

Title of Report : STANDARDS COMMITTEE - INDEPENDENT MEMBERS' FORUMS

Report of: Monitoring Officer

To: Standards Committee

Date: Friday 6th January 2006 **Item No:** 7

Purpose of report: This report concerns support for independent members of Standards Committees. It says that there is an Independent Members' Forum for Berkshire, Oxfordshire and Wiltshire. It explains our involvement in the Forum so far and how we might become further involved.

Recommendation(s): The Standards Committee is recommended:-

- (1) Formally to agree to the Council being in membership of the Oxfordshire, Berkshire and Wiltshire Independent Standards Committee Members' Forum.
- (2) To agree that a future Forum meeting is held in Oxford at the City Council's offices.

Key decision: N/A

Portfolio Holder: N/A

Scrutiny responsibility: N/A

Ward(s) affected: All

Report Approved by: Jeremy Thomas, Head of Legal and Democratic Services

Policy Framework:

1. Independent members of Standards Committees can feel isolated from the mainstream work of local authorities. This is particularly the case if independent members do not have a public service background. In recognition of the need to provide support for independent members, independent members' forums are tending to be set up across the country. An Independent Members' Forum - the Berkshire, Oxfordshire and Wiltshire Independent Standards Committee Members' Forum - has been established for this part of the country.
2. The Chair and Vice-Chair of this Council's Standards Committee are independent members. There is one other independent member. Other members of the Standards Committee who are not City Councillors, whilst not

being independent members might benefit from the support provided by a local independent members' forum.

3. The notes of the last meeting of the local Independent Members' Forum are appended to this report. The Forum was attended by the Chair of our Standards Committee. In the notes under the heading "Administration of Forum" the Committee will note that the West Oxfordshire District Council is to act as the coordinating authority. The Committee will also note that there is an expectation that Forum meetings will take place at different locations in the three counties, with the next meeting taking place in Bracknell.
4. The Committee is being recommended formally to agree to the Council being in membership of the local Forum. This will benefit not only the independent members but could also support new independent members as existing members reach the end of their term of office. No membership or subscription fee appears to be payable to be in membership of the Forum. The Committee is also being recommended to agree that in order to play a pro-active part in the work of the Forum, a future Forum meeting be held in Oxford at the Council's offices.

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Background papers: None.

INDEPENDENT MEMBERS FORUM

Berkshire, Oxfordshire and Wiltshire Standards Committees

NOTES OF THE MEETING HELD FRIDAY, 21 OCTOBER, 2005

at the Offices of West Oxfordshire District Council,
Woodgreen, Witney, Oxon

PRESENT

Cherwell: David Best (Democratic Services), Ken Giles (Independent Member); **North Wiltshire:** Bob Philpot (Independent Member); **Oxford:** John Lay (Independent Member); **Oxfordshire County:** Robert Elmore (Independent Member); **Royal Berkshire Fire Authority:** Rosemary Lansdowne (Monitoring Officer); Peter Harris, Geoffrey Mayes (Independent Members); **Royal Borough of Windsor and Maidenhead:** Roger Sparrow (Independent Member); **Salisbury:** Rodney Job (Independent Member); **Slough:** Paul Lipscomb (Independent Member); **South Oxfordshire:** John Quinton (Independent Member), Margaret Reed (Monitoring Officer); **Standards Board:** Anne Rehill; **Vale of White Horse:** John Gunn (Independent Member); **West Berkshire:** James Rees (Independent Member); **West Oxfordshire:** Caroline Redzikowska (Monitoring Officer); Stuart Harrison, Margaret Thompson, Gordon Halliday (Independent Members); **Wiltshire County:** Paul Lefever, Peter McGuigan (Independent Members); **Wiltshire Police:** John Adams (Independent Member); **Wokingham:** David Comben, Anita Grosz (Independent Members).

1. WELCOME

Stuart Harrison, Independent Chairman of the West Oxfordshire District Council Standards Committee, introduced himself and Anne Rehill, Senior Policy Advisor from the Standards Board for England, and welcomed everyone to the meeting.

2. APOLOGIES

Apologies were received from: **Bracknell:** Alex Jack (Monitoring Officer); **Cherwell:** Clive Baynes (Monitoring Officer), Sadie Reynolds (Independent Member); **Cherwell/Oxford:** Diana Woodhouse (Independent Member); **Kennet:** Maria Memoli (Monitoring Officer), Alan St G Savill (Independent Member); **North Wiltshire:** Peter Jeremiah (Monitoring Officer); **North Wiltshire/Wiltshire Fire:** James Carine (Independent Member); **Oxford:** Christopher Turner (Independent Member); **Oxfordshire County:** Peter Clark (Monitoring Officer); **Reading:** John Painter (Monitoring Officer); Angela Lee, Frank Stroud (Independent Members); **Royal Berkshire Fire Authority:** Paul Sidwell, Ron Webb (Independent Members); **Royal Borough of Windsor and Maidenhead:** Charles Elly, Karnai Pannu (Independent Members); **Salisbury:** Margaret Lewis (Independent Member); **Slough:** Steven Quayle (Monitoring Officer); Frederick Ashmore, Michael Field, Zahire Khan (Independent Members); **South Oxfordshire:** John Dring (Independent Member); **Swindon:** Stephen Taylor (Monitoring Officer); Trevor Davies, Paul Morris (Independent Members); **Thames Valley Police:** Paul Thomas (Solicitor); P Cleasby, D Jones (Independent Members); **Vale of White Horse:** David Quayle (Monitoring Officer); David Howard (Independent Member); **West Berkshire:** David Holling (Monitoring Officer); Mrs M Hancock

(Independent Member); **West Oxfordshire:** Keith Butler (Deputy Monitoring Officer); **West Wiltshire:** Kurt Paulus (Independent Member); **Wiltshire and Swindon Fire Authority:** Keith Strickland (Monitoring Officer), Digby Barker (Independent Member); **Wiltshire County:** Stephen Gerrard (Monitoring Officer); Ian Gibbons (Deputy Monitoring Officer); Gus Gooch, Catherine O'Sullivan (Independent Members); **Wokingham:** Sue Nelson-Wehrmeyer (Monitoring Officer), Peter Cave (Independent Member).

3. **NOTES**

The notes of the meeting of the Forum held on 22 April 2005 were received.

4. **NOTES OF THE INDEPENDENT FORUM CO-ORDINATORS' MEETING HELD 20 JULY 2005**

The Forum received the minutes of the meeting of the Independent Forum Co-ordinators' meeting held on 20 July 2005.

Anne Rehill gave the Forum an update on progress on obtaining details of Independent Members from the local authorities as mentioned in Minute No. 2.

Anne advised that the biggest problem in obtaining the information was resistance from the Councils, a number of whom had refused to supply the information. She suggested that a failsafe mechanism would be to request the information directly from Monitoring Officers, but that there was no guarantee that the information would be comprehensive.

In response to a question as to the reasons for the reluctance of Councils to supply the information, Anne replied that in some cases, according to the Councils, it was because the Independent Members didn't want the information passed on.

Members of the Forum felt that these details were public information and should be available and that it might be appropriate to make a Freedom of Information request.

5. **PRESENTATION BY ANNE REHILL (SENIOR POLICY ADVISER, STANDARDS BOARD FOR ENGLAND): STANDARDS CONFERENCE AND REVIEW OF THE CODE OF CONDUCT**

Anne Rehill reported on the following:

(a) Fourth Annual Assembly of Standards Committees

Feedback

Feedback from the assembly suggested that over 95% of those who attended found the Assembly to be useful or very useful.

The role of Independent Members of Standards Committees had been a strong theme of the Assembly.

There was still confusion over the exact definition of "Independent Members" as elected members with no political affiliation, members appointed to police authorities, and members appointed to standards committees could all be said to be independent. Some delegates suggested a change in name to avoid the confusion.

"Beyond the Code"

In the session "Beyond the Code" there had been a very interesting debate on the role of independent members with regard to access to council staff, meetings and papers for independent chairs of Standards Committees, and on whether independent members could become too involved with their Councils to be truly independent.

Speech by Sir Alistair Graham

Sir Alistair Graham, Chairman of the Committee on Standards in Public Life, called for independent members to comprise the majority of the membership of Standards Committees, which would then support his call for Standards Committees to filter allegations at local level. Currently the Standards Board undertook this filtering prior to investigating in the region of 25% of allegations. Some delegates felt that there was a difficulty in recruiting independent members and that achieving a majority on the standards committee would be a real challenge in some areas. Suggestions were made that there would be a need to pool standards committees or independent members across counties or regions and that this would need legislative changes.

Anne commented that the Standards Board was currently able to take a decision as to whether an allegation should be referred for investigation within 10 days.

Fringe Meeting for Independent Members

At this fringe meeting the benefits of joining or setting up forums for independent members had been discussed. Following the meeting around 40 forms expressing interest had been returned.

From this the signs were that forums would be established in Derbyshire/Staffordshire; West Midlands; Norfolk; Essex; with a revised one in London.

If these forums were created, the only areas without a forum would be the North East; and Devon/Cornwall.

In addition, there was a joint forum of standards committee members in Cumbria.

(b) Review of the Code of Conduct

Anne referred to the report which had been circulated as Agenda Item 6 and highlighted the consultations carried out and the Standards Board conclusions on how the Code should be amended.

The general conclusions were that the Code should be clearer, simpler and more positive; that how it was enforced, nationally and locally, was as important as its content; and that the ten general principles set out in the Relevant Authorities (General Principles) Order 2001 should be included as a standard to be attained.

Anne also highlighted the Board's conclusion that there should be a specific provision on bullying.

The forum was advised that the detailed document had been submitted to the Government and that a response was expected at the end of this year or early in 2006. Guidance would be issued when the Code was finalised.

Forum members had concerns regarding disrepute; personal/prejudicial interests; and the disclosure of confidential information where it was considered to be in the public interest. Members considered that detailed guidance on these points would be required.

A particular query was raised in relation to those independent members who were on joint authorities (e.g. Fire Authority and local Council) as regards which authority would conduct any investigation, as there was a risk that the different bodies could come to different decisions. Anne agreed that this was an interesting point, and advised that she would take this point back to the Board for comment.

The Chairman asked members how they would prefer any guidance to be published, and the consensus view was that it should be in some form of loose leaf format for ease of updating.

6. **SURVEY OF INDEPENDENT REPRESENTATIVES: LENGTH OF SERVICE AND ALLOWANCES**

The Forum noted the contents of the survey, copies of which were circulated at the meeting.

Anne Rehill commented that the findings of the survey should be viewed with the caveat that although 85 responses had been received out of over 100 independent representatives of Standards Committees, this represented just 18% of the whole, based on 477 Standards Committees in the Board's area.

Members' discussion centred mainly upon difficulties in the recruitment of independent members, and on allowances.

Recruitment

A number of members commented that recruitment of independent members was difficult and that adverts in the press, which tended to be in the public notices sections, did not attract applicants.

It was suggested that the profile of independent members could be raised by publishing articles in the press on the work of the Standards Committee.

Members felt that it would be useful to have some sort of good practice guidance available on the Standards Board website.

Anne commented that although she did not disagree that guidance and consistency were important, local circumstances were also important – it was a balancing act.

Allowances

Members commented on the wide range of allowances paid to independent members and independent chairs.

Anne pointed out that in some cases independent members only received expenses and that in others they were paid in line their Councils Scheme of Members Allowances, and that the allowances paid under these schemes varied from Council to Council.

7. **ADMINISTRATION OF THE FORUM**

The Forum considered the future administration of the Forum and whether this should continue as at present whereby the authority that hosted a particular meeting

dealt with all of the administration. It was noted that Royal Berkshire Fire Authority would be hosting the next meeting in April 2006.

Anne Rehill pointed out that in some forums which had revolving meetings, they had one co-ordinator who held up to date records of membership and who then liaised with the authority organising the meeting.

The Forum was advised that Keith Butler (Deputy Monitoring Officer, West Oxfordshire) had indicated that he would be prepared to hold the master records and co-ordinate with the hosting authority.

The Forum agreed to accept this offer.

8. OPEN FORUM

The following issues were raised during a period of open discussion about issues of interest:

Attendance of Independent Members at Council Meetings

The question of whether independent members should attend Cabinet or other Council Committee meetings was raised. The general consensus among Forum members was that it would be of benefit to attend meetings as an observer, but that independent members should be seen to be independent and should not take an active part in these meetings as this could jeopardise that independence.

Attendance of Elected Members at Independent Forum Meetings

Some Forum members commented that they had been approached by some elected members of their Standards Committees who felt that they were being excluded in some way by not being able to attend the Forum meetings.

Anne Rehill advised that apart from the Standards Committee Forum for Cumbria, which was open to both independent and elected members, she was not aware of any others where this happened. The general view across the country was that independent members found it of benefit to meet away from elected members.

Members of the forum did confirm that a number of them reported back to their Standards Committee on the meetings of the Forum.

It was reported that there had been training on hearings organised which had been well attended by both elected and independent members, and that there had been positive feedback and requests for similar joint training sessions.

It was agreed that Forum meetings would continue to be for independent members, and that an item be included on the agenda for the next meeting regarding possible joint training events.

9. DATE AND VENUE FOR THE NEXT FORUM MEETING

AGREED: That the next meeting of the Forum be hosted by the Royal Berkshire Fire Authority and held at the offices of Bracknell Forest Borough Council, at 11am on Friday, 21 April, 2006.

The meeting finished at 1:15 p.m.