

WEST MIDLANDS FIRE AND RESCUE AUTHORITY

24 September 2012

1. NEW STANDARDS FRAMEWORK

Report of the Clerk and Monitoring Officer

RECOMMENDED

- 1.1 THAT the following persons be appointed as independent persons for the terms of office indicated:

	<u>Term of office to end</u>
Mr John Clothier	30 June 2013
Mrs Rosemary Tyler	30 June 2013
Mr Frederick Bell	30 June 2014

- 1.2 THAT the revised Standing Orders No 14 and 25 attached as an Appendix to this report be approved.

2. PURPOSE OF REPORT

This report updates the Authority on progress with implementing the new standards framework.

3. BACKGROUND

Appointment of Independent Person/s

- 3.1 The Authority at its annual meeting on 25 June 2012 appointed a Standards Committee; adopted a new Member Code of Conduct; and agreed arrangements to deal with allegations of breaches of the Code. The Authority decided that the 'independent person/s' [who have to be consulted by the Authority on standards matters] appointed by Sandwell Council would be used by this Authority in relation to alleged breaches of the Code of Conduct.

3.2 The functions of the Independent Person(s) are:

- they must be consulted by the Authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding);
- they may be consulted by the Authority in respect of a standards complaint at any other stage; and
- they may be consulted by a member or co-opted member of the Authority against whom a complaint has been made.

3.3 The Act gives discretion to appoint one or more Independent Persons, but provides that each Independent Person must be consulted before any decision is taken on a complaint which has been investigated.

3.2 Sandwell Council at its meeting on 31 July 2012 appointed the following persons as independent persons for the terms of office indicated:

	<u>Term of office to end</u>
Mr John Clothier	30 June 2013
Mrs Rosemary Tyler	30 June 2013
Mr Frederick Bell	30 June 2014

There has been a public advertisement in respect of these appointments, as required by the legislation, indicating that this is a joint appointment with the Authority. Applicants were interviewed by a panel of two Sandwell elected members advised by the Clerk/Monitoring Officer. The persons recommended for appointment were deemed to meet the requirements of the role description.

3.3 The appointment of the independent person/s must be approved by a positive vote of a majority of all members of the Authority [not just of those present and voting].

Withdrawal from meetings

- 3.4 The Authority's new Code of Conduct sets out the arrangements for the declaration of interests at meetings by members and co-opted members and indicates that a member must not participate in any discussion of a matter in which he/she has a disclosable pecuniary interest. Section 31(10) of the Localism Act 2011 states that the standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting in these circumstances. The Authority at its meeting on 25 June, 2012, instructed the Monitoring Officer to recommend an appropriate standing order.
- 3.5 A revised Standing Order No 25 dealing with declaration of interests and including a requirement for withdrawal from meetings where there is a disclosable pecuniary interest is attached for consideration in the Appendix to this report.
- 3.6 The Standards Committee is no longer a statutory committee and there is no longer any legal requirement as to its quorum. It is therefore proposed to delete this reference from Standing Order No 14 as indicated in the Appendix to this report.

4. **EQUALITY IMPACT ASSESSMENT**

An Equality Impact Assessment has not been carried out as this report indicates further steps required by the Authority to implement the new legislation. The Authority should nevertheless have due regard to the equalities duties when establishing and utilising its standards framework.

5. **LEGAL IMPLICATIONS**

The Localism Act 2011 repealed the previous standards regime and established a new framework which allows for greater choice by the Authority.

6. **FINANCIAL IMPLICATIONS**

Implementation of the new legislation will require some additional work by officers and members although the new framework is very unlikely to place any new significant financial pressures on the Authority.

BACKGROUND PAPERS

Report to the Authority dated 25 June 2012 entitled: 'The Localism Act 2011 – Implementing the New Standards Framework'.

NEERAJ SHARMA
CLERK AND MONITORING OFFICER

EXTRACTS FROM THE AUTHORITY'S PROCEDURAL STANDING ORDERS

14. Quorum of Committees

- (1) No business may be transacted at any meeting to which these Standing Orders apply unless a quorum is present.

The quorum is equal to one quarter of the total number of voting Members or at least 2 voting Members (whichever is the greater).

~~The only exception to the above is in respect of meetings of the Standards Committee, where the quorum shall be 3 persons, including the Independent Chair.~~

- (2) No meeting shall commence unless there is a quorum present. If a meeting has not started within 15 minutes of the time specified on the agenda, the meeting shall be postponed.
- (3) If during any meeting of a Committee, the person presiding declares that there is not a quorum present, the meeting shall be adjourned for 15 minutes.
- (4) If after 15 minutes there is still no quorum, the meeting shall be adjourned.
- (5) All business which has not been completed at a meeting which has been postponed or adjourned shall stand referred to the next ordinary meeting, unless arrangements are made for a special meeting to consider that business or the business is dealt with as a matter of urgency.

25. Members Interests

- ~~(1) If a Member has any interests to declare in any matters to be discussed at a meeting, they must disclose them orally at that meeting. This requirement applies even if the Member has given a written notice of the interest in accordance with the Members' Code of Conduct as set out in the Appendix to these Standing Orders. The disclosure of an interest should be recorded in the minutes of the meeting at which it is made.~~
- (1) Members shall be required to declare interests in accordance with any relevant statutory provisions and the Members' Code of Conduct. The question of the participation of a Member in the discussion of any item where he/she has disclosed an interest shall be determined in accordance with the provisions of the

Members' Code of Conduct.

- (2) Where a member has a disclosable pecuniary interest in the business of the authority he/she must withdraw from the room where the meeting considering the business is being held unless the member has obtained a dispensation from the authority's Standards Committee.
- (3) The requirements for Members to disclose their interests shall apply equally to any co-opted Members, advisors or persons appointed to discharge any functions in connection with the Authority whether they have voting rights or not.
- (4) The Clerk shall be responsible for keeping a register of Members interests and making it open for public inspection during office hours and for publication on the authority's web site.