

**NOTES OF A MEETING OF THE**  
**INDEPENDENT MEMBERS REGIONAL FORUM (YORKSHIRE & HUMBERSIDE)**

**COUNTY HALL, NORTHALLERTON**

**1 OCTOBER 2007**

**PRESENT:-**

M Wilkinson (in the Chair).

J Daghish, Dr J Holt, and G Fleming (North Yorkshire County Council), Yvonne Rose (Yorkshire Dales National Park Authority), R Richards (Harrogate Borough Council), T Kendall (South Yorkshire Fire and Rescue), M Goode (Scarborough Borough Council), M Andrew (Rotherham Metropolitan Borough Council), A Beckett (West Yorkshire Police Authority), R Thompson (North Yorkshire Fire and Rescue Service), R Burton (South Yorkshire Police Authority), T Warner (Hambleton Borough Council), J Clarke (Humberside Fire Authority).

In attendance:-

J Wilkinson (North Yorkshire County Council Committee Services).

Apologies were received from:- J E White (Hambleton District Council), J Ross (North East Derbyshire District Council), B Cottingham (Kingston-upon-Hull County Council), K Robinson (Kingston-upon-Hull County Council), M French (Harrogate Borough Council), H Gilbertson (North York Moors National Park), J Sharp (Kingston-upon-Hull County Council), David Hughes (Humberside Fire Authority), Gerald Burnett (Richmondshire District Council), Harry Bower (South Yorkshire Police Authority), M Ogle, Professor D McLean (Sheffield City Council), Marilyn Moore (Sheffield County Council), Christine Bainton, (York), David Ansbro (Craven District Council), Lynne Knowles (West Yorkshire Fire and Rescue Service), M Allingham (North East Lincolnshire Council), A Carter (South Yorkshire Police Authority), M Chappell (Bradford City Council), P Essler (Bradford City Council).

**13. MINUTES**

The Minutes of the meeting held on 22 March 2007 were approved as a correct record subject to R Burton (South Yorkshire Police Authority) being added to the list of those named as present.

**14. MATTERS ARISING**

**APE President's Views on the Chairing of Hearings by Local Standards Committees**

The Forum was informed that the Adjudication Panel for England had recently published its 2006/07 Annual Report in which the President had repeated his view that there "should be a requirement for the hearings by Standards Committees to be chaired by a lawyer who is familiar with the Competency Framework for Chairman and Members of Tribunals".

The Chair reported that to his knowledge there was an overwhelming lack of support for the President's view amongst Independent Members. If the President's view was not favoured by Government, the President urged the Standards Board For England to introduce a national training scheme for the Chairs of local appeal hearings. It was envisaged that the training would be to the same standard as that used for Tribunals.

The Forum repeated their view that it would be unsatisfactory if only lawyers could chair appeal hearings but welcomed the possible introduction of a national training programme.

**15. ANNUAL ASSEMBLY – 15/16 OCTOBER 2007**

The Forum reviewed promotional literature that included details of the proposed programme and fringe events for the forthcoming Conference. Forum Members hoped that the Conference would provide an opportunity to ask questions on the chairing of hearings by Local Standards Committees.

A full report on the Conference would be placed on the next Forum agenda.

**16. AIMSce**

The Chair reported on general progress on AIMSce matters.

The organisation had prepared a draft 2006/2007 Annual Report and its accounts had been signed off. It was proposed that the Annual General Meeting would be held in London (early winter) on a date and at a venue still to be determined.

The Chair confirmed that a grant of £5,000 had been received from the Joseph Rowntree Charitable Trust and a report on how these monies had been allocated would be presented to the Trust in due course.

In view of the financial contribution received from the Joseph Rowntree Charitable Trust Forum Members suggested that York be considered as a future venue for the Annual General Meeting.

Members of the Forum were invited by the monitoring officer at North Yorkshire County Council to share their views on the creation of a national register of Independent Members of Standards Committees. Concerns surrounding data protection and consent were discussed. The Chairman reported that legal advice obtained by AIMSce indicated that data protection concerns were erroneous. There was general support for the establishment of a national register but Forum Members were unhappy about the publication of personal details such as addresses and agreed that the contact details of the host authority should be provided. Members suggested it would be helpful if the Chairman of AIMSce wrote a further letter to Monitoring Officers setting out the role and remit of the Association to allay fears surrounding the publication of personal details.

Members of the Forum were invited to share their views on whether being a Member of a political party should exclude a person from being an Independent Member. Contrasting views were expressed and the Chairman informed the meeting that the position adopted by the Association of County Secretaries and Solicitors was that membership of a political party must be inactive.

The Association of County Secretary's and Solicitors were in the process of drafting a generic role/job description/person specification for Independent Members. When available it would be published on the following website [www.acses.org.uk](http://www.acses.org.uk) The Chairman had subsequently become aware that the Standards Board is also working on this matter.

Forum Members agreed to "AIMSce Matters" appearing as a regular agenda item on future meetings of the Forum.

**17. MEETING OF REGIONAL FORUM CO-ORDINATORS – 30 JULY 2007**

The Chairman reported that the meeting held on 30 July 2007 had been well attended with a good geographical spread of participants. The new Code of Conduct had been discussed and a request made to the Standards Board for England to issue further good practice guidance on:-

- Conduct in a private capacity
- The release of confidential information.
- Sanctions to be imposed (similar to that provided to Magistrates) to ensure consistency in sentencing.

Concern was raised that there was no requirement for senior officers with delegated authority to complete a register of interests unlike elected Members and co-opted Members.

The Chairman reported that the meeting had received a presentation on strategic framework guidance and an explanation of how this was to be developed. There had also been a discussion as to whether regional Forums should be open to all Standards Committee Members or remain restricted to Independent Members. It was noted that the great majority remained open to Independent Members only.

#### **18. SBE'S SUMMER ROAD SHOWS**

Members of the Forum were invited to comment on their attendance at the summer roadshows. Members were disappointed at the lack of participation opportunities the events provided and at the lack of feedback following the event.

In response the Chairman suggested that Forum Members may find it helpful to receive the Bulletins and Parish Newsletters issued by the Standards Board as they contained a lot of useful information including case studies and details of adjudication panel decisions.

It was noted that the transfer to a local level would raise the profile of Independent Standards Committee Chairs and the Forum debated whether this would trespass on or complement the work of the Monitoring Officer.

#### **19. MEMBERS FEEDBACK ON SBE LOCAL PILOTS**

The Chair sought feedback on operation of the three pilot schemes.

Leeds County Council and North Yorkshire County Council had both participated in "operating the local filter". Members reported that the quality of the paperwork supplied was less than ideal and that some information on the complaint handling and summary sheet was incorrect. Members of both Standards Committees were disappointed to have received no direct feedback from the Standards Board following completion of the pilot exercise.

It was suggested that the Standards Board give consideration to conducting training on how to prepare cases at a local level. Another suggestion was that the Member under investigation had assigned to them an independent officer who would not preclude them from legal representation from whom they could receive support separate from the legal advice given by the Monitoring Officer.

It was noted that in the conduct of cases at a local level care should be taken to ensure that an adequate number of rooms are made available to separate witnesses.

It was hoped that further feedback on the pilots would be given at the Conference.

**20. MEMBERS FEEDBACK ON EXPERIENCE OF CORPORATE GOVERNANCE/AUDIT COMMITTEES**

Those present at the meeting confirmed that within their own organisations separate from the Standards Committee a corporate governance or audit committee was in operation.

Members agreed that there was a direct overlap with the work of Standards Committees and Audit/Corporate Governance Committees and that it was both helpful and useful to have a direct link between them. Areas of common practice included feedback on Ombudsman's complaints, development of procurement protocols and risk assessment etc.

A performance review of Standards Committees might be future good practice.

**21. BMG STUDY INTO THE OPERATION AND ROLE OF STANDARDS COMMITTEE**

A copy of the complete report was circulated at the meeting.

**22. NEW MODEL CODE OF CONDUCT 2007**

In view of the infrequency of local determinations by some Standards Committees Forum Members agreed that it would be helpful to undergo refresher training immediately before an appeal hearing. As an aid a copy of a protocol developed by Richmondshire District Council was available from them upon request.

**23. ANY OTHER BUSINESS**

None.

**24. DATE OF NEXT MEETING**

Members decided that the host for the next meeting would be West Yorkshire Fire. Members would be canvassed for meeting dates in March 2008

JW/ALJ