



MINUTES OF THE STANDARDS COMMITTEE held on 28 March 2012 in the Lecture Theatre, FSHQ at 10:00 am.

PRESENT: Councillors B Crowe, J Leather, B Livesley, H Mundry and B Rudd

Independent Members: Mr W Ravenscroft (in the chair), Mr R Garner and Mr M McBride

PART 1 – MATTERS CONSIDERED IN PUBLIC

1 PROCEDURAL MATTERS

A APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor M Biggin.

B DECLARATION OF MEMBERS' INTERESTS

There were no declarations of Members' interests

However, the Chair asked a question about the role of independent members in considering the issues contained in the report entitled 'New Standards Regime'. He felt that he had an interest which might preclude him from taking part in aspects of the debate.

The Monitoring Officer advised that whilst the independent members might arguably have an interest, it was only in certain aspects of the report. He suggested that the views of the independent members were likely to be important (and given that decisions would ultimately be taken by the Fire Authority) he believed that it would be unhelpful if independent members did not take part in the debate.

The Chair indicated that he intended to allow elected Members to pursue the debates concerned with whether to have independent members on any committee responsible for standards and the role of such independent members without his input.

C MINUTES OF THE STANDARDS COMMITTEE

RESOLVED: That

the minutes of the meeting of the Standards Committee held on 18 January 2012, be confirmed as a correct record.

MATTERS ARISING:

Members asked that a note be made to the following effect:

Whilst Councillors Crowe, Leather and Rudd were unable to attend the Committee (because they were required to attend a meeting convened by their constituent authority) they attended a separate briefing session on the date of the Committee to ensure that they understood the emerging standards agenda.

ITEMS REQUIRING DISCUSSION / DECISION

2 NEW STANDARDS REGIME

The Head of Legal and Democratic Services presented the report.

The report included an Appendix which begged questions upon which officers required guidance. Whilst formal decisions would ultimately be made by the Fire Authority, a steer was needed in order to progress the work required to introduce the new standards regime at the Fire Authority meeting in June 2012.

Members worked through the questions in the Appendix, seeking clarification on a variety of points and providing a steer on all key issues that had been raised.

The following bullet points provide a summary:

- A committee (with a different name, i.e. not 'Standards Committee') was required to handle standards issues and should have scheduled meetings
- The terms of reference of such a committee should cover Member' standards and any matters governing the relationship between Members and officers (but not officers' standards themselves). It may also include responsibility for the constitution and a broader remit concerning governance-related issues.
- The committee should continue to involve independent members (although their role was likely to change and the Chair was unlikely to be an independent Member) who should serve for fixed terms and retire on a phased basis.
- The size of the existing Standards Committee was considered to be appropriate and the balance of Members and independent members appeared to be acceptable. The quorum should remain (albeit this might need to reflect the status of independent members, i.e. their role might determine whether they would count towards the quorum).
- An initial section of the code of conduct dealing with general principles and general obligations, plagiarised from various pieces of guidance and advice and then simplified (which was annexed to the Appendix) was felt to be a good starting point to introduce the more detailed provisions concerned with Members' interests (which could not be produced until the Government issued Regulations made under the Localism Act 2011).
- A simple draft procedure for handling complaints about breach of a Members' code of conduct (which was annexed to the Appendix) was felt

to be appropriate, provided that discretions could be introduced for more involved cases.

- The appointment to the new role of Independent Person (as described in the annex to the Appendix) should be pursued by a joint exercise to secure a Cheshire-wide 'pool' to be called upon by the Fire Authority and the constituent authorities, as necessary.

RESOLVED: That

- [1] the Head of Legal and Democratic Services continue to develop the new standards regime with the benefit of the input from the Committee provided at the meeting.**

3 THE CODE OF CORPORATE GOVERNANCE 2007 – ACTION PLAN PROGRESS REPORT

The Head of Legal and Democratic Services introduced this report which included the Service's Corporate Governance Action Plan which reports on progress against the six core principles detailed in 'Delivering Good Governance in Local Government' (the framework).

The Corporate Planning Officer gave a brief presentation to provide Members with an overview of the Service's Annual Governance Statement process and explained that the Corporate Governance Action Plan was one of a number of key documents that supported that process.

The framework had been useful, but was due to be replaced. Members were asked to consider the conclusion of the work under the current Action Plan.

Members recognised that the existing Action Plan contained a lot of historical information and acknowledged its possible weaknesses. However, they felt that it had worked well and served its purpose.

The Head of Legal and Democratic Services explained that the report highlighted a small number of areas detailed within the Action Plan, which Officers would continue to concentrate upon (even if the Action Plan itself was unlikely to be refreshed). These were: refresh of Scheme of Delegation/Financial and Contract Rules; the new standards regime; and approval/monitoring arrangements for partnerships.

Members queried the timeline for the new framework being received, and suggested that if there should be a further lengthy delay, that the Monitoring Officer and Section 151 Officer should refresh this work, as the Authority would not want to step back from the rigorous approach to Governance which had previously been pursued.

Members wished it to be acknowledged by this Committee, that the Annual Governance Statement process had been noted as best practice by the Service's Internal Auditors.

RESOLVED: That

- [1] progress on core principles 1-6 of the 2007 Code of Corporate Governance action plan be noted, and pending a revised code, the plan be signed off.**