

Minutes of the Standards Committee

7th September 2009 at 1.35 pm
at the Fire Service Headquarters, Birmingham

Present: Mr C Topliss (Chair);
Messrs Bagley and Denny.

Apologies: Councillors Idrees, Jones, Ryder and Singh.

5/09 **Election of Chair**

Resolved that Mr Colin Topliss be appointed Chair for the ensuing municipal year.

6/09 **Election of Vice-Chair**

Resolved that Mr Roger Bagley be appointed Vice-Chair for the ensuing municipal year.

7/09 **Minutes**

Resolved that the minutes of the meeting held on 18th May 2009 be approved as a correct record.

8/09 **Appointments of Standards Sub-Committees**

The Committee was advised that, in accordance with the Regulation 6 of the Standards Committee (England) Regulations 2008, it was required to re-establish the Assessment, Review and Consideration and Hearing sub-committees for 2009/2010

Whilst previous guidance from the Standards Board for England had suggested that sub-committees did not have to have fixed membership, more recent advice suggested that there was no power for the Monitoring Officer to select replacement Members to sit on sub-committees and that all appointments to a sub-committee for the purpose of discharging any of the Committee's functions had to be made by the Standards Committee. The proposed membership therefore reflected this guidance.

Resolved that Assessment, Review and Consideration and Hearing Sub-Committees for 2009/10 be re-established for 2009/2010, with the same terms of reference as in 2008/09 and with membership as indicated in the Appendix 1.

9/09

Protocol for Member/Employee Relations

The Committee was requested to approve a formal protocol for member/employee relations. The protocol would support the further development of corporate governance standards within the Authority and ensure that there was clear guidance relating to areas such as behaviour, access to information, support given to Members and press releases.

The need for the protocol had been identified as part of the self-assessment exercise carried out under the Chartered Institute of Finance and Accounting (CIPFA)/ Society of Local Authority Chief Executives (SOLACE) framework in respect of corporate governance.

Resolved to recommend to the Authority that the Protocol on Member/Officer Relations be approved.

10/09

Complaints Against Members - Leaflet

The Monitoring Officer presented to the Committee a draft leaflet, which had been prepared in order to enhance public understanding of Member's roles and on how to complain about Member misconduct. The leaflet would be made widely available in public buildings and on the Authority's website. The leaflet was prepared to allow good practice to be followed as expected by the Standards Board.

Members were happy with the draft leaflet, however, requested that a sentence be added to make it clear that Sandwell MBC was supporting the Authority's governance arrangements.

Resolved that, subject to the minor amendments identified, the leaflet regarding complaints against members be approved and publicised accordingly.

11/09 **Policy on the Handling of Anonymous Complaints about Member Conduct**

The Monitoring Officer reported that guidance issued by the Standards Board required authorities to publish a statement setting out how anonymous complaints about Member conduct would be dealt with. A draft policy was submitted for comments. Publication of the policy would strengthen the Authority's ethical governance framework.

Resolved that the statement setting out the Authority's Policy on the Handling of Anonymous Complaints about Member Conduct be approved.

12/09 **Criteria for Requests for Confidentiality**

The Monitoring Officer reported that guidance issued by the Standards Board required authorities to publish a criteria by which the Assessment Sub-Committee would consider requests for confidentiality in relation to complaints about Member conduct. The guidance also stated that such requests should only be granted in exceptional circumstances and at the discretion of the Assessment Sub-Committee. A draft criteria was submitted for comments.

The Committee noted that, as a matter of fairness and natural justice, a Member should usually be told who has complained about them. However, it was also recognised that there were exceptional circumstances under which confidentiality could be granted by the Assessment Sub-Committee.

Resolved:-

- (1) that the criteria by which the Assessment Sub-Committee will consider requests for confidentiality in relation to complaints about Member conduct be approved;
- (2) that the flowchart at Appendix 1 be appended to the Assessment of Standards Complaints – Assessment and Review Criteria.

13/09 **Standards Board – Other Action Guidance**

The Committee noted guidance issued by the Standards Board in relation to 'Other Action' that an Assessment Sub-Committee could direct the Monitoring Officer to take in cases where an investigation or no action were not felt appropriate.

14/09 **Standards Committee Work Programme 2009/2010**

The Committee received a work programme for 2009/2010, which had been prepared by the Monitoring Officer and captured both statutory functions required by relevant legislation and non-statutory functions, including those promoted by the Standards Board.

Resolved that the Standards Committee Work Programme 2009/2010 be approved.

15/09 **Case Summaries**

The Committee noted an important case published by the Adjudication Panel for England as part of its on-going learning for the local standards regime.

(The meeting ended at 2.59 pm)

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West Midlands Fire and Rescue Authority

Appendix 1

Standards Committee - 7th September 2009

Appointment of Sub-Committees

ASSESSMENT SUB-COMMITTEE 1		ASSESSMENT SUB-COMMITTEE 2		ASSESSMENT SUB-COMMITTEE 3	
Member	Substitute	Member	Substitute	Member	Substitute
Mr Topliss [Chair]	Mr Denny	Mr Denny [Chair]	Mr Bagley	Mr Bagley [Chair]	Mr Topliss
Cllr Eustace	Cllr Jones	Cllr Jones	Cllr Eustace	Cllr Eustace	Cllr Jones
Cllr Singh	Cllr Idrees	Cllr Idrees	Cllr Singh	Cllr Singh	Cllr Idrees
Cllr Sutton	Cllr Ryder	Cllr Ryder	Cllr Sutton	Cllr Sutton	Cllr Ryder

REVIEW SUB-COMMITTEE 1		REVIEW SUB-COMMITTEE 2		REVIEW SUB-COMMITTEE 3	
Member	Substitute	Member	Substitute	Member	Substitute
Mr Topliss [Chair]	Mr Denny	Mr Denny [Chair]	Mr Bagley	Mr Bagley [Chair]	Mr Topliss
Cllr Eustace	Cllr Jones	Cllr Jones	Cllr Eustace	Cllr Eustace	Cllr Jones
Cllr Singh	Cllr Idrees	Cllr Idrees	Cllr Singh	Cllr Singh	Cllr Idrees
Cllr Sutton	Cllr Ryder	Cllr Ryder	Cllr Sutton	Cllr Sutton	Cllr Ryder

CONSIDERATION AND HEARING SUB-COMMITTEE 1		CONSIDERATION AND HEARING SUB-COMMITTEE 2		CONSIDERATION AND HEARING SUB-COMMITTEE 3	
Member	Substitute	Member	Substitute	Member	Substitute
Mr Topliss [Chair]	Mr Denny	Mr Denny [Chair]	Mr Bagley	Mr Bagley [Chair]	Mr Topliss
Cllr Eustace	Cllr Jones	Cllr Jones	Cllr Eustace	Cllr Eustace	Cllr Jones
Cllr Singh	Cllr Idrees	Cllr Idrees	Cllr Singh	Cllr Singh	Cllr Idrees
Cllr Sutton	Cllr Ryder	Cllr Ryder	Cllr Sutton	Cllr Sutton	Cllr Ryder

