

<b>REPORT REFERENCE NO.</b>	<b>DSFRA/18/13</b>
<b>MEETING</b>	<b>DEVON &amp; SOMERSET FIRE &amp; RESCUE AUTHORITY (Annual Meeting)</b>
<b>DATE OF MEETING</b>	<b>8 JUNE 2018</b>
<b>SUBJECT OF REPORT</b>	<b>SCHEDULE OF APPOINTMENTS TO COMMITTEES, OUTSIDE BODIES ETC.</b>
<b>LEAD OFFICER</b>	<b>Director of Corporate Services</b>
<b>RECOMMENDATIONS</b>	<p><b>(a) that:</b></p> <p><b>(i). that, as referred to in paragraph 2.7 of this report, the Authority determines whether it would wish to increase the size of the Standards Committee from five to seven Members; and</b></p> <p><b>(ii). that, subject to (i) above and in accordance with Standing Orders, appointments be made to Committees etc. as shown in Part A of the Schedule at Appendix A to this report for the 2018-19 municipal year, the term of office to be until the Authority annual meeting in 2019;</b></p> <p><b>(b) that, subject to any earlier decision of the Authority to change Standing Orders, Chairs and Vice-Chairs be appointed to Committees etc., the term of office to be until the Authority annual meeting in 2019;</b></p> <p><b>(c) that the appointment of Mr. David Watson as the Authority's Independent Person as required by the procedures introduced by the Localism Act 2011, for a further twelve months until the Authority's annual meeting in 2019 be confirmed;</b></p> <p><b>(d) that appointments be made to Outside Bodies as shown in Part B of the Schedule for the 2018-19 municipal year, the term of office to be until the Authority's annual meeting in 2019 unless otherwise indicated;</b></p> <p><b>(e) that:</b></p> <p><b>(i). subject to any earlier decision relating to amending the Authority's Financial Regulations, the proposed revision to the Terms of Reference of the Resources Committee as identified in paragraph 2.4 of this report be approved;</b></p> <p><b>(ii). that the clarifying amendment to the Terms of Reference of the Committee as identified in paragraph 2.5 of this report be endorsed;</b></p>

	<p><b>(f) that:</b></p> <p><b>(i). subject to any earlier decision to increase the size of the Standards Committee, the proposed revision to the Terms of Reference of that Standards Committee, as identified in paragraph 2.11 of this report, be approved;</b></p> <p><b>(ii). that the proposed amendment to the Terms of Reference of the Standards Committee as set out in paragraph 2.7 of this report be approved; and</b></p> <p><b>(g) that, subject to (e) and (f) above, the Terms of Reference for Committees etc., as set out at Appendix B to this report, be endorsed.</b></p>
<b>EXECUTIVE SUMMARY</b>	<p>Appendix A to this report sets out appointments to Authority Committees, outside bodies etc., with Appendix B listing the Terms of Reference for each of the Authority's committees etc. under the current structure.</p> <p>The Authority is invited to make appointments to committees and outside bodies and confirm the Terms of Reference. In doing so, the Authority is asked to consider the issues identified in Section 2 of this report.</p>
<b>RESOURCE IMPLICATIONS</b>	<p>Any resource implications associated with attendance at committee and outside body appointments etc. will be met from the approved budget for Members Allowances</p>
<b>EQUALITY RISKS AND BENEFITS ASSESSMENT (ERBA)</b>	<p>N/A</p>
<b>APPENDICES</b>	<p>A. Appointments to Committees, Working Parties etc. and Outside Bodies.</p> <p>B. Terms of Reference of Committees</p>
<b>LIST OF BACKGROUND PAPERS</b>	<p>None.</p>

## 1. **BACKGROUND AND INTRODUCTION**

- 1.1 Following its establishment in 2007 the Authority put in place a committee structure to assist it in discharging its functions. The Authority also determined to make appointments to a number of outside bodies (e.g. the Local Government Association etc.) whose objectives accord with furthering the interests of the Authority.
- 1.2 Appointments to these are traditionally made at the Authority's Annual Meeting. Schedule A, appended to this report, lists those Committees and outside bodies to which Authority would usually make appointments at its Annual Meeting. As in previous years, it is proposed that appointments to these be considered initially at a forthcoming Members' Forum meeting with the intention being to table on the day of the Authority Annual Meeting a draft, populated Schedule A for consideration.
- 1.3 In considering this, however, the Authority is reminded that its Standing Orders require that such appointments should take account of the principles of political proportionality as set out in the Local Government and Housing Act 1989.

## 2. **ISSUES FOR CONSIDERATION**

### ***Appointment of Committee Chairs and Vice-Chairs***

- 2.1 Elsewhere on the agenda for this meeting is an item raised by Councillor Randall Johnson, in accordance with Standing Order 19, asking the Authority to consider amending its Standing Orders to provide for Committee etc. Chairs and Vice-Chairs to be appointed by the Authority at its Annual Meeting.
- 2.2 In the event that the Authority resolves to make this change to its Standing Orders, the Authority is asked, in addition to making appointments to Committees etc. until the annual meeting in 2019, to also appoint Chairs and Vice-Chairs to these Committees etc. (again, to serve until the Authority's annual meeting in 2019).

### ***Resources Committee***

- 2.3 Elsewhere on the agenda for this meeting is a proposal to amend the Authority's Financial Regulations to include an additional provision to align procedures for reserves with those already in place for revenue budget virements.
- 2.4 In the event that this is approved, it is proposed that the Terms of Reference of the Resources Committee be similarly amended to reflect additional provision. This proposed amendment is shown in ***bold italics*** in the Terms of Reference for the Committee as set out in Appendix B to this report and the Authority is asked to approve this amendment (subject to the initial amendment to Financial Regulations being approved).
- 2.5 The opportunity has also been taken to clarify the Terms of Reference to include reference to the procedures already in place and provided for by Financial Regulations in relation to revenue budget virements. The Authority is asked to endorse this clarification (also shown in ***bold italics***) to the Terms of Reference.

### ***Standards Committee***

- 2.6 At its meeting on 30 April 2018, the Authority approved a revised Code of Conduct, guidance on making a complaint under the Code and revised Terms of Reference for the (newly-named) Standards Committee.

- 2.7 The Terms of Reference for the Committee as approved provide for it to determine any requests for dispensations where a Member might otherwise be prevented by the Code from speaking and voting on any particular issue. As currently drafted, this provides mainly for dispensations to speak/vote on disclosable pecuniary interests but it may be that a dispensation might be required for a Member to speak and vote on an issue in which they have personal interest. To this end, it is proposed that the following minor amendment (shown in ***bold, italics***) be made to the Terms of Reference, for clarification purposes:
- “To consider, following submission in writing to the Monitoring Officer by the Member concerned, any request for a dispensation either to talk or to talk and vote in relation to ***either*** a disclosable pecuniary interest ***or a personal interest*** in the following circumstances:
- that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to potentially alter the outcome of any vote on the matter;
  - That the Committee considers that the dispensation is in the interests of persons living in the authority’s area; or
  - That the Committee considers that it is otherwise appropriate to grant a dispensation.”
- 2.8 This proposed amendment has been incorporated (again using ***bold, italics***) into the Terms of Reference for the Standards Committee as set out in Appendix B to this report.
- 2.9 Also, arrangements approved by the Authority in 2012 provide for the Monitoring Officer (in consultation with the Independent Person) to undertake initial assessment of complaints to determine whether or not they should be subject to investigation ***unless*** to do so might be considered sensitive or potentially compromised (for example, the Monitoring Officer has previously advised the Member on the subject matter of the allegation). In such cases, the arrangements (as reflected in the current Terms of Reference for the Committee) provide that the initial assessment decision (i.e. whether or not to investigate) should be undertaken by the Standards Committee.
- 2.10 In light of experience and to better facilitate this should it be necessary, the Authority is asked to consider increasing the size of its Standards Committee from 5 to 7 Members. This would then allow for a small sub-committee of three Members to be selected from the main Committee membership to undertake an initial assessment (if considered necessary), with the remaining Members then being available to undertake any hearing (again, if necessary). This would then avoid any potential issues of conflict of interest and/or predetermination of the matter.
- 2.11 If the Authority is minded to approved this increase in overall size, it is also proposed that the Terms of Reference be amended as indicated (using ***bold, italics***) below to reflect the provisions set out in paragraph 2.9 above:
- “In the event of “sensitive”/***potentially compromised*** allegations of Code breach (e.g. where the Monitoring Officer may have previously advised the Member subject to the allegation on the matter concerned), to ***appoint from amongst its Membership a small Sub-Committee*** to determine, following consultation with the independent person, whether or not an allegation should be investigated.”

**MIKE PEARSON**  
**Director of Corporate Services**