

NOTES OF A MEETING OF THE STANDARDS COMMITTEE INDEPENDENT MEMBERS' REGIONAL FORUM (YORKSHIRE AND HUMBERSIDE)

24TH OCTOBER 2006

PRESENT:

Mike Wilkinson	- Leeds City Council
Ann Becket	- West Yorkshire Police Authority
Martin Allingham	- North East Lincolnshire Council
Alan Carter	- South Yorkshire Police Authority/South Yorkshire Passenger Transport Authority
Gerald Burnett	- Richmondshire District Council
James Daghish	- North Yorkshire County Council
Cheryl Grant	- Leeds City Council
Peter Neale	- Richmondshire District Council
Lynn Knowles	- Calderdale Metropolitan Borough Council/West Yorkshire Fire and Rescue Authority
John Ross	- North East Derbyshire District Council
Phil Marshall	- West Yorkshire Fire and Rescue Authority
Joyce Clarke	- Humberside Fire and Rescue Authority
Brian Cottingham	- Kingston-upon-Hull City Council
Keith Robinson	- Kingston-upon-Hull City Council
Dr Michael French	- Harrogate Borough Council
Richard Burton	- South Yorkshire Police Authority
William Stroud	- Humberside Police Authority
Mary Rose Barker	- East Riding of Yorkshire Borough Council
G Polley	- East Riding of Yorkshire Borough Council
Michael Andrew	- Rotherham Metropolitan Borough Council
D G Hughes	- Humberside Fire and Rescue Authority

IN ATTENDANCE:

Amy Bowler - Secretary to the Forum, Leeds City Council

1.0 Apologies for Absence and Welcome to New Members

1.1 The following apologies for absence were reported:

Denise Wilson	- North Yorkshire Fire and Rescue Authority
Angela Bingham	- South Yorkshire Police Authority
George Nairn-Briggs	- Wakefield Metropolitan District Council
Paul Matthews	- Rotherham Metropolitan Borough Council/South Yorkshire Fire and Rescue Authority
Roger Nunns	- Barnsley Metropolitan Borough Council
David Smith	- North Yorkshire Moors National Park Authority
Tony Stanley	- Rotherham Metropolitan Borough Council
David Edwards	- Hambleton District Council
Mrs H Bevan	- Richmondshire District Council
David McClean	- Sheffield City Council
John White	- Hambleton District Council
Tony Robinson	- Wakefield Metropolitan District Council
Christine Bainton	- City of York Council

Leonard Pinkney – Harrogate Borough Council
Gillan Fleming – North Yorkshire County Council
Jill Bartrop – Rotherham Metropolitan Borough Council
Martin Shelton – Rotherham Metropolitan Borough Council
Colonel Colin Kirby – Calderdale Metropolitan Borough Council
Paul Kelly – North Lincolnshire County Council
Pam Essler – Bradford Metropolitan District Council
Rita Leaman – City of York Council
Michael Chappell – Bradford Metropolitan District Council

- 1.2 The Chair welcomed the following new members of the Forum who had joined since the last meeting:

Christine Bainton – City of York Council
Angela Bingham – South Yorkshire Police Authority
Richard Burton – South Yorkshire Police Authority
Dr Revd Gary Wilton – South Yorkshire Police Authority

The Chair also thanked the following people who had ceased to be members of the Forum since the last meeting:

Roger McMeeking – City of York Council
Tony Alcock – South Yorkshire Police Authority
David Hargreaves – South Yorkshire Police Authority

- 1.3 The Chair thanked Kingston-upon-Hull City Council for hosting the meeting at the Guildhall.

2.0 Minutes of the Previous Meeting and Matters Arising

- 2.1 The minutes of the meeting held on 22nd March 2006 were approved as a correct record.

3.0 Fifth Annual Assembly of Standards Committees

- 3.1 Members who attended the fifth annual assembly of standards committees were invited to feedback to the Forum.

- 3.2 It was reported that the assembly was efficiently run and was well attended by people from all levels of standards committees. Members discussed:
- the usefulness of the content of the assembly and whether the topics had already been discussed sufficiently;
 - the drawbacks of having professional facilitators to conduct the sessions who were not experts in standards issues;
 - the problems in some areas of having good independent members who are not supported effectively by the authority;
 - the challenges of possible 'double devolution' for local standards committees; and
 - the general concerns in authorities regarding the levels of work for monitoring officers and the additional resources which may be required when the Standards Board becomes a strategic regulator.

- 3.3 It was also reported that the new Code of Conduct was expected to be ready within weeks, with the Minister's stated intention of enabling new Councillors elected in May 2007 to sign up to the new Code, although it was suggested that it would have been helpful for a draft version to have been prepared in advance of the assembly.
- 3.4 Finally Members noted that there was a lot of useful material available on the Standards Board website for those independent members who did not attend the assembly. Peter Neale from Richmondshire District Council commented that the Standards Board website is very difficult to navigate and use, in particular the search facility for filtering case summaries did not allow users to search by paragraph of the Code, although it was reported that this facility was available through the 'advanced search' function.
- 4.0 New Association for Independent Members of Standards Committees in England (AIMSce)**
- 4.1 Members of the Forum received a report regarding the inaugural meeting of the AIMSce which took place at the fifth annual assembly.
- 4.2 Mike Wilkinson, who had been a member of the formation committee for AIMSce, reported that although there had been mixed views regarding whether it was appropriate for independent members to join associations or forums, there had only been one vote against the formation of AIMSce. So far officers had met with the Local Government Association, the Association for Council Secretaries and Solicitors and SOLACE, with very positive outcomes. Letters of support had been received from the Standards Board and Sir Alistair Graham.
- 4.3 It was reported that anyone wanting to find out more information about AIMSce could access the website (www.aimsce.org.uk). The website will contain newsletters, minutes, and a reserve area for members of the association. The costs of membership were outlined as a £15 joining fee and a £5 annual fee for the remainder of the current year, followed by only a £10 annual fee in subsequent years. It was also outlined that a number of local authorities were paying the fees on behalf of their independent members.
- 4.4 Members discussed whether AIMSce would replace the regional Forum. It was reported that the Forum could consider becoming a local branch of the AIMSce, as AIMSce would look towards having a local branch structure in place in future. Some Members counselled the importance of AIMSce not becoming a mouthpiece for central government, allowing only one way communication.
- 4.5 Mike Wilkinson outlined that the aim of the AIMSce was to act as a support and sharing agency for independent members, with a particular concern to support new independent chairs in the light of the intended legislation.

The objects of AIMSce as outlined in the draft constitution are attached to the minutes of the meeting as an appendix.

5.0 The Components of an Ethical Environment

5.1 Members of the Forum received a report summarising the final report of a research project by the University of Manchester into the work of standards committees. It was reported that the conclusions of the research had been discussed at the fifth annual assembly.

5.2 Members of the Forum discussed:

- that the research proposed that a wider role for standards committees included carrying out periodic ethical audits. It was reported that Leeds City Council was currently undertaking an ethical audit through the Audit Commission which was focused on senior officers and Members, but that in future it would be useful to seek opinions from junior officers and members of the public. James Daghish from North Yorkshire County Council reported that their recent ethical audit revealed a need to communicate more effectively with Members and the public;
- that the 'guide dog' model of committee presented challenges in that it may not only overlap with the remits of other committees, but also that of certain officer roles;
- that many decisions are taken by officers instead of Members but the standards regimes in place to monitor officers are not so stringent; and
- that some audit and ombudsman reports have ethical implications and should rightly be considered by the standards committee as well as the audit committee. It was reported that both Leeds City Council and Richmondshire District Council had the Chair of the standards committee as a non-voting member of the audit committee because of their position. James Daghish of North Yorkshire County Council expressed the view that the types of expertise required for each committee were quite different and so the authority had sought to address this by having other independent members on the audit committee who had financial experience.

6.0 Lyons Inquiry into Local Government

6.1 Members of the Forum received a report updating them on the progress of the Lyons Inquiry so far, and the likely contents of the final report due for release in December 2006.

6.2 It was suggested that the work being carried out by Sir Michael Lyons may raise matters of importance for independent members. For example, the report suggested that authorities may experiment with single member wards in the future, and extend the role of scrutiny boards. Also the proposed changes in the performance management framework and proposed 'double devolution' (meaning central government devolving power to local authorities and them in turn devolving power to parish or town councils) may raise issues for the standards regime and independent members.

6.3 It was reported that any stakeholder was welcome to respond to the inquiry and that the final report was due to be released in December 2006, although it was likely that some elements would be included in the forthcoming white paper from the Department for Communities and Local Government, "*Strong and Prosperous Communities*".

7.0 Local Determination Hearings

- 7.1 Members of the Forum were invited to update the Forum on any investigations or hearings that have taken place in their authority since the last meeting.
- 7.2 Dr Michael French of Harrogate Borough Council outlined that the standards committee had recently held a local hearing into a very straightforward case, but that there were concerns in that there were no guidelines on appropriate sanctions.
- 7.3 Members discussed the lack of support from the Standards Board in carrying out local hearings, including:
- that certain monitoring officers and members had received inconsistent or conflicting advice from the Standards Board. Michael Andrew of Rotherham Borough Council suggested that it would be important for the Standards Board to develop advice as to sanctions, and that the Forum should send a letter to the Standards Board expressing this view. It was reported that there was already a 38% appeal rate against standards committee decisions and that independent members would feel more confident about imposing specific sanctions if guidelines were available;
 - that there is a back catalogue of cases considered by the Adjudication Panel available, but that there is apparent inconsistency with regard to sanctions;
 - that the Standards Board should also support standards committees in enforcing sanctions, for example ensuring that apologies are made; and
 - that the Adjudication Panel did not often give sufficient reasons for the sanctions that they have applied and therefore the case summaries were limited in usefulness.

In the light of the above minute and further to a discussion between the Chair and Secretary after the 24th October meeting, the attention of Members of the Forum is drawn to the availability of the following current advice:

- *“Guidance on decisions to be made by a Case Tribunal where a Respondent has been found to have failed to comply with a Code of Conduct” available on the Adjudication Panel for England website www.adjudicationpanel.co.uk in the ‘Procedures’ section. Provides advice as to mitigating factors which case tribunals can take into account and the circumstances in which applying a period of suspension or partial suspension would be appropriate.*
 - *“Standards Committee Determinations: Guidance for monitoring officers and Standards Committees” available from the Standards Board website www.standardsboard.co.uk under the ‘Code of Conduct’ – ‘Guidance’ – ‘Guidance for Local Authorities’ section. Pages 9 – 11 provide details of what sanctions are available to standards committees and what factors they should take into account when deciding an appropriate penalty.*
- 7.4 Mike Wilkinson of Leeds City Council reported that the standards committee had found it useful to have an informal debrief meeting after their first hearing to which the Member involved was invited to contribute, and that this helped inform any changes to the procedure for future hearings.

8.0 Future Chairing and Administration Arrangements for the Independent Members Forum

- 8.1 Members of the Forum received a report updating them on the current position regarding the election of a new Chair.
- 8.2 It was reported that although a venue in South Yorkshire had been identified to host the next Forum meeting, the meeting may not go ahead unless new administrative support arrangements could be finalised.
- 8.3 Members discussed various options for the Forum including:
- that money could be secured to pay for the services of the Leeds City Council officer, although Mike Wilkinson reported that Leeds City Council would prefer another authority to take on the role even if funding could be provided;
 - that monitoring officers needed a formal request for help from the Forum, not just verbal enquiries from their independent members;
 - that the Forum could become an electronic Forum in order to reduce costs, although it was noted that not all members of the Forum had email addresses;
 - that each authority hosts and services one meeting of the Forum on a rolling basis;
 - that the Chair is also chosen from the host authority;
 - that some continuity in the agenda items could be provided by an agenda committee; and
 - that if the rolling programme is not possible then the Forum should go into abeyance until a future date.

RESOLVED – Members of the Forum resolved:

- to write to all local authorities in the Yorkshire and Humberside region proposing that individual authorities host and service one meeting on a rolling basis and bear the associated costs;
- that the Chair of the Forum is selected from the host authority and an agenda committee is formed;
- to formally thank Mike Wilkinson for his work and to thank Leeds City Council for the support provided to date;
- that further consideration be given to chairing arrangements at the next meeting;
- that Mike Wilkinson should continue to attend the Regional Co-ordinators meetings; and
- that if the proposed arrangements do not come to fruition that the Forum should go into abeyance until some future date and that the membership database be retained.

9.0 Any Other Business

- 9.1 Members of the Forum did not discuss any other business.

10.0 Date, Time and Venue for the Next Meeting

- 10.1 Depending on the outcome of the proposed new arrangements for servicing the Forum, it was reported that the next meeting would be held in a venue in South Yorkshire, either Sheffield City Council or Doncaster Mansion House. The meeting will be held in March 2007 unless the Forum goes into abeyance.