

**WEST MIDLANDS FIRE AND CIVIL DEFENCE AUTHORITY**

**22nd November, 2004**

**1. NEW ETHICAL FRAMEWORK REGULATIONS**

Report of the Clerk

RECOMMENDED

THAT the revised terms of reference of the Standards Committee as set out in the Appendix to this report be approved.

**2. PURPOSE OF REPORT**

- 2.1 To inform the Authority that the following Regulations came into force on 4th November, 2004:
- Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004
  - Standards Board for England (Functions) Order 2004.
- 2.2 To request the Authority to approve revised terms of reference for the Standards Committee to reflect its enhanced role under the new Regulations.

**3. BACKGROUND**

- 3.1 Ethical Standards Officers of the Standards Board for England currently carry out investigations into allegations that a Member has failed to comply with the Code of Conduct. This has proved to be a considerable caseload. In practice, the Board has prioritised its caseload, investigating only serious allegations in depth. Although the Board has the discretion to refer cases to the appropriate monitoring officer for investigation, ethical standards officers have continued to consider many allegations that met the Board's minimum criteria for investigation.
- 3.2 This has led to delay in dealing with cases, and the Standards Board has indicated that it wishes to refer a larger volume of cases for investigation/determination at local level. After a period of consultation, new Regulations have been brought into force to give

effect to this. Monitoring Officers and Standards Committees will work within the guidance issued by the Standards Board.

- 3.3 The following Regulations came into force on 4th November, 2004:
- Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004
  - Standards Board for England (Functions) Order 2004.
- 3.4 These regulations provide for local authority monitoring officers to carry out investigations into alleged breaches of the code of conduct which have been referred to them by the Board; and for Standards Committees to make determinations following the monitoring officer's report on the investigation of such breaches. The Regulations also clarify the role of the Standards Board in issuing advice to monitoring officers and local Standards Committees.
- 3.5 The terms of reference of the Committee have been amended by the insertion of an additional paragraph (shown in italics) to reflect these changes. The revised terms of reference are attached as an Appendix to this report for Members' consideration.

#### 4. **EQUALITY AND DIVERSITY IMPLICATIONS**

The Standards Committee will have regard to equality and diversity issues in its work.

#### 5. **CORPORATE AIMS SUPPORTED**

The principal corporate aim supported by the information in this report is as follows:

1. To meet the Authority's statutory duties, standards and expectations.

#### 6. **LEGAL IMPLICATIONS**

The course of action recommended in this report does not raise issues which should be drawn to the attention of the Authority's Monitoring Officer.

7. **FINANCIAL IMPLICATIONS**

Any costs involved will be met from existing budgets.

**BACKGROUND PAPERS**

Letter dated 14th October 2004 from the Office of the Deputy Prime Minister.

F N SUMMERS  
CLERK

## APPENDIX

### STANDARDS COMMITTEE

#### TERMS OF REFERENCE

To promote and maintain high standards of conduct by members of the Authority.

To assist members of the Authority to observe the Authority's Code of Conduct, specifically:-

To advise the Authority on the adoption or revision of a Code of Conduct.

To monitor the operation of the Authority's Code of Conduct.

To advise, train or arrange for training for members of the Authority on matters relating to the Authority's Code of Conduct.

*To consider and make a determination on reports referred to the Committee by the Monitoring Officer with regard to alleged breaches of the Authority's Code of Conduct that have been referred to him for investigation by an ethical standards officer of the Standards Board for England.*

To exercise any functions which the Authority may consider appropriate from time to time.

To submit its minutes to the Authority.