

INDEPENDENT MEMBERS FORUM – 15 OCT 04

1. Mr Gooch and I attended the above meeting held at Swindon DC. A list of attendees will follow; we were the only County Council present. The Chairman of the Swindon DC Standards Committee, Keith Carby, chaired the meeting.
2. The early part of the agenda was a review of the Third Annual Assembly of Standards Committees held last month. In the event there were very few people who actually attended so after a desultory conversation we moved onto the main part of the Agenda.
3. Presentation by Anne Rehill (Senior Policy Advisor, Standards Board for England).

Issues raised were:

- Today marked the establishment of the 8th such Independent Fora.
- The Code of Conduct for Members was to be reviewed with the main idea the enshrining of the Nolan Principles (openness, public spirited etc) as part of the code [comment – I was amazed that they are not already in...]
- She ran through many of the activities of Committees and some of the issues for Committees – providing leadership in ethical governance, untainted, non-political and to be a “neutral, self-confident critical friend” – a phrase that resonated for me.
- NEWS – Powers of local investigation - “Section 66” - were laid in parliament on 14 October and come into force on 4 Nov 04.
 - This will allow matters to be referred back to local Councils
 - It will allow ESO to send cases back with “direction” to take other actions than investigation – issues in wider corporate governance
 - They estimate 50% will be returned for local determination
 - Local actions needs to be:
 - Human Rights Act compliant
 - Show common sense
 - Specify an outcome that stands up to external scrutiny
 - We need to ensure we have local procedures for investigation in place
 - Standards Committee members are to be told of the referral of a case back to the authority but with no details at this stage
 - New regulations do allow for mixing and matching of sanctions hereafter – e.g. can suspend until have completed designated training
 - There is a legal duty on authorities to give Monitoring Officers sufficient resources to carry out the tasks

- If during an investigation the Monitoring Officer (or delegate) finds evidence of issues where greater sanctions might be appropriate it can be referred back to the Standards Board
- Standards Committees can direct the Monitoring Officer to carry out further investigation – once only. If they decide yet more investigation is needed it must then go back to the Standards Board.
- Opinion was given that an independent member should chair any panel at a hearing but there was not specific view on whether elected members should be included or excluded.

4. The benefits of this network:

- Decrease the isolation of Independent Members
- Good practice Forum
- Ability to lobby and regional or National Level
- Arranging of training
- Yorkshire and Humberside Forum has been very active and is to be addressed by Minister of State, Nick Raynesford
- Greater Manchester Forum is seeking its own funding from the regional Local Government Office
- View of Standards Board was there needs to be a some, but minimal, coordination: function of Chair, minutes, terms of reference etc

5. View of the Standards Board of its role in relation to this gathering:

- To support such networks
- Maintain – if required – a national database of fora, members and issues
- Provide advice, newsletters¹ etc

6. Any other Business.

In much the same way as we did at our last meeting the Standards Board had taken the view that the model Code of Conduct for Employees was not its business.

7. Next Meeting.

Suggested date is Friday 22 April 2005 at County Hall, Wiltshire CC. I am afraid I committed us to a little more work than that! I suggested that Monitoring Officers of Swindon DC and Wiltshire CC (host and future host) be asked to draw up a short paper circulated in advance of that meeting to establish Terms of reference, support arrangements etc. I further suggested that if we have peripatetic meetings then perhaps each successive host authority should provide a "Secretariat" function to the Forum until the next meeting. I trust I did not go too far!

¹ When asked no one recalled seeing the Newsletter! On reflection I think we did <http://www.standardsboard.co.uk/pdfs/scnews/scnews-issue2.pdf>