

Minutes of the Standards Committee

17^h May, 2010, at 12.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Mr Topliss (Chair);
Councillors Idrees, Ryder and Singh;
Mr Denny.

Observer: Councillor G Davies.

1/10 **Minutes**

Resolved that the minutes of the meeting held on 14th December, 2009, be approved as a correct record.

2/10 **The Standards Board for England- Annual Return Questions**

The Committee considered the Annual Return for 2010 made by the Monitoring Officer to the Standards Board for England and discussed what actions the Monitoring Officer, Standards Committee or the Fire and Rescue Authority should take in the future to further strengthen the activities and arrangements for promoting and supporting high standards of ethical conduct.

The Monitoring Officer reported that member training and development was under review in preparation for the Authority being assessed for the primary level of the Member Development Charter. It was important to evidence training given in constituent authorities on the ethical framework and this was reinforced through regular updates at the Policy Planning Forum.

Resolved that the Monitoring Officer be requested to keep the adequacy of member training and development on the ethical framework under review.

Standards Committee
17th May, 2010

3/10 **Regulatory Statement**

The Committee was informed that Standards for England had published a document called the Regulatory Statement in February 2010. The statement explained what Standards for England hoped to achieve as a strategic regulator. There were two key regulatory outcomes:

- That there are high levels of conduct among members in authorities;
- That there is an effective and proportionate standards framework in operation.

Standards for England had adopted a risk-based approach to their work and would apply resources to those areas and activities where they were needed most. This included identifying authorities and dealing with issues that posed the greatest risk to their regulatory outcomes.

4/10 **Standards for England- Engaging with Authorities**

The Committee was advised of proposals made by Standards for England for the regulation of local arrangements relating to standards in the light of its Regulatory Statement (See Minute No 3/10 above).

The Monitoring Officer indicated that there were some details emerging about what future regulation may entail. The proposals included categorisation of authorities based on high, medium or low risk and there was an indication of what might be used in arriving at these ratings.

It was anticipated that there would be some piloting or testing of this regulatory mechanism. It was also proposed that there would be full consultation with an indication of the Authority's likely categorisation.

Resolved that the contents of the report and the views of the Standards Committee be presented to a future Policy Planning Forum meeting to facilitate wider awareness and discussion within the Authority.

Standards Committee
17th May, 2010

5/10

Standards for England- Local Standards 2.0 - The Proportionality upgrade? – A review of the Local Standards Framework.

The Committee was informed that the Standards Board for England had reviewed the local Standards Framework and reported into the operation of the system a year and a half after its introduction.

The report concluded that the local standards framework was working and was both having a positive influence on behaviour and generating confidence that bad behaviour would be dealt with. There were difficulties which could be fixed by improving effectiveness and redressing proportionality to offer a better alignment of nature of behaviour, degree of cost, and clarity of process and sanction or outcome. As well as making recommendations, the Standards Board for England reflected on its future role as a strategic regulator. It suggested developing its training role particularly in relation to independent chairs. It also sought power to investigate allegations that the Chair/Vice-Chair of a Standards Committee was not acting impartially or was performing poorly and to remove them if appropriate.

The report consisted of 17 recommendations including proposals for:

- More streamlined local assessment - arrangements to reject insignificant and less serious complaints, saving on time, money and burdensome process.
- Independent chairs and vice chairs having an enhanced role for assessment of complaints and the progress of investigations with counterbalancing extra power for the national regulator to carry out an investigation and if necessary to remove poor performing or partisan chairs.
- A new power for standards committees to be able to halt investigations, if they have good reasons.
- A commitment to greater transparency for members who are the subject of complaint.
- The need to develop an approach which allows better understanding and management of costs associated with the operation of the framework.

The review had been sent to the Department for Communities and Local Government for consideration. Many of the recommendations would require legislative or regulatory change.

Members expressed concern that the proposals appeared to be less democratically accountable than the current arrangements.

Standards Committee
17th May, 2010

6/10 **Register of Members' Interests**

The Committee was reminded that the Register of Members' Interests was maintained by the Monitoring Officer and was available at the office of the Clerk to the Authority [Governance Services - Sandwell MBC] for inspection by members of the public at all reasonable hours.

Standards for England had advised as follows:

“The statutory requirement is for the Register to be made available to the public at the Authority's office at all reasonable hours. The Register is a document which can be consulted when (or before) an issue arises and lets others think about whether or not a Member may have conflict of interest. To this end the Register contributes to public confidence and local democracy and as such Standards for England would encourage wider access, say via an authority's website. However, the decision is one for the authority involved in consultation with its Members and having regard to data protection rules for keeping such information up to date”.

The Authority's website provided capability for members' interests to be recorded against the name of each individual member on the Authority's Committee Management Information System.

The Committee noted that it was essential for members to notify any changes to their declaration of interest forms and asked for this to be reinforced by the Monitoring Officer at forthcoming member induction and training sessions.

7/10 **Employees' Declarations of Interests**

The Committee was reminded that employees of the Authority were required to promote and demonstrate the values of good governance through upholding high standards of conduct and behaviour. This included ensuring that employees of the Authority were not influenced by prejudice, bias or conflicts of interests.

The Authority had employee registers in relation to gifts and hospitality, secondary employment and politically restricted posts and these would help in identifying and managing conflicts. The Authority did not currently have a comprehensive Employees' Register of Interests.

Standards Committee
17th May, 2010

The Committee was informed that the Authority's Officer Code of Conduct set out the expected standards of behaviour and emphasised that an employee of West Midlands Fire Authority should not put themselves in a position where duty and private interests conflicted. Any personal conflicts of interest that arose had to be reported to their line manager via a written form. It was hoped to move to an electronic database from September 2010. It was also proposed to develop an electronic database for the Officer Register of Gifts and Hospitality.

Resolved that an annual report be made to the Committee with regard to employees' declaration of interests.

8/10 **Annual Report 2009/10**

The Committee was advised that the Standards Board for England (SBE) considered it to be good practice for standard committees to produce an Annual Report for the benefit of the Authority, its staff and wider public.

A draft annual report was in production and would be circulated to members for consideration prior to submission to the Authority on 28th June 2010.

9/10 **Case Summary**

The Committee noted a recently decided case which illustrated several aspects of the Code of Conduct for Members and contained useful analysis of the types of factors which determined whether there had been a breach of the Code.

(Meeting ended at 1.30 pm)

<p><i>Contact Officer: Mandeep Kaur</i> <i>Democratic Services Unit</i> <i>Sandwell Metropolitan Borough Council</i> <i>0121 569 3048</i></p>
