

Minutes of the Standards Committee

6th June, 2011, at 1.30 pm
at Fire Service Headquarters, Vauxhall Road, Birmingham

Present: Mr Topliss [Chair];
Mr Denny [Vice Chair];
Councillors Idrees and Singh.

Apology: Councillor Clinton.

1/11 **Minutes**

Resolved that the minutes of the meeting held on 6th September, 2010, be approved as a correct record.

2/11 **Localism Bill**

The Committee received a report setting out the latest position with regard to the Localism Bill, which would abolish the current Standards for England regime. A guidance note entitled 'Maintaining High Ethical Standards in Local Government' published by the Association of Council Secretaries and Solicitors [ACSeS] was also submitted.

It was anticipated that the Localism Bill would become law late in 2011. The proposed legislation would abolish the national regulating body, Standards for England, and revoke the national model code of conduct, together with the order which set out the general principles for conduct of members and co-opted members. The requirement for authorities to have standards committees would be removed. The independent First Tier Tribunal would lose its jurisdiction over member conduct matters.

Authorities would, however, be free to adopt their own voluntary code of conduct, and to establish voluntary standards committees to consider complaints about the conduct of members and co-opted members. Such committees would be able to censure but could not suspend or disqualify members from council membership. In addition, members would be required to continue to register and declare personal interests

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and would not be allowed to use their position for personal gain. Wilful failure by a member to comply with these provisions would become a criminal offence, which if prosecuted could lead to a fine and/or disqualification from office or election for up to five years. The Bill also included a provision in relation to predetermination which provided that an indication by a member that he took a particular view on a matter was not to be taken as evidence of a closed mind.

In the meantime the present conduct regime would continue until a fixed date, probably two months after the Bill received Royal Assent.

The ACSeS guidance outlined provisions available to authorities beyond those set out in the draft legislation to deal with member conduct. These included adoption of the Nolan principles of public life and other elements of the current standards regime on a voluntary basis; the fiduciary duty of councillors as custodians of public resources; relevant parts of the civil and criminal law; electoral law and the powers of the Local Government Ombudsman.

3/11 **Code of Recommended Practice on Local Authority Publicity**

The Committee was informed that a new national Code of Recommended Practice on Local Authority Publicity came into force on 31st March 2011. The Code dealt with the method and content of communication by authorities. The Member Code of Conduct required members to have regard to any such Code. The Publicity Code had particular relevance during the period immediately before elections and referendums when it was advisable to take great care with publicity material.

4/11 **Case Summary**

The Committee noted a recently decided case in the First Tier Tribunal which dealt with issues around the close association of a councillor with another person and whether this amounted to a personal or prejudicial interest in relation to property and planning matters.

5/11 **Employees' Interests**

The Committee was reminded that in May 2010 it had considered the Code of Conduct Standing Order 2/12 which included reference to the

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declaration of interests and gifts and hospitality by employees. The Committee was advised that the Authority had registers in respect of gifts and hospitality, membership of other bodies, outside and secondary employment and politically restricted posts. There was not, however, a single comprehensive register for recording employee interests.

The Service had recently undertaken a review of its Human Resource Management System [HMRS], as part of which membership of societies, outside and secondary employment was now recorded on the HRMS. Gifts and hospitality were recorded electronically but not as part of the HMRS. Should the Service decide to make further amendments to the HMRS system, then consideration would be given to including the recording of gifts and hospitality on the system.

Standing Order 2/15 on Employees' Declaration of Interest was currently being reviewed.

Resolved:-

- (1) that employees be reminded annually about their obligations to declare relevant interests and gifts and hospitality;
- (2) that the officer code of conduct be reviewed during 2011/12.

6/11 **Annual Report 2010/11**

The Committee considered a draft Annual Report for 2010/11.

Resolved that the report be approved for submission to the Authority meeting on 27th June 2011.

(Meeting ended at 2.05 pm)

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