

Standards Board for England Guidance on the Role and Make-up of Standards Committees

Report of the Clerk and Monitoring Officer

For further information about this report please contact Roger Woliter, Clerk and Monitoring Officer, on 01952 383200 or Matthew Cumberbatch, Deputy Clerk and Monitoring Officer, on 01952 383255.

1 Purpose of Report

This report informs the Committee of recent guidance issued by the Standards Board for England in particular concerning independent members serving on the Standards Committee.

2 Recommendations

The Committee is asked to note the contents of the report.

3 Background

The recent changes to the functions and responsibilities of the Standards Committee as set out in the Local Government and Public Involvement in Health Act 2007 have been supplemented by guidance from the Standards Board for England. Further work is being undertaken to ensure that this Committee complies with the guidance which has been set out.

4 Information

The Local Government and Public Involvement in Health Act 2007 introduced greater responsibilities for local Standards Committees in respect of processing allegations of breaches of the Members Code of Conduct. The legislation also included provision given to the Standards Board for England to issue guidance to Local Authorities in respect of how Standards Committees carry out their functions.

This report provides details as to the work which has been undertaken since the guidance was released in order to meet the recommendations made by the Standards Committee specifically with regard to Independent Members serving on this Committee.

5 Independent Members

Standards Board guidance identifies the importance of independent members in increasing public confidence and ensuring that the Standards Committee acts fairly and impartially. A summary of some of the key points of the guidance is set out below

Terms of Office

The Standards Board recommends that independent members sit for a fixed term of four years and for no longer than two four year terms. In order to ensure that the current terms of office of independent members are in accordance with Standards Board guidance, details of the current appointments are confirmed as follows: -

Member	Appointed	Reappointed
Michael Tebbutt	15 May 2002	10 May 2006
Ian Webb	9 February 2005	n/a
Paul Brereton	30 April 2008	n/a
David Turner	30 April 2008	n/a

The current arrangements will stagger the membership of the Committee providing ongoing experience and also accord with Standards Board view that experience gained should not be lost simultaneously.

Recruitment

The Standards Committee (England) Regulations 2008 have slightly amended the criteria for independent membership which is set out in the guidance. The Standards Board recommends that the Standards Committee retain responsibility for undertaking the recruitment process for independent members and then provide their recommendations for appointment to all members of the Authority.

The Standards Board have accepted that it may be appropriate for independent members to be temporarily appointed to another Standards Committee to consider a particular assessment, review or hearing.

Induction

The Standards Board recommends induction programmes should be provided to independent members. Training is already provided for new independent members of the Committee. Copies of the Constitution, the Protocol for Members/Officer Relations, and other useful documentation such as the Local Determination and Investigation Procedures are provided to new independent members in their copy of the Fire Authority's Member Handbook.

Independent members will also be invited to Fire Authority meetings in order that they can observe Fire Authority business. This will assist independent members who may not have experience of local decision-making when they are considering complaints and making determinations. There will also be training for independent members on Charing Committees and Sub-Committees given their enhanced role as a result of the requirements of the Local Government and Public Involvement in Health Act 2007.

Insurance

The Standards Board recommend that independent members should be covered by the same indemnity arrangements that apply to elected members when carrying out their duties. This cover has already been arranged for Independent Members of this Committee.

There are other aspects of the guidance where further work is currently ongoing. In the meantime officers will continue to keep members up to date with regard to any developments or changes relating to the guidance.

6 Financial Implications

There are no direct financial implications arising from this report.

7 Legal Comment

The legal comment is contained in the main body of this report.

8 Equality Impact Assessment

An Initial Equality Impact Assessment of the Fire Authority's Member Appointments and Constitution of Committees was undertaken in July 2008. This assessment looked at all of the Fire Authority's Committees and identified any issues that needed to be addressed. Therefore an Initial Equality Impact Assessment has not been completed for this report.

9 Appendices

There are no appendices attached to this report.

10 Background Papers

The Local Government and Public Involvement in Health Act 2007.

The Standards Committee (England) Regulations 2008

Standards Board Guidance – “The Role and Make Up Of Standards Committees”

Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial	*	Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information		Equality Impact Assessment	*