

REPORT OF THE CLERK

WEST MERCIA INDEPENDENT MEMBERS' FORUM

1 Purpose of Report

This report informs the Committee of the outcome of the most recent West Mercia Independent Members' Forum meeting, held on 17 August 2005 at the Council of the City of Worcester. It also asks for agreement that both Independent Members of the Committee and/or the Clerk (or an Officer nominated by the Clerk) continue to attend future meetings of the West Mercia Independent Members' Forum.

2 Recommendations

The Committee is recommended to:

- a) Note the contents of the report;
- b) Request that the Clerk provide updates on the outcome of future meetings of the West Mercia Independent Members' Forum; and
- c) Agree that both Independent Members of this Committee and/or the Clerk (or an Officer nominated by the Clerk) continue to attend future meetings of the West Mercia Independent Members' Forum.

3 Background

The West Mercia Independent Members' Forum holds regular meetings with the aim of supporting Independent Members of Standards Committees and providing an opportunity for them to 'network', on a regional basis. A previous meeting took place at South Shropshire District Council Offices on 10 March 2005. That meeting was attended by Mr Ian Webb of this Committee, who provided a verbal report to the Committee at its meeting on 12 October 2005.

A further meeting of the Forum took place at the Council Offices of the City of Worcester on the 17 August 2005. A copy of the notes of that meeting is attached as an appendix to this report. The notes show that the meeting provided an opportunity for Independent Members of Standards Committees to discuss current issues, such as the review of the Code of Conduct, as well as more specific issues relating to Independent Members.



The next meeting of the Forum is due to take place on 3 February 2006 at 2.00 pm at Herefordshire Council Offices. Invitations to attend have been extended to all the Independent Members of this Committee and to the Clerk and Monitoring Officer.

A subsequent meeting is planned for the late summer of 2006 in Oswestry. After that meeting it is expected that the location will be at another local authority in the West Mercia region.

4 Legal Comment

Attendance at the Independent Members' Forum is not compulsory. Involvement in the Forum is, however, good practice, as it provides opportunities for further development of the Independent Members of this Committee. It also enables Independent Members to share areas of good practice, which may be of benefit to this Committee and ultimately the Fire Authority.

5 Financial Implications

Independent Members attending meetings of the Forum are entitled to claim their travelling expenses, for which the Fire Authority holds a dedicated budget. All such claims to date have been contained within the existing budget.

6 Equality and Diversity Implications

There are no equality or diversity Implications arising directly from this report.

7 Appendix

Notes of Meeting of West Mercia Independent Members' Forum 17 August 2005 at The Guildhall, Worcester

8 Background Papers

There are no background papers associated with this report.

For further information about this report please contact Susan Kembrey, Clerk and Monitoring Officer, on 01952 202461.



Notes of Meeting of West Mercia Independent Members Forum
17th August 2005
Guildhall, Worcester

The Mayor of Worcester, Councillor Aubrey Tarbuck, welcomed the guests, the Independent Members of Standards Committees in the West Mercia Area, and the Monitoring Officers to the Guildhall.

The meeting was opened by Mrs. Christine Davenport (MBE), Chairman of the Worcester City Council Standards Committee who introduced the guest speakers, Anne Rehill of the Standards Board and Mrs. Pamela Hudson-Bendersky, Convenor of the Gloucester Forum of Independent Members.

Mr. Peter Rowland, The Convenor of the Forum, thanked Worcester City Council and the Mayor, Councillor Tarbuck for the reception and for hosting and clerking the meeting.

The Chief Executive, Mr. David Wareing and the Deputy Chief Executive, Mr. Philip Betts, gave a presentation on the way Worcester City Council operated, and Mrs. Davenport gave an insight into the running of the Standards Committee at Worcester. One point on which all present were in agreement was that there is a continuing need for training at all levels.

The Forum considered the matter of who presented the report of the Standards Committee to Council. At Worcester the Vice Chairman, a Councillor, presented the report. In many authorities the Chairman, an Independent Member attended, Council and presented the report.

Forum was in support of the Independent Chairman attending meetings of the Council to present the report of the Standards Committee, considering this to be best practice.

It was noted that in very few cases the Chairman of the Standards Committee was not an Independent Member.

Mrs. Hudson-Bendersky re the Gloucestershire Forum

Mrs. Hudson-Bendersky was invited to address Forum with some of the issues which had arisen in the Forum in Gloucestershire which had been running for some little time.

First of all, she was Chairman of the Standards Committee of Cheltenham Borough Council, and that Committee was comprised of 4 Independent Members, 3 Councillors with voting rights, and 1 representative from Parish Councils who did not have a vote.

The Gloucestershire Forum had been set up in 2003. Initially the idea had been raised with the Monitoring Officers Group, who had endorsed it as good practice. Originally it had been envisaged that the Forum would cover a much wider area, but the distances and travelling expenses which would be incurred had been taken into consideration and the county wide Forum had been established. Other areas had set up their own Forum.

One issue that the Forum had discussed was the problem of over dominant Councillors, in such circumstances the Independent Member was advised to go direct to the Monitoring Officer with any concerns. The Forum was able to advise and assist in such issues.

Independent Members were encouraged to attend Council and Parish Council meetings.

Recruiting and maintaining independent members was a concern. The Standards Board had been made aware of the problem.

Each Forum needed to be formally organised/regularised. There was a need for an identified point of reference, not for this to be passed around to the hosting authority.

Independent Members considered that their value to local authorities was not always recognised. Any objective input should be welcomed.

In her case, Mrs. Hudson-Bendersky had been invited to be part of the interview panel when her authority appointed a new Monitoring Officer.

The most important feature of a Forum should be the ongoing support offered to Independent Members, and to encourage them to take the initiative to become effective in their own authority.

Mrs. Hudson-Bendersky answered questions from the floor, and when the point was made that the National Assembly should provide this level of support, it was agreed that localised support and advice was important as the issues were not the same in all parts of the country, and therefore a national view as a starting point was acceptable, but individual forums could give more tailored advice.

Anne Rehill re Outcome of Consultation on the Code of Conduct

Anne Rehill of the Standards Board for England addressed the meeting, and gave a brief update of the consultation on the Code of Conduct which was nearing conclusion.

She stressed that the Standards Board did encourage the setting up of Forums and the Annual Assembly would again be putting forward this as a way to improve the effectiveness of Independent Members and their value to their authorities. There is a need for a local focus and a more accessible local point of contact to air concerns and to give information and support.

The Annual Assembly encouraged meetings of Forum Co-ordinators to provide a channel for information as the situation was changing constantly, and for the sharing of good practice.

On the composition of Standards Committees, the Standards Board felt it important to have a balance of Independent Members and Councillors. Local situations should determine the make-up required to provide good governance. It was important that there was a balance, and that there was effective involvement of the Independent Members.

With regard to the review of the Code of Conduct, there would be a full report to the Assembly in September, and there were instances where information was not yet available, as the responses were still being analysed.

It had been obvious from the consultation responses that the ten principles of public life should continue to be included, and it had been agreed that these would be set out in the foreword to the code, so that they can continue to be kept in mind.

The level of response had been good, with over a third of Town and Parish Councils responding and individuals and stake holders, and over half of the principal authorities commenting.

The particular issues that govern the review were the simplification of the code of practice, in particular the Declarations of Interest issue. There was a need to make sure that the Code was effective not just prohibitive.

The Code must be positive not negative and ensure the protection of the decision making process but ensuring that there is appropriate representation of communities.

Disrespect - it would appear from the responses that this should remain as at present, with the addition of issues such as bullying and intolerant behaviour.

Disclosure of Information deemed exempt by an Authority – this had been raised again, and the review would appear to show that this should be acceptable where it was in the public interest. The rights contained under the Freedom of Information Act also impacted on the disclosure of information which should remain confidential. The Forum agreed there was a fine line to be drawn.

Disrepute – Should the code cover “all times and all places”. Some areas of “private life” must still be included but only unlawful acts should be regulated - there had been a mixed response to this proposal, 70% of the responses indicated that private life should be excluded.

Misuse of Resources – There were local protocols in place in many authorities. This was to be encouraged. The Board would only become involved when major issues were identified. The main area of concern was misuse of resources for political advantage. The review needed to consider how to control such types of misuse.

Whistle Blowing – the Board believe there are two underlying issues, prevention of the “turning a blind eye” and the protection of those wishing to report issues. It was debatable whether this was currently effective. The Board took the view that this was not currently working satisfactorily. Concerns are real and need to be addressed; there need to be practices in place to ensure that such reports are not ignored, and to provide protection to those who do make such reports. It had become apparent that there was an element of “tit for tat” in the current reports to the Board, and this was not helpful. Also allegations were sometimes printed in the press, often before the actual report had been made and investigations begun.

Declarations of Interest – the issue of public service interests had been raised. The current rules were satisfactory, but in some areas were too prescriptive. Communities were entitled to proper representation, and some improvements were proposed to the Code in this respect. The need for declarations of personal interest were very wide, there was a need for this also to be addressed. It will probably be that the Code will require an interest to be declared as a member of another public body, only when the Member wishes to speak, or where there is a prejudicial interest, i.e. a position of control or management. In each case however, it may be suggested that the Member be invited to address the issue and leave the meeting prior to a vote being taken, so that any experience which can be shared is available during the decision making. This could also apply to the Members who have declared a prejudicial interest as their contribution could be valuable.

The Board was also considering recommending broader powers to Standards Committees to grant dispensations to enable Members to act on behalf of constituents.

Gifts and Hospitality – No change is proposed in this aspect of the Code, other than that the register should be publicly available. Some concern was expressed that greater clarification was required on what actually needed to be registered. The Board also wished to make it necessary for Members to register gifts not accepted as well as those that were.

Questions on the various issues were put from the floor, and Anne Rehill clarified that the Board would make recommendations to the Government on revisions to the Code of Conduct.

A concern was the definition of “perceived” or “actual” in respect of the view of a member of the public in respect of conduct of Members. Clarification on the conflicts between differing legislation would also be helpful.

Forum Administrative Matters

Peter Rowland then addressed the meeting on points concerning the running of the Forum. It was suggested that a register of email addresses be set up. This could only be made available with the express consent of all members of the Forum. Forum agreed a form (meeting data protection Act guidelines) will be available at the next Forum meeting to permit a contact list to be prepared and circulated.

Other questions raised for future consideration included:-

- Do authorities get value for money from their Independent Members
- Are Independent Members pro-active enough.

It could be useful if Members identified topics which could be expanded on at future meetings. The meeting agreed that the Forum should continue as it provided a useful way of sharing information and experiences.

Anne Rehill pointed out that there was no compulsion on authorities to notify the Standards Board of its Independent Members. Therefore their database was not complete. Forum felt that the Standards Board should be entitled to hold such information, and asked that this be considered further. The data protection rules could however, restrict access to such a database, and preclude the passing on of such information without the approval of the individuals concerned. Issues could also arise if the Standards Board changed its current practice of contacting Independent Members through the Monitoring Officers of each authority. Some Monitoring Officers were not forwarding such information to their Independent Members.

Forum noted that it was not a statutory requirement for the Chairmen of Standards Committees to be an Independent Member, but it was felt that this was good practice and should be encouraged.

Fourth Annual Assembly of Standards Committees

The 2005 Assembly was scheduled for 5th and 6th September in Birmingham. Some authorities did not send any Independent Members to the Assembly, and this was possibly cost driven in some cases.

Forum was concerned that some Independent Members were not able to claim expenses for such events, nor for attendance at meetings like the Forum. Any Members so affected, were advised to discuss the issue with their Monitoring Officers.

Next Meeting of Forum

The next meeting was to be held at Herefordshire Council premises on Friday 3rd February at 2.00 p.m.

Oswestry was proposed as the venue for the meeting to be held in late summer.

List of Attendees:

David Wareing	Chief Executive	Worcester City Council
Philip Betts	Deputy Chief Executive And Monitoring Officer	Worcester City Council
Miss Doreen Porter	Head of Legal and Democratic Services	Worcester City Council
Mrs. Christine Davenport MBE	Chairman Standards Committee	Worcester City Council
Peter Rowland	Convenor	West Mercia Forum South Shropshire District Council
Mrs. Anne Rehill	Standards Board for England	
Mrs. Pamela Hudson-Benderskey	Co-Ordinator Gloucestershire Forum	Cheltenham Borough Council
Mr. Kevin Douglas	Monitoring Officer	Malvern Hills District Council
Mr. T.D. Bayliss		Shropshire County Council
Mr. David Blakey		Worcestershire County Council
Mr. Chris Brighton		Wyre Forest District Council
Mr. Neil Brogden		Oswestry Borough Council
Mrs. Joan Casewell		Bridgnorth District Council
Mr. Alan Clague		South Shropshire District Council
Mr. P.G. Leopold		Malvern Hills District Council
Mr. L.C. Lovell		Oswestry Borough Council
Mr. Tony Lyons		Malvern Hills District Council
Mrs. Ann McDowell		Wyre Forest District Council
Mr. Murray Mylechreest		Worcestershire County Council
Mr. Robert Rogers		Herefordshire Council Hereford and Worcester Fire and Rescue Authority
Mr. David Stevens		Herefordshire Council
Mr. M.L. Tebbutt		Shropshire County Council
Mr. David Turner		Shropshire County Council
Mr. Tony Ward		West Mercia Police Authority
Mr. Chris Williams		Worcester City Council