

West Mercia Independent Members Forum
Friday 25 January, 2008 Headquarters, 2 Kings Court, Charles Hastings
Way, Worcester (2.30 pm)

Minutes

Present:

Mrs Val Ainsworth	West Mercia Police Authority
Mr Terry Bayliss	Shropshire County Council
Mr David Blakey	Worcestershire County Council
Mr John Bradburn	Shrewsbury Council
Mr John Cox	Wyre Forest District Council
Mrs Christine Davenport MBE	Worcester City Council
Mrs Sheila Garner	Worcester City Council
Mr Richard Gething	Hereford & Worcester Fire and Rescue Authority
Mr Paul Leopold	Malvern Hills District Council
Mr Wilfred Maddox	North Shropshire District Council
Dr Murray Mylechreest	Hereford & Worcester Fire and Rescue Authority
Mr Fred Noble	Wychavon District Council
Mr Peter Rowland	South Shropshire District Council
Mr Malcolm Smith	South Shropshire District Council
Mr David Stevens	Hereford & Worcester Fire and Rescue Authority
Mr Patrick Talbot	Bridgnorth Council
Mr David Turner	Shropshire County Council
Ms Sara Goodwin	Head of Legal - Standards Board for England
Mrs Alison Hughes	Corporate Support Manager - Hereford & Worcester Fire and Rescue Authority
Mr Alan McLaughlin	Clerk / Monitoring Officer - Hereford & Worcester Fire and Rescue Authority and Herefordshire Council

Apologies:

Mr Simon Allard	Bromsgrove District Council
Mr Francis Beasland	Telford & Wrekin Council
Mr Noel Burk	Bromsgrove District Council
Mrs Joan Casewell	Bridgnorth District Council
Mr R W Kimber	Oswestry Borough Council
Mr Tony Lyons	Malvern Hills District Council
Mr I A H Murray	Oswestry Borough Council
Mr Ray Needham	Worcester City Council
Mr Mark Pearson	Oswestry Borough Council
Mr J Roberts	Oswestry Borough Council
Mr Robert Rogers	Hereford & Worcester Fire and Rescue Authority
Mr Mark Salt	Bridgnorth District Council
Mrs N Shaw	Oswestry Borough Council
Mr Gordon Singleton	South Shropshire District Council
Mr M L Tebbutt	Shropshire Fire & Rescue Authority
Ms Nichola Trigg	Bromsgrove District Council
Mr I O Webb	Shropshire Fire & Rescue Authority
Ms Clare Felton	Monitoring Officer - Bromsgrove District Council
Mr Simon Mallinson	Head of Democratic & Legal Services - Worcestershire County Council

1. WELCOME AND INTRODUCTIONS

Mr Peter Rowland welcomed attendees to the meeting and thanked Hereford & Worcester Fire and Rescue Authority for hosting the event. Mr Rowland invited attendees to introduce themselves.

The Clerk and Monitoring Officer for Hereford & Worcester Fire and Rescue Authority (HWFRA), Mr Alan McLaughlin, introduced the background to the Service and the responsibilities of the Authority. The Fire & Rescue Authority (FRA) was constituted under the Fire and Rescue Services Act 2004 and comprised 25 Elected Members, 19 from Worcestershire and 6 from Herefordshire. The Service attended approximately 11,000 emergency incidents each year from its 27 Fire Stations across the two counties.

Mr McLaughlin informed the meeting that the governance procedure at HWFRA included a Standards Committee, comprising 5 independent members and 2 elected members. Fire Authority members were required to sign up to the Code of Conduct as elected members of their constituent authorities and also signed the Code as members of the Fire and Rescue Authority. Therefore, if a misconduct allegation was made against an FRA Member, it was possible that there may have been a failure to comply with more than one authority's code.

Mr McLaughlin explained that under the current regime, standards committee members who had been involved in an investigation could not consider any subsequent appeal. It was likely that sub-committees would need to be created to separate the investigation and review functions.

In addition to the new powers under the Local Government and Public Involvement in Health Act 2007 which enabled local authority standards committees to make initial assessments of misconduct allegations, standards committees also had responsibility for granting and supervising the exemption of posts from political restrictions. This responsibility was previously delegated to the Adjudication Panel.

Mr McLaughlin raised the question as to whether there were sufficient resources within authorities, particularly those with many parish councils, to take on increased workloads due to the new responsibilities of investigation, review and consideration of exemptions.

2. COUNCILLORS BEHAVING BADLY? ADJUDICATION PANEL DECISIONS

Ms Sara Goodwin, Head of Legal at the Standards Board for England (SBE) gave a presentation to illustrate some recent cases and raise awareness amongst independent members of the following issues:

- Appeals against decisions of standards committees
- Bullying
- Disrepute and securing an advantage
- Declaration and registration of interests
- Confidentiality

The cases were based on the previous Code of Conduct, but were still relevant under the new Code. A copy of the presentation is attached at Appendix 1.

During the presentation and in the ensuing discussion, the following issues were raised:

- an appeal was lodged against the decision by Bassetlaw Council's Standards Committee because the sanction imposed was not within the remit of the Committee. It was important that any sanctions given to councillors for breaching the Code were phrased correctly and that a default position was set out
- determinations had to be heard within three months of an allegation being made. It was not a valid reason to cite a lack of standards committee members as grounds for failing to comply with this timescale. If it was likely that a standards committee would be inquorate due to prejudicial interests being declared, a sub committee could be established to hear the case. Members were reminded that the key test to any prejudicial interest was whether or not a reasonable member of the public who had all the facts would perceive a member as having a close association with those involved in the case.
- Mr Rowland suggested that some light touch guidance for independent members was needed from the SBE with regards to quorum. Ms Goodwin explained that for parished authorities, the standards committee would comprise 15 or 12 members and in non-parished authorities the number would be 9. It was noted that many authorities found it difficult to recruit independent members and that the SBE website (www.standardsboard.gov.uk) included training material to assist in the recruitment of independent members.
- training on the Code of Conduct and ethical standards issues was particularly important for independent or non-aligned councillors who did not have the support structure of the political groups. It was crucial in ensuring good governance, that councils reviewed training for new councillors, particularly for those members outside the political structure.
- breaches of the Code could be due to the lack of understanding about certain roles and remits. It was suggested that different authorities had different cultures and therefore the type of language used in one authority could be seen as acceptable but may not be viewed as acceptable in another. It was important that authorities had protocols set out with regards to member/officer relations and regarding the use of resources.
- Ms Goodwin explained that councillors would be automatically disqualified from office for any criminal convictions longer than 3 months, whereas convictions for less than 3 months would enable them to carry on in their role as a councillor. Ms Goodwin agreed to clarify the position on suspended sentences.
- Monitoring Officers provided the SBE with quarterly returns of data in relation to allegations, which would help to identify any local trends and assist standards committees to ensure that organisations had good governance processes
- Ms Goodwin urged members to ask whether investigations were necessary in cases where there could be systemic failure; good governance in decision making processes was key

- Ms Goodwin reminded Members that the SBE had produced guidance in relation to the roles and responsibilities of Chairmen and Clerks. Mr Rowland suggested that Chairmen of Standards Committees may find the syllabus issued by the Judicial Studies Board useful.

Mr Rowland thanked Ms Goodwin for her presentation.

3. ADDITIONAL MATTERS

i) Consultation on orders and regulations relating to the conduct of local authority members in England.

Mr Talbot urged Members to consider the consultation document and respond to william.tandoh@communities.gsi.gov.uk by 15 February 2008.

ii) Annual Assembly of Standards Committees

Members briefly discussed the Annual Assembly. The following points were made:

- the event was generally useful and although there were some very good presentations, the quality of the workshops varied and there did not seem to be enough content for independent members
- the need for a two day event was questioned as the content on the second day was not seen as useful as the issues covered on the first day. A two day event was generally not seen as good value for money and it was felt that the cost could have deterred some independent members.

Mr Rowland suggested that the SBE may wish to consider smaller local or regionally based events.

iii) Media Training

Mr Noble raised the issue of media training and the impact that enquiries from the press could have on potential investigations. It was suggested that media awareness should be incorporated into the next Annual Assembly.

Mr McLaughlin suggested that Monitoring Officers needed to be legally protected from the media during investigations, as was the case for Ethical Standards Officers.

4. DATE OF NEXT MEETING

Mr Rowland thanked Emma Roberts and Alison Hughes from Hereford & Worcester Fire and Rescue Authority and Paul Rogers from Herefordshire Council for organising the meeting.

The meeting ended at 4.15pm

Following discussions after the meeting, the next Forum meeting will be held on Friday 11 July at Redditch Town Hall at 2:00 for 2:30pm.

The speaker will be Dr Brian Woods-Scawen, a member of the Committee on Standards in Public Life.