

**West Mercia Independent Members Forum**  
**Wednesday 11 July 2007; County Hall, Worcester (4.00 p.m.)**

**Minutes**

**Present:** Mr Peter Rowland, South Shropshire District Council and  
 Convenor of the Forum

Mr Malcolm Batho, North Shropshire District Council  
 Mr Terry Bayliss, Shropshire County Council  
 Mr David Blakey, Worcester City Council  
 Mr John Bradburn, Shropshire County Council  
 Mr Paul Breton, Wyre Forest District Council  
 Ms Joan Casewell, Bridgnorth District Council  
 Ms Christine Davenport, Worcester City Council  
 Mr Colin Emery, Hereford and Worcester Fire and Rescue Authority  
 Mr John Jordan, Democratic Services Manager, WCC  
 Mr David Laverick, Adjudication Panel for England.(Item 1 Only)  
 Mr Paul Leopold, Malvern Hills District Council  
 Mr Simon Mallinson, Head of Legal and Democratic Services, WCC  
 Mr Wilfred Maddocks, North Shropshire District Council  
 Mr Stuart McLaren, South Shropshire District Council  
 Dr M Mylechreest, Worcester Fire and Rescue Authority  
 Mr Fred Noble, Hereford County Council and Hereford and Worcester Fire and Rescue Authority

Mr David Stevens, Hereford County Council and Hereford and Worcester Fire and Rescue Authority  
 Mr Michael Tebutt, Worcester Fire and Rescue Authority  
 Ms Nichola Triggle, Shropshire and Wrekin Fire and Rescue Authority  
 Mr David Turner, Bromsgrove District Council  
 Shropshire County Council

**Apologies:** Apologies were received from:-

Mr Richard Gething,  
 Mr Bob Kimber,  
 Mr Tony Lyons,  
 Mr Ian Marshall,  
 Mr Ian Murray,  
 Mr Mark Pearson,  
 Mr Robert Rogers,  
 Mr Patrick Turner,

## Welcome and Introductions

### 1. Address by Mr David Laverick

Mr Peter Rowland welcomed those present to the meeting and thanked Worcestershire County Council for hosting the meeting. He invited all present to introduce themselves and introduced Mr David Laverick, the President of the Adjudication Panel for England.

Mr Laverick spoke about the day-to-day business of the Adjudication Panel and then looked at the amended Code of Conduct.

The Local Government Act of 2000 established the Adjudication Panel. After appointing the Chair and independent members, the first cases were heard in January 2003. Since then they have dealt with 330 cases.

Case Tribunals are made up of a Chairman, supported by two lay members. They are not formally organised into regions but do tend to operate in Midlands, North or London groups. A small administration team supports the Tribunals and are employed by the Standards Board.

Complaints that the Code of Conduct has not been followed can be made to the Standards Board for England who decide whether they should be investigated by an Ethical Standards Officer. One outcome is that the matter be referred to the Adjudication Panel. The basic facts of the case and a summary of the Complaint are forwarded along with reasons for the decision. Tribunals are interested in whether there has been a breach of the Code of Conduct and what further sanctions would be appropriate. This information is then forwarded onto the Councillor who has 30 days to respond with anything they disagree with or to provide further information. The Ethical Standards Officer gets 10 days to respond.

By the time a case reaches adjudication it is generally about whether there was a breach of the Code rather than looking at a dispute of the facts. If it is decided that there was a breach of the code the Tribunal has to decide on what sanctions would be appropriate. Local Authorities will also be advised whether they need to take any actions.

A notice of all decisions is given on the day of the hearing and full reasons for the decisions are published on the website.

The decisions of the Tribunal do not set precedents but they must try to be as consistent as possible.

Mr Laverick explained that the Adjudication Panel must agree to accept cases referred from the Standards Board. About 40% are turned down because there does not appear to be a case. More would be turned down if there were not an apparent procedural

irregularity. The Adjudication Panel does not deal with cases of apparent bias.

It has been suggested that the small number of appeals is a good thing but it may be that the process puts people off because they think it will take too long.

An appeal could be about 3 things;

1 A factual dispute

2 The Standards Committee came to the wrong decision or,

3 The severity of the sanction could be questioned

It depends on what area is being appealed whether the case is reviewed or reheard.

After the overview about the Adjudication Panel, Mr Laverick asked members to work through 2 case studies to demonstrate how personal and prejudicial interests are defined in the new code.

Peter Rowland then queried a point from the Annual Review of 2006 which says 'Chairs of Standards Committees should be legally qualified and familiar with judicial competencies.'

Mr Laverick replied that that point was correct because in his view it would save a great deal of time and training and would be likely to cut back on procedural mistakes. He felt there is an argument for the Magistrate type system when a professional clerk could support the Chair but this would then mean the clerk would not be independent.

Members of the Forum had strong views in response to this statement. They felt that the Standards Board was all about using independent Members and Chairs did a great deal more than hearing appeals and while carrying out these other duties not being a lawyer was a positive advantage in many respects. Most members seemed to agree that as long as the Monitoring Officer was legally trained and able to give advice, the Chairs of Standards Committees did not have to be. The Monitoring Officer would ensure that other legal staff carried out investigations so there would not be a conflict of interest. Members also raised the issue of the difficulty in finding and retaining sufficient numbers of lawyers who would be willing to become Chairs of Standards Committees.

Forum Members requested that Mr Laverick take away their views that there are practical issues to consider when looking at whether Chairs of Standards Committees are legally trained.

Peter Rowland thanked Mr Laverick for his presentation.

**2. The Progress of Unitarization of Shropshire.**

Peter Rowland explained that it is not known if Shropshire's bid for Unitary status had been approved. One issue was that they have over 200 parishes and have been told there would be problems if there were more than 40.

If Shropshire does become a Unitary Authority they would require a larger Standards Committee.

Herefordshire have produced an annual report that has been widely publicised on the Radio and in the Papers, and is on their website. Shropshire is currently writing their Annual Report.

Copies of Herefordshire's Report were circulated to Members.

**3. Annual Reports of Standards Committees.**

Chairs of Standards Committees are appointed in different ways in different authorities. Hereford, Shropshire and Shrewsbury elect their Chairs at the first Standards and Ethics meeting after Council. Worcestershire appoint their Chair at the Annual Council Meeting according to their Constitution

The view of independent Members appeared to be that Councillors should not be appointing the Independent Chairmen of Standards Committee – this should be a matter for the Committee themselves

In some Councils non Councillors were not permitted to address the Council meeting. This raised the question of whether the Vice Chair of the Committee should be a Councillor so they are able to present the reports of the Committee to Council. Peter Rowland explained that, when Chairing another Standards Committee as an independent but also a Co-Opted Member of the Council this enabled him to give reports to that Council.

A further issue was raised about whether Standards Committees should be involved in appointing Monitoring Officers. It was decided that committees could be consulted but then it is the task of the Council.

Hereford and Worcestershire Fire and Rescue Authority will host the next meeting of the West Mercia Independent Members Forum on Friday 25 January 2008 at 2pm for 2.30 at their Hear Quarters at 2 Kings Court, Charles Hastings Way Worcester, WR5 1JR. Sara Goodwin, The chief Legal Officer at the Standards Board for England will be the Guest Speaker.

The meeting ended at 6.30p.m.

Chairman .....

**5. Next Meeting**