

## **8. Standards Committee Appointments**

### **Purpose of report**

1. To appoint a Chairman and Vice-Chairman to the new Standards Committee;
  2. To approve amendments to the Terms of Reference for the new Standards Committee;
  3. Appoint a panel of 'Independent Persons'; and
  4. Delegate authority for granting dispensations
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### **Recommendations**

***The Head of Legal Services recommends that:***

- i) the Authority appoints the Chairman and Vice-Chairman of the Standards Committee;***
- ii) the Head of Legal Services be authorised following consultation with Group Leaders to take any necessary action to give effect to proportionality requirements and make appointments to the Standards Committee in accordance with the wishes of Group Leaders;***
- iii) the appointment of two co-opted, non-voting, non-councillor Members of the Standards Committee be delegated to the Head of Legal Services, in consultation with the Chairman of the Standards Committee and the Chairman of the Authority;***
- iv) the amended Terms of Reference for the Standards Committee, as attached at Appendix 1, be approved;***
- v) the following individuals be appointed as Independent Persons for the purposes of the members' standards and ethics regime:***
  - David Coulson***
  - James Hipkiss***
  - Catherine Mangan***
  - Raymond Needham***
  - Fred Noble and***
  - David Warner***
- vi) the granting of dispensations under s.33 of the Localism Act 2011 in relation to Members who would otherwise be prevented from participating in matters due to disclosable pecuniary or other interests under the Code of Conduct;***

- a) on ground (a) of s.33(2) be delegated to the Monitoring Officer; and*
  - b) on all other grounds be delegated to the Monitoring Officer in consultation with the Chairman of Standards Committee and after consultation with the Independent Person PROVIDED that where the Monitoring Officer considers it appropriate to do so he may refer the request to Standards Committee; and*
- vii) the outgoing Standards Committee Chairman and Members be thanked for their service.*

## **Introduction and Background**

- 5. At the meeting on 19 July 2012 and following the implementation of the Localism Act 2011, it was agreed that the Authority would establish a Standards Committee comprising five Members of the Authority on a politically proportionate basis and two co-opted, non-voting, non-councillors.

## **Standards Committee Membership**

- 6. The Authority is asked to appoint a Chairman and Vice-Chairman from amongst its Elected Members. It was agreed at the meeting on 19 July 2012 that the Standards Committee Chairman will be entitled to a Special Responsibility Allowance, which would equate to £1,354.68 per annum. Other members of the Committee will be appointed on accordance with the nominations of the Group Leaders.
- 7. In terms of identifying potential co-opted members, each independent co-opted member who served on the outgoing Standards Committee has been asked if they would wish to continue to serve as a non-voting member. It is also possible that the process to select Independent Persons for the Worcestershire Pool may provide a surplus of qualified candidates who may be keen to sit on the Standards Committee as a non-voting co-optee, if unsuccessful in the selection process for Independent Persons. It is recommended that the appointments are delegated to the Head of Legal Services in consultation with the Chairman of the Standards Committee and the Chairman of the Authority.

## **Standards Committee Terms of Reference**

- 8. Terms of Reference for the new Standards Committee were approved by the Authority on 19 July 2012, however in light of further discussions in the two counties, some additions have been recommended to the Terms of Reference to ensure further clarity. The amended Terms of Reference are attached at Appendix 1 and are largely presentational rather than substantive.

## **Independent Persons**

- 9. One of the key elements relating to ethical standards under the Localism Act is a new category of 'Independent Person'.

- An Independent Person must be consulted by the authority before it makes a decision on a member conduct complaint it has investigated (ie on whether a member has failed to comply with the Code of Conduct or action to be taken).
  - An Independent Person may be consulted by the authority in respect of a standards complaint at any other stage, or indeed consulted by a member against whom a conduct complaint has been made.
  - They are not members of the Standards and Ethics Committee and hold an advisory rather than decision-making role.
  - The role of Independent *Person* is not the same as an independent *member* of the Committee. Council agreed in July 2012 that there should also continue to be 3 independent members on the Committee, who will be standing non-voting members of the Committee.
10. At the meeting on 19<sup>th</sup> July it was agreed that the authority would participate in the in the recruitment of a county-wide pool of independent persons across Worcestershire. The outcome of that process is that six persons have been recommended for appointment to the pool as follows:
- David Coulson – former Inspector with the West Mercia Constabulary, with experience of complaints and dispute resolution
  - James Hipkiss – former independent member at Wyre Forest District Council, with an education sector background
  - Catherine Mangan – Senior Fellow, Institute of Local Government, University of Birmingham, with experience of local government working and governance
  - Raymond Needham – JP and former independent member at Worcester City Council
  - Fred Noble –former independent member at Wychavon District Council with a business sector background and
  - David Warner – barrister and former Independent Member at Wychavon District Council.

## Dispensations

11. The criteria for granting dispensations have been expanded under the Localism Act 2011. Dispensations from rules in relation to disclosable pecuniary interests (and by extension, other interests under the Code of Conduct) will in future be possible where the Authority:
- a) considers that without the dispensation the number of persons prohibited from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business;
  - b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would

be so upset as to alter the likely outcome of any vote relating to the business;

c) considers that granting the dispensation is in the interests of persons living in the authority's area;

d) [not applicable – relates to Executive arrangements only], or

e) considers that it is otherwise appropriate to grant a dispensation.

12. One practical issue in the past was that the need for a dispensation was often not realised until it was too late to convene a meeting of the Standards Committee. Under the new regime, a decision to grant a dispensation has to be made by the authority concerned (or by a committee or officer of that authority to whom the decision has been delegated). It may be considered appropriate to delegate the granting of dispensations to the Monitoring Officer in some circumstances.

13. It is recommended that the Authority delegate the granting of dispensations from s.31(4) of the Localism Act 2011:

c) on ground (a) to the Monitoring Officer; and

d) on grounds (b), (c) and (e) to the Monitoring Officer in consultation with the Chairman of Standards Committee and after consultation with the Independent Person provided that where the Monitoring Officer considers it appropriate to do so he may refer the request to Standards Committee.

### **Outgoing Standards Committee**

14. The outgoing Standards Committee comprises five independent Members who have served on the Committee for a significant length of time. Mr Murray Mylechreest and Mr Robert Rogers have served for ten years, being co-opted onto the Committee in March 2002. Mr Richard Gething, Mr David Stevens MBE and Mr Colin Emeny were co-opted in December 2005 and have given over six years' service. It is appropriate that the Authority records its appreciation for the work that all Members of the Standards Committee have carried out over the years, but in particular the independent co-optees who have given up their time to serve on our Standards Committee.

### **Conclusion/Summary**

15. Although the Authority is no longer required to have a Standards Committee, it has been agreed to establish one as an ordinary Committee of the Authority and that two seats on the Committee will be available for co-opted, non-voting, non-councillors. The Authority is asked to appoint the Chairman and Vice-Chairman of the new Standards Committee and that appointments are made to the remaining places in consultation with the relevant Lead Members.

16. Considerable work has taken place to ensure that local authorities in Herefordshire and Worcestershire work in harmony with each other and to this end various additions to the terms of reference have been recommended to the

Authority. In order to make the granting of dispensations easier on a practical level it is recommended that the Authority delegate the granting of dispensations where appropriate either to the Monitoring Officer or to the Monitoring Officer in consultation with the Chairman of Standards Committee and the Independent Person.

### Financial Considerations

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are financial issues that require consideration	No	

### Legal Considerations

Consideration	Yes/No	Reference in Report i.e paragraph no.
There are legal issues e.g. contractual and procurement, reputational issues that require consideration	Yes	The recommendations are made to ensure that the Authority puts in place processes to ensure it is fulfilling its responsibilities under the Localism Act 2011

### Additional Considerations

17. The table below sets out any additional issues arising from the proposals contained in this report and identifies the relevant paragraphs in the report where such issues are addressed.

Consideration	Yes/No	Reference in Report i.e paragraph no.
<b>Resources</b> (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability).	No	
<b>Strategic Policy Links</b> (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact).	No	
<b>Risk Management / Health &amp; Safety</b> (e.g. risk management and control measures, risk register score).	No	
<b>Consultation with Representative Bodies</b>	No	

**Supporting Information**

Appendix 1 – Standards Committee Terms of Reference – draft amendments

**Background papers**

Standards Committee Agenda, Reports and Minutes – 23 May 2012

Fire & Rescue Authority Agenda, Reports and Minutes – 19 July 2012

**Contact Officer**

Nigel Snape, Head of Legal Services (Clerk/Monitoring Officer)

(0845 12 24454)

Email: [nsnape@hwfire.org.uk](mailto:nsnape@hwfire.org.uk)