

**West Midlands Fire and Rescue Authority**

**Standards Committee**

**7<sup>th</sup> September 2007**

**1. STANDARDS COMMITTEE – APPOINTMENT OF  
SUB-COMMITTEES**

Report of the Monitoring Officer

**RECOMMENDED**

- (1) That the Committee establish two Sub-Committees with full power to hear and determine matters referred to the Standards Committee under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 or any amended or superseding legislation;
- (2) That the Committee determine the composition of the Sub-Committees;
- (3) That the Monitoring Officer, in consultation with the Chair of the Standards Committee, be authorised to select which particular Sub-Committee should hear individual cases.

**2. PURPOSE OF REPORT**

- 2.1 Legislation, including Section 54A of the Local Government Act 2000, empowers this Committee to appoint one or more Sub-Committees for the purpose of discharging any of its functions.
- 2.2 It is suggested that the Committee establish Sub-Committees to hear cases and consider reports from Ethical Standards Officers or the Authority's Monitoring Officer (or her representative) concerning allegations of Member misconduct.
- 2.3 It is further suggested that each Sub-Committee includes at least one Independent Member and that an Independent Member acts as Chair.

### 3. **BACKGROUND**

- 3.1 Advice from the Standards Board for England is that it is fairer and more efficient to hold a hearing into allegations of misconduct before a relatively small group of Members. The Board suggests Sub-Committees of three or five Members with an Independent Member as Chair.
- 3.2 There is a legal requirement for a hearing to take place within the period of three months beginning:
- (i) in the case of a report referred by an Ethical Standards Officer, on the date on which the Monitoring Officer receives the report; or
  - (ii) in the case of a report prepared by the Monitoring Officer, on the date on which that report is completed.

It should be easier to comply with this time limit, if the hearing is to take place involving a small number of Members.

### 4. **EQUALITY IMPACT ASSESSMENT**

The report does not raise issues which require a full Equality Impact Assessment to be completed.

### 5. **LEGAL IMPLICATIONS**

- 5.1 The delegation of hearing to local level is enshrined in legislation.

### 6. **FINANCIAL IMPLICATIONS**

- 6.1 It is likely that most cases for hearing will now be dealt with at the local level and this will require additional resources. The resources necessary will be dependant upon the number of cases requiring a local hearing.

## **Background Papers**

Local Government Act 2000.

Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

Standards Committee Determinations – Guidance for Monitoring Officers and Standards Committees (Standards Board for England – July 2003).

**N SHARMA**  
**MONITORING OFFICER**

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