

Minutes of the Standards Committee

10th November, 2008 at 1.30 p.m.
at the Fire Service Headquarters, Birmingham

Present: Mr C Topliss (Chair);
Councillors Eustace, Idrees, Jones and Ryder;
Mr Bagley.

Apologies: Councillors Sutton, Singh and Mr. Denny.

18/08 **Minutes**

Resolved that the minutes of the meeting held on 21st July 2008, be approved as a correct record.

19/08 **Standards Committee Determinations and Sub-Committees of the Standards Committee**

The Committee was informed that the Local Government and Public Involvement in Health Act 2007 and the Standards Committee (England) Regulations 2008 transferred further responsibilities to local authority standards committees. The Standards Board had issued guidance on the role and make up of standards committees and on local assessment of complaints which had previously been considered by the Committee.

The Standards Board had now issued further guidance on "Standards Committee Determinations". The main purpose of the determination hearing was to decide whether a member had breached the Code of Conduct and to decide whether a sanction should be applied. The terms of reference of the Hearings Sub-Committee needed to be reviewed in the light of this new guidance.

It was also suggested that where it was not possible to obtain a quorum for an established Sub-Committee, the Monitoring Officer be authorised to select replacement members from the Standards Committee as appropriate.

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The Committee considered and discussed the guidance issued by the Standards Board.

Resolved:-

- (1) that a Consideration and Hearing Sub-Committee be established with membership and terms of reference as set out in Appendix 1 and that resolution (4) of Minute No 14/08 be rescinded;
- (2) that where it is not possible to obtain a quorum for an established Standards Sub-Committee, the Monitoring Officer be authorised to select replacement members from the Standards Committee as appropriate.

20/08

Communities in Control: Real People, Real Power - Codes of Conduct for Local Authority Members and Employees

The Committee was informed that the Department for Communities and Local Government (DCLG) had issued a consultation paper, seeking views on specific issues relating to amendments to the Code of Conduct for Members and the introduction of a Code of Conduct for Employees. Views were sought by 28th December, 2008, with a view to implementation in time for the local elections in May 2009.

The consultation included proposed amendments to clarify details of the Members' Code of Conduct, as last revised in 2007. These amendments followed the first year of operation of the revised Code of Conduct and had the support of the Standards Board for England.

The consultation paper also sought comments on proposals to introduce a requirement for authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into the terms and conditions of employment of their employees.

The Committee considered the consultation paper and commented on the specific questions raised by the Department of Communities and Local Government (DCLG).

Reference was made to discussions at the recent Standards

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Conference on the possibility of setting up joint Standards Committees with other appropriate authorities.

Resolved:-

- (1) that the Monitoring Officer be authorised to finalise and submit, on behalf of the Standards Committee, a response to DCLG in relation to the Code of Conduct for local authority members and the proposed amendments to the General Principles, as outlined in Appendix 2;
- (2) that the Monitoring Officer refer the consultation relating to the model Code of Conduct for local government employees, and any suggested responses by the Standards Committee, to Senior Managers for consideration and consultation with employees' representatives and response to the DCLG;
- (3) that the Standards Board discussion document on joint Standards Committees be circulated to members for information and comment to the Monitoring Officer.

21/08 **Granting and Supervision of Exemptions of Posts from Political Restrictions**

The Committee was provided with background information on politically restricted posts which also outlined the implications of the Standards Committee's new responsibility in respect of the granting and supervision of exemptions of posts from political restrictions.

At the Authority meeting held on 23rd June, 2008, revised terms of reference for the Standards Committee were approved to include a new power for granting exemptions for politically restricted posts. This addition reflected Section 202 of the Local Government and Public Involvement in Health Act, 2007 which added a new section into Section 3A of the Local Government and Housing Act 1989 to provide that the granting and supervision of exemptions of posts from political restrictions should be the responsibility of the Standards Committee of each local authority in England, rather than that of the Independent Adjudicator. The new

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provisions also gave the Standards Committee, upon the application of any person, the power to give directions to add a post to the 'politically restricted post list.'

Whilst the new regime came into effect on 1st April 2008, the Secretary of State had not yet issued any detailed advice/guidance under Section 38 of the Local Government and Housing Act 1989, as amended. Subject to receipt of this guidance, the Standards Committee would need in due course to agree a procedure to ensure that the necessary mechanisms were in place for considering cases in the future.

Resolved:

- (1) that the Authority be requested to approve revised terms of reference for the Standards Committee, as set out in Appendix 3, to enable it to consider concerns from any member of the public who believes that a post has been wrongly omitted from the list of politically restricted posts;
- (2) that a further report be submitted in due course, once appropriate requirements and guidance have been published, in relation to the Standards Committee's new responsibilities with regard to politically restricted posts.

22/08 **Case Summaries**

The Committee noted important cases published by the Standards Board for England as part of its learning in preparation for the new locally-based standards regime.

23/08 **Date of next meeting**

26th January, 2009, at 1.30 p.m.

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(The meeting ended at 2.34 p.m.)

*Contact Officer: Andrea Cowley
Democratic Services Unit
0121 569 3171*

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