

**Minutes of the Meeting of
West Mercia Independent Members' Forum
held at Shropshire Education and Conference Centre, Shrewsbury
on Friday, 26 January 2007 at 2.00 pm**

PRESENT:

Independent Members

Terry Bayliss	Shropshire County Council
David Blakey	Worcestershire County Council
Paul Brereton	Shropshire County Council
John Cox	Wyre Forest District Council
Colin Emeny	Hereford and Worcester Fire and Rescue Authority
Sheila Garner	Worcester City Council
Richard Gething	Hereford and Worcester Fire and Rescue Authority
Bob Kimber	Oswestry Borough Council
Paul Leopold	Malvern Hills District Council
Stuart McLaren	South Shropshire District Council
Wilfred Maddocks	North Shropshire District Council
Chris Noons	Wyre Forest District Council
Michael Oliver	Shropshire County Council
Robert Rogers	Herefordshire County Council and Hereford and Worcester Fire and Rescue Authority
Peter Rowland	South Shropshire District Council
Malcolm Smith	South Shropshire District Council
David Stevens	Herefordshire County Council and Hereford and Worcester Fire and Rescue Authority
Patrick Talbott	Bridgnorth District Council
John Till	Shrewsbury and Atcham Borough Council
David Turner	Shropshire County Council

Guests and Officers

Patricia Hughes	Vice-Chair, Standards Board for England
Stephen Callender	Policy Advisor, Standards Board for England
Sue Kembrey	Clerk and Monitoring Officer, Borough of Telford & Wrekin
Matthew Cumberbatch	Group Solicitor, Borough of Telford & Wrekin
Sharon Lloyd	Corporate Services Manager, Shropshire and Wrekin Fire Authority
Lynn Ince	Management Support Officer, Shropshire and Wrekin Fire Authority

Apologies

Barry Bayley	Telford & Wrekin Borough Council
Francis Beasland	Telford & Wrekin Borough Council
Mr C Brighton	Wyre Forest District Council
Angela Brinton	Worcestershire County Council



Joan Casewell	Bridgnorth District Council
Christine Davenport	Worcester City Council
Miss J Hoskins	South Shropshire District Council
Alan Jones	South Shropshire District Council
Frank Leath	Shrewsbury and Atcham Borough Council
Tony Lyons	Malvern Hills District Council
Ann McDowell	Wyre Forest District Council
Alan McLaughlin	Head of Legal and Democratic Services, Herefordshire County Council
Dr Murray Mylechreest	Worcestershire County Council and Hereford and Worcester Fire and Rescue Authority
Fred Noble	Wychavon District Council
Michael Tebbutt	Shropshire and Wrekin Fire Authority
Nicola Trigg	Bromsgrove District Council
Ian Webb	Shropshire and Wrekin Fire Authority

1 Welcome and Introductions

Peter Rowland welcomed everyone to the meeting and thanked members for attending. He introduced Patricia Hughes, Vice-Chair, Standards Board for England and Stephen Callender, Policy Advisor, Standards Board for England to the meeting. Each member then introduced themselves.

Peter Rowland thanked Shropshire and Wrekin Fire Authority for hosting the meeting and invited Sue Kembrey, Clerk and Monitoring Officer, Borough of Telford & Wrekin, to give a welcome to the meeting.

Sue Kembrey gave a short welcome in which she thanked everyone for attending and apologised on behalf of Councillor Dave Morgan, Vice-Chair of the Fire Authority, who was unfortunately unable to give the welcome because of illness.

2 Talk by Patricia Hughes, Vice-Chair, Standards Board for England (SBE)

Patricia Hughes began her talk by referring to the current consultation exercise on the Revised Code of Conduct. The Bill relating to this went to Parliament this week.

Patricia Hughes distributed a paper to the meeting, which outlined the major amendments to the Code of Conduct. She then outlined recent developments with regard to the Code.

There is currently an ongoing six week consultation period, which will end in March 2007. It is proposed that the amended Code will come into effect during the first week of May 2007, meaning that any newly elected members will be able to sign up to the amended Code. It will be mandatory that all local authorities adopt the revised Code by November 2007.



The SBE is proposing a series of roadshows to be held around the country to highlight the changes to the Code. The revised Code will be discussed at the Local Government Association Conference in July and will also be looked at in depth at the Annual Assembly of Standards Committees. Formal guidance on the revised Code will be issued by the SBE when the final Code is agreed by Parliament.

Patricia Hughes then talked through the document and outlined the major amendments to the Code.

It is envisaged that the Bill will be taken through the House of Commons in April / May and will be brought before the House of Lords in June. Royal Assent for the Bill will be sought in July, or October, if it is not given in July.

The local filter will come into force in April 2008. This will mean that complaints will be made directly to local Standards Committees instead of to the SBE. The Standards Committees will then decide whether the complaint should be investigated and if the investigation will be done by the Monitoring Officer or if the complaint should be forwarded to the SBE for investigation. Provisions have been made in the Bill for the SBE to revoke the local filter in certain circumstances, however this is only likely to happen in a very few cases.

The SBE will be issuing guidance on dealing with complaints at a local level but authorities will need to consider the following:

- The appropriate turnaround times for responding to complaints
- Referral criteria to judge whether complaints should be determined locally or referred to the SBE
- The need to be well resourced
- Appeal procedures – will complainants be allowed to appeal against a decision not to investigate?
- Threshold for number of cases to be dealt with – judgements will have to be made about cases, which may be difficult due to the subjective nature of complaints
- Consistency
- Returns to the SBE will be required to monitor the position

The SBE believes that standards are rising. The Code of Conduct and the regime surrounding it appears to have raised awareness of standards and there have been no cases referred to the Adjudication Panel for England (APE) during the last four months.

The SBE has 11 members. It was previously heavily biased towards independence from local government but the membership of the new Board currently includes one councillor from each of the major parties plus one independent councillor. The Chief Executive also has a strong background in local government.



The Board meets every six weeks and their main focus is planning to deal with cases in a timely manner. There are currently 218 open cases, none of which are more than 12 months old. 90% of cases are dealt with in six months and 50% are dealt with in four months. The Board also receives statistics and manages information. They aim to give good guidance and helpful advice and strive not to be an 'ivory tower' organisation.

Local Standards Committees will need to consider how they handle public relations and also how they will raise the profile of the Standards Committee. This may be easier at a local level where Committees will be able to develop a better rapport with the local press.

The SBE will publish a guidance pack for dealing with local referrals in the autumn. They will also issue formal guidance when the legislation is passed but local committees need to start early planning.

The following questions were then put to Patricia Hughes by members of the Forum. Her responses are given in italics:

Peter Rowland had expected the 7 Principles of Public Life to be included in the revised Code but it is not. Why is this?

If the 7 Principles of Public Life were included in the revised Code, positive resolutions would have to be obtained which would slow the passing of the legislation. Therefore the Principles will be included in the guidance but will not be included as a formal part of the Code.

Richard Gething raised the issue that for local determination to be effective, Committees need to be given appropriate policing powers.

Provision has been made in the Bill to extend the powers of local Committees to suspend members for nine months. Ethical Standards Officers (ESOs) also have the power to ask for mediation, although this is not included in the Bill. Local Standards Committees can also refer cases to the APE, if they consider that they do not have sufficient powers to impose penalties.

Colin Emeny asked Patricia Hughes to give her views on the issue of consistency.

The Government wants as much local autonomy as possible. It is also hoped that consistency will come into SBE guidance and will be achieved in appeal referrals to the APE.

Robert Rogers reported that the Bill may go through Parliament more quickly than anticipated. It will go to a Public Bill Committee on 30 January and will be subject to the new evidence taking procedure. It should then go through the House of Commons in March and the House of Lords in six weeks. The Bill and its associated documents viewed at www.parliament.uk and a webcast of the discussions in Parliament can be viewed at www.parliamentlive.tv.

Robert Rogers then asked if the Public Interest Disclosure Act had been taken into account in the revised Code.



Stephen Callender confirmed that it had been considered but it had been decided that it was not appropriate.

Robert Rogers also raised the issue of resource and cost implications of local Committees undertaking more investigations.

The seriousness of the case is the determining factor as to whether the case is referred to the SBE for an ESO to deal with. Local Committees need to assume that they will receive one serious case every two years and plan for it accordingly. Peter Rowland reminded members about the difference between seriousness and difficulty.

Richard Gething asked about 'direct' and 'indirect' interests as DEFRA still uses these terms.

Partnership working is a key feature of the White Paper and governance will be an issue as, whilst elected members are subject to the Code of Conduct, other members of outside bodies may not be. The revised Code will be fairer but it may not necessarily be clearer with regard to this.

Malcolm Smith asked Patricia Hughes about the position of Parish Clerks who had been appointed as Independent Members at District Council level.

Patricia Hughes replied that she would look into the legality of the situation. She felt that it was not good practice to have such a person as Chair.

3 Recruitment of Independent Members

Short Training Exercise

Peter Rowland distributed a document to the meeting entitled 'Which Member?'. This was an exercise, which the meeting was asked to work through in pairs. The aim of the exercise was to shortlist potential members for a Standards Committee from the details given in the document. Members needed to particularly consider what were the key points both for and against each candidate and which aspects of each candidate were irrelevant to their suitability. Once the exercise had been completed, Members gave feedback to the meeting.

Sharing of Experiences of the Recruitment Process

Peter Rowland feels that there seems to be either very low or very high numbers of applicants to join Standards Committees with no happy medium. He invited members to share their experience of recruitment.

Some members reported a very positive and encouraging recruitment process, particularly those from Bridgnorth and Herefordshire. Examples of positive recruitment tactics included using parish noticeboards to advertise for members and inviting a local journalist to write an article about the work of the Standards Committee.



The issue of pay and allowances and whether these attract or put people off was discussed and the general feeling of the meeting was that the lack of allowances does affect recruitment.

Patricia Hughes felt that some examples of good practice had been brought up and also suggested using local authority newsletters and targeting adverts, for example at doctors' surgeries, however it does depend on the amount of work that the local authority is prepared to do in order to recruit members.

Terry Bayliss asked how the move to unitary status would affect Standards Committees. The SBE's view is that any areas with over 40 parishes will be in difficulty, if they do not plan carefully. Richard Gething gave the example of Herefordshire, where there is one Standards Committee for the unitary area. This has been positive as it helps to promote consistency. Patricia Hughes reported that provision has been made in the legislation for flexibility for parishes to deal with more matters.

David Blakey asked about the turnover of independent members of Standards Committees. The SBE guidance is that independent members should be re-appointed every four years and should serve a maximum of two terms.

Wilfred Maddocks asked if the Standards Committee should be involved in the appointment of the Monitoring Officer. Patricia Hughes felt that the Standards Committee should be able to look at the person specification and have input into it. They could also be involved in an exercise on standards issues as part of the interview process.

4 Other Matters of Note

Adjudication Panel for England Annual Report 2006

Peter Rowland distributed a copy of David Laverick's Introduction by the President to the Adjudication Panel Annual Report 2006.

He drew members' attention to the second paragraph in the second column, which suggests that there could be a requirement for hearings by Standards Committees to be chaired by a lawyer, who is familiar with the Competency Framework for Chairmen and Members of Tribunals. The general consensus of the meeting was that this would be too much of a constraint and too prescriptive for Committees.

Patricia Hughes reported that she had seen many examples of lay chairs doing excellent jobs, although it is imperative that the Chair is well advised and supported by senior officers.

The meeting agreed that David Laverick should be invited to the next meeting of the Forum to discuss this matter. Peter Rowland also asked that the issue is taken back to local Standards Committees for them to consider.



Any Other Business

Peter Rowland distributed membership forms for the Association of Independent Members of Standards Committees in England (AIMSce). AIMSce was launched at the Annual Assembly and currently has 200 members. There is an initial joining fee of £15 and membership is £10 per year, which some independent members have asked their local authorities to pay. The Association is fulfilling a useful function and Peter encouraged independent members to join.

David Stevens asked if there were still some districts that were not represented at the Forum. Peter Rowland confirmed that he is aware of some districts that are not. The meeting agreed that Peter Rowland should write to these districts again and ask for the letter to be discussed at their Standards Committee meeting. It was also felt that districts should be asked as to why they are not represented.

5 Future Meetings

The date of the next meeting, which will be hosted by Worcestershire County Council, was discussed. On a vote with 11 people voting for Monday, 2 July and 4 people voting for Wednesday, 11 July, it was agreed that the next meeting would be held on Monday, 2 July 2007 from 4.00 until 6.00 pm at County Hall, Worcester.

Peter Rowland asked for offers of hospitality to host a meeting of the Forum in January / February 2008.

Peter Rowland closed the meeting by thanking everyone for attending. He thanked Patricia Hughes and Stephen Callender for addressing the meeting and Shropshire and Wrekin Fire Authority for acting as hosts.

He also suggested that the minutes of the Forum should be included on the agendas of the Standards Committees that members of the Forum sit on.

As they left the meeting, Forum Members were requested to collect papers from the SBE on 'Local Government and Public Involvement in Health Bill – Part 9: Ethical Standards – Summary', 'Consultation on Amendments to the Code of Conduct' and 'The Implications of the Decision of Collins J in the Livingstone Case'.

The meeting closed at 4.00 pm.





the
Standards Board
for England

6 February 2007

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Dear Peter

Re: Membership of standards committees

Further to the question raised at the Forum meeting on 26th January, I am writing to clarify the Standards Board's advice regarding the statutory provisions concerning the membership of standards committees.

Section 53 (4) (b) of the Local Government Act 2000 states that a standards committee must contain at least one person who is not a member, or an officer, of that or any other 'relevant authority'. The definition of relevant authority contained in the Act includes parish councils and it follows, therefore, that a parish clerk is prevented from being an independent member of a standards committee.

Whilst the member from South Shropshire District Council believed that his monitoring officer was still waiting for a response to this question, I can confirm that an answer was supplied earlier this month by our legal department.

I hope that you will be able to draw the Forum's attention to the advice that has been provided and also assure them that we monitor the time taken to respond to enquiries – both written and telephone - and endeavour to respond to all enquiries promptly.

Yours sincerely

Steve Callender
Policy Adviser

WEST MERCIA INDEPENDENT MEMBERS OF STANDARDS COMMITTEES FORUM

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February 2007

To all Independent Members and to all Monitoring Officers
in the area.

Dear Colleague

West Mercia Forum

Attached please find the minutes of the meeting held last month in Shrewsbury. We were very grateful to Shropshire & Wrekin Fire Authority for hosting and clerking the meeting for us; and to Patricia Hughes, vice-chair of the SBE for her contributions. Your Standards Committee may wish to debate the meeting. Please note that I am always happy to come to talk to your Committee about Forum matters on request.

At our next meeting, which Worcestershire County Council will host, Mr David Laverick, President of the Adjudication Panel for England, will address us. Forum members will recollect that there was some criticism of Mr Laverick's comments concerning the chairing of Standards Committees and allied matters made in his introduction to the 2006 APE Annual Report.

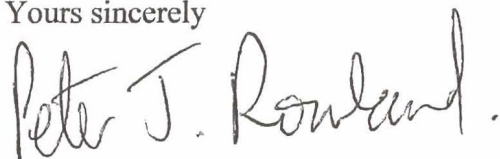
Unfortunately Mr Laverick cannot come on Monday 2 July, the date chosen by the Forum, but he can for the alternative date, Wednesday 11 July. So our next meeting will be at **County Hall, Worcester at 4:00 pm on Wednesday 11 July**. Further details will be sent out closer to that date.

I would be happy to receive suggestions for other matters to be debated at this meeting.

Can I please have an offer from an Authority to host the following meeting of the Forum, to be held in January or February 2008 ?

I do hope that as many Independent Members as possible will be able to attend the meeting in Worcester.

Yours sincerely



Peter J Rowland
Convenor, West Mercia Forum.