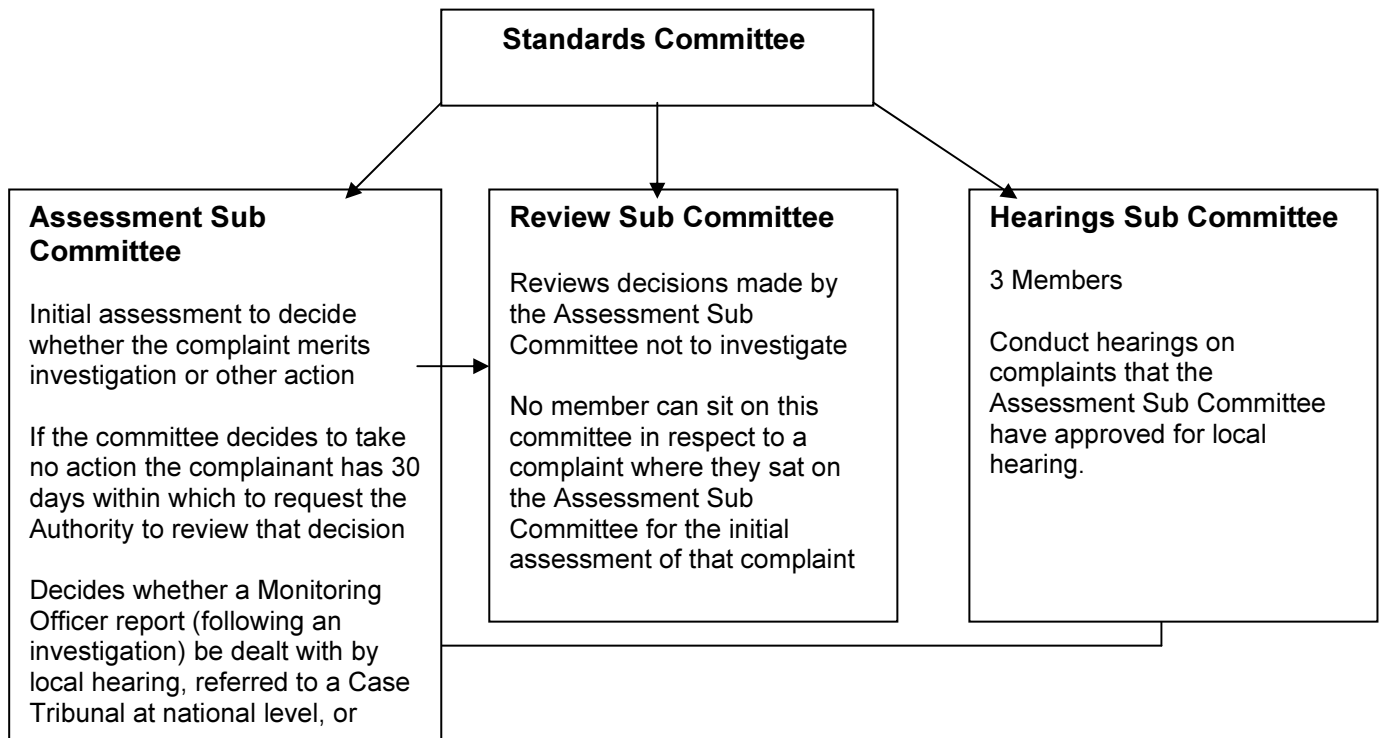
- (3) the Clerk and Monitoring Officer be authorised to advertise and interview for any vacancies in respect of independent members with any subsequent recommendation regarding appointment being taken to the full Fire Authority.
- (4) the Assessment Sub Committee, the Review Sub Committee and the Hearings Sub Committee all be established, with the terms of reference set out in the body of the report, each to be made up of three members and to be chaired by an independent member.

| |
|--|
| 10. BACKGROUND PAPERS FOR INSPECTION (OTHER THAN PUBLISHED DOCUMENTS) |
|--|

None

Malcolm R. Townroe
Clerk and Monitoring Officer

APPENDIX A



All Sub Committees must have:

- A quorum of 3;
- At least 25% independent co-opted members 1 of which must be chair;
- At least 1 elected member of the Authority present at each meeting;
- It is suggested that the revised Standards Committee has six members: two independent members, one Labour, one Conservative, one Liberal Democrat and one other elected member of the Authority.