

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

Standards Committee

17th May 2010

1. **CASE SUMMARY**

Report of the Monitoring Officer.

RECOMMENDED

THAT Members note the contents of the report and the decision of the First-Tier Tribunal at Appendix 1 and consider any issues for the Authority.

2. **PURPOSE OF REPORT**

- 2.1 The purpose of the report is to bring to Members' attention a recently decided case which illustrates several aspects of the Code of Conduct for Members and contains useful analysis of the types of factors which determine whether there has been a breach of the Code.

3. **BACKGROUND**

- 3.1 From Spring 2008 the Standards Committee has had responsibility for much of the casework relating to the ethical standards framework.
- 3.2 As well as complying with legislation and guidance the Standards Committee will need to demonstrate learning from issues arising from local investigations and determinations. Further it would be advisable for Standards Committee to be kept informed of any particularly notable cases which are publicised by the Standards Board or the First-Tier Tribunal as they may also add to learning at the local level. It is important to note the type of cases where either there is found to be no breach or where it is determined that no action should be taken as well as cases where sanctions are imposed. Compliance with the law, decided cases, guidance and good practice will increase the effectiveness of the ethical framework within the Authority, minimise the risk of intervention from the Standards Board or the Courts.

- 3.3 The case at Appendix 1 refers to an appeal against the findings of the London Borough of Barking and Dagenham's (LBBD) Standards Committee that the Appellant had failed to follow paragraph 5 of the Code of Conduct of the authority when a statement/interview he made that a young girl had been murdered in Barking and Dagenham and that a further two people were killed in a knife attack on the streets in Barking and Dagenham were found to be false (and therefore he had brought his office or authority into disrepute).
- 3.4 The findings of fact of the LBBD's Standards Committee have in part been upheld and in part rejected. However, in the Tribunal's opinion the facts of the case lead to the conclusion that the terms of the Code of Conduct have not been engaged therefore the Appellant's actions did not fall to be assessed under the Code and so the findings of LBBD's Standards Committee are without basis. The appeal was therefore upheld . The key point at issue in this appeal was whether the member was acting "in his official capacity".

4. **EQUALITY IMPACT ASSESSMENT**

In preparing this report an initial Equality Impact Assessment is not required and has not been carried out.

5. **LEGAL IMPLICATIONS**

- 5.1 By considering national cases of significance the Standards Committee will be better informed and placed to discharge duties in relation to local assessments, reviews, referrals, investigations and determinations. It is as important to note the type of cases where investigation and action is not considered appropriate as it is to look at the cases which contain serious breaches of the Code of Conduct.
- 5.2 If the Standards Committee and the authority do not learn from national cases of significance they may be perceived as having less than effective ethical governance arrangements and this may increase the risk of attention from the Standards Board who act as regulator.

6. **FINANCIAL IMPLICATIONS**

6.1 There are no resource implications arising from this report.

N SHARMA
MONITORING OFFICER

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