

<p>Minutes of the Standards Committee</p>
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9th January, 2012, at 1.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Councillors Clinton, Foster, Hogarth, Idrees and Sandy;
Mr Denny and Mr Topliss.

Apology: Councillor Ali Khan.

1/12 **Minutes**

Resolved that the minutes of the meeting held on 7 November, 2011, be approved as a correct record.

2/12 **The Localism Act 2011 – The new Standards Framework**

The Committee received a report setting out the provisions of the Localism Act 2011 relating to the standards framework.

It was reported that the Localism Act had received Royal Assent on 15 November, 2011. The legislation would be adopted from April 2012, but the Regulations regarding disclosable pecuniary interests had not yet been published.

The Act stated that the Standards Board for England, the national Code of Conduct and statutory Standards Committees were to be abolished. The Act placed general obligations on Authorities to promote and maintain high standards of conduct by members.

It was noted that the Authority must adopt a Code of Conduct which was consistent with the statutory principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

The Fire Authority would have to decide whether to adopt a new code or to revise the current code.

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Members felt that a code needed to be adopted in order to maintain high standards, however it should be minimal and that the assessment and investigation process should be revised to prevent any vexatious complaints going to Standards Committee. In addition it was noted that some failures to comply with the Code of Conduct would now be a criminal offence.

The Act required members to register and disclose disclosable pecuniary interests in addition to other pecuniary and non pecuniary interests. The Act stated that within 28 days of being appointed, members should register their disclosable pecuniary interests. Failure to declare was a criminal offence but would not prevent the member from acting as a member. Any other interests not declared on the register would not cause a criminal offence to be committed but would constitute a failure to comply with the Code of Conduct.

In addition, members were no longer required to keep their register of interests updated, except on re-election or re-appointment. However, it was likely that members would register all their interests from time to time to avoid the need for disclosure at meetings.

Members raised concerns in relation to the declaration of gifts and hospitality and were advised that currently it would be a personal interest and would need to be declared. Under the Act it would not need to be declared unless it was a pecuniary interest. Advice would be given to members on this once pecuniary interests had been defined and the rest of the code developed.

It was reported that appropriate provisions should be made for the disclosure of interests and withdrawal from meetings other than for disclosable pecuniary interests. Requirements to withdraw from the meeting room would be covered by Standing Orders, so that failure to comply would be neither a criminal offence nor breach of the Code of Conduct, although a vote could be taken to exclude the member from the meeting.

Members were advised that they needed to consider what Standing Order should be adopted in respect of withdrawal from meetings for interests.

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Under the Act a dispensation would now be available to members within certain conditions. Members felt that this may cause problems in relation to proportionality on various committees. Members were advised that the dispensation should not be open to abuse and only the Monitoring Officer and Standards Committee had the authority for a dispensation to be granted.

The Act stated arrangements should be put in place for investigating and taking decisions on allegations of a breach of the code. The provisions included the appointment of at least one Independent Person and their views were to be sought and taken into account prior to a decision being made.

It was reported that the Independent Person could not be considered for the post if within the last five years they had been an elected or co-opted member of any Committee or Sub-Committee of the authority. The Independent Person would be appointed via public advertisement. Debates were taking place amongst commentators regarding whether current Independent Members could apply for the posts of Independent Persons. The Monitoring Officer would provide members with an update once clarification had been received.

Members felt that the public advertisement would be a costly process especially if they were appointed for two years and not called upon. It was noted that the public advertisement for the Independent Person was compulsory; members felt that a joint Independent Person for the Fire Authority and Sandwell Metropolitan Borough Council should be appointed to save on costs.

In addition members felt that the Independent Members currently on Standards Committee should remain on the committee even if they could not apply for the Independent Person posts. This would save costs on training and the Independent Members had the high level of knowledge needed. The Monitoring Officer would consider whether they could remain on as observers or advisors.

Members noted that if there were no complaints there would be no need for the Standards Committee. Members felt that the Standards Committee should consist of five members politically balanced with the current Independent Members acting as advisors and that the committee be called upon as and when there was business. With regard to the Independent Person members felt they should be paid per meeting they attend.

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Resolved:-

- (1) that the following proposals for the new standards regime be recommended for consideration by the Authority:
 - (a) that the Monitoring Officer receive complaints;
 - (b) that at the Monitoring Officer's discretion or the complainant's wish the Independent Person be consulted upon following the receipt of complaints;
 - (c) that the Monitoring Officer decide whether to take the complaint to the Standards Committee;
 - (d) that the Standard Committee meet as and when there is business as necessary;
 - (e) that if possible the existing Independent Members be kept on the Standards Committee and be known as Committee Advisors;
 - (f) that if possible the Independent Person be a shared appointment between the Fire Authority and Sandwell Metropolitan Borough Council;
 - (g) that the appointment of the Independent Person be circulated by e-mail to all group leaders;
- (2) that the above proposals be reported to Policy Planning Forum for further discussion;
- (3) that the Monitoring Officer bring further reports to the Standards Committee as necessary prior to the adoption of the new code by the Authority and the implementation of the new arrangements.

(Meeting ended at 2.27pm)

<p><i>Contact Officer: Amy Simcox Democratic Services Unit Sandwell Metropolitan Borough Council 0121 569 3736</i></p>
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