

Minutes of the Standards Committee

22nd July, 2013, at 12.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillor Finnegan (Chair);
Councillors Chambers, Tranter and Wright.

Apologies: Councillors Yardley and Young.

Observers: Councillor Shackleton;
Mrs Akande and Mr Bell (Independent Persons).

1/13 **Minutes**

Resolved that the minutes of the meeting held on 26th November, 2012, be approved as a correct record.

2/13 **Register of Members' Interests**

The Committee was informed that in accordance with statutory requirements set out in Section 29 of the Localism Act 2011, the Monitoring Officer was required to establish and maintain a Register of Members' Interests. This would need to be available for public inspection and should also include the interests of co-opted Members.

The Authority's present arrangements complied with the statutory provisions. A paper copy of the Register was available for inspection at the office of the Clerk to the Authority [Governance Services - Sandwell MBC] at all reasonable hours and would be made available to view on the Authority's Committee Management Information System.

The Register was reviewed periodically by the Monitoring Officer and regular reminders were sent to members to update their entries.

Standards Committee – 22nd July, 2013

The Committee now carried out its annual inspection of the Register of Interests.

3/13

Role of Independent Persons

Consideration was given to proposals on the role of the Independent Person.

In accordance with the Localism Act 2011, arrangements must be put in place for the appointment by the Authority of at least one Independent Person whose views must be sought and taken into account by the Authority before it made a decision on an allegation against an elected Member that it had decided to investigate. The Independent Person's views may be sought by a Member or co-opted Member of the Authority if that person's behaviour was the subject of an allegation, and may also be sought by the Authority in relation to an allegation it had not yet decided to investigate.

Currently, legislation did not clarify or define the role that the Independent Person was intended to perform. The Authority had adopted arrangements for dealing with standards complaints under the Localism Act 2011.

A draft Protocol had been developed to provide more clarity on the role of the Independent Person.

Resolved:-

- (1) that the Authority be recommended to approve the protocol relating to the role of the Independent Person, as set out in the Appendix, and any consequential amendments required to the arrangements for dealing with Standards Allegations under the Localism Act 2011 be carried out by the Monitoring Officer;
- (2) that in connection with Resolution (1) above, the Monitoring Officer be authorised to make any necessary changes to any constitutional documents, to ensure compliance with the new standards framework.

Appointment of Independent Persons

The Committee was advised that in accordance with the Localism Act 2011, the Authority had put in place arrangements to appoint an Independent Person.

On 9th January 2012, the Committee approved the shared appointment of an Independent Person between the Fire Authority and Sandwell Metropolitan Borough Council (see Minute No. 1/12).

The Authority currently had one Independent Person, Mr Frederick Bell, whose term of office would end on 30th June 2014.

Consequently, following a recruitment exercise carried out by Sandwell Metropolitan Borough Council for replacement Independent Persons and interviews before a cross party Member panel, advised by the Monitoring Officer, the Panel identified one person who was considered suitable to appoint: Mrs Yetunde Akande. On 24th June 2013, the Authority approved this appointment.

A further recruitment exercise to identify a third person would be carried out by Sandwell Metropolitan Borough Council in September 2013.

The Chair, on behalf of the Committee, welcomed Mrs Yetunde Akande to her first meeting.

Concern was raised by the Independent Person, Mr Bell, on the proposed recruitment of a third Independent Person. Mr Bell was of the view that an additional Independent Person would prolong the consultation process the Monitoring Officer was required to undertake when consulting on an allegation against a Member. This was felt to add bureaucracy to the process.

Members felt that the views of the Independent Person should be considered by the Monitoring Officer who should then decide whether or not to appoint a third Independent Person.

Resolved that the views of the Independent Person in relation to the appointment of a third Independent Person be referred to the Monitoring Officer for consideration.

Appointment of Standards Sub-Committees

The Committee was advised that the Localism Act 2011 required authorities to adopt new arrangements to deal with complaints about breaches of the Member Code of Conduct.

This included provision for sub-committees of the Standards Committee to consider investigation reports referred to it by the Monitoring Officer; to conduct hearings; at the request of the complainant, to review decisions of the Monitoring Officer to take no action on a complaint and, at the request of the subject member, to review findings of failure to comply with the Code of Conduct and action taken in respect thereof.

The Authority, at its meeting on 24th June, 2013, had agreed the membership of the Standards Committee for the 2013/2014 municipal year. It was now necessary for the Committee to appoint Sub-Committees to consider investigation reports referred to it by the Monitoring Officer and to conduct hearings. Two Sub-Committees would allow the workload to be shared between members of the Committee.

Resolved that two Standards Sub-Committees be appointed for 2013/14, with delegated powers to carry out the functions set out in the following terms of reference, and with the membership set out below:

Terms of reference

To consider investigation reports referred to it by the Monitoring Officer and to conduct hearings

Standards Committee – 22nd July, 2013

Membership

SUB-COMMITTEE 1		SUB-COMMITTEE 2	
Member	Substitute	Member	Substitute
Chambers	Tranter	Tranter	Chambers
Finnegan	Young	Young	Finnegan
Wright	Yardley	Yardley	Wright

(Meeting ended at 12.40 pm)

Contact Officer: Suky Suthi-Nagra
Democratic Services Unit
Sandwell Metropolitan Borough Council
0121 569 3479