

Checklist for consideration of Joint Standards Committees and their Constitution

1) The name of the Joint Standards Committee

To be confirmed.

2) Whether the Joint Standards Committee is to receive written allegations for assessment

Members need to consider whether written allegations should be received by each respective Authority. This may allow for a clearer process for members of the public to follow in order to identify which Authority their complaint relates to. Alternatively it may be seen as more efficient to have one address for the receipt of the complaint.

3) Whether any of the Constituent Authorities are responsible for parish councils.

Shropshire & Wrekin Fire Authority has no responsibility for parish councils; Telford & Wrekin Council has responsibility for twenty six parish and town councils with approximately two hundred and seventy parish and town councillors.

4) The number of members of the Joint Standards Committee

To be confirmed.

5) The number of members appointed from each of the Constituent Authorities

Currently Telford & Wrekin Council has four independent members, eight elected members and four parish council representatives. The Fire Authority currently has two independent members (with two vacant independent member posts) and four elected members.

6) The number of parish council members appointed by each of the Constituent Authorities

There are no parish representatives to be appointed from Shropshire & Wrekin Fire Authority. There are currently four parish council representatives for Telford & Wrekin Council. It is suggested that all four parish council representatives are appointed to the Joint Standards Committee in order to meet the obligations for a parish council representative to be involved in all parish council matters including the assessment and review of complaints concerning parish councillors.

7) Whether the Joint Standards Committee or the Constituent Authorities will appoint Independent Members, and, in either case, how many.

This depends on whether the Standards Committees will retain their own separate functions or whether the Joint Standards Committee will undertake all Standards Committee functions for each respective Authority. If the former is the case it is suggested that Standards Committee's retain their own Authority to undertake a selection process and recommend the appointment of an independent member from their own respective main Authority. If however, the Joint Standards Committee is to undertake all Standards functions for each respective Authority then it is suggested that the Joint Standards Committee is made responsible for undertaking the interview process and making the recommendation which will need to be accepted then by each of the respective main Authorities as a joint appointment.

8) Whether any of the Constituent Authorities is to have the sole right to appoint an executive member, or whether this right is to be allocated by agreement (or in default, in turn on an annual basis), or by some other means.

The Telford & Wrekin Council operates executive arrangements and the terms of reference state that a maximum of one member of the executive may be appointed to Telford & Wrekin Councils Standards Committee. Shropshire & Wrekin Fire Authority do not have an executive system. It is suggested that there is no change to the current process adopted by Telford & Wrekin Council of the appointment of up to one member of the executive on the Standards Committee and accordingly that executive member would also form part of any Joint Standards Committee.

9) Whether a Constituent Authority should be able to replace a member they have nominated, or whether the appointment should be for a period of time (subject to continuing eligibility).

It is suggested that either of the constituent Authorities should be able to replace a member they have nominated as and when they wish to do so. Any appointment should be for that current municipal year or the remainder there of.

10) Which Constituent Authority is to provide support and proper officer functions, and whether this is for an indefinite period or by rotation.

The Committee may decide that there should be one Authority to undertake the administrative functions for the Committee, in all probability this would be Telford & Wrekin Council. There may be resource issues as a result which would need to be examined. This

would also depend upon the terms of reference of the Joint Standards Committee as to how much work was to be undertaken on a joint basis and how much undertaken by respective individual Standards Committees.

11) Whether, in principle, all Joint Standards Committee members of the same type, and with the same responsibilities, should be entitled to same allowance.

The Committee's views are sought on this; ultimately it will be a matter for Independent Remuneration Panel.

12) What period of notice is needed to withdraw from the Joint Committee

We do not recommend that there is any set notice period, but we would recommend that a period of no less than three months notice is given in order to allow each respective Authority to undertake the necessary changes to their constitution and structures to perform the functions which would previously have been undertaken by the Joint Standards Committee.

13) Whether the Joint Committee is to exercise all relevant functions, and, if not, which it is to exercise.

This is a matter for the Committee.

14) Whether the Joint Committee is to exercise the same functions for all Constituent Authorities

This is a matter for the Committee to make recommendations and for the respective Authorities to decide.

15) Whether the Joint Committee is to exercise Part 3 functions, and, if so, which.

This is a matter for the Committee to make recommendations and for the respective Authorities to decide.

16) The quorum for Committee meetings.

The quorum should reflect the legal requirements in terms of the size of the Committee, to ensure that an independent member is the Chairman of the Committee, that an elected member is present and that if the matter relates to parish council issues that a parish council representative is also present. It may also be the case that members may wish to add that there must be at least one member from each respective Authority present at the Joint Committee meetings.

17) Whether Sub Committees are to have standing or ad hoc chairs/chairmen.

Officers recommend that ad hoc Chairman of the Committees are selected. This is in order to ensure that the added resources provided the Joint Committee can be fully utilised and accordingly that timescales for hearings can be met.

18) How expenses are to be shared: in particular whether:

18.1) the authority concerned should bear the whole cost of their investigations, hearings and appeals;

It is suggested that the costs of investigation should be born by whichever respective Authority the member was acting for when the alleged conduct took place.

18.2) assessment costs should be allocated pro rata to the number of complaints per authority;

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18.3) allowances should be paid by the nominating authority;

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18.4) other expenses (e.g. training) are to be shared equally or in some other proportion.

It is suggested that the current arrangement is continued whereby Telford & Wrekin Council will continue to provide training and the Shropshire & Wrekin Fire Authority will make payment per member for the training or one payment if the training is provided separately by Legal Services.

The Monitoring Officers will need to decide:

- 1) which options for the discharge of delegable functions by nominated officers they prefer.**

- 2) Who is to advise the Joint Standards Committee, and for how long.**

The Joint Committee will need to decide:

- 1) The number, composition and terms of reference of sub committees.**

- 2) The quorum for sub committee meetings**

- 3) Whether it should have more detailed procedural rules for meetings, and if so which.**

- 4) The procedural rules for hearings.**

- 5) Assessment and review criteria and other policies.**