

MERSEYSIDE FIRE AND RESCUE AUTHORITY

URGENCY COMMITTEE

4 FEBRUARY 2020

MINUTES

Present: Councillors Del Arnall, Les Byrom CBE, Brian Kenny and Lisa Preston

Also Present:

Apologies of absence were received from: Cllr James Roberts

1. Authority Statutory/ Relevant Officers Disciplinary Procedure

Members considered Report CFO/009/20 of the Chief Fire Officer, concerning revisions to the Authority's Statutory Officers Disciplinary Procedure in order to reflect The Local Authority (Standing Order) (England) (Amendment) Regulations 2015 Considerations; and associated changes to the Constitution in order to establish the required procedural governance.

Members were advised that the report and amended procedure will also address any outstanding actions from report CFO/042/15 (Appendix A).

Members were informed that the Authority had previously approved the adoption of the Local Authority (Standing Orders) Regulations 2015, as detailed within Appendix A. However, since its implementation of the 2015 Regulations, further guidance has been issued along with a national recognised model procedure, which is applicable to statutory posts.

Members were advised that officers have reviewed current processes; and it became apparent that sufficient processes were not in place for the Authority to be compliant with the 2015 Regulations, nor to offer the support and/ or assistance to the relevant officers, should it be required; and this urgently needed to be rectified.

Members were informed that the full detail of the new proposed process, is contained within the draft disciplinary procedures for relevant officers, contained at Appendix C.

Members were also advised that as part of the proposed process, there would be a requirement to have an Investigatory and Disciplinary Committee, referred to as an IDC, which would hear any initial allegations.

It was stated to Members that it is therefore proposed that this function is carried out by the Audit Committee, as detailed within the draft Terms of Reference.

It was highlighted to Members that the draft Terms of Reference include the power to appoint an Independent Investigator, if required, the details of which are contained within the Procedure.

Members were informed that should the matter progress, in accordance with the 2015 Regulations and Procedure, an Independent Panel would need to be created (as identified within Appendix A); and it is recommended that the Independent Panel, if approved, should consist solely of Independent Persons. Members were advised that the recommended number of Independent Persons for such a Panel, is three, although the minimum requirement is two. It was noted that this will allow independent scrutiny, whilst ensuring Member involvement at every other stage.

It was highlighted to Members that the Authority currently has one appointed Independent Member; and authorisation is therefore sought to invite the Independent Person, to serve on the Independent Panel. However, it should be noted that if appointed to the Independent Panel, the Independent Person, as a Co-opted Member of the Audit Committee, would not be able to participate in any meetings of the Audit Committee convened as an IDC, due to a conflict of interest.

Members were also informed that, in order to avoid any undue delay, under the 2015 Regulations, it is permitted to use Independent Persons appointed directly by this Authority, as well as those appointed by other authorities. As such, authorisation is sought for the Monitoring Officer, or their relevant authorised deputy, to write to colleagues across Merseyside at other local authorities, with a view to establishing a pool of Independent Members for the purposes of the Relevant Officer Disciplinary Procedure; and potential inclusion on the Independent Panel, only if and when convened.

With regards to remuneration, Members were advised that payment of £50 per attendance, as per the current Members Scheme of Allowances, would be applicable; and it is proposed to extend this to any Independent Persons acting on the Independent Panel, appointed by a different Authority.

Members were also informed that Standing Order 36 of the Constitution, will also require amending, to reflect the new proposed Procedure. Also, as the disciplinary procedures currently apply to the three statutory posts within the organisation, as well as the Deputy Chief Fire Officer, it is proposed to extend this to the Assistant Chief Fire Officer post, to be consistent with the Principle Officer structure.

Members were also advised that the full proposed changes to the Constitution, are detailed within Appendix B; and the legal and financial implications, are also detailed within the report.

Members commented that they thought it was a good idea to utilise Independent Persons from other authorities and work more collaboratively across Merseyside.

A question was raised by Members with regards to the timescales for the appointment of Independent Persons being at least 20 working days before the meeting is convened; and it was confirmed to Members that those timescales are stipulated within the Regulations.

Members Resolved that:

- (a) Revisions to the Authority's Constitution in order to extend the terms of reference of the Audit Committee to include its role as Investigation and Discipline Committee (IDC) (Appendix B), be approved.
- (b) The revised Statutory Officers Disciplinary Procedure (Appendix C), be approved.
- (c) The Monitoring Officer/Acting Monitoring Officer, be requested to write to the Independent Member to invite them to become part of the Independent Panel and if accepted, note that this would result in them being omitted from the IDC.
- (d) The establishment and make up of an Independent Panel as detailed in the report, be approved.
- (e) The Monitoring Officer/Acting Monitoring Officer be requested to write to Local Authority colleagues in order to establish a pool of Independent Persons who could be utilised to make up the Independent Panel if required.

Close

Date of next meeting Tuesday, 31 May 2022