

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

19th APRIL 2010

1. STANDARDS COMMITTEE – APPOINTMENT OF INDEPENDENT MEMBERS

Report of the Monitoring Officer.

RECOMMENDED

- 1.1 That if an independent member of the Standards Committee fails to attend any meeting of the Standards Committee or its Sub-Committees over a period of six consecutive months he shall, unless the failure was due to some reason approved by the Authority before the expiry of that period, cease to be a member of the Committee;
- 1.2 That the Monitoring Officer be authorised to advertise for three independent members of the Standards Committee in accordance with the requirements of the Standards Committee (England) Regulations 2008, on the basis of the role description attached as Appendix 1 to this report;
- 1.3 That the timetable for the recruitment of independent members as set out in Appendix 2 be approved;
- 1.4 That the Appointments Committee be asked to take into account Standards Board for England guidance with regard to staggered terms of office in making its recommendations to the Authority on the persons to be appointed;
- 1.5 That the induction programme set out as Appendix 3 be approved.

2. PURPOSE OF REPORT

This report is submitted to advise the Authority of the requirement to advertise for independent members to serve on the Standards Committee in accordance with the Standards Committee (England) Regulations 2008.

3. **BACKGROUND**

- 3.1 Section 53 of the Local Government Act 2000 requires the Authority to establish a Standards Committee and sets out the requirements for its membership. The Standards Committee (England) Regulations 2008 require the Committee to have an independent membership of at least 25 per cent. The Standards Committee currently has six elected Members and three independent members.
- 3.2 The Regulations further require the selection for the independent members to be as a result of applications made to the authority following an advertisement in at least one newspaper circulating in the area.
- 3.3 The current independent members of the Committee, Mr David Denny, Mr Roger Bagley and Mr Colin Topliss, were appointed by the Authority in June 2007, for a term of three years expiring with the Annual Meeting of the Authority in June 2010. Messrs Denny and Bagley have served as independent members for three years. Mr Topliss has served for six years in all.
- 3.4 The Regulations set out the parameters for the appointment of independent members. Within these rules the Authority may adopt such procedures as it sees fit for the appointment of independent members. The Appointments Committee has delegated authority from the Authority to shortlist applicants for interview; to interview those shortlisted; and to make a recommendation to the full Authority as to the persons to be appointed. The recommended candidates would have to be approved by a majority of members of the Authority before they could take office.
- 3.5 Guidance from the Standards Board for England (SBE) on the qualities to look for in independent representatives states that this will depend on the area the authority serves. However it is suggested that authorities may want to see that representatives:
- are familiar with ethical dilemmas;
 - have experience with committee work;

- have questioning skills;
 - are assertive; and
 - are independent of any political party and local government.
- 3.6 The current independent members are entitled to apply for re-appointment, subject to the Authority taking into account recent guidance from the SBE which suggests a maximum eight-year period of service.
- 3.7 The independent members cannot have been a member or officer of the authority in the preceding five years, nor be a close friend or relative of a member or officer. An independent member may not be a member or officer of any other relevant joint authority (including all Councils, Police, Fire or joint authorities).
- 3.8 The SBE guidance also suggests that independent members should serve a four-year term of office with a maximum period of service of eight years. The guidance suggests that this will be long enough for them to gain an understanding of the Committee, the Authority and its workings, but not so long that they could be perceived as losing their independence. The guidance also states that it may be helpful for independent members to be appointed for differing lengths of time so that the experience they gain is not all lost simultaneously. The Appointments Committee could take this provision into account in making its recommendations to the Authority as to the persons to be appointed.
- 3.9 It is also suggested that the opportunity be taken to include a minimum attendance requirement for independent members which mirrors the attendance requirement on elected members. This attendance requirement has been included in the role description attached as Appendix 1.
- 3.10 A suggested timetable for the recruitment of independent members is set out as Appendix 2.
- 3.11 A proposed induction programme for independent members based on SBE guidance is attached as Appendix 3.

4. **EQUALITY IMPACT ASSESSMENT**

- 4.1 In preparing this report, an initial Equality Impact Assessment is not required and has not been carried out as the matters referred to do not represent a change in the policies or functions of the Authority.
- 4.2 Anyone over the age of 21 and meeting the specified criteria may apply to be an independent member of the Standards Committee.

5. **LEGAL IMPLICATIONS**

- 5.1 Section 53 of the Local Government Act 2000 requires the Authority to establish a Standards Committee and sets out the requirements for its membership. The Standards Committee (England) Regulations 2008 require the Committee to have an independent membership of at least 25 per cent.
- 5.2 The Regulations also state that:
- A person may only be appointed as an independent member if the appointment is approved by a majority of members of the authority and the person has submitted an application to the authority
 - The position must be advertised in one or more newspapers circulating in the area and in such other publications as the authority considers appropriate
 - A person may not be appointed as an independent member if they have within the previous five years been a member or officer of the authority, or is a relative or close friend of a member or officer of the authority
 - The Council may adopt such procedures as it sees fit for the appointment of independent members but must have regard to guidance issued by the SBE.

6. **FINANCIAL IMPLICATIONS**

- 6.1 The cost of advertising is estimated at £500. This can be met from existing resources. Independent members of the Standards Committee are entitled to claim travelling and subsistence allowances in respect of approved duties and this can be absorbed

within the existing budget for Members' Allowances. If the Authority moves to staggered terms of office, one independent member would retire each year. The recruitment exercise would therefore take place every year rather than every three years as at present which would represent an increase in costs.

BACKGROUND PAPERS

Standards Board for England – Local Standards Framework – Guide for Authorities

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MONITORING OFFICER