

Minutes of the Standards Committee

3rd June, 2005 at 9.30 a.m.
at the Fire Service Headquarters, Birmingham

Present: Mr M Chambers (Chair);
Councillors Ryder and Singh;
Mr C Topliss.

Observer: Councillor Hinton.

Apology: Councillor Jackson.

1/05 **Minutes**

Resolved that the minutes of the meeting held on 5th April, 2004, be confirmed as a correct record.

2/05 **'A Code for the Future' – Consultation on a Review of the Code of Conduct for Members**

The Clerk reported that the Standards Board for England was conducting a review into the operation of the Code of Conduct for Members. The Board had produced a consultation paper for comment. The consultation period ended on 17th June, 2005.

All Members of the Authority had been invited to comment on the consultation paper.

The Committee gave consideration to the series of questions set out in the consultation paper, and to comments received from Members of the Authority, and formulated a response for the Standards Board for England.

Resolved that the Executive Committee be recommended to approve the response attached as an Appendix hereto for submission to the Standards Board for England.

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(The meeting ended at 10.00 am)

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WEST MIDLANDS FIRE AND RESCUE AUTHORITY**RESPONSE TO THE CONSULTATION ON
'A CODE FOR THE FUTURE'**

The General Principles
Q1 Should the 10 general principles of conduct in public life be incorporated as a preamble to the Code?
Yes.
Q2 Are there any other principles which should be included in the Code of Conduct?
No.
Disrespect and freedom of speech
Q3 Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement?
The present situation with a broad test is felt to be adequate.
Q4 Should the Code of Conduct include a specific provision on bullying? If so, should the definition of bullying adopted by the Code of Conduct reflect the ACAS definition of bullying?
No. This would be covered by including the 10 general principles of conduct in public life in the Code.
Confidential information
Q5 Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information?
No. The position is adequately covered by existing legislation.
Q6 Do you think the Code of Conduct should cover only information which is in law 'exempt' or 'confidential', to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully?
Yes.

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Disrespect and private conduct
Q7 Should the provision relating to disrepute be limited to activities undertaken in a member's official capacity or should it continue to apply to certain activities in a member's private life?
The Code should continue to apply to a member's private life.
Q8 If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged?
It should continue to be a broad provision.
Misuse of resources
Q9 Do you agree that the Code of Conduct should address the three areas set out in 4.4.1 above [a breach of the 1986 Code of publicity; a breach of any local protocol; misuse of resources, in particular officer time, for inappropriate political purposes]?
Yes.
Q10 If so, how could we define 'inappropriate political purposes'?
There were a number of suggestions: 'prohibit misuse of resources supplied at public expense' 'party purposes not connected with authority business' 'using resources for political gain' 'any purpose other than legitimately required for a member's official role'
Q11 Do you agree that the Code should not distinguish between physical and electronic resources?
Yes.
Duty to report breaches
Q12 Should Paragraph 7 be retained in full, removed altogether or somehow narrowed?
Retain in full.
Q13 If you believe the provision should be narrowed, how would you define it? For example, should it only apply to misconduct in a member's public capacity, or only to significant breaches of the Code?
Not applicable.

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Q14 Should there be a further provision about making false, malicious or politically-motivated allegations?
Yes. There should be time limits within which an allegation should be made.
Q15 Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other legislation already cover this adequately?
Yes it should provide protection.
Personal interests
Q16 Do you think the term 'friend' requires further definition in the Code of Conduct?
No.
Q17 Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an authority's area?
No.
Q18 Should a new category of 'public service interests' be created which is subject to different rules of conduct?
No.
Q19 If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings?
Not applicable.
Q20 Do you think Paragraph 10 (2) (a-c) should be removed from the Code of Conduct?
Yes.
Q21 Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups?
No.

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Prejudicial interests
Q22 Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?
No.
Q23 Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote?
No.
Registration of interests
Q24 Should members employed in areas of sensitive employment need to declare their occupation in the public register of interests?
A generic entry eg 'civil servant' should be made in the public register of interests. A specific declaration of occupation should be made privately to the monitoring officer.
Q25 Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near the authority's area?
Yes but specific guidance is needed as to the definition of what constitutes an appropriate organisation for this purpose. It should apply to all organisations regardless of where they are located.
Gifts and Hospitality
Q26 Should the Code require that the register of gifts and hospitality be made publicly available?
Yes.
Q27 Should members also need to declare offers of gifts and hospitality that are declined?
Yes.
Q28 Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration?
Yes.

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Q29 Is £25 an appropriate threshold for the declaration of gifts and hospitality?

A range of views was expressed, from a strong view that every gift should be declared regardless of its value, to retaining the threshold at £25 or increasing it to £50. The threshold should be regularly reviewed eg every 4-5 years.