

INDEPENDENT MEMBERS' FORUM

Berkshire, Oxfordshire and Wiltshire Standards Committees

NOTES of a MEETING of the INDEPENDENT MEMBERS' FORUM held at COUNTY HALL, TROWBRIDGE on FRIDAY 27 OCTOBER 2006.

PRESENT:

Rosemary Lansdowne	Monitoring Officer	Royal Berkshire Fire Authority
John Quinton	Independent Member	Royal Berkshire Fire Authority
Paul Lipscomb	Independent Member	Slough Borough Council
James Rees	Independent Member	West Berkshire Council
David Comben	Independent Member	Wokingham District Council
Peter Cleasby	Independent Member	Thames Valley Police Authority
Ken Giles	Independent Member	Cherwell District Council
John Lay	Independent Member	Oxford City Council
Malcolm Butler	Independent Member	South Oxfordshire District Council
Bob Philpott	Independent Member	North Wiltshire District Council
Rod Job	Independent Member	Salisbury District Council
Trevor Davies	Independent Member	Swindon Borough Council
Kurt Paulus	Independent Member	West Wiltshire District Council
Tony Frost	Independent Member	West Wiltshire District Council
Peter McGuigan	Independent Member	Wiltshire County Council
Catherine O'Sullivan	Independent Member	Wiltshire County Council
Keith Shipman	Independent Member	Wiltshire County Council
Ian Gibbons	Monitoring Officer	Wiltshire County Council
Marie Todd	Democratic Services Officer	Wiltshire County Council
Digby Barker	Independent Member	Wiltshire and Swindon Fire Authority
Ron Flux	Business Manager	Wiltshire Police Authority
Bruce Claxton	Independent Member	AIMSce
Stephen Callender	Policy Officer	The Standards Board for England

1. **Welcome**

Peter McGuigan, Independent Chairman of the Wiltshire County Council Standards Committee, welcomed participants to the meeting.

2. **Apologies for Absence**

Apologies for absence were received from:

Angela Lee	Independent Member	Reading Borough Council
Michael Field	Independent Member	Slough Borough Council
Steven Quayle	Monitoring Officer	Slough Borough Council
June Cook	Officer	Slough Borough Council
David Hollings	Monitoring Officer	West Berkshire Council
Charles Elly	Independent Member	Royal Borough of Windsor and Maidenhead
Roger Sparrow	Independent Member	Royal Borough of Windsor and Maidenhead
Anita Grosz	Independent Member	Wokingham District Council
Sue Nelson-Wehrmeyer	Monitoring Officer	Wokingham District Council
Christopher Turner	Independent Member	Oxford City Council
Diana Woodhouse	Independent Member	Oxford City Council
Jeremy Thomas	Monitoring Officer	Oxford City Council
Peter Clark	Monitoring Officer	Oxfordshire County Council
Robert Elmore	Independent Member	Oxfordshire County Council
Margaret Reed	Monitoring Officer	South Oxfordshire
Tim Sadler	Monitoring Officer	Vale of the White Horse District Council
John Gunn	Independent Member	Vale of the White Horse District Council
Caroline Redzikowska	Monitoring Officer	West Oxfordshire District Council
Gordon Halliday	Independent Member	West Oxfordshire District Council
Stuart Harrison	Independent Member	West Oxfordshire District Council
Margaret Thompson	Independent Member	West Oxfordshire District Council
Alan St George Savill	Independent Member	Kennet District Council
Philip Hamilton	Officer	Kennet District Council
James Carine	Independent Member	North Wiltshire District Council and Wiltshire Fire Authority
Jane Clarkson	Officer	Salisbury District Council
Paul Morris	Independent Member	Swindon Borough Council
Keith Strickland	Monitoring Officer	Wiltshire and Swindon Fire Authority

John Adams	Independent Member	Wiltshire Police Authority
Anthony Hadfield	Independent Member	Wiltshire Police Authority
David Jones	Independent Member	Thames Valley Police Authority
Paul Thomas	Solicitor	Thames Valley Police Authority

3. Notes of the Previous Meeting

The Forum received the notes of the previous meeting held on 21 April 2006.

4. Presentation by Bruce Claxton (AIMSce)

Mr Claxton gave a presentation regarding the Independent Standards Committee Members Association which had recently been set up. Mr Claxton's address given at the inaugural meeting of the Association had been circulated with the Agenda. The presentation covered the following issues:

- The role of independent members.
- The need for an Association. Mr Claxton explained that in some parts of the country the area forums did not meet and some members were not able to attend their local meetings.
- The benefits of membership. The Association aimed to empower independent members to enable them to fulfil their role and function. Members would be able to exchange views, comments and make recommendations. They would receive a regular newsletter and would have access to the Association's website.
- The costs of membership. This would be £15 joining fee, £10 membership fee and £5 for half yearly membership.
- Meetings. There would be three meetings per year and electronic communication as necessary.
- The nature and philosophy of the organisation.
- Recruitment methods.
- Corporate plan for the year.

Questions Members then asked the following questions:

- (a) What is the legal status of the organisation?

Mr Claxton explained that the organisation currently had charitable status but that further work would be taking place to clarify this issue.

- (b) Could becoming a member of the Association rob members of their independence?

Mr Claxton replied that the LGA and other bodies had welcomed the creation of such an Association. There was no intention to make the Area Forums redundant or to jeopardise members' independence.

- (c) The Association appeared to be a pressure group so it must have an agenda. Why are the minutes and reports not available to the public on the website?

Mr Claxton explained that if minutes were available to everyone on the website then they would be receiving a free benefit that members had contributed towards.

The Chairman thanked Mr Claxton for attending the meeting and for his informative presentation.

5. **Presentation by Stephen Callender, Policy Officer for the Standards Board**

Mr Callender gave a presentation covering the following matters:

- Standards Board Case Handling. It was noted that 68% of cases were now being dealt with at a local level.
- Changes to the Framework. Members noted the implications of the Local Government White Paper which also indicated a further move towards a local framework. There were proposals within the Paper to increase the number of Parish and Town Councils which could lead to an increased workload for Standards Committees. It was therefore important to allow flexibility for joint working between different Authorities if necessary. There could also be a role for Sub-Committees of Standards Committees to deal with complaints.
- The new role of the Standards Board. This would be geared to providing guidance, advising on good practice and improving the effectiveness of Standards Committees.
- Clear guidance would be required to ensure consistency in dealing with complaints.
- The New Code of Conduct. The new Members' Code of Conduct was expected to be issued for consultation in the very near future. The consultation would last until the end of December and would be brought into effect in time for the local elections in May 2007. Rules on interests would be simplified and would empower members as community advocates. There would also be a new category of public service interest and a specific provision on bullying.

Members then asked questions and made comments on the following issues:

- It would be helpful if the new Code of Conduct could state that the public service interest also applies to Police and Fire Authorities.
- It should be made clear that the Code also applies to Co-opted members.
- Members should be encouraged to declare interests even if they intend to vote and speak – the guidance should make this clear.
- To ensure consistency of decisions regarding complaints referred locally it would be helpful to receive guidance on mitigating or aggravating circumstances.
- Mr Callender stated that the Board may require an annual return from Local Authorities for monitoring purposes. He confirmed that the Standards Board would only be monitoring the complaints process and not other aspects of the work of Standards Committees.
- It was confirmed that authorities could combine to hold complaints hearings but that no size would be prescribed. It was noted that this could be problematic in certain areas due to political arrangements.
- Mr Callender confirmed that a Standards Committee could decide that there is no case to answer when considering a complaint.
- It was important for the Standards Board to take into account the fact that all Standards Committees were different and had varied terms of reference.

The Chairman thanked Mr Callender for his presentation which had been very helpful.

6. **Open Forum** Members raised the following matters:

(a) Resources

Members queried whether more resources would be allocated to Standards Committees in view of their increasing workload. Mr Callender confirmed that the Standards Board had raised this issue with the Government Department.

(b) Status of Independent Members

A question was asked as to whether independent members should be considered as members of their Local Authority and what their status actually was. It was confirmed that independent members were co-opted under the relevant Act for a statutory purpose. The legislation permitted independent members to be members of the Standards Committee and to carry out their role relating to this position. They were also able to remain in meetings when Part II items were considered.

(c) Appeal Against Decision of Adjudication Panel

Some members expressed concern about the recent case involving the Mayor of London who had successfully appealed against the decision of an Adjudication Panel for England. It had been found that the Panel had failed to recognise the real distinction between the man and the office. This was at variance to current guidance. Mr Callender confirmed that the Standards Board would shortly be issuing further advice as a result of this case.

(d) Keeping Informed

Members asked how they should keep up to speed on current issues, particularly with regard to complaints hearings. It was suggested that they should try to attend any Adjudication hearings being held in their areas. This would provide a valuable training opportunity.

Members agreed that it would be very helpful if Monitoring Officers circulated details to each other regarding hearings being held in their areas. They could then forward details to independent members to enable them to attend if they wished. It was also suggested that members could attend a Magistrates Court hearing which would be run along similar lines to give them an idea of how such hearings should be carried out.

7. **Date and Venue of Next Meeting**

AGREED: To hold the next meeting at West Berkshire Council in Newbury in April 2007 on a date to be confirmed.

(Duration of Meeting 11am to 1pm)

The Officer who has produced these notes is Marie Todd of Democratic Services, Wiltshire County Council, Direct Line 01225 713011, e-mail marietodd@wiltshire.gov.uk