



Lorraine Svenson (Records)(1)

Humberside Fire and Rescue Service Headquarters, Summergroves Way, Hessle High Road, Kingston upon Hull HU4 7BB  
Telephone 01482 565333 Facsimile 01482 567477 E-Mail: [pwheldale@humbersidefire.gov.uk](mailto:pwheldale@humbersidefire.gov.uk)

Secretary **Peter Wheldale** M.B.E., B.A (Hons), M.Sc.

To: Members of the Humberside Fire Authority's  
Standards Committee  
(Councillors Cox, Petch, Wastling and Swinburn.  
Mr. G. Barnett and Mrs. J. A. Clarke

Your Ref:  
Our Ref: Agenda/JS/KH  
Enquiries to: John Smith  
Tel. Direct: (01482) 393204  
E-Mail: [john.smith@eastriding.gov.uk](mailto:john.smith@eastriding.gov.uk)  
Date: 25th November, 2005

Copies as per distribution list

Dear Member,

I hereby give you notice that a meeting of the **STANDARDS COMMITTEE** of the **HUMBERSIDE FIRE AUTHORITY** will be held on **MONDAY, 5TH DECEMBER, 2005 at 10.00 A.M** at the **HEADQUARTERS OF THE HUMBERSIDE FIRE AND RESCUE SERVICE, SUMMERGROVES WAY, HESSLE HIGH ROAD, KINGSTON UPON HULL.**

Refreshments will be available prior to the commencement of the meeting from 9.45 a.m. onwards.

The business to be transacted is as set out below.

Yours sincerely,

for Peter Wheldale  
Secretary

Enc.

## AGENDA

Apologies for absence

1. To approve as a correct record the minutes of the meeting of the Committee held on 13th June, 2005 (pages 1-2).
2. Declarations of Interest - Any Members or Officers with a personal interest in any of the items to be considered at this meeting are asked to declare such interests at this point in the proceedings and if that interest is a prejudicial interest must withdraw from the meeting whilst the matter to which the interest relates is discussed.

*-serving the community*

3. Membership of the Standards Committee - The Secretary to report the resignation of Mr. R. Barrett and Mr. T. Beaver and that action is being taken to fill the vacancies as soon as possible.
4. Annual Assembly of Standards Committees:
  - (a) September, 2005 - Report by Joint Chair (pages 3 - 7)
  - (b) September, 2006 - Report by the Secretary (page 8).
5. Monitoring - Secretary to report for Members information that there have been no allegations of misconduct made against any Member of the Fire Authority since the last meeting. As previously requested by the Committee the Register of Interests will be available at the meeting for inspection by any Member of the Committee. *[The Register of Interests will be made available in the meeting room from 9.30am onwards should any Member wish to peruse it prior to the meeting.]*
6. Date of Next Meeting - It is proposed that the next meeting be held on Monday, 12th June, 2006 at 9.30am
7. Any other items the Chair determines are urgent for reasons which must be specified.

**HUMBERSIDE FIRE AUTHORITY****STANDARDS COMMITTEE****13TH JUNE, 2005**

**PRESENT:** Councillors Petch, Swinburn and Wastling  
Mr. G. Barnett (in the Chair), Mr. R. Barrett and Mrs. J. Clarke

The meeting was held at Humberside Fire and Rescue Service Headquarters, Kingston upon Hull.

An apology for absence was submitted from Councillor Cox.

**1408 MINUTES - Resolved** - That the minutes of this Committee held on 13th December, 2004 be approved as a correct record and signed by the Chairman.

**1409 Annual Assembly of Standards Committees** - The Secretary referred to Minute 1275 and confirmed that Mrs. J. Clarke would be attending the Annual Assembly of Standards Committees in September 2005. He suggested that it might also be appropriate for one of the two recently appointed independent Members to attend as part of their training requirements.

**Recommended** - That the Authority authorise the attendance of Mr. R. Barrett at the Annual Assembly in addition to Mrs. J. Clarke and designate his attendance as approved duty for the payment of travel and subsistence allowances.

**1410 DECLARATIONS OF INTEREST** - There were no interests disclosed.

**1411 MEMBERSHIP OF THE COMMITTEE 2005/06** - The Secretary submitted a report on the membership of the Committee for 2005/06.

**Resolved** - That the report be noted.

**1412 AMENDMENTS TO THE COMMITTEE'S CONSTITUTION** - The Secretary submitted a report informing Members of changes made to the Committee's Constitution to take account of the Authority's decision to increase the number of independent Members from two to four.

**Resolved** - That the report be noted.

**1413 REVIEW OF THE CODE OF CONDUCT FOR MEMBERS** - The Monitoring Officer and Secretary submitted a joint report on a consultation document published by the Standards Board for England reviewing the Code of Conduct for Members. The Board was conducting a review of the Code in the light of experience and further legislative provisions that had been introduced since its adoption. The most notable development had been the introduction of Regulations under Section 66 of the Local Government Act 2000 providing for the investigation and determination of complaints by local Monitoring Officers and Standards Committees. The Fire Authority had no practical experience on which to base any comments as the Authority had not had any complaints referred to it for investigation. The Board had asked for comments to be submitted by 17th June, 2005. The Fire Authority at its meeting held on 27th May, 2005 had given this Committee delegated powers to respond on the Authority's behalf. A discussion ensued during which Members were informed of views expressed by two of the Constituent Unitary Authorities.

**Resolved** - That the report be noted but that as the Authority has no detailed practical experience of investigations under the Code of Conduct no response be submitted on this occasion.

**1414 INDEPENDENT MEMBERS' REGIONAL FORUM** - A copy of the minutes of the Independent Members' Regional Forum held on 17th March, 2005 was submitted. Mrs. Clarke and Mr. Barrett had attended the meeting and submitted their observations. The Committee was informed that the Forum was seeking a venue for its meeting in October 2006 and that it had been suggested that the Fire and Rescue Service Headquarters might be offered as a venue. The Chief Fire Officer & Chief Executive reported that in principle he saw no difficulty if the Forum wished to meet at the Headquarters subject to the accommodation being available and bearing in mind that the Conference Room could only accommodate about 27 people in a boardroom layout.

**Recommended** - That the Secretary write to the Secretariat to the Regional Forum indicating that, in principle the Authority would be willing to make the Conference Room available subject to clarification that the accommodation is adequate for the Forum's requirements and to it being available on the proposed date.

**1415 MONITORING** - The Secretary reported for Members' information that there had been no allegations of misconduct made against any Member of the Fire Authority since the last meeting of this Committee. Pursuant to Minute 756 the Register of Interests was made available for perusal by Members of the Committee.

**Resolved** - That the report be noted.

**1416 DATE OF NEXT MEETING - Resolved** - That the next meeting of this Committee be held on Monday, 5th December, 2005 at 10.00 a.m.

**1417 DEPUTY CHIEF FIRE OFFICER - MR. F. DUFFIELD** - The Chairman was of the opinion that this item which did not appear on the published agenda should be considered at this meeting as a matter of urgency to enable Members to be informed at the earliest opportunity.

The Chair reported that the Deputy Chief Fire Officer, Mr. F. Duffield, had been awarded the Queen's Fire Service Medal in the Queen's Birthday Honours' List.

**Resolved** - That the best wishes of this Committee be conveyed to Mr. F. Duffield on his award of the Queen's Fire Service Medal.

**1418 SCHEME OF MEMBERS' ALLOWANCES** - The Chairman was of the opinion that this item which did not appear on the published agenda should be considered at this meeting as a matter of urgency to enable Members to be informed at the earliest opportunity.

The Secretary took the opportunity to inform the independent Members of the Committee that the Fire Authority at its meeting held on 27th May, 2005 had confirmed the continuation of the existing Members' Allowances Scheme, as indexed from 1st April, 2005 but had agreed to ask the independent panels of the four Constituent Unitary Authorities to conduct a review of the allowance paid to the four independent Members of this Committee in the light of a survey of allowances paid by other Fire Authorities.

**Resolved** - That the report be noted.

Humberside Fire Authority  
Standards Committee  
5 December, 2005

Report by Joint Chair  
of the Standards Committee

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES -  
5TH - 6TH SEPTEMBER, 2005

INTRODUCTION

1. I attended the Third Annual Assembly of Standards Committees organised by the Standards Board for England at Birmingham on 5th and 6th September, 2005. The event was once again well attended by a range of local authorities including representatives from Fire Authorities.
2. The event comprised a number of presentations to all delegates and a series of feature and other workshops aimed at a maximum of 70 delegates to facilitate more detailed discussion. The following is a summary of the events attended:
  - (i) A Vision for Local Government - Phil Woolas MP, Minister for Local Government stated that the Government's number one priority is to create an environment where misconduct and bad behaviour does not exist, and local authorities are key to making it happen. He added that a healthy Standards Board is a prerequisite to achieving this goal, and welcomed the Board's efforts in improving its case handling and performance. The government is now considering how best it can support authorities in increasing public trust and confidence in local democracy, and has a number of recommendations from the Committee on Standards in Public Life and the Committee of the Office of the Deputy Prime Minister to take on board, as well as the Standards Board's own review of the Code of Conduct.
  - (ii) Making it Happen - David Prince, Chief Executive of the Standards outlined how the Board was already shaping up to meet the needs of standards committees and local authorities in local investigations and determinations, and made a promise to the conference to increasingly focus on ensuring that they are fit for purpose. He gave a review of developments over the year, including an update on the introduction of local investigations:
    - 22% of cases referred for investigation
    - 62% of cases from the public
    - 34% of cases investigated locally
    - 9% of cases determined locally
    - 71% cases completed within six months
 On average new complaints are processed within 10 working days.

The Board has worked with the IdeA and the Audit Commission to jointly badge the Local Government Diagnostic, an ethical governance toolkit consisting of a comprehensive audit, a member survey and interactive workshops. Culture starts from the top which is why the Board has been working with leaders and chief executives. An ethical component has been added to the capacity section of the new Comprehensive Performance Assessment.

The responses to the Board's consultation on the review of the Code of Conduct included:

- 'A simpler, enabling Code'
- 'Councillors able to be community advocates'
- 'Confidentiality to be defined in the Freedom of Information Act'
- 'Public interest to be a defence'
- 'Personal and prejudicial interests to be simplified'
- 'Private life only an issue if a serious breach is concerned'

David Prince outlined the Board's recommendations for a new and improved Code of Conduct. They include:

- The Code of Conduct should be simpler, more enabling, and owned by the members it applies to.
- The Code needs to empower members as community advocates, taking the lead on issues where their expertise is greatest and speaking out on behalf of their communities.
- The rules around personal and prejudicial interests should be clearer, especially for members who sit on more than one public body.
- Members must be able to disclose information when it is in the public interest. The Code needs to be clear on what information should be confidential.
- Members are entitled to private lives. The public only expects private behavior to be regulated when it seriously damages the reputation of local government.
- Members have a right to challenge poor performance and criticise officers fairly, but bullying cannot be tolerated and needs to be addressed more explicitly in the Code.
- The current duty for members to report breaches is unnecessary and unhelpful, and should be removed.
- The Code should protect complainants and witnesses from intimidation.

The full recommendations are available from our website at:  
[www.standardsboard.co.uk/codereview/](http://www.standardsboard.co.uk/codereview/)

- (iii) Taking the Lead - Sir Alastair Graham, Chair, Committee on Standards in Public Life shared the findings of his committee's Tenth Inquiry, which called for greater local involvement and ownership of the ethical framework and liberalisation of some of the aspects of the Code of Conduct. One of their key recommendations is that complaints should be handled and filtered locally by standards committees, with the Standards Board auditing and maintaining the system and handling only the most serious cases. The

minister will have to balance this against the findings of the Committee on the Office of the Deputy Prime Minister, which stated in its April report that "central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its [the system's] unique strengths". Initial findings from research by MORI into the public's perception of ethics, due out in the next few months, also suggests a central filter is more suitable - 46% of people surveyed said they would rather have a complaint against a councillor handled by an independent regulator; only 28% said they would want it handled by the council.

(iv) The Way Forward - Patricia Hughes, Deputy Chair of the Standards Board outlined some key issues for delegates to consider in terms of developing the Code.

(v) Workshops available included:

**Investigations in Your Hands**

- A First-Hand Account
- Investigations: The Theory
- Investigations: The Practice
- Reaching The Right Decision
- Investigations: Open House Q & A
- Alternative Action

**Hearings in Your Hands**

- A First-Hand Account
- Hearings: The Theory
- Holding Hearings: The Practice
- Making Your Mind Up
- Hearings: Open House Q & A
- A Head Start

- *To consider – An important lesson for future conferences is to ensure that bookings are made for the various workshops as soon as possible after the advance details are published otherwise delegates risk not being able to attend the most beneficial/ appropriate sessions.*

4. RECOMMENDATION

That the report be considered.

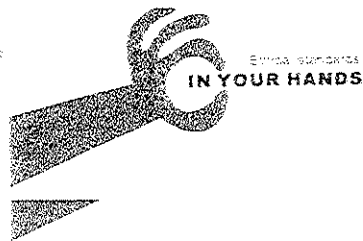
JOYCE CLARKE,  
JOINT CHAIR OF THE  
STANDARDS COMMITTEE

Contact Officer

John Smith,  
Senior Committee Manager  
Background Papers: NIL

Fire and Rescue Service Headquarters  
Summergroves Way  
Kingston upon Hull  
ACO(R)/JS





**4th Annual Assembly of Standards Committees**  
**5th/6th September, 2005 - I.C.C. Birmingham**

This years message was to improve public confidence. The Conference, therefore, concentrated on investigations and hearings. Once again there were approximately 800 delegates, with workshops aimed at approximately 50 - 70 people being able to attend each. I personally think that there was insufficient thought given to these workshop sizes as a great number of delegates were given only "fill - in" slots. This applied to myself. These sessions, which would have benefited most independents attending, had been taken up by early February in these small groups rather than using the 300 plus Halls for the more useful and popular workshops. These Halls were used only for plenary sessions.

The opening morning speakers were: Sir Anthony Holland, Phil Woollas, David Prince and Sir Alistair Graham, with all speakers going along with the title "In your hands".

Nothing, however, has been published about the running of an appeals hearing at either local or national level, and this will be brought up later this year.

From the beginning of 2005, 151 cases have been heard locally, a rise of 34% and it was felt that Independent members were to become more important, as the public would not perceive a Council/Authority trying one of it's own as being truly independent but would have a bias one way or the other, I enclose the suggested format for a hearing which I found useful.

**Hearing in your hands**

**Pre - hearing.**

90 days from end of investigation to hearing.  
Commend the use of provided forms, these cut out unpleasant surprises e.g.. extra witnesses.  
Commend a "Listing direction". Listing allows that you may wish to change a panel member without any recourse.  
Use a consistent time frame with weeks, days etc. and put in specific dates.  
Avoid pre - hearing reviews. Try for 9.30 a.m. start, allow for disabilities. Try for 1 hr. maximum per witness. Schedule 2 days even if less used - harder to re - schedule.  
Do not forget Media release.

**Panel Composition**

Recommend 3 members only - not 5.  
Remember Human Rights, Article 6.

**Venue**

Easy access, signs, room size large enough. Refreshments. Public and Press at the side so both the panel and defendant can be seen. Retiring room suitable for instruction etc.

**The Hearing**

Vital for assistants to amalgamate everything.  
Commend official recording on Mini - disc for transparency.  
Written as well as disc is advisable.  
Public must be made aware from the Chair about disputed and non disputed facts of the case.  
Make sure mobile phones are turned off.

**Hearing Procedure**

A4 sheet Bullet points list for Chair.  
Make sure a break is available.  
Good practice for Chair to explain procedure, who is going to say what and when.  
Chair must check that everything has been read beforehand.  
Include information in final decision, names, titles etc.

Maintain dignity, politeness, patience, and remember that unrepresented defendants may be at a disadvantage but keep to the process, do not allow wanderings. Look at the person who is speaking and leave note taking to others when listening.

Ask questions but do not interrupt a witness. Structure questions carefully, do not ask four in one!

Vital that the Oaths are taken correctly or the whole procedure can be ruined. Adjournments can be useful for thinking time outside of the hearing room. 15 minutes maximum, it can also reduce tension and make an opportunity for instruction to be taken.

### Retiring Room

You need space, refreshments, a flip chart or board and a large clock. The Chair can ask members to look up evidence, with one to write and one to draught a decision. List both disputed and undisputed facts and use sound reasoning for your decision. Remember to publish decisions on the Internet and in the Media.

### Debrief

Review. Document the experience and remember that panel members are performing a statutory function, not a personal one.

As hearings become more local, more money will be needed. The average amount spent per case by the Standards Board is £300.00 but everything is in place in London, and it will cost more locally. The short answer to extra money however, is NO.

There was a consensus ( and I am not sure whether this was meant just for Councils or not) that a Standards Committee should have a Parish Councillor representative along with elected members.

One word of warning to Independents, try to look at the problem but be aware of possible conflicts of interest should it come to a hearing, for example, a whistle blower speaking to an independent member.

There were several "must haves" which need to be mentioned. Standards Committees must suit their Authority. They should have an independent Chair (training to be given to improve Chairing skills). Standards Committees are apolitical ensuring no tit for tat. They legally should not have a deputy Chair. The Chair should have unrestricted access to all officers and a seat in the Council Chamber or Authority, the right to present a report, attend meetings and all civic functions etc. The Chair must have political impartiality and ensure that indemnity insurance covers all independent members within their Authority. Chairs should have some control of the agenda and approve minutes. Meetings must not be cancelled for lack of business, they are to be held if only to check terms of reference. Meetings should be quarterly with Monitoring officer and an annual report to be delivered to the Standards Board and your own Authority - accountable if onerous.

Once again most of the Conference was aimed at Councils and Councillors but without early completion to attend workshops most important to ourselves. I think it is a fairly costly exercise in networking, very enjoyable but.....

### Recommendation:

That this report be noted.

Joyce Clarke  
Joint Chair  
Humberside Fire Authority  
Standards Committee

**Humberside Fire Authority  
Standards Committee  
5 December, 2005**

**Report by the Secretary**

**ANNUAL ASSEMBLY OF STANDARDS COMMITTEES -  
16 - 17 OCTOBER, 2006**

INTRODUCTION

1. The Fifth Annual Assembly of Standards Committees organised by the Standards Board for England will be held at the International Conference Centre (ICC), Birmingham on 16 and 17 October, 2006. The costs have not yet been indicated but in 2005 Conference fee was £395 including VAT per delegate, which included conference notes and refreshments.
2. In previous years the Fire Authority has authorised the attendance of one of the Joint Chairs of the Standards Committee to attend. This year the Authority also authorised the attendance of one of the then newly appointed independent Members to attend although in the event the Member concerned was unable to attend. As has already been reported the Authority is currently seeking to appoint two new independent Members. On the assumption that the Authority will be able to make appointments it is suggested that the attendance of one such Member would serve to meet some of their induction/training needs.

RECOMMENDATION

4. That the Committee recommend the Fire Authority to authorise the attendance of one of the Joint Chairs of the Standards Committee and, if appointed, one other independent member to attend the Annual Assembly in October, 2006 and to designate attendance thereat as approved duty for the payment of travelling and subsistence allowances.

**PETER WHELDALE,  
SECRETARY**

Contact Officer

John Smith,  
Senior Committee Manager

Background Papers: NIL

Fire and Rescue Service Headquarters  
Summergroves Way  
Kingston upon Hull  
ACO(R)/JS  
30 November, 2005

