

Berkshire, Oxfordshire and Wiltshire Standards Committees

INDEPENDENT MEMBERS' FORUM

11am, Friday 21 April 2006

Council Chamber, Bracknell Forest Borough Council
Easthampstead House, Town Square, Bracknell, Berkshire RG12 1AQ

MINUTES

Present:

David Best	Cherwell District Council
Ken Giles	Cherwell District Council
Alan St G Savill	Kennet District Council
James Carine	North Wiltshire District Council and Wiltshire and Swindon Fire Authority
Christopher Turner	Oxford City Council
Peter Harris	Royal Berkshire Fire Authority (<i>Chairman, Host Authority</i>)
Geoffrey Mayes	Royal Berkshire Fire Authority
Rosemary Lansdowne	Royal Berkshire Fire Authority
Roger Sparrow	Royal Borough of Windsor and Maidenhead
Michael Field	Slough Borough Council
Paul Lipscomb	Slough Borough Council
Anne Rehill	Standards Board for England
Alex Kroon	Standards Board for England
Trevor Davies	Swindon Borough Council
Paul Thomas	Thames Valley Police Authority
James Rees	West Berkshire Council
Stuart Harrison	West Oxfordshire District Council
Paul Lefever	Wiltshire County Council
Peter McGuigan	Wiltshire County Council
Catherine O'Sullivan	Wiltshire County Council
John Adams	Wiltshire Police Authority
David Comben	Wokingham District Council

In attendance:

Lynda Kenyon Royal Berkshire Fire Authority

1. WELCOME

The Independent Chairman of the Royal Berkshire Fire Authority's Standards Committee, Mr Peter Harris, welcomed everyone to the meeting and extended a welcome to Anne Rehill (Senior Policy Advisor, Standards Board for England).

ACTION

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from:

Alex Jack	Bracknell Forest Borough Council
David Osborn	Bracknell Forest Borough Council
Sadie Reynolds	Cherwell District Council
Maria Memoli	Kennet District Council
Peter Jeremiah	North Wiltshire District Council
Bob Philpott	North Wiltshire District Council
Jeremy Thomas	Oxford City Council
Peter Clark	Oxfordshire County Council
Paul Sidwell	Royal Berkshire Fire Authority
Ron Webb	Royal Berkshire Fire Authority
Charles Elly	Royal Borough of Windsor and Maidenhead
Alison Mihail	Royal Borough of Windsor and Maidenhead
Karnail Pannu	Royal Borough of Windsor and Maidenhead
Lloyd White	Royal Borough of Windsor and Maidenhead
Rodney Job	Salisbury District Council
Frederick Ashmore	Slough Borough Council
June Cook	Slough Borough Council
Zahire Khan	Slough Borough Council
Steven Quayle	Slough Borough Council
Margaret Reed	South Oxfordshire District Council
Stephen Taylor	Swindon Borough Council
P Cleasby	Thames Valley Police Authority
D Jones	Thames Valley Police Authority
John Gunn	Vale of White Horse District Council
Tim Sadler	Vale of White Horse District Council
David Holling	West Berkshire Council
Keith Butler	West Oxfordshire District Council
Gordon Halliday	West Oxfordshire District Council
Caroline Redzikowska	West Oxfordshire District Council
Margaret Thompson	West Oxfordshire District Council
Tim Darsley	West Wiltshire District Council
Tony Frost	West Wiltshire District Council
Kurt Paulus	West Wiltshire District Council
Keith West	West Wiltshire District Council
Digby Barker	Wiltshire and Swindon Fire Authority
Keith Strickland	Wiltshire and Swindon Fire Authority
Stephen Gerrard	Wiltshire County Council
Ian Gibbons	Wiltshire County Council
Ron Flux	Wiltshire Police Authority
Anthony Hadfield	Wiltshire Police Authority
Peter Cave	Wokingham District Council
Anita Grosz	Wokingham District Council
Susanne Nelson-Wehrmeyer	Wokingham District Council

3. NOTES OF THE MEETING HELD ON 21 OCTOBER 2005

The notes of the meeting held on 21 October 2005 were *received*.

The Chairman proposed that 'Joint Training Events' as referred to under Item 8 of the notes of the meeting held on 21 October 2006, be raised under Item 9 of the Agenda (Open Forum).

The Chairman stated that Agenda Items 4 and 5, 'Office of Deputy Prime Minister discussion paper Standards of Conduct in English Local Government: The Future' and 'Review of Code of Conduct' respectively, would be taken together by Anne Rehill.

4 / 5 OFFICE OF DEPUTY PRIME MINISTER DISCUSSION PAPER 'STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE' / REVIEW OF CODE OF CONDUCT

Anne Rehill thanked the Independent Members' Forum for inviting her to the meeting, and introduced Alex Kroon (Policy Advisor, Standards Board).

Anne Rehill provided an update on the developments following the recent ministerial announcement relating to the Standards of Conduct in English Local Government, noting in particular that there were a number of issues still to be considered and resolved.

Anne Rehill outlined what these developments would mean for the Standards Board, which included:

- The championship and promotion of high standards of conduct.
- The need to investigate cases of national significance.
- Assisting Authorities to ensure that high standards of conduct were maintained.
- The transition to local filtering.
- The power to withdraw local filtering procedures.
- Improving the effectiveness of Standards Committees.
- The need to ensure that Monitoring Officers were both capable and appropriately resourced.
- The provision of appropriate training and guidance to implement the New Code.

Anne Rehill detailed the issues that Standards Committees would need to consider, including:

- Decision-making responsibilities, functions and powers of Standards Committees, and the need for flexibility.
- How the appeals' process would be managed and implemented.
- Whether there should be joint working between Committees, and if there would be any benefits of combining Committees, particularly in areas where large numbers of Parish Councils exist.
- How local filtering decisions would be made, and whether these should be conducted at County or Parish level.
- Ensuring that appropriate mechanisms were in place.
- Whether the current number of Independent Members on Standards Committees was adequate to take forward proposed revised role responsibilities.
- Independent Members' skills, and the issues pertaining to the recruitment of Independent Members.

Anne Rehill noted the issues that Monitoring Officers would need to consider, and these included:

- The need to ensure consistency of advice and interpretation, and how this might be managed. Anne Rehill confirmed that the Standards Board would be issuing appropriate guidance and advice relating to an overarching framework for formulating referrals.
- Whether there should be accreditation.
- The possibility of sharing of resources, noting the possible resulting impact of additional work that local filtering might bring about.
- Consideration of the appointment of a Deputy Monitoring Officer.

Anne Rehill referred to the role of the Standards Board, noting that a number of issues still needed to be considered, which included:

- What was meant by 'serious' or 'of national significance'.
- Whether additional local sanctions would make a difference.
- Whether the Standards Board would be able to 'call-in' cases.
- How the withdrawal of delegation would work.
- The collation of appropriate information and data, whether it should relate purely to referrals, and what information would be required in order that the Standards Board could make an informed decision.
- Joint arrangements.
- How delegation would be returned.

Anne Rehill provided an explanation of the purpose and key direction of the new Code of Conduct and how the Standards Board perceived it would be embedded, the salient points as follows:

- It would be simpler, more enabling, and include general principles as a preamble to the Code.
- It would be owned by Members.
- There would be greater clarity on confidentiality issues.
- Rules relating to 'Interests' would be simpler and would empower Members as community advocates.
- Some aspects of Members' private lives would continue to be covered by the Code.
- It would remove the duty to report breaches.
- The inclusion of a specific provision on bullying.

Anne Rehill detailed the new proposals for Members' Interests which it was anticipated would:

- Be simpler and more enabling.
- Empower community advocates.
- Reduce the number of 'Personal Interests' to be declared.
- Amend the definition of 'Personal Interests', for example, Members would not need to declare an Interest where it was merely something they shared with the wider community.
- 'Public Service Interests' would be treated differently.
- Provide Standards Boards to grant local dispensations to Members with 'Prejudicial Interests' for community advocacy.

Anne Rehill outlined the future developments for the standards of conduct, which included:

- The implementation of the new Code of Conduct, expected enactment in 2008.
- The provision of guidance and training materials.
- The re-orientation to a strategic regulatory role.
- The introduction of the local filter.
- Building the capacity and effectiveness of Monitoring Officers and Standards Committees.
- The re-location of the Standards Board to Manchester.

The Chairman thanked Anne Rehill for a very interesting and thought-provoking presentation.

The following questions, comments and concerns were raised by the Forum, the salient points being:

- **Concerns relating to the call-in of investigations.**

Anne Rehill stated that the implications for this needed further consideration by the Standards Board, however it might be prudent for the Standards Board to take a case back rather than call it in.

- **How would local filtering decisions made by Standards Committees be monitored and audited, and what involvement might there be for this by internal and external Auditors? If internal/external Auditors were employed, would this be the appropriate monitoring mechanism, and, if so, had the financial implications been considered?**

Anne Rehill recognised the need for monitoring and auditing functions, reported that consideration was being given by the Standards Board to how this might be managed consistently in the future, particularly in terms of strategic regulations and the financial implications. She stated that consideration had been given to a number of auditing procedures, including annual returns.

- **How would the Standards Board ensure consistency of outcomes, and how did it anticipate promoting consistent and common standards?**

Anne Rehill stated that strategic framework setting was required, and that she anticipated the Standards Board would establish guidelines, both in terms of statutory and non-statutory guidelines. She noted the difficulties in maintaining a balance between central and local issues, but recognised that it was important to allow local circumstances to be taken into account. She stated that another mechanism for ensuring consistency might be for the Standards Board to engage in training issues and the provision of training materials.

- **General concerns were raised regarding resource, capacity and cost implications relating to the expectation of an increased workload of Standards Committees in the filtering and determining of cases, the proposal for Deputy Monitoring Officers, the possible conflicts between Officers and Members in making a decision, and the potential for time delays to the investigative process.**

Anne Rehill noted that the proposals for consideration were Government proposals and that the Standards Board was also concerned with how these might be resourced. She felt that joint working might be an option to consider to enable effective management which, in turn, might reduce overall costs, and that joint reciprocal working arrangements might also be considered, however she recognised that there were still issues to be considered in terms of pooling of budgets and how this would be resourced.

- **How did the Standards Board anticipate introducing accreditation for Monitoring Officers, what form would the accreditation take and was this appropriate in that other Section 151 Officers, and, for example, Committee Administrators, do not require accreditation in order to carry out their role responsibilities?**

Anne Rehill did not know what form the accreditation might take, but stated that this might be a mechanism to achieve consistency in terms of advice. She stated that there would need to be a transitional period in place if the Government put any mechanisms in place, and that further dialogue with Access might be helpful. She recognised that this was a sensitive issue and that careful negotiations were required.

The Chairman recognised that this needed further debate when more Monitoring Officers were in attendance.

- **The Chairman felt that it would be useful to know what the total national costs were in relation to the administering of Standards Committees.**

The Forum did not, in the main, feel that this would be beneficial or effective. Anne Rehill stated that if anyone wanted to pursue this further, the Local Government Association might be the contact point in the first instance.

Anne Rehill reiterated that the issues for consideration, as outlined in her presentation were still being considered, and that any issues raised by the Independent Members' Forums would also be considered.

6. MINUTES OF THE MEETING OF THE INDEPENDENT MEMBERS' FORUM CO-ORDINATORS HELD ON 20 MARCH 2006

Stuart Harrison (West Oxfordshire District Council) conveyed this thanks to Keith Butler (Deputy Monitoring Officer, West Oxfordshire District Council) for his support in co-ordinating the Independent Members' Forum meetings.

Anne Rehill confirmed that she had circulated contact details of all Independent Members who attended the Co-ordinators Group.

General discussion took place regarding the establishment of a National Forum for Independent Members, the salient points and comments received were as follows:

- Was there a need for a National Forum?
- Who would regulate and monitor a National Forum and how would it be resourced?
- What involvement and regulatory influence would the Standards Board have in a National Forum?
- Concerns regarding having fringe meetings.
- The current Forum meeting arrangements for Independent Members was felt to be the right balance.

The minutes of the Independent Members' Forum Co-ordinators meeting held on 20 March 2006 were *noted*.

7. ATTENDANCE AT INDEPENDENT MEMBER FORUM CO-ORDINATORS' MEETINGS

Stuart Harrison (West Oxfordshire District Council) asked the Forum to consider the attendance of an Independent Member at future Independent Member Forum Co-ordinators' meetings, and, if appropriate, to nominate a representative and a Deputy.

Anne Rehill provided a brief explanation of the purpose of the Co-ordinators forum.

The question of whether the Co-ordinators' Group should be given a formal status was raised. Anne Rehill stated that this had not been previously supported by the Group, and that there had been a differing of opinion as to the Co-ordinators' expected role at these meetings. She stated that she could raise this again at their next meeting for further consideration.

A Rehill

It was generally supported that it would be beneficial for a representative from this Forum to attend the Independent Member Forum Co-ordinator's meeting and to provide feedback to this Forum, however attendance should facilitate a support mechanism and representative role only. Trevor Davies (Independent Member and Vice Chairman of the Swindon Borough Council Standards Committee) put himself forward, and this was supported by the Forum. He agreed to attend their next meeting, and subsequently advise this Forum on the best way forward for future representation. He also agreed to prepare a report for the meeting. The need for a deputy representative was not discussed further.

T Davies

The representation of the Standards Board at each Independent Members' Forum meetings was raised, and Anne Rehill was asked if she would give a commitment to this. She stated that she was not able to do this as the Standards Board was not always invited to Forum meetings, and it would also be dependent on the availability of representatives from the Standards Board.

8. RECIPROCAL ATTENDANCE AT INDEPENDENT MEMBERS' FORUMS FOR OTHER AREAS

Following the discussions at the above Agenda item, it was agreed not to pursue this proposal.

9. OPEN FORUM

a) Joint Training Events

It was recognised that the Forum meetings enabled training opportunities for Members, and the benefit of Members' attendance was noted. It was acknowledged that joint training sessions were often difficult to co-ordinate.

It was *agreed* that the meeting had enabled open discussion and, therefore, there was no requirement for any further open discussion.

The Chairman conveyed his thanks to Bracknell Forest Borough Council for providing the venue for this meeting, and to Rosemary Lansdowne (Clerk and Monitoring Officer) and Lynda Kenyon (Committee Manager) of the Royal Berkshire Fire and Rescue Service for the facilitating the hosting arrangements.

10. DATE, TIME AND VENUE OF NEXT MEETING

The next meeting will be held on **Friday 27 October 2006 at 11am.**

11. HOSTING AUTHORITY FOR NEXT MEETING

Peter McGuigan agreed that Wiltshire County Council would host the next meeting, and that he would liaise with Stephen Gerrard (Monitoring Officer) regarding the necessary arrangements.

P McGuigan

It was **agreed** that each Authority should, prior to the next meeting, consider if they were able to host a subsequent meeting in order that meeting arrangements could be firmed up at each meeting.