

## HUMBERSIDE FIRE AUTHORITY

14 MARCH 2014

### PRESENT:

#### Representing East Riding of Yorkshire Council:

Councillors Chapman MBE, Engall MBE, Hodgson, Ibson, Mole, Moore, Turner and Whittle

#### Representing Kingston upon Hull City Council:

Councillors Armstrong, Gemmell OBE, Mathieson, Petrini and Quinn

#### Representing North Lincolnshire Council

Councillors Briggs (Chairperson), Swift, Waltham and Vickers

#### Representing North East Lincolnshire Council:

Councillors Baxter, Wallace and Wilson

Chief Fire Officer & Chief Executive, Deputy Chief Officer/Director of Operations, Acting Monitoring Officer/Secretary, Director of Finance & Assets/Section 151 Officer, Assistant Chief Officer/Director of Safety, Committee Manager and Ms J Rae (External Audit - KPMG) were also present.

Mr D Chapman (Independent Co-opted Member) attended in place of Mr D Hughes, Chairperson of Governance, Audit and Scrutiny Committee. Mrs A Thomlinson and Mr C Vertigans (Independent Co-opted Members) also attended as observers.

Apologies for absence were received from Councillors S Walker and T Walker.

The meeting was held at the Humberside Fire and Rescue Service Headquarters, Kingston upon Hull. Meeting commenced at 10.30 a.m.

The Chairperson welcomed Ms J Rae (KPMG), the Independent Co-opted Members of the Governance and Scrutiny Committee and all other persons present to observe the meeting.

**4448 FORMER MEMBER COUNCILLOR M STAVELEY** – The Chairperson reported that Councillor M Staveley had died on 13 March 2014. Members stood in silence as a mark of respect.

**4449 DECLARATIONS OF INTEREST – Resolved** – There were no declarations.

**4450 MINUTES – Resolved** – That the minutes of the meeting of the meeting of the Authority held on 17 February 2014 having been printed and circulated amongst the Members, be taken as read and correctly recorded and be signed by the Chairperson.

**4451 QUESTIONS BY MEMBERS** - The Acting Monitoring Officer/Secretary stated that no questions had been received from Members in accordance with Rule 12, Part 4 of the Constitution.

**4452 PETITIONS AND DEPUTATIONS** - The Acting Monitoring Officer/Secretary stated that no petitions had been received and no requests for a deputation had been received under Rule 13, Part 4 of the Constitution.

**4453 COMMUNICATIONS** - The Acting Monitoring Officer/Secretary stated that no communications had been received.

**4454 Local Government Association Fire Conference** – The Chairperson reported that the Deputy Chief Officer/Director of Operations and AM Training/HFR Solutions (N Granger)

and himself had attended the conference on 11 and 12 March 2014. The Chairperson read out the speech by Brandon Lewis MP, Minister for Fire, and reported orally on the key messages he had taken away from the conference. The Chairperson, on behalf of Members, thanked the Officers for the presentations they had given at the conference.

## MINUTES OF COMMITTEES

**4455 Governance, Audit and Scrutiny Committee** – Mr D Chapman, in the absence of Mr D Hughes, Chairperson of the Governance, Audit & Scrutiny Committee presented a report summarising the salient points arising from the Governance, Audit & Scrutiny Committee Members' discussion of reports on the Agenda for the meeting held on 3 March 2014. The report was to be read in conjunction with the draft minutes of the Committee. The report drew the attention of the Authority to the discussion by Governance, Audit and Scrutiny Committee Members on the following items:

- Minutes of the Previous Meeting and Matters Arising from the HFA Agenda (Minutes 4429 refers)
- Members Allowances 2014/15 (Minute 4428 refers)
- Implementation of Committee Recommendations (Minute 4430 refers) and in particular:
  - The role of the Group Secretaries,
  - Review of the Role of the Committee, and
  - The Appointment of Member Directors to HFR Solutions
- Customer Service Excellence Award 2014 (Minute 4440 refers)

Mr Chapman then presented the minutes of that Committee held on 3 March 2014. The Chairperson of the Fire Authority thanked Mr Chapman for his report and stated that the Committee's comments regarding the role of Group Secretaries would be taken on board during the review of the Constitution (Minute 4463 below refers).

**Resolved** – That the report be noted and that the minutes of the Governance, Audit and Scrutiny Committee held on 3 March 2014 be received.

**4456 MANAGEMENT ACCOUNTS TO 31 JANUARY 2014** – The Director of Finance & Assets/Section 151 Officer submitted a report containing the Authority's Management Accounts and Prudential Indicators for the period ending 31 January 2014. The summary estimated outturn position from the Management Accounts and Prudential Indicators was as follows:

Revenue Budget	-	£1.270m	underspend;
Capital Programme	-	£4.891m	total expenditure against an allocation of £11.270m;
Pensions Account	-	£7.464m	deficit.

The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4431 refers).

**Resolved** – That Members take assurance from the report and the Authority's financial position for the period ending 31 January 2014.

**4457 TREASURY MANAGEMENT AND CAPITAL EXPENDITURE PRUDENTIAL INDICATORS, TREASURY MANAGEMENT POLICY STATEMENT 2014/15 AND MINIMUM REVENUE PROVISION (MRP) FOR 2014/15** - The Director of Finance & Assets/Section 151 Officer submitted a report setting out the Prudential Indicators for Treasury Management and Capital and the Treasury Management Policy Statement proposed for adoption for the financial year 2014/15. The Authority's Constitution required that the Policy Statement is approved by the full Fire Authority and that responsibility cannot be delegated. The report also outlined the recommended policy to be adopted in respect of creating the Minimum Revenue Provision (MRP) for 2014/15, in line with the statutory requirements set out in The Local Authorities (Capital Finance and Accounting) (England) (Amendment) Regulations 2008. In the light of the Icelandic situation in 2008, CIPFA had amended the

CIPFA Treasury Management in the Public Services Code of Practice (the Code), Cross-Sectoral Guidance Notes and Guidance Notes and the template for the revised Treasury Management Policy Statement. The Fire Authority had formally adopted the revised Code on 15 February 2010. An updated version of the Code was published in November 2011 and the strategy statement had been prepared in accordance with the requirements of the new Code. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4432 refers).

**Resolved** – That the Prudential Indicators for Treasury Management and Capital Expenditure at paragraphs 14 and 15, the MRP calculated for 2014/15 at paragraphs 15-19 and Appendices 1, 2 and 3 of the report now submitted be approved as the basis for the Authority's Treasury Management activities in 2014/15.

#### **EXTERNAL AUDIT**

**4458 External Audit Progress Report and Technical Update** – Ms J Rae (KPMG) submitted a report providing an overview on progress in delivering KPMG's responsibilities as external auditors. The report also highlighted the main technical issues which were currently having an impact in local government. At the end of each stage of the audit KPMG issued certain deliverables, including reports and opinions. A summary of those deliverables for the 2013/14 audit was provided in Appendix 1 to the report. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4433 refers).

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

**4459 DRAFT STRATEGIC PLAN AND INTEGRATED RISK MANAGEMENT PLAN 2014-17** – The Assistant Chief Officer/Director of Safety submitted a report, further to Minute 4375, reminding Members that the Authority had previously approved for the draft Strategic Plan 2014-17 and draft Integrated Risk Management Plan (IRMP) 2014-17 to go out for formal consultation. During the six-week period of consultation, one external response and a number of internal responses were received. The report summarised the feedback received during the consultation and the changes which had been made to both plans as a result, and sought approval for the Draft Strategic Plan 2014-17 attached at Appendix 1 to the report and the Draft Integrated Risk Management Plan 2014-17 attached at Appendix 2 to the report to be published as final documents. A copy of the questionnaire questions used to gather feedback was attached at Appendix 3 to the report.

**Resolved** - That the plans be approved for publication.

**4460 OPERATIONAL EFFICIENCY PROGRAMME – IMPLEMENTATION PLAN** - The Deputy Chief Officer/Director of Operations submitted a report, further to Minute 4390, reminding Members that the Authority had agreed to implement Options 5 and 16 of the Operational Efficiency Programme (OEP) and had also requested that a plan be submitted to a future meeting in advance of implementation. The report now submitted set out the implementation arrangements that were being proposed.

Following the decision to implement Option 5 (Hull) – remove second engine from East Hull, crew all fire engines in Hull with four firefighters and crew a small fires unit, the following implementation arrangements were proposed:

Crewing all Fire Engines in Hull with Four Personnel - The intention was that from 1 April 2014 arrangements are put in place to reduce the establishment of WDS staff in Hull, to reflect a standard crewing model of four staff on every fire engine in Hull. This effectively means that the ability to ride with four staff is available however as in the short term the strengths of most watches will remain at current levels (reflective of 5 staff on Water Ladder fire engines) no immediate change will likely be noticeable. This will only change in line with the retirement profile. The proposed decision to reduce the establishment from 1st April 2014 coincides with the proposed reduction in establishment within North East Lincolnshire (detailed in the implementation plan for Option 16 below) and therefore means a single reduction in

the establishment minimising the adverse effects on workforce planning including the movement of staff, the management of leave and training etc.

Crew a Small Fires Unit within Hull - It was also proposed that the current Small Fires Unit (SFU) stationed at Clough Road Fire Station is permanently crewed from 1 April 2014 and the establishment is changed accordingly. This will mean that the establishment at Clough Road Fire Station will reflect crewing the fire engine with four staff and the SFU with two. As the SFU has always been stationed at Clough Road Fire Station there will be minimal need for training/familiarisation of station staff. Whilst the initial introduction of an SFU was restricted to attending small fires, this option increases the role of the SFU beyond attendance at small fires by augmenting PDAs to property fires alongside two fire appliances maintaining a minimum number of firefighters present at such incidents, this option increases that number from current arrangements.

Removal of a Fire Engine at East Hull - It was proposed that the East Hull proposal is implemented when the establishment reaches a point at which the supernumerary staff can no longer support its crewing due to the effect of the retirement profile. It is predicted that this will take around 12-18 months, at that point the fire engine can be removed and the establishment dropped accordingly. This means that the fire engine will remain available and crewed in the same way as other fire engines until that time. The delay in implementation will also allow time for the implementation working group to explore broader considerations such as the specialist use of SFUs.

Following the decision to implement Option 16 (Grimsby, Cleethorpes and Waltham) – merge Peaks Lane and Cromwell Road Fire Stations and remove one engine, replace the fire engines at Cleethorpes and Waltham with Small Fires Units and use them for small fires in the Grimsby, Cleethorpes and Waltham areas, the following implementation arrangements were proposed:

Merge Peaks Lane and Cromwell Road Fire Stations and Remove One Fire Engine - It was proposed that from the 1 April 2014 one fire engine is removed from service at Cromwell Road Fire Station and the remaining fire engine is relocated to Peaks Lane Fire Station. This needs to be implemented as soon as possible as the current retirement profile has taken current operational staffing below the required establishment level. This will result in three fire engines based at Peaks Lane Fire Station. The Service will take the opportunity to 'stand by' a fire engine at the Cromwell Road site for certain periods based around risk/demand, this will be reviewed after 6 months. The establishment at Peaks Lane will be increased from 12 per Watch to 17 per Watch, an increase of 20 staff across the 4 Watches. These staff will be drawn from the 48 operational staff released from Cromwell Road Fire Station due to the merger and the changes to the establishment in Hull. This will leave 28 operational staff surplus following the merger. These staff will be used in the first instance to fill existing vacancies. Additionally four staff will be transferred to Hull Community Protection Unit (CPU) to enable the SFU to be permanently crewed as outlined in paragraph 8 of the report. The remaining surplus personnel will be placed on watches across North East Lincolnshire (NEL) CPU, North Lincolnshire (NL) CPU and the East Riding CPU on a supernumerary basis in anticipation of the predicted firefighter retirement profile up to around May 2015. This will balance resources across the Service area and complement the future reduction in establishment when the second engine is removed from East Hull at a later date. In order to create capacity at Peaks Lane for the additional 20 staff it is proposed that NEL Community Safety Team, the Princes Trust Programme and the BTEC Programme (all currently located at Peaks Lane Fire Station) be relocated to the Cromwell Road site. There are a number of benefits to this including ease of access for the community on public transport and the potential to develop the Cromwell Road site and increase the access to our services in the mid to long term. It was proposed that Support staff currently working from Cromwell Road Fire Station can be utilised in roles to support the arrangements identified in paragraph 19 of the report.

Replace the Fire Engines at Cleethorpes and Waltham with Small Fires Units (SFU) -  
It was proposed that this option is developed over the medium term period, with the fire engines continuing to operate in the same way as current arrangements for the time being. This is necessary primarily to allow time for the procurement of two additional SFUs and for stakeholder engagement in their development into specialist vehicles. The delay in implementing this option will allow the implementation working group to further consider mobilising, crewing and equipment requirements. The group will also investigate broadening the role of the SFUs at these stations linked to the risk profile within NEL and therefore the re-naming of such vehicles to better reflect their role. The establishments at Cleethorpes and Waltham fire stations currently reflect those of single fire engine stations, although over the last year numbers have reduced through retirements and resignations, particularly at Cleethorpes. As per the previous position of the Authority it was proposed that the staff numbers on these stations are reduced to appropriate levels to crew SFUs with two riders. In line with this recruitment at these stations was ceased following the Authority on 31 January 2014.

**Resolved** - That the Authority endorses the implementation plan for:

- (i) Option 5 (Hull) – remove second engine from East Hull, crew all fire engines in Hull with four firefighters and crew a small fires unit, and
- (ii) Option 16 (Grimsby, Cleethorpes and Waltham) – merge Peaks Lane and Cromwell Road fire stations and remove one fire engine, replace the fire engines at Cleethorpes and Waltham with small fires units and use them for small fires in the Grimsby, Cleethorpes and Waltham areas.

*(The voting on the above decision was For: 13, Against:1, Abstained: 6)*

**4461 PAY POLICY STATEMENT 2014-15** - The Chief Fire Officer & Chief Executive submitted a report providing a proposed Pay Policy Statement for Humberside Fire Authority for 2014/15, as required by the Localism Act 2011, for consideration and recommendation to the Fire Authority. The Act introduced senior staff pay transparency into local authorities with a requirement that authorities prepare a Pay Policy Statement for each financial year. A statement for the Authority was first produced for 2012/13 and approved by the Authority on 17 April 2012 (Minute 3839 refers). The Authority agreed at that time that the Pay Policy Statement should be reviewed annually by officers and that any proposed amendments would be brought before the full Authority for consideration. The proposed statement for 2014/15 was unchanged regarding pay details for Corporate Management Team (CMT) posts. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4441 refers).

**Resolved** – (a) That the draft Pay Policy Statement for 2014/15 at Appendix 1 to the report now submitted be approved;

(b) that the Chief Fire Officer & Chief Executive be authorised to make factual adjustments to the Policy during the course of 2014/15, for example, in reflection of the impact of any pay awards arising for different employment groups during the year; and

(c) that any other proposed amendments to the Policy during 2014/15 be brought before the full Authority for consideration.

**4462 REVIEW OF MEMBER CODE AND MEMBER DEVELOPMENT** - The Chief Fire Officer & Chief Executive submitted a report indicating that the 2013/14 workstreams of the Committee included a discussion/review around the Member Code of Conduct and training/development opportunities for Elected Members. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4442 refers) and the report now submitted incorporated the recommendations of that Committee. With regard to the current Code of Conduct and Procedure supporting the Code the report outlined a proposed technical amendment to the Code but did not raise any issues regarding the current procedure. A copy of the current Code of Conduct and Procedure in support which

were approved by the Fire Authority on 24 July 2012 (Minute 3895 refers) were attached at Appendices 1 and 2 to the report. The Authority had also agreed that the Code and Procedure be reviewed annually. No review was undertaken in 2013 given the short period of time that had elapsed since the documents were adopted, and in that short time there had been no legislative changes necessitating any changes. It remained the case that there had been no changes in legislation since the Code and Procedure were adopted. The Department for Communities and Local Government had issued some guidance to local authorities in 2013 aimed at clarifying certain aspects regarding the content of Codes of Conduct and drawing attention to an alternative style that had been published by another body. However that information did not raise any matters which would suggest that the Authority should consider amending its current Code. It was however suggested that the Code should be amended by the deletion of paragraph 2.4 which states:

“2.4 In addition to having effect in relation to conduct in your official capacity, this Code also applies at any other time, where your conduct constitutes a criminal offence for which you have been convicted (including an offence you committed before the date you took office, but for which you are convicted after that date).”

A revised Code incorporating that amendment was attached at Appendix 3 to the report.

With regard to training/development opportunities for Elected Members the report set out some background, considerations and broad options for the Committee to consider and decide whether to make any recommendation to the full Fire Authority. Currently Elected Members received ad hoc opportunities around training and development, which tended to be delivered locally (by one of the constituent Unitary Authorities) or within the region (through Local Government Yorkshire and Humber). Within the Service bespoke training had been provided, particularly around standards/conduct. In terms of Fire bespoke issues, then national events were normally attended by the Chairperson and the Vice- Chairperson, although depending upon the nature of a conference, then invitations had occasionally been made through the Group Secretaries. Feedback from such conferences, which were normally run by the Local Government Association or Chief Fire Officers' Association, was given at full Fire Authority meetings. Members were reminded that in the past use had been made of a Member needs analysis in the form of a questionnaire. That however was not particularly successful and was discussed during the third review of corporate governance. That third review of corporate governance changed the governance structure of the Authority, creating a more Board-like, single decision making body, with an increased use of Member Days to complement that new structure. Whilst the Member Days thus far had focussed primarily on the Operational Efficiency Programme, the Days were also important to provide early briefings upon national, regional and local developments and issues. One of the issues facing the Authority was the frequent changeover of Elected Members. Again, Members were reminded that part of the Member protocol which was proposed to the constituent Unitary Authorities was around induction and training/ development of Members. Unfortunately that protocol was not supported by all the Unitary Authorities and while the principles remained relevant and of importance, there was little prospect that such a protocol would be supported by all interested parties. New Members however at the Annual General Meeting of the Authority do receive an induction and particular training/development is identified through feedback, and all Member Days had a feedback form to highlight areas for future focus. In terms of options going forward, the induction of new Members was important and would continue at the AGM, with individual needs identified and supported. Members in terms of broader knowledge of standards and local government also received support and opportunities at their home authorities. Clearly it was important to avoid duplication. It was intended to try and introduce again the Member training needs analysis. An example was attached at Appendix 4 to the report which ideally would be circulated and completed before or at the AGM, and would also apply to Governance, Audit and Scrutiny Committee Members.

The report indicated that at the next cycle of meetings, there would be a report on the governance arrangements and the role of the Governance, Audit and Scrutiny Committee

going forward which would give an opportunity to also discuss further Member training and development. It was suggested that in considering the report, the Governance, Audit and Scrutiny Committee will undoubtedly wish to take the views of the Fire Authority, perhaps through the Group Secretaries and Chairperson in the first instance. Appendix 4 to the report was an example of a type of self-analysis. Members were reminded that when the Committee discussed Member training/development in March 2013 the following views were expressed:

“A Member stated that it was useful if skill sets are declared by Members so that if necessary they can be drawn upon in the workstreams of the Authority. A Member stated that she was in favour of the use of the questionnaire as the role of Elected Members at the Fire Authority is different to that at their home authority. A Member suggested that identifying Members training needs would help identify matters to feed into the Member Days. A Member expressed wholehearted support for the use of the questionnaire and stated that he would like to see it circulated to Unitary Authorities for consideration before they select appointments to the Fire Authority as it might identify the skill sets required. A Member suggested that it would be very useful if Sector could be asked to give some further training on financial matters to Members as they were very good on the previous occasion.”

The Governance, Audit and Scrutiny Committee had agreed at that meeting that it totally endorsed the contents of the report submitted to that meeting and would welcome the opportunity to take the views of the Fire Authority, perhaps through the Group Secretaries and Chairperson in the first instance (Minute 4043 refers).

**Resolved** – (a) That the revised Code of Conduct set out in the Appendix I to these minutes be approved;

(b) that the procedure for the investigation and determination of allegations under the Code of Conduct set out in Appendix 2 to the report be amended in line with the recommendations of the Governance, Audit and Scrutiny Committee (paragraphs 4 (ii) and (ii) of the report and as set out in Appendix II to these minutes, and

(c) that Members endorse the intention to circulate the Member Training Needs Analysis form to all Elected Members and also Independent Co-opted Members of the Governance, Audit and Scrutiny Committee, for completion before the Fire Authority AGM 2014.

**4463 CONSTITUTIONAL REVIEW, INCLUDING FINANCIAL/PROCUREMENT** - The Acting Monitoring Officer/Secretary reported orally on proposed legislative changes which had not yet been implemented, some of which were applicable to the Fire Authority and some of which were not. The Acting Monitoring Officer/Secretary suggested that the Constitution should be reviewed when the legislative changes are made.

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

**4464 COMMISSIONING INTERNAL AUDIT SERVICES** - The Director of Finance & Assets/Section 151 Officer reported orally further to Minute 4407 that the Panel had met on 5 February 2014 to review tenders received and had agreed that Merseyside Internal Audit Agency be designated the Preferred Contractor.

**Resolved** - That Merseyside Internal Audit Agency be appointed as the Council's Internal Auditor from 1st April 2014 for a period of three years.

**4465 SERVICE PERFORMANCE AND RISK REPORT FOR THE 3RD QUARTER PERIOD OCTOBER – DECEMBER 2013** - The Assistant Chief Officer/Director of Safety submitted a report providing information relating to the Service's Performance and Risk Framework as highlighted in the following table:

<b>Section 1 – Strategic Risks</b>	
Reduction in external financial support.	No change in risk.
The likely need to reduce the WDS establishment	No change in risk.
Likely changes leading to commissioned services	Reduction in the risk likelihood.
<b>Section 2 – Prevention Performance</b>	
Accidental Dwelling Fires	9.7% better than target.
Other Accidental Fires (exc Vehicles)	3.9% worse than target.
Deliberate Primary Fires	16.9% better than target.
Deliberate Secondary Fires	11.8% better than target.
Number of Automatic Fire Alarms	15.9% better than target.
Fatalities	3 fatalities against aspirational target of zero.
Injuries	40 injuries against aspirational target of zero.
<b>Section 3 – Response Performance</b>	
First engine response	7.05% better than target
Second engine response	9.57% better than target
<b>Section 4 – Programme and Project Management</b>	
Key projects are reported in this section	
<b>Section 5 – Absence Statistics</b>	
Key data is reported in this section	

Further detailed information was contained within the body of the report. The Assistant Chief Officer/Director of Safety corrected the data quoted on page 232 of the report regarding sickness absences for all employees. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4435 refers).

**Resolved** – That Members note the report’s detail and take assurance as to the Service’s proactive approach to performance and risk management.

**4466 HEALTH AND SAFETY QUARTERLY REPORT – 3RD QUARTER 2013/14** - The Assistant Chief Officer/Director of Safety submitted a report, further to Minute 4405, presenting at Appendix 1 to the report the 3rd Quarter 2013/14 report on Health and Safety which included details of Health and Safety courses, incident statistics and on-going issues at Appendix 1. There are no significant trends in terms of accidents and injuries, although the Health and Safety Team were carrying out detailed work to analyse causal factors and whether there were any trends within those. There had been a reduction in near miss reports since last Quarter and the team were exploring ways to increase the number of such reports and Representative Bodies had agreed at the recent Consultative Committee to encourage their members to record near misses when they occur. There were a number of on-going issues. Significant areas included the team visiting the site used for water rescue training, in response to accidents highlighted in the 2nd Quarter report, and the changes to the Analytical Risk Assessment form used by crews at incidents. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4436 refers).

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

**4467 OPERATIONS (RESPONSE) - INCIDENTS OF SPECIAL INTEREST** – The Deputy Chief Officer/Director of Operations submitted a report outlining details of incidents of special interest for the last quarterly period as set out in Appendix 1 to the report.

**Resolved** – That Members note the contents of the report as a quarterly update of incidents of special interest, and

**4468 CUSTOMER SERVICE EXCELLENCE AWARD 2014** - The Assistant Chief Officer/Director of Safety submitted a report reminding Members that the Customer Service Excellence Award, originally achieved in 2009, was re-certified on an annual basis subject to



passing a compliance audit. The re-certification audit for 2014 took place on 22 January 2014 and it was pleasing to report that the Award had been successfully retained for a further twelve months. The Assessor had noted three areas of good practice and assessed two areas 'Compliance Plus', demonstrating exceptional or exemplar behaviour. Two opportunities for improvement were also observed during the audit. The Assessment Report was attached at Appendix 1 to the report. The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4440 refers).

**Resolved** – (a) That Members acknowledge the retention of the Award and take assurance from the Authority's on-going commitment to customer service excellence, and

(b) that Members record their thanks to all those involved in the work.

**4469 GOVERNANCE, AUDIT AND SCRUTINY COMMITTEE** - The Chief Fire Officer & Chief Executive submitted a report reminding Members that the Member Day on 28 February 2014 had discussed, amongst other things, the purpose and function of the Governance, Audit and Scrutiny (GAS) Committee following a brief presentation to remind Members of the history and purpose of the GAS Committee and to present options for consideration. Following a lengthy debate Members working with officers developed a proposal for the future of the GAS Committee. There was general consensus that the GAS Committee performed an essential role and that it should continue to be composed entirely of Independent Co-opted Members. The report now submitted acknowledged that the Governance and Audit roles of the Committee should remain largely unchanged but that there was however potential to improve the scrutiny role by eliminating duplication and providing the opportunity to scrutinise some matters in depth and assessing the impact of decisions previously made by the Authority. Consideration was also given to the membership and tenure of the GAS Committee.

The report indicated that the GAS Committee had a key role to play in ensuring good governance within the organisation. It achieves this by reviewing and revising the Member Code of Conduct on a regular basis and by ensuring that Members are properly trained. Committee Members also monitor declarations of interest and have a role to play in the event of a complaint against Members of the HFA. It was suggested that this role should remain unchanged. Every Authority was required to have an Audit Committee function and this was carried out by the GAS Committee. The Committee was required to provide independent assurance on the adequacy of the risk management framework, the internal control environment and the integrity of the financial reporting and annual governance processes. To discharge this duty the Committee receives reports on internal control and risk management, internal audit, external audit, performance, risk and programme management. It is proposed that these reports form the standing part of the GAS Committee agenda.

At the Member Day Members had indicated that they felt that the scrutiny role of the GAS Committee was one where improvements could be made and value added. At the present time the GAS Committee receives all reports destined for the Authority and scrutinises them before the Authority meeting. This creates a degree of duplication and does not offer the facility to scrutinise and assess the impact of decisions made by the Authority. Neither does it allow the GAS Committee to scrutinise in depth issues that concern themselves, officers or the Authority. It was therefore proposed that the routine scrutiny of all reports submitted to the Authority will cease. Instead the Authority, GAS Committee and Corporate Management Team (CMT) will propose subjects for in-depth scrutiny. This scrutiny could be forward looking in that the Committee could scrutinise future proposals put before them by officers. Equally Authority Members might ask the Committee to scrutinise a particular issue or Committee Members themselves might wish to focus on a particular subject. Alternatively the Committee might be asked to assess the impact of decisions made by the Authority in retrospect. To achieve this they would have the option of inviting key Authority Members to address the GAS Committee regarding decisions they have been party to. In practical terms an annual scrutiny programme could be developed by the GAS Committee and approved by the Authority. This would provide a more varied and challenging

workload for the GAS Committee. None of the above changes required amendments to the Authority's Constitution.

In terms of size eight appeared to be an optimum number of GAS Committee Members and their period of tenure, originally set at three years seems reasonable and should remain unchanged. GAS Committee Members should be able to serve for a maximum of two terms (six years). With that in mind two Members of the GAS Committee had already served for more than six years and a third had served for five years. It was suggested that the Authority might consider recruiting new Committee Members in 2014 and as there was already a vacancy on the Committee three immediate vacancies would be created and a recruitment process would be needed to appoint new members. The timing was important as it would not be desirable for the whole committee to stand down at the same time. The remaining four Members had a further 18 months to serve which would provide time for new appointees to gain experience. It would be good practice to recruit new Members to the GAS Committee in 2014 though that would take some time. It would therefore be desirable to re-appoint Mr David Hughes and Mr John Jepson as Members of the GAS Committee until 30 September 2014 to enable replacement members to be appointed. It would also be appropriate to re-appoint Mrs Gill Hardy until 30 April 2015 as she had only served for five years.

The report concluded that the GAS Committee performed an essential and valuable role and that the hard work and dedication of all Committee Members was greatly appreciated by Members of the Authority. The proposals in the report now submitted should make the GAS Committee more effective and should provide more interesting and varied work for its Members. This effectiveness would be further enhanced if Committee Members are provided with regular training to assist them in their role.

**Resolved** – (a) That the following proposals be approved:

- (i) The proposed size (8 Independent Co-opted Members) and tenure (2 terms of 3 years) of the Governance Audit and Scrutiny Committee;
- (ii) the recruitment of three members of the Governance Audit and Scrutiny Committee in 2014;
- (iii) the appointment of Mr David Hughes and Mr John Jepson as members of the Governance Audit and Scrutiny Committee until 30 September 2014, and
- (iv) the appointment Mrs Gill Hardy as a member of the Governance Audit and Scrutiny Committee until 30 April 2015.

(b) that the proposed amendments to the role of the Governance Audit and Scrutiny Committee, particularly around the scrutiny function, be further examined and a report submitted to the next meeting of the Authority.

**4470 SENIOR MANAGEMENT REVIEW** - The Chief Fire Officer (Designate) submitted a report indicating that at the Agenda meeting, attended by all members of Corporate Management Team and the Chairperson of the Authority, prior to the Authority meeting of 16 December 2013 which ratified his appointment, the CFO (Designate) requested that a report to proceed to appoint an Assistant Chief Fire Officer (ACFO) (to the resultant vacancy on CMT) be deferred until he had time to consider the future management structure of the Service under his leadership, this was agreed. In addition the Service Policy states that when any post, other than that of a firefighter becomes vacant an objective assessment will be made to determine:

- (a) Whether there is a continuing need for the post. This will take account of organisational requirements and future plans including any implications arising from Humberside Fire Authority's IRMP;

- (b) Whether it would be feasible and of net benefit to the Service to convert a continuing vacant uniformed post to a non-uniformed post and vice versa; and
- (c) Whether there is a need to revise the job role.

In order to make that objective assessment of such a senior role in the organisation it was felt that it was necessary to carry out a wider review of the two most senior levels of management. This was because the ACFO post provides a leadership role on CMT and for a specific Directorate as well as operational incident command role both at Strategic Co-Ordination Group level (Gold Command) and on the incident ground at Silver Command providing resilience to the Area Manager cadre. This means that the assessment of the ACFO post cannot be undertaken in isolation of both CMT and Area Managers. Also given the recent Operational Efficiency Programme (OEP) which had seen a budget reduction approval of some £2.5m leaving an anticipated £3m deficit by 2016/17, it was now timely to commence work on a wider service review (A Service Wide Efficiency Review is included in the draft Strategic Plan 2014-17 for approval elsewhere on the Agenda for this meeting) commencing with the two most senior levels of management. Notwithstanding such a review, there was also a pressing need to ensure the Service's resilience and continuity at Gold Command level beyond 1 April 2014. To this end it was proposed that a process of rotating 'acting up', for operational cover purposes only, of Area Managers be initiated to provide this resilience temporarily until the review is concluded and its outcomes implemented. The report outlined options for engaging consultants to carry out the review or for the review to be undertaken by the Chief Fire Officer (Designate).

**Resolved** - That Members approve -

- (i) The commencement of a review of the two most senior levels of service management (CMT and Area Managers) with recommendations to be brought to the Authority meeting of 25 April 2014;
- (ii) the initiation of a rotating 'acting up' process between Area Managers to provide strategic Gold Command resilience for the Service temporarily from 1 April 2014 until the review is concluded and its outcomes implemented, and
- (iii) a review as detailed in the body of the report now submitted to be carried out by the Chief Fire Officer (Designate).

**4471 APPOINTMENT OF MEMBER DIRECTORS TO THE BOARD OF HFR SOLUTIONS** - The Chief Fire Officer & Chief Executive submitted a report reminding members that HFR Solutions is a Community Interest Company wholly owned by Humberside Fire Authority. The company had been trading successfully since April 2012 and generated a healthy surplus. Since its inception the Board had consisted entirely of officers. As the business grows the Board was ever more confident that HFR Solutions had a long term future and following discussions with Members of the Authority had agreed that stronger governance arrangements with active Member involvement would be beneficial. To that end it was agreed that the Authority would nominate two Member Directors to join the Board of HFR Solutions. To assist in the selection of Member Directors a role specification had been developed as set out in Appendix 1 to the report. Members felt that the communities of the Service area would be best represented by nominating one Member Director from South of the Humber and the other from the North. The nominations were:

Councillor Terry Walker (South)  
Councillor Arthur Hodgson (North)

Should the nominations be approved Councillors Walker and Hodgson would be appointed as Member Directors and commence their duties immediately.

**Resolved** - That Members approve the appointment of Councillors Terry Walker and Arthur Hodgson as Member Directors of HFR Solutions.

*(Councillor Armstrong abstained from voting on the above decision.)*

**4472 EXCLUSION OF PRESS AND PUBLIC – Resolved** – That the press and public be excluded from the meeting during consideration of the following item (Minute 4473) on the grounds that it is likely to involve the disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.

*(In making its decision the Authority confirmed that having regard to all the circumstances it was satisfied that the public interest in maintaining the exemption outweighed the public interest in disclosing the information).*

**4473 HFR SOLUTIONS' PERFORMANCE SUMMARY REPORT SEPTEMBER – DECEMBER 2013** - The Deputy Chief Officer/Director of Operations submitted a report indicating that as agreed previously by the Authority the report had been structured to outline the performance of HFR Solutions' operations and service delivery within each operating quarter, as well as indicate that quarters profit and loss statement and therefore the report now submitted covered the following four main areas of activity: Business; Training; Community and Risk. Attached to the report were the HFR Solutions Business Plan priorities update (Appendix 1) and the profit and loss statement for Quarter 1 to Quarter 3 (Appendix 2). The report had previously been considered by the Governance, Audit and Scrutiny Committee (Minute 4438 refers).

**Resolved** – That the Authority takes assurance from the report that:

- (i) HFR Solutions' is developing into a successful business, which is capable of effectively supporting Humberside Fire & Rescue Service's operational and community protection service delivery requirements, across both business and residential communities of the area, and
- (ii) the key priorities of the Business Plan are effectively being performance managed to meet the strategic outcomes of the business (Appendix 1 to the report).

**4474 RETIREMENT OF MR R HANNIGAN, CHIEF FIRE OFFICER & CHIEF EXECUTIVE** – The Chairperson reported that Mr Hannigan was attending his last meeting of the Authority as Chief Fire Officer & Chief Executive prior to his retirement on 31 March 2014. The Chairperson on behalf of Members wished Mr Hannigan a long and healthy retirement and presented him with gifts to mark his retirement. Mr Hannigan responded.

*Meeting closed at 12.13 p.m.*

## **Humberside Fire Authority**

### **MEMBER CODE OF CONDUCT**

#### **PART I - GENERAL PROVISIONS**

##### **1. Introduction and Interpretation**

- 1.1 This Code applies to you as a Member of the Fire Authority when you act in your role as a Member. It is your responsibility to comply with the provisions of this Code.
- 1.2 You are a representative of this Authority and the public will view you as such. Therefore your actions impact on how the Authority as a whole is viewed and your actions can have both a positive and negative impact on the Authority.
- 1.3 The public expect Members to act in an open and transparent manner, which reinforces public confidence in the Authority.

##### **2. Who does this Code apply to and when does it apply?**

- 2.1 This Code applies to all Members of the Authority and to all Co-opted Independent Members.
- 2.2 This Code applies whenever you:
  - 2.2.1 conduct the business of the Authority; or
  - 2.2.2 act, claim to act or give the impression you are acting as a representative of the Authority, and references to your official capacity are construed accordingly.
- 2.3 This Code does not have effect in relation to your conduct other than where it is in your official capacity.
- 2.4 Where you act as a representative of the Authority:
  - 2.4.1 on another relevant authority, you must when acting for that other authority, comply with that other authority's code of conduct; or
  - 2.4.2 on any other body, you must, when acting for that other body, comply with your Authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

##### **3. What specific standards of conduct are Members expected to observe?**

- 3.1 You must treat others with respect and courtesy.
- 3.2 You must not bully or intimidate any person.
- 3.3 You must not do anything which may cause the Authority to breach any equality laws.

- 3.4 You must not conduct yourself in a manner which could reasonably be regarded as bringing the Authority, or your office as a Member of the Authority, into disrepute.
- 3.5 You must not knowingly prevent, or attempt to prevent, another person from gaining access to information to which they are entitled by law.
- 3.6 You must act solely in the public interest and not use or attempt to use your position as a Member improperly to confer or secure for yourself or any other person an advantage or disadvantage.
- 3.7 You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- 3.8 You must not disclose information which is given to you in confidence, or information which you believe, or ought to be aware, is of a confidential nature, except where:
  - 3.8.1 You have the consent of the person authorised to give it;
  - 3.8.2 You are required to do so by law;
  - 3.8.3 The disclosure is made to a third party for the purpose of obtaining professional legal advice provided that third party agrees not to disclose the information to any other person;
  - 3.8.4 The disclosure is reasonable in the public interest, made in good faith, and you have consulted the Monitoring Officer.

#### **4. General principles of Conduct Members are expected to observe**

- 4.1 In carrying out your duties as a Member of the Authority, you are expected to observe the following general principles of conduct (Nolan principles):

##### **Selflessness**

Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

##### **Integrity**

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.

##### **Objectivity**

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

##### **Accountability**

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

##### **Openness**

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

### **Honesty**

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

### **Leadership**

Holders of public office should promote and support these principles by leadership and example.

## **PART II – MEMBER INTERESTS**

### **5. Personal interests**

5.1 You have a personal interest in any business of the Authority where either it relates to or is likely to affect:

5.1.1 any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your Authority;

5.1.2 any body:

- exercising functions of a public nature;
- directed to charitable purposes; or
- one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union),

of which you are a member or in a position of general control or management;

5.1.3 the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25.

### **6. Disclosure of personal interests**

6.1 Where you have a personal interest in any business of the Authority and you attend a meeting of the Authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent.

6.2 Paragraph 6.1 only applies where you are aware or ought reasonably to be aware of the existence of the personal interest.

6.3 Where you have a personal interest in any business of the Authority of the type mentioned in paragraph 5.1.3, you need not disclose the nature or existence of that interest to the meeting if the interest was registered more than three years before the date of the meeting.

6.4 Where you have a personal interest but, by virtue of paragraph 10.1, sensitive information relating to it is not registered in the Authority's Register of Members' Interests, you must indicate to the meeting that you have a personal interest, but need not disclose the nature of the interest to the meeting.

## **7. Disclosable Pecuniary interests**

- 7.1 You have a disclosable pecuniary interest in any business of the Authority where you or:
- 7.1.1 Your spouse or civil partner;
  - 7.1.2 A person with whom you are living as husband and wife, or
  - 7.1.3 A person with whom you are living as if he or she were civil partners has an interest of which you are aware or ought reasonably to be aware, and the interest falls within a category of interest identified as a Disclosable Pecuniary Interest specified in regulations made by the Secretary of State from time to time pursuant to Section 30 of the Localism Act 2011. An extract of the current Regulations are appended to this Code at Appendix 1 which sets out where pecuniary interests may exist.

## **8. Effect of disclosable pecuniary interests on participation**

- 8.1 Subject to paragraph 8.2, where you have a disclosable pecuniary interest in any business of the Authority:
- 8.1.1 you must withdraw from the room or chamber where a meeting considering the business is being held immediately the agenda item is reached:  
  
unless you have obtained a dispensation from the Authority's Monitoring Officer;
  - 8.1.2 you must not seek improperly to influence a decision about that business.
- 8.2 Where you have a disclosable pecuniary interest in any business of the Authority, you may attend a meeting of the Authority or a committee but only for the purpose of answering questions or giving evidence relating to the business, provided that you leave the room before the point at which any discussion or vote in relation to the business takes place.

## **PART III – REGISTRATION OF MEMBERS' INTERESTS**

### **9. Registration of Members' Interests**

- 9.1 Subject to paragraph 10, you must, within 28 days of:
- 9.1.1 this Code being adopted by the Authority; or
  - 9.1.2 nomination as a Member of the Authority (where that is later),
- register in the Authority's Register of Members' Interests (maintained under section 81(1) of the Local Government Act 2000) details of your personal and disclosable pecuniary interests where they fall within a category mentioned in Part II, by providing written notification to the Authority's Monitoring Officer.
- 9.2 Subject to paragraph 10, you must, within 28 days of becoming aware of any new personal interest or change to any personal or disclosable pecuniary interest registered under paragraph 9.1, register details of that new interest or change by providing written notification to the Authority's Monitoring Officer.



## **10. Sensitive interests**

- 10.1 Where you consider that the information relating to any of your personal interests is sensitive information, and the Authority's Monitoring Officer agrees, you need not include that information in the Authority's register that is made available for inspection.
- 10.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 10.1 is no longer sensitive, notify the Authority's Monitoring Officer asking that the interest be included in the Authority's Register of Members' Interests.
- 10.3 In this Code, a "sensitive interest" means an interest the disclosure of which you and the Authority's Monitoring Officer consider could lead to you, or a person connected with you, being subject to violence or intimidation".

## **PART IV – SCOPE OF THIS MEMBER CODE OF CONDUCT**

### **11. Scope of the Code**

- 11.1 The Code applies to Members in all aspects of their activities as a Member, including when acting on Authority business or when otherwise purporting to act as a Member. It does not seek to regulate what Members do in their purely private and personal lives.
- 11.2 The obligations set out in this Code are complementary to those which apply to all Members by virtue of the procedural rules set out in the Authority's Constitution.



<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	<p>Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M.</p> <p>This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992<sup>(1)</sup>.</p>
Contracts	<p>Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land	Any beneficial interest in land which is within the area of the relevant Authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.
Corporate tenancies	<p>Any tenancy where (to M's knowledge)—</p> <p>(a) the landlord is the relevant Authority; and</p> <p>(b) the tenant is a body in which the relevant person has a beneficial interest.</p>
Securities	<p>Any beneficial interest in securities of a body where—</p> <p>(a) that body (to M's knowledge) has a place of business or land in the area of the relevant Authority; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.</p>

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<sup>(1)</sup> 1992 c. 52.





# HUMBERSIDE FIRE AUTHORITY MEMBER LOCAL CODE OF CONDUCT

## RAISING CONCERNS ABOUT THE CONDUCT OF MEMBERS OF THE FIRE AUTHORITY

Set out below is the procedure to enable concerns regarding the conduct of Members of the Authority to be raised.

### **What this means to you**

If you want to complain about the conduct of a Member of Humberside Fire Authority, you must submit your complaint to:

The Monitoring Officer  
Humberside Fire Authority  
Fire and Rescue Service Headquarters  
Summergroves Way  
Kingston upon Hull  
HU4 7BB

or email it to [memberconduct@humbersidefire.gov.uk](mailto:memberconduct@humbersidefire.gov.uk)

A form will be sent to you for completion and return (or it is available on line).

Only complaints about the behaviour of a Member will be considered. Complaints about things that are not covered by the Members' Code of Conduct will not be progressed. If you make a complaint it must be about why you think a Member has not followed our Code of Conduct for Members.

Please visit our website at [www.humbersidefire.gov.uk](http://www.humbersidefire.gov.uk) for more information.

Monitoring Officer – Humberside Fire Authority/  
Secretary/Director of People  
March 2014



## MEMBER CONDUCT

### RAISING CONCERNS (COMPLAINT FORM)

#### Your details

1. Please provide us with your name and contact details

<b>Title:</b>	
<b>First name:</b>	
<b>Last name:</b>	
<b>*Address:</b>	
<b>*Daytime telephone:</b>	
<b>*Evening telephone:</b>	
<b>*Mobile telephone:</b>	
<b>*Email address:</b>	

\* These details will not usually be released unless it is necessary to do so to deal with your complaint.

However, we will tell the following people that you have made this complaint:

- The Member(s) you are complaining about
- The Monitoring Officer
- The Members of a Member Conduct Panel plus an Independent Person
- Members of the Fire Authority, and Governance, Audit and Scrutiny Committee, via case summaries

We will tell them your name and give them a summary of your complaint, or we will give them full details of your complaint where it is necessary or appropriate for them to be able to deal with it. If you have serious concerns about your name and a summary, or details of your complaint being released, please complete section 5 of this form.

## Making your complaint

2. Please provide us with the name of the Member(s) you believe have breached the Code of Conduct:

Title	First name	Last name

3. Please explain in this section (or on separate sheets) what the Member has done that you believe breaches the Code of Conduct. If you are complaining about more than one Member you should clearly explain what each individual person has done that you believe breaches the Code of Conduct. You should identify the specific provisions of the Code that you think may have been breached.

It is important that you provide **all** the information you wish to have taken into account.

Please provide us with full details of your complaint. Continue on a separate sheet if there is not enough space on this form.



Details of your complaint (continued)

**Notes**

- You should be specific, wherever possible, about exactly what you are alleging the Member said or did. For instance, instead of writing that the Member insulted you, you should state what it was they said, when and where.
- You should provide the dates of the alleged incidents wherever possible. If you cannot provide exact dates it is important to give a general timeframe.
- You should confirm whether there are any witnesses to the alleged conduct and provide their names and contact details if possible.
- You should provide all relevant background information and attach all evidence that you seek to rely upon to substantiate your complaint.

**Only complete this next section if you are requesting that your identity is kept confidential**

4. In the interests of fairness and natural justice, we believe Members who are complained about have a right to know who has made the complaint. We also believe they have a right to be provided with a summary of the complaint. We are unlikely to withhold your identity or the details of your complaint unless you have good reason to believe that:

- You would be at risk of physical harm if your identity was disclosed
- You work closely with the Member concerned
- There are medical reasons which would justify why disclosure should not take place

Please note that requests for confidentiality or requests for suppression of complaint details will not automatically be granted. The Monitoring Officer will initially consider the request alongside the substance of your complaint. We will contact you with the decision. If your request for confidentiality is not granted, we will usually allow you the option of withdrawing your complaint.

However, it is important to understand that in certain exceptional circumstances where the matter complained about is very serious, we can proceed with an investigation or other action and disclose your name even if you have expressly asked us not to.

Please provide details of why you believe we should withhold your name and/or the details of your complaint

5. Assistance required

Should you require any assistance to complete this application (for example if you have a particular disability or if English is not your first language) kindly contact the Monitoring Officer on (01482) 567443.

6. Disclosure of Relationship with a Humberside Fire Authority Officer or Member

Should you have any relationship with an Officer or Member which could affect in any way the progression of your complaint, then you are asked to disclose that relationship. It may for example be that you are an associate of a Member of the Governance, Audit and Scrutiny Committee or an Officer who may be involved.

7. Diversity and Community Monitoring

We would encourage you to complete the attached diversity monitoring form. We will only use this information for the sole purpose of evaluating which sections of our communities have raised concerns about the conduct of Members. This information may result in, for example, more focused engagement.

8. Please tell us which group best describes you:

- Member of the public
- An elected Member or co-opted Member of the Humberside Fire Authority
- An elected or co-opted Member of a constituent authority of the Humberside Fire Authority area (i.e. East Riding of Yorkshire Council, North East Lincolnshire Council, Hull City Council, North Lincolnshire Council)
- Member of Parliament
- Monitoring Officer
- Senior Officer of the Humberside Fire Authority
- Other Officer of the Humberside Fire Authority



# Humberside Fire Authority

## MEMBER COMPLAINTS – COMMUNITY DIVERSITY ANALYSIS

Your ethnic origin is recorded as \_\_\_\_\_ (from the list below)

**Asian or Asian British**

Indian AI  
 Pakistani AP  
 Bangladeshi AB  
 Any other Asian background AO

**Mixed**

White & Black Caribbean MWBC  
 White & Black African MWBA  
 White & Asian MWA  
 Any other Mixed background MO

**Black or Black British**

Caribbean BC  
 African BA  
 Any other Black background BO

**White**

British WB  
 Irish WI  
 Any other White background WO

**Chinese or other ethnic group**

Chinese CH Other O

**My age is:**

< 25     25-34     35-44     45-54     55-64     65+

**I am:**

Male     Female     Prefer not to say

**What is your religion or belief?**

<input type="checkbox"/> Christian	<input type="checkbox"/> Hindu
<input type="checkbox"/> Muslim	<input type="checkbox"/> Sikh
<input type="checkbox"/> Buddhist	<input type="checkbox"/> Prefer not to say
<input type="checkbox"/> Jewish	<input type="checkbox"/> Other religion

(please specify) \_\_\_\_\_

**I live in one of the following administrative areas:**

East Riding of Yorkshire     North East Lincolnshire     Other \_\_\_\_\_

Hull     North Lincolnshire    \_\_\_\_\_

**I am:**

Heterosexual

Lesbian or gay

Transsexual

Bisexual

Prefer not to say

**Do you have a disability?**

Yes

No

Prefer not to say

The information disclosed shall be used for the sole purpose of monitoring which sections of our communities make complaints concerning Member Conduct. The information may be used to focus increased training or perhaps greater engagement, perhaps to ensure that the role of the Humberside Fire Authority is fully understood.

**Name:** \_\_\_\_\_ (if willing to specify)

## **HUMBERSIDE FIRE AUTHORITY**

### **Procedure for the investigation and determination of allegations under the Code of Conduct against Members of the Humberside Fire Authority (including Independent Co-opted Members)**

#### **1. Introduction**

- 1.1 The procedure applies to complaints about alleged breaches by Members of the Humberside Fire Authority Code of Conduct.
- 1.2 For the purposes of this procedure, the person who makes the complaint is described as “the Complainant”; and the person about whom the complaint is made is “the Subject Member”.
- 1.3 The Monitoring Officer (“the MO”) may arrange for any MO functions under this procedure to be carried out by any other person.

#### **2. Initial handling of complaints**

- 2.1 Any complaint received in any part of the Authority which appears to allege a direct breach by a Member of the Code of Conduct must be referred to the MO.
- 2.2 Following receipt of a written complaint which the MO considers to relate to the conduct of a Member and allege a specific breach of the Code of Conduct, the MO will convene a meeting of the Member Conduct Panel.
- 2.3 The complaint must be in writing and in the form required.
- 2.4 The MO may seek any clarification upon the complaint submitted, including any necessary supporting evidence.
- 2.5 The MO shall be entitled to reject any purported complaint which does not disclose a breach of the Code of Conduct or appears to be of a malicious or vexatious nature. Complaints which are rejected shall be reported to Humberside Fire Authority (which may however elect to establish a Panel and ask that such a complaint be investigated).
- 2.6 The MO will determine whether to advise the Subject Member that a complaint has been received. In some circumstances the MO will not advise the Subject Member of the receipt of the complaint. This will involve an assessment of whether the risk of the case being prejudiced (e.g. the risk of intimidation of a complainant or witnesses or the destruction of any evidence) may outweigh the fairness of notifying the Subject Member (e.g. the ability of the Subject Member to preserve evidence) or whether doing so might prejudice a criminal investigation.

#### **3. Member Conduct Panel**

##### **The report to the Panel**

- 3.1 The MO will prepare a summary report for consideration by the Panel to enable the Panel to determine whether:
  - (a) There are any continuing grounds for not providing to the Subject Member a summary of the complaint;

- (b) If the Complainant so requests, the Complainant's identity should be withheld from the Subject Member;
- (c) The complainant should be referred to the MO for investigation;
- (d) No action should be taken in respect of the complaint; and
- (e) Whether any other informal action may be appropriate.

3.2 The summary report of the MO will:

- (a) Set out the complaint;
- (b) Identify any confirmation of the facts of the complaint which has been obtained without formal investigation.

### **Access to the meeting of the Panel**

3.3 Meetings of the Panel are unlikely to be open to the press and public who shall be excluded from the meeting. However, this will be a matter for the Panel to determine.

3.4 The MO will arrange for a meeting of the Panel to take place. The meeting should ordinarily take place within 20 working days from the date of receipt of the complaint. The Panel will meet during the day and will aim to complete the hearing in one sitting. If the Panel is unable to reach a decision within 20 days, the Complainant and the Subject Member (if appropriate) will be informed of this.

### **Membership of the Panel**

3.5 The Panel will be chaired by a Member selected at the Panel meeting.

3.6 The Panel will comprise at least three Elected Members of the Fire Authority nominated by Group Secretaries plus the Independent Elected Member of the Authority.

3.7 The quorum for the Panel will be three.

3.8 An Elected Member shall not sit on the Panel if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

3.9 Each member of the Panel shall have one vote, but the Chair shall have a casting vote in the event of equality of votes.

### **Procedure**

3.10 The Chair will explain that the Panel may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or clarification on any point.

3.11 The procedure for dealing with the report about the Member shall be as set out in this guidance, subject to the Chair of the Panel being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing.

3.12 The Panel will examine the MO's report. The Panel can move on to consider its findings on the basis of the MO's report and responses to questions.



- 3.13 The Subject Member will play no role in the proceedings of the Panel.
- 3.14 The MO will identify an Independent Person who shall be entitled to provide their views upon the complaint before the Panel reaches its decision concerning the complaint.

**Evaluation Criteria**

- 3.15 In considering a complaint, the Panel will consider the following questions:
- (a) Is the complaint against one or more Members of the Authority?
  - (b) Was the Member in office at the time of the alleged conduct and was the Code of Conduct in force at the time?
  - (c) If proven, would the complaint be a breach of the Code of Conduct?

If the Panel is not satisfied in relation to any one of these questions the complaint cannot be investigated as a breach of the Code of Conduct and the Complainant must be informed that no action will be taken in respect of the complaint.

- 3.16 In assessing a complaint, the Panel will assess the complaint with regard to the following criteria:
- (a) Has the Complainant submitted enough information to satisfy the Panel that the complaint should be referred for investigation or other action?
  - (b) Is the complaint about someone who is no longer a Member of the Authority, but is a Member of another Authority? If so, does the Panel wish to refer the complaint to the Monitoring Officer of that other Authority?
  - (c) Has the complaint already been the subject of an investigation or other action relating to the Authority's Code of Conduct? Similarly, has the complaint been the subject of an investigation by other regulatory authorities?
  - (d) Is the complaint about something that happened so long ago that there would be little benefit in taking action now?
  - (e) Is the complaint not sufficiently serious to warrant further action?
  - (f) Does the complaint appear to be simply malicious, politically motivated or tit-for-tat?

**Consideration in respect of retention of anonymity**

- 3.17 In relation to requests for anonymity the Panel shall have regard to the following considerations:
- (a) Does the Complainant have reasonable grounds for believing that they will be at risk of physical harm if their identity is disclosed?
  - (b) Is the Complainant an Officer who works closely with the Subject Member? If so, is the Complainant afraid of the consequences if their identity is disclosed?
  - (c) Does the Complainant suffer from a serious health condition, meaning that there are medical risks associated with their identity being disclosed? In such circumstances, the Panel may wish to request medical evidence of the Complainant's condition.

- (d) Should the Complainant be given the option of requesting a withdrawal of the complaint?
- (e) Is it possible to investigate the complaint without making the Complainant's identity known?
- (f) Are there any other exceptional reasons why the Complainant's identity should not be disclosed?

### **Decision of the Panel**

3.18 If it is accepted that the complaint is within its jurisdiction, the Panel will reach one of the following decisions:

- (a) Referral of the complaint to the MO for investigation;
- (b) Referral of the complaint to the MO for other action;
- (c) That no action be taken.

Any decision of the Panel in its evaluation of the complaint to take no action shall be final.

3.19 The Panel will agree a written summary of the main points which they have considered, the conclusions they have reached on the complaint and their reasons for those conclusions. Unless the Panel has concluded that to send the summary to the Subject Member is not in the public interest or would prejudice any subsequent investigation, this summary will be sent to the Subject Member and will be made available to the public for inspection and on the Authority's website.

3.20 The MO will write to the Complainant, advising of the Panel's decision. The MO will also write to the Subject Member, advising of the decision.

## **4. Action following initial evaluation**

4.1 If the decision was to refer the matter to the MO for other action, the MO will notify all parties and will take that action. As soon as practicable the MO will report the outcome of that action to a further meeting of the Panel, which may give further directions.

## **5. Investigations**

5.1 If the decision was to refer the matter for investigation, the MO will carry out or arrange that investigation. The MO will inform all parties accordingly.

5.2 At any stage during the investigation, the MO may refer that matter back to the Panel if:

- (a) As a result of new evidence or information, the MO is of the opinion that the matter is –
  - (i) materially less serious than may have seemed apparent to the Panel when they decided to refer the matter for investigation, and
  - (ii) that the Panel would have made a different decision had they been aware of that new evidence or information; or

- (b) the Member –
  - (i) has died; or
  - (ii) is seriously ill; or
  - (iii) has resigned from the Authority;

and the MO is of the opinion that in the circumstances it is no longer appropriate to continue with an investigation.

5.3 The MO shall, on completion of the investigation,

- (a) Make a finding –
  - (i) that there has been a failure to comply with the Authority's Code of Conduct ("a finding of failure"); or
  - (ii) that there has not been a failure to comply with the Authority's Code of Conduct ("a finding of no failure");
- (b) Prepare a written report of the investigation which contains a statement as to the findings;
- (c) Send a copy of that report to the Member;
- (d) Refer the report to
  - (i) the Panel; and
  - (ii) the Independent Person.

## 6. Consideration of report of investigation

6.1 The MO will convene a meeting of the Panel (the Independent Person may attend this meeting in an observer capacity) which will decide whether

- (a) That they accept the MO's finding of no failure ("a finding of acceptance"); or
- (b) That the matter should be considered at a hearing;

before reaching a decision the Panel shall take the views of the Independent Person into account.

6.2 If the Panel make a finding of acceptance, the MO will notify all parties and, unless the Member requests otherwise, will also publish the finding.

6.3 If the Panel consider that the matter should be considered at a hearing, the MO shall arrange to convene a meeting of the Panel drawn by random selection from Members who have not previously been involved in evaluating the complaint. Membership may be drawn from the whole membership of the Authority.

6.4 The Panel hearing the complaint will follow this procedure to regulate Hearings unless, on the advice of the MO – and after prior notice to the Member of any proposed changes and the reasons for them, the Panel agree that the procedure should be modified.

## **7. Role of the Monitoring Officer and other Officers**

- 7.1 The MO will ensure that the overall conduct of the matter is dealt with effectively in the interests of all parties concerned. The MO may adopt the role either of Investigating Officer or of legal adviser to the Panel. If the MO acts as Investigating Officer, the MO will ensure that the role of MO is undertaken by another appointed person not in the employment of Humberside Fire Authority. The MO will take responsibility for ensuring the effective overall conduct of the matter and advising the Panel. In this situation, references to the MO in the following paragraphs of this procedure will, where appropriate, apply to that appointed person.
- 7.2 The role of the MO is to:
- (a) Make sure all parties to the hearing understand the procedures to be followed and the powers available to the Panel;
  - (b) Make sure that the hearing is fair and allows the matter to be dealt with as efficiently and effectively as possible;
  - (c) Provide advice to the Panel during the hearing and their deliberations; and
  - (d) Help the Panel to produce a written decision and a summary of that decision.

## **8. Notifying the Subject Member and the Complainant**

- 8.1 Within five working days of the completion of a report into an investigation, the MO will send a copy of the report to all Members of the Panel, to the Subject Member and, where appropriate, to the Complainant. The report will, at this stage, be provided on a confidential basis, and an undertaking of confidentiality will be sought from the Complainant, the Subject Member and where needed, the Panel.

## **9. Obtaining a response from the Subject Member**

- 9.1 When notifying the Subject Member of the complaint against him or her and providing the Subject Member with the report, the MO will ask the Subject Member for a written response, within fifteen working days, stating whether he or she:
- disagrees with any of the findings of fact in the report, including the reasons for any disagreements;
  - wants to be represented at any Hearing, at their own expense, by a barrister or solicitor or, subject to the consent of the Panel, some other person;
  - wants to give evidence at any Hearing, either verbally or in writing;
  - wants to call any relevant witnesses to give evidence to any Hearing, and if so, who they are;
  - wants any part of a Hearing to be held in private, explaining the reasons;
  - wants any part of the report or other relevant documents to be withheld from the public, explaining the reasons.
- 9.2 The MO will also ask the Subject Member to identify, in the Subject Member's response, all those matters within the report which the Subject Member disputes. The MO will notify the Subject Member that the Panel has the power to refuse to hear any new areas of dispute raised at the hearing but not notified prior to it, or may adjourn the hearing to enable the Investigating Officer to respond to them.

9.3 Upon receipt of a response from the Subject Member, the MO will send it to the Investigating Officer for comment. The Investigating Officer will be asked specifically to say whether or not he or she:

- wants to attend the hearing;
- wants to call relevant witnesses to give evidence at the hearing;
- wants any part of the hearing to be held in private and the reasons for this;
- wants any part of their report or other relevant document to be withheld from the public and the reasons for this.

#### **Calling a meeting of the Panel**

9.4 The MO is authorised to convene any necessary meeting.

9.5 Although the Subject Member and the Investigating Officer are entitled to request that any witness be called to give evidence, the MO may limit the number of witnesses if the MO believes the requests of any party are unreasonable and/or that some witnesses will be repeating evidence which will be given by earlier witnesses and/or will not provide any evidence at all to help the Panel reach a decision. The MO or the Panel may also call any additional witnesses if they will assist the Hearing in reaching a decision.

9.6 The MO will:

- identify the main facts of the case that are agreed between the Investigating Officer and the Subject Member;
- identify the main facts of the case that are not agreed between the Investigating Officer and the Subject Member;
- identify which witnesses will give evidence;
- outline the proposed procedure for the hearing, specifying for which parts of the hearing (if any) a request has been received for it to take place in private; with the reasons for that request; and
- arrange to provide this information and the Agenda to everyone involved as a party in the hearing (including the Independent Person) at least five working days before the date of the hearing. Where any part of the meeting is, or is likely, to be held in private, all recipients will be advised to keep the papers strictly confidential.

9.7 The agenda papers will include the following information:

- the date, time and place of the hearing;
- the summary of the allegation;
- a list of the main facts of the case which are agreed;
- a list of the main facts of the case which are not agreed;

- a note about whether the Subject Member and/or the Investigating Officer (if any) will attend the hearing and give evidence;
- a list of witnesses, if any, who will attend the hearing and give evidence; and
- an outline of this procedure for the hearing.

9.8 The meeting of the Panel will be open to the press and public unless confidential or exempt information under Part VA of the Local Government Act 1972 and Regulations is likely to be disclosed. The Panel will go into private session if the Panel resolves to do so.

### **Convening the Panel**

9.9 The MO will arrange for a meeting of the Panel and indicate the preferred time, place and date of the meeting. The meeting should take place within three months from the date of completion of the Investigating Officer's report. The Panel will meet during the day and will aim to complete the hearing in one sitting (i.e. avoiding the need to reconvene on another date part way through hearing the evidence)

### **The composition of the Panel hearing the complaint**

9.10 The Panel will be chaired by a Member of the Authority.

9.11 The Panel will comprise three Members appointed by the Authority and the Independent Elected Member.

9.12 The quorum for the Panel will be three.

9.13 A Member of the Panel may not adjudicate in the hearing if he or she is the subject of the complaint or if he or she has first-hand involvement in the case (for instance as the Complainant or as a material witness in relation to the allegations) such that his or her impartiality might be challenged.

9.14 The Panel will decide, on the balance of probabilities, whether the grounds for complaint are upheld, i.e. whether, on the evidence presented to the hearing in writing and orally (if any), it is more likely than not that the Member is in breach of the Code of Conduct.

9.15 Each Member of the Panel shall have one vote, but the Chair shall have a casting vote in the event of equality of votes.

9.16 The Panel may at any time seek legal advice from the MO.

### **How the hearing will be run**

9.17 Where the Panel decides that it will not exclude the press and public, the MO will at that point arrange to provide copies of the reports to any press and public who are present.

9.18 The Chair will explain that the Panel may, at any time prior to the conclusion of the hearing, agree to adjourn and require the MO to seek further information or undertake further investigation on any point.

9.19 The procedure for dealing with the report about the Subject Member shall be as follows, subject to the Chair of the Panel being able to make any change to it that he or she thinks appropriate to enable a fair and effective hearing:

- (a) *Examination of the reports and written representations:*
- (i) The Panel will examine the written report, the Member's response to it and any further response from the Investigating Officer (should one have been appointed). The Panel may ask the Investigating Officer and/or the Subject Member questions about the contents of their reports.
  - (ii) If there is no disagreement about the facts, the Panel can move on to consider its findings.
- (b) *Examination of oral evidence*
- (i) Where the facts of the case are not agreed, the Investigating Officer will be asked to make any representations to support the findings of fact in the report relevant to the areas of disagreement, by calling witnesses as agreed by the Chair of the Panel.
  - (ii) At the end of the Investigating Officer's representations, the Subject Member, the Complainant or Members of the Panel may ask questions.
  - (iii) The Subject Member will then be asked to make any representation to support his or her version of the disputed facts in the report, calling any supporting witnesses as agreed by the Chair of the Panel.
  - (iv) At the end of the Subject Member's representations, the Complainant, the Investigating Officer or Members of the Panel may ask questions.
  - (v) Where the Subject Member disputes any matter in the report but which he or she has not given prior notice of his or her intention to dispute, the Investigating Officer must draw this to the attention of the Panel which may then decide:
    - not to hear the fact(s) in dispute;
    - to hear the fact(s) in dispute but invite the Investigating Officer to respond; or
    - to adjourn the meeting to enable the Investigating Officer to investigate and report on the disputed fact(s).

### **Representations on sanctions**

- 9.20 If the Panel finds the complaint to be made out, the Subject Member will have an opportunity to make a statement in mitigation of any sanction which the Panel may impose.

### **The decision of the Panel**

- 9.21 The Panel will retire into private session to consider their findings. The Panel may at any time seek legal advice from the MO. At any time the Panel may return to ask for questions of the Investigating Officer or the Subject Member, or to seek any further information or advice they require.

9.22 They may find one of the following:

- That the Member did not fail to comply with the Code of Conduct;
- That the Member has failed to comply with the Code of Conduct but that no action needs to be taken;
- That the Member has failed to comply with the Code of Conduct and should be the subject of:
  - (1) Formal motion to censure;
  - (2) A formal letter setting out that the Member has failed to comply with the Code;
  - (3) A recommendation to the Authority and/or the Member's Group Secretary as regards future conduct and appropriate sanction which may be permitted;
  - (4) Appropriate press release/other publicity.

9.23 The Panel will return from private session to enable the Chair to announce the decision of the Panel and the reasons for it.

## **10. Confidentiality and the disclosure of information**

10.1 No Member of the Authority shall disclose any information he or she has obtained in the course of an investigation or as a result of this procedure unless:

- the disclosure is made to enable the Monitoring Officer or any Investigating Officer to carry out his or her functions, or to enable the Panel to carry out their functions in relation to the matter;
- the disclosure is made following receipt of a statutory requirement for disclosure;

## **11. Notice of findings**

11.1 The MO will make available the notice of findings as soon as reasonably practicable.

11.2 A full written draft of the decision and the reasons for it will be prepared and finalised in consultation with the Chair of the Panel and circulated within 10 days of the hearing to the Subject Member, the Complainant (where appropriate) and the Authority.