



DEVON & SOMERSET FIRE & RESCUE AUTHORITY

M. Pearson
CLERK TO THE AUTHORITY

To: The Chair and Members of the Devon & Somerset Fire & Rescue Authority

(see below)

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DEVON & SOMERSET FIRE & RESCUE AUTHORITY

Wednesday, 31 October, 2018

A meeting of the Devon & Somerset Fire & Rescue Authority will be held on the above date, **commencing at 10.00 am in Conference Rooms, Service Headquarters, Exeter** to consider the following matters.

M. Pearson
Clerk to the Authority

SUPPLEMENTARY AGENDA No. 1

PLEASE REFER TO THE NOTES AT THE END OF THE AGENDA LISTING SHEETS

7. f Standards Committee (Pages 1 - 4)

The Vice-Chair of the Committee, Councillor Ellery, to **MOVE** the Minutes of the meeting held on 24 October 2018 (now attached).

RECOMMENDATION that the Minutes be adopted in accordance with Standing Orders.

MEMBERS ARE REQUESTED TO SIGN THE ATTENDANCE REGISTER

Membership:-

Councillors Randall Johnson (Chair), Best, Biederman, Bown, Bowyer, Clayton, Coles, Colthorpe, Drean, Eastman, Ellery, Hannaford, Healey MBE, Hendy, Hook, Mathews, Napper, Peart, Prowse, Radford, Redman, Saywell, Thomas, Trail BEM,

Vijeh and Wheeler (Vice-Chair)

NOTES

1.	<u>Access to Information</u> Any person wishing to inspect any minutes, reports or lists of background papers relating to any item on this agenda should contact the person listed in the “Please ask for” section at the top of this agenda.
2.	<u>Reporting of Meetings</u> Any person attending a meeting may report (film, photograph or make an audio recording) on any part of the meeting which is open to the public – unless there is good reason not to do so, as directed by the Chair - and use any communication method, including the internet and social media (Facebook, Twitter etc.), to publish, post or otherwise share the report. The Authority accepts no liability for the content or accuracy of any such report, which should not be construed as representing the official, Authority record of the meeting. Similarly, any views expressed in such reports should not be interpreted as representing the views of the Authority. Flash photography is not permitted and any filming must be done as unobtrusively as possible from a single fixed position without the use of any additional lighting; focusing only on those actively participating in the meeting and having regard also to the wishes of any member of the public present who may not wish to be filmed. As a matter of courtesy, anyone wishing to film proceedings is asked to advise the Chair or the Democratic Services Officer in attendance so that all those present may be made aware that is happening.
3.	<u>Declarations of Interests at meetings (Authority Members only)</u> If you are present at a meeting and you are aware that you have either a disclosable pecuniary interest, personal interest or non-registerable interest in any matter being considered or to be considered at the meeting then, unless you have a current and relevant dispensation in relation to the matter, you must: <ul style="list-style-type: none">(i) disclose at that meeting, by no later than commencement of consideration of the item in which you have the interest or, if later, the time at which the interest becomes apparent to you, the existence of and – for anything other than a “sensitive” interest – the nature of that interest; and then(ii) withdraw from the room or chamber during consideration of the item in which you have the relevant interest. If the interest is sensitive (as agreed with the Monitoring Officer), you need not disclose the nature of the interest but merely that you have an interest of a sensitive nature. You must still follow (i) and (ii) above. Where a dispensation has been granted to you either by the Authority or its Monitoring Officer in relation to any relevant interest, then you must act in accordance with any terms and conditions associated with that dispensation. Where you declare at a meeting a disclosable pecuniary or personal interest that you have not previously included in your Register of Interests then you must, within 28 days of the date of the meeting at which the declaration was made, ensure that your Register is updated to include details of the interest so declared.
4.	<u>Part 2 Reports</u> Members are reminded that any Part 2 reports as circulated with the agenda for this meeting contain exempt information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Committee Secretary at the conclusion of the meeting for disposal.
5.	<u>Substitute Members (Committee Meetings only)</u> Members are reminded that, in accordance with Standing Order 37, the Clerk (or his representative) must be advised of any substitution prior to the start of the meeting. Members are also reminded that substitutions are not permitted for full Authority meetings.

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STANDARDS COMMITTEE

(Devon & Somerset Fire & Rescue Authority)

24 October 2018

Present:-

Councillors Ellery (Vice-Chair), Bown, Drean, Hannaford, Prowse and Trail BEM.

Apologies:

Councillor Redman.

* SC/1

Minutes

RESOLVED that the Minutes of the meeting of the Determinations and Dispensations Committee held on 9 April 2018 be signed as a correct record.

(**Note:** at its meeting on 30 April 2018, the Authority had resolved, amongst other things, that the Determinations and Dispensations Committee be renamed as the Standards Committee – Minute DSFRA/72(b) refers).

* SC/2

Exclusion of the Press and Public

RESOLVED that, in accordance with Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in the following Paragraph(s) of Part 1 of Schedule 12A (as amended) to the Act:

- Paragraph 1 (information relating to an individual);
- Paragraph 2 (information likely to reveal the identity of an individual); and
- Paragraph 3 (information relating to the financial and business affairs of any particular person – including the authority holding that information).

* SC/3

Pre-Hearing Process - Subject Member X

(An item taken in accordance with Section 100A(4) of the Local Government Act 1972 during which the press and public were excluded from the meeting).

The Committee considered a report of the Director of Corporate Services (SC/18/1) and undertook the pre-hearing process (attached as Appendix A to the report) prior to the scheduled hearing of the Committee to determine, following investigation, alleged breaches by Subject Member X of the Authority's approved Code of Members' Conduct. The pre-hearing process provided an opportunity to consider and determine (where appropriate), in advance of the hearing:

- Whether the Subject Member was to be legally represented;
- Whether the Subject Member disagreed with any of the findings of fact as set out in the Final Investigation report (attached to the report as Appendix D) and, if so, why;
- Whether the Subject Member wished to introduce new evidence and, if so, why;
- Identify, if the Subject Member was to introduce new evidence, whether the Investigating Officer had been given the opportunity to consider this;

- Whether any witnesses (other than a Character Witness) were to be called and, if so, why; and
- Decide which, if any, parts of the hearing should be held in private.

Attached at Appendices B and C to the report was documentation submitted on behalf of the Subject Member by a legal representative. This included, amongst other things:

- A list of agreed and disputed facts;
- A written statement from the Subject Member;
- A document list from the Subject Member;
- Each of the documents as set out in the list (with the exception of one initially corrupted document [subsequently provided again and circulated at the meeting]; and one document included in the list which still remained to be provided); and
- Witness Statements submitted on behalf of the Subject Member, including a Character Witness Statement.

The Committee also had circulated at the meeting hard-copies of a written statement and associated documentation provided on the day of the meeting by another Witness (Witness C) for the Subject Member.

RESOLVED that, having undertaken the pre-hearing process:

- (a). It be noted that the Subject Member was to be assisted by a legal consultant at the Hearing;
- (b). That the list of agreed and disputed facts submitted on behalf of the Subject Member be noted and considered at the Hearing;
- (c). That the documentation provided by the Subject Member (including a written statement by the Subject Member with associated documentation, a written statement from Witness A and a written statement from Character Witness B) be admitted as evidence and considered at the Hearing;
- (d). That Witness A be not required to attend the Hearing on the basis that the Committee did not feel that such attendance would add any value to the Hearing;
- (e). That the written statement of Witness C and associated documentation, as provided on and circulated to the Committee on the date of the pre-hearing meeting, be admitted as evidence to the Hearing;
- (f). that, given the lateness of the submission of the written statement of Witness C and associated documentation, no determination be made at this stage on the requirement for Witness C to attend the hearing;
- (g). That it be noted that Character Witness B may be unavailable to attend the Hearing;
- (h). That the request of the Investigating Officer for Witness D (the Complaint) to attend the hearing be approved; and

- (i). That, given the subject matter of the allegations and the contents of the documentation currently before the Committee, the Hearing be considered in the absence of the press and public in accordance with Section 100A(4) of the Local Government Act 1972, specifically Paragraphs 1 (information relating to an individual), 2 (information likely to reveal the identity of an individual) and 3 (information relating to the financial and business affairs of any particular person [including the authority holding that information]) of Part 1 of Schedule 12A to the Act.

*** DENOTES DELEGATED MATTER WITH POWER TO ACT**

The Meeting started at 2.00 pm and finished at 3.15 pm

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