

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 17TH SEPTEMBER 2009

JOINT STANDARDS COMMITTEES

REPORT OF HEAD OF LEGAL SERVICES AND MONITORING OFFICER

1. PURPOSE

To provide further information relating to Joint Standards Committees and to set out issues and proposals for consideration by the Committee.

2. RECOMMENDATIONS

- 2.1 That the Committee recommend to the Council that a Joint Standards Committee is established with Shropshire & Wrekin Fire Authority**
- 2.2 That the Committee express a preference for the model to be adopted for the Joint Standards Committee.**
- 2.3 That the Committee set out the responses to the checklist attached at Appendix 2 regarding the likely format for the Joint Standards Committee.**
- 2.4 That the Monitoring Officer is instructed to prepare the Joint Standards Committee structures and procedures for the further consideration and approval of the Standards Committee.**

3. SUMMARY

New regulations are in force that allow for a Joint Standards Committee to be established between Authorities. Officers are now reporting back on options available in relation to establishing a Joint Standards Committee (which is most likely to be with Shropshire & Wrekin Fire Authority). The options available and proposals suggested by officers are contained for consideration by members.

4. PREVIOUS MINUTES

Standards Committee – 18th June 2009

5. INFORMATION

5.1 Background

At the meeting of this Committee on 18th June information was provided with regard to a Standards Committee (Further Provisions) (England) Regulations 2009 (“the Regulations”). Part of the Regulations allows provision for Joint Standards Committees to be set up in accordance with the provisions of the Local Government and Public Involvement in Health Act 2007. The Committee asked officers to look into the options available for the provision of a Joint Standards Committee and it was considered that the most likely partner for this venture would be Shropshire & Wrekin Fire Authority.

Standards for England (the new operating name of the Standards Board for England) have now issued guidance with regards to Joint Standards Committees. This document is attached at Appendix 1.

The Committee will see from the guidance that there are various points in favour of setting up a Joint Standards Committee including the avoidance of conflict of interests through using a wider pool of members when assessing and determining complaints and a greater capacity to meet the increased role and workload of Standards Committees under the local standards framework. However, the committee will also note that there are potential issues which also need to be looked at when considering whether a Joint Standards Committee is appropriate. These include the possibility of a Joint Standards Committee becoming overly bureaucratic and a more complex process leading to a lack of clarity for the general public and a loss of local ownership of standards and ethical issues. Accordingly, in deciding whether or not to proceed with a project to set up a Joint Standards Committee the Committee in the first instance has to balance benefits against potential problems.

Currently the proposed option for a Joint Standards Committee would be to approach Shropshire & Wrekin Fire Authority. The Fire Authority, including the Standards Committee of the Fire Authority, has not yet considered the Joint Committee proposals. However it is worth considering some important issues that would have to be addressed if a joint Standards Committee was established with the Fire Authority. These are identified below-

- Telford & Wrekin currently provides the Monitoring Officer the function for Shropshire & Wrekin Fire Authority together with the provision of most of the Fire Authority’s legal advice. Therefore, whilst this arrangement continues, there will be no issue with regard to who would provide the Monitoring Officer advice for the complaint to the Joint Committee as this would continue to be undertaken from Telford & Wrekin Council Legal Services.
- There is already joint working between the Fire Authority Standards Committee and this Committee. Both Committees’ receive the same training, and both Authorities benefit from the

same ethical standards bulletin (although there may be minor variations for the ones sent out to Fire Authority members.) Many of the systems in place for this Committee in respect of Standards procedures are also followed by the Fire Authority.

- Telford & Wrekin Council receives a significantly higher number of complaints than the Fire Authority. Since the introduction of the new system for the local filtration of complaints this Authority has received complaints against 13 Councillors, Shropshire and Wrekin Fire Authority have received no complaints under the new system. Accordingly there may be an issue with regards to where administrative work is undertaken and the costs that would be born by each respective Authority.
- Travel issues may be a concern if members from one of the Authorities would have to travel a significant distance to attend a Committee meeting if it was held in the area of the other Authority from the Joint Committee. The potential for members from a different area to make decisions with regard to members from the local area could be a concern for some elected members although for others it may indicate independence which may be beneficial when making assessments or decisions at a final hearing.

5.2 Possible models for a Joint Standards Committee

Standards for England have set out three possible models for a Joint Standards Committee these are as follows-

- Model A - A Joint Standards Committee to receive written allegations and requests for a review, and to decide what action to take in relation to them.
- Model B - A Joint Standards Committee to carry out the functions in model A along with receiving and considering final investigation reports and conducting hearings, making findings and imposing sanctions.
- Model C – A Joint Standards Committee to carry out all of the functions of a Standards Committee granted by or under Part III of the Local Government Act 2000 and Part 1 of the Local Government and Housing Act 1989.

If the Committee were in favour of proceeding with a Joint Standards Committee, officers would point out that there may be some benefits. It has sometimes caused some difficulties in convening a sub committee within the appropriate space of time due to member either being unavailable at short notice or more particularly having some conflict which will prevent them from taking part. In that respect officers consider that a Joint Standards Committee may alleviate that problem by

producing a more varied pool of members from which to invite to attend the sub committee.

In respect of Model C members will need to consider carefully whether or not a joint committee for all of the functions is appropriate. Attached at Appendix 3 are the current terms of reference from the Committee outlining the work is due to be undertaken. The Committee would need to consider carefully whether or not to have this work undertaken by just one Committee which includes Fire Authority Members or alternatively whether some matters should be retained specifically for a Standards Committee solely made up of members from Telford & Wrekin Council.

In considering these points Standards for England have helpfully provided a checklist to consider some of the main points. The checklist which is contained on page 31 of the guidance notes is repeated at Appendix 2 of this report. The Committees views on the responses attached are requested.

The Committee is asked to consider all the points raised above and to provide an indication to officers as how they wish to proceed. If the Committee are in favour of joint working the next stage is for officers to make further contact with Shropshire & Wrekin Fire Authority and to proceed with making more detailed arrangements for consideration by the Committee. Subsequently the matter will need to be put before the Council Constitution Committee with a view to having the Joint Standards Committee agreed by full council. Due to the practical aspects of establishing any Joint Standards Committee it is suggested that the joint standard functions would not commence until the new municipal year.

5.3 Equality and Diversity

The processes and procedures for the standards process including the operation of the Standards Committee will need to meet all equality and diversity legislation and regulations.

5.4 Environmental Impact

None

5.5 Legal Comment

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

5.6 Links with Corporate Priorities

Combining the work of two Standards Committees may assist efficiency and accordingly assist the Council in meeting the objective of being an effective, effective and customer focused Council.

5.7 Opportunities and Risks

There are potential risks with the provision for a Joint Standards Committee but also many potential benefits. If a Joint Standards Committee is established the Monitoring Officer will ensure that all risks are identified and are managed and any efficiency will be maximised.

5.8 Financial Implications

At present there are 4 independent members on the Standards Committee who are paid a basic allowance of £514 per annum to undertake this role. It is not anticipated that the number of independent members would change if a Joint Standards Committee were to be established. However, it would be advisable to seek a review of the basic allowance of £514 per member by the Independent Remuneration Panel to ensure that this rate of payment is still valid.

The Joint Standards Committee guidance states that the joint standards committee terms of reference should be clear about how the financial expenses of the arrangement will be shared. This will need to be worked up in detail with Shropshire Fire Authority should a Joint Standards Committee be established. At this point in time it is envisaged that existing budgets allocated for Standards Committee functions would be sufficient to meet Telford & Wrekin Council's share of future costs of the Joint Committee. This would need to be examined in further detail when the terms of reference under which the Committee operates are drawn up.

6. WARD IMPLICATIONS

District wide implications.

7. BACKGROUND PAPERS

None

End of Report

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