

9. The Independent Members of the Standards Committee

Purpose of report

1. To extend the term of appointment of the Independent Members of the Standards Committee.

Recommendation

The Clerk recommends that the Authority extends the term of appointment of the Independent Members of the Standards Committee until 30 June 2012 or until the Standards Committee is disbanded, whichever is the sooner.

Introduction and Background

2. Standards Committees were introduced throughout the local government sector under the Local Government Act 2000 and required the appointment of at least one "Independent" Member to Standards Committees.
3. The Standards Committee (England) Regulations 2008 set out the procedure for the recruitment and appointment of Independent Members and required that at least 25% of the Membership of Standards Committees should be Independent Members. The Local Government and Public Involvement in Health Act 2007 stipulated that the Chair of the Standards Committee should be an Independent Member.
4. It is acknowledged that Independent Members are important in helping to increase public confidence in the local Standards framework. They provide a clear signal that the Standards Committee is acting fairly and impartially. Independent Members also bring a wider perspective from their outside experiences.

The Localism Bill

5. The government set out its intention to abolish the 'Standards Board Regime' in the coalition agreement published in May. It is to effect the abolition through the Localism Bill which was introduced to Parliament on 13 December 2010. The Bill passed its second reading on 17 January 2011. It is likely that Standards for England will cease to investigate complaints in late 2011 and will be formally abolished in early 2012.
6. In summary the government's proposals are:
 - to abolish Standards for England;
 - to remove the national Code of Conduct for councillors and the requirement to have a Standards Committee;
 - to allow authorities to choose whether or not they wish to have a local code or a Standards Committee; and
 - to create a criminal offence relating to failure to register or declare interests.

The Hereford & Worcester Fire and Rescue Authority Standards Committee

7. Hereford & Worcester Fire and Rescue Authority's Standards Committee comprises 5 Independent Members and 2 Members appointed from the Authority. The 5 Independent Members are as follows:
 - Mr R Gething; (Chairman)
 - Mr C Emeny;
 - Dr M Mylechreest;
 - Mr R Rogers; and
 - Mr D Stevens.
8. In June 2008 the Authority resolved to extend the term of the Independent Members until the Annual General Meeting this year (22 June 2011).

The Extension of the Appointment of the Independent Members of the Standards Committee

9. Each Authority decides how to select Independent Members and how long an Independent Member should sit on the Committee. This period of time should be long enough for them to gain an understanding of the Committee, the Authority and its workings, but not so long that independence is lost. Standards for England normally recommend that Independent Members should serve no longer than two four-year terms, however, this is at the discretion of each Authority.
10. The recruitment of Independent Members requires publication of the vacancies in the press, followed by an application and interview process, after which suitable applicants would be nominated for approval by the Authority.
11. Prior to the government's announcement of proposals to abolish the Standards' regime as it currently exists, it was the intention of the Authority to proceed with the normal recruitment process for the selection of Independent Members for the Standards Committee and to present nominations for approval at the Annual General Meeting.
12. Standards for England, recognising the difficulties now facing Authorities considering appointing Independent Members to Standards Committees, published the following guidance:

"We have been asked if an Authority has to follow our recommendation that Independent Members serve no more than two terms of four years after which new Members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the Standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new Members.

In light of the uncertain future of the Standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the

applicants) an Authority can extend that term for a further period. This can only be done during the term of office of an existing Independent Member and by approval from full council. Once the Independent Member's term has expired the full recruitment procedures must be followed again."

(Standards for England - Bulletin No. 48, August 2010 – see appendix 1 attached).

13. The Chairman of Standards for England has written to the Chairs of Standards Committees, including the following advice:

"The Government also intends to remove the national Code of Conduct for councillors and the requirement to have a Standards Committee. Instead it would be for councils themselves to choose whether or not they wish to have a local code or a Standards Committee (which would be an 'ordinary Committee' of the Authority and therefore not need to have Independent representation)".

14. The Clerk, having regard to the above, and considering the following factors:
- The likely abolition of the Standards regime in early 2012;
 - The uncertain future for Standards Committees;
 - The time and expense required to recruit and train Independent Members; and
 - The knowledge, skills and experience of our existing Independent Members.

recommends to the Authority that the term of appointment of the current Independent Members of the Standards Committee be extended until 30 June 2012, or until the Standards Committee is disbanded, whichever is the sooner.

Conclusion

15. All of the 5 Independent Members of the Authority's Standards Committee have confirmed that they are willing to continue to serve, subject to approval by the Authority.

Financial Considerations

Consideration	Yes/No	Reference in Report i.e. paragraph no.
There are financial issues that require consideration	Y	10 and 13

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	Y	The whole report

Additional Considerations

16. 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.
Resources (e.g. Assets, ICT, Human Resources, Training & Development, Sustainability).	Y	13
Strategic Policy Links (e.g. IRMP, Authority Plan, Equality & Diversity, Partnerships, Environmental Impact).	N	
Risk Management / Health & Safety (e.g. risk management and control measures, risk register score).	N	
Consultation with Representative Bodies	N	

Supporting Information

Appendix 1 – Bulletin No. 48, published by Standards for England, August 2010.

Background papers – Minutes of the Annual General Meeting of Hereford & Worcester Fire and Rescue Authority held on 16 June 2008.

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