

Standards Committee : 12 January 2010

Title of report: Yorkshire and the Humber Independent Members Forum

Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	N/A
Is it in the Council's Forward Plan?	N/A
Is it eligible for "call in" by Scrutiny?	N/A
Cabinet member portfolio	Corporate

Electoral wards affected and ward councillors consulted: All

Public or private: Public

1. Purpose of Report

Independent members of standards committees in the Yorkshire and the Humber region have the opportunity to attend the Yorkshire and the Humber Independent Members Forum to discuss issues of interest to them and to receive presentations and training. The Forum is arranged by the Association of Independent Members of Standards Committees in England. This report annexes the minutes of the meeting of the Forum held on 30 October 2009 in order to inform Standards Committee of the issues currently of interest to independent members in the region.

2. Key Points

The minutes of the Forum form the Annex to this report. The minutes have not yet been approved by the Forum but the Chair of the Forum has kindly agreed to them being made available to Standards Committee.

3. Implications for the Council

It is useful for the Standards Committee to be aware of the issues which are of interest to others who are involved in the standards regime.

4. Consultees and their opinions

N/a

5. Officer recommendations and reasons

It is recommended that Standards Committee consider the minutes of the Yorkshire and the Humber Independent Members Forum and identify any issues about which they would like further information.

6. Cabinet portfolio holder recommendation

N/a

7. Next steps

See recommendation.

8. Contact officer and relevant papers

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Background Papers:

None

ANNEX

MINUTES

YORKSHIRE AND THE HUMBER INDEPENDENT MEMBERS FORUM

At a meeting held at Huddersfield Town Hall
On Friday, 30 October 2009 at 2.00 pm

Present:

M Wilkinson (Leeds City Council –Chair)
J Acton (Halifax)
M Andrew (Rotherham)
E Blackburn
P Blythe (Kirklees Council)
A J Carter (South Yorkshire Police Authority & South Yorkshire
Integrated Transport Authority)
B Cottingham (Hull)
D M Cuckson (Doncaster)
J Davies (East Riding of Yorkshire Council)
J Dixon (York CC)
M Goode (Scarborough Borough Council)
W G Harvie (North Lincolnshire Council)
A Kitson (Kirklees Council)
M Hall (City of York Council)
K D Taylor (Scarborough)
N ?
C M ?

1. Apologies:

A Beckett (West Yorkshire Police Authority)
A Bingham (South Yorkshire Police Authority)
M Corry (NE Lincs Standards Authority)
A Dixon (York CC)
R Greaves (Leeds City Council)
T Kendall (South Yorkshire Fire & Rescue Authority)
K Robinson (Hull CC)
J Ross (NE Derbyshire DC)
C Shannon
P Tether (Hull CC)
R Thompson (York CC)
V Walker
J White (HDC Independent Member)

2. Minutes

It was RESOLVED that the minutes of the meeting held on 28 April 2009 be approved as a correct record.

3. Matters Arising

There were no matters arising

4. Members' and Officers' Codes of Conduct: the current position

It was reported that the Code of Conduct for Members had been promised before the end of this calendar year with implementation from May 2010, whilst the new Officer Code should be available in Spring 2010.

5. Government's Response to the Consultation on 'Time Off' Entitlements.

The Government response to the consultation was that having considered all responses it did not intend for the time being to increase the time off entitlements as far as independent members are concerned. It was noted that this would inevitably limit the pool of willing volunteers which should have been taken into consideration.

For the full response please see:

www.communities.gov.uk/documents/communities/pdf/timeoffresponse

6. Forum Members' Feedback on Standards for England Eighth Annual Assembly

The Forum discussed members' differing experiences of the Assembly. Feedback included:

- Some members welcomed the networking whilst others felt there was a little too much
- It was useful to exchange experiences with other members
- The allocation of time was a little odd, with long teabreaks but a short lunch period
- Presentations by Standards Committee members had been increased following feedback from the previous year and this was judged to have been a great success
- Breakout/sharing experiences had been very valuable with lots of exemplary practice being shared
- All the Assemblies so far had been very worth while attending.

New Members

- A buddying scheme may be helpful for new members
- Different coloured lanyards may also be useful to identify those at their first Assembly

Mike Wilkinson confirmed he will let the debriefing committee have this feedback.

During the discussion, it was agreed that a major role of any standards committee was to promote high ethical standards, however a minority of members were not comfortable with this, feeling that it was their job simply to police the system. There are no ideal answers – if an approach works, then fine. It was felt that the role of the independent members was extremely important and perhaps this wasn't pushed enough, with independent members perhaps being led too much by officers rather than members.

The AIMScE event had also been very good, and Mike Wilkinson confirmed there would be an Annual Assembly in 2010.

It was noted that the system has 80,000 elected members and has had 2,863 complaints, ie 1 complaint per 25 members and only 25 of these were classed as serious: the data does not show there is a massive problem in local government.

Hot topics for coming 12 months:

- General election
- Revised codes
- Response for assessing risk in the system
- The quality of the system
- Cost of preventative work ie training within parish councils. Local authorities do not appear to be overly enthusiastic as this is seen as taking up too many resources, but again it is part of standards committees' responsibility to promote ethics.

Parish councils: "good practice" for working with parish councils (PCs) was discussed and it was noted that in some authorities the independent members are allocated a number of PCs each. They go out to do "missionary" work and introduce the concept of standards committees to the PCs. This seems to work, especially if PC members don't attend training sessions as standards committee members can go to them. It was also noted that Taunton Deane Borough Council has a full time parish liaison officer and this works very well. The Forum also questioned if the problem could be with the PC clerks: ie they are not adequately trained or may not be passing information down.

MW advised that he had instituted an audit asking questions of parish clerks and these are chased until 100% are returned – a sample copy of the questions is attached.

Costs: It was agreed that the costs of investigations was worrying, and the question was raised if members considered this in assessment sub-committees when referring a matter for investigation. The question of whether it was in the public interest to investigate whilst bearing in mind the cost of not investigating if appropriate and necessary. It was noted a useful exercise was to look at the decision with hindsight when the investigation is finished to see it was really justified, although it was noted assessment sub-committee have only a complaints form to consider making it very difficult to assess at the time.

One suggestion was to suspend the decision on having an investigation, make further enquiries and maybe engineer for example an apology if that would be an acceptable outcome.

As financial restraints increase, do standards committees need to think more of mediation, conciliation etc. These would be more cost effective, time effective etc. Greater emphasis needs to be on how to circumvent an investigation, and then use common sense, but committees are undoubtedly constrained by process. It was important for members to remember that with financial cuts, standards committees could be swept away.

Vexatious complaints: Authorities who worked these out through whips have cut down on workloads massively, however it was agreed that, as always, it was best to use whatever works in each individual authority.

Other action: One great fear is the reluctance of members to comply with 'other action' as there is nothing to force them to comply. The Forum discussed whether codes needed to be changed to be stronger and should apologies be drafted. It was agreed that going through Whips can circumvent these 'other action' problems.

The new DVD available on assessment was highly recommended.

7. Annual Reports of Standards Committees

In their annual questionnaire, Standards for England asked if authorities published their annual report, which was seen as a hint to good practice so this is to be encouraged.

Some annual reports authorities don't yet publish but send to Group Leaders etc that then when the chair of the standards committee has a meeting this can be discussed. It was noted that the reaction to the offer to present this information, eg at Council, may not always be positive.

The independent member from East Riding of Yorkshire Council handed in a copy of their annual report at the start of the meeting.

8. Consultations on Council's Leadership Arrangements.

The forum discussed the new government rules that councils will have to choose between one of two options for their leadership arrangements with effect from May 2010.

- (i) A 'New style Leader with Cabinet' model or
- (ii) A 'Mayor with Cabinet' model

9. Enhanced Roles for Standards Committees

Mr Alan Carter presented this item.

The Forum discussed whether people feel restricted in their current roles and would they welcome an enhanced role. Various examples were considered, for instance Hull has had enhanced roles for a while and it was reported it was working very well.

It was also noted that standards committees are responsible for making decisions on politically restricted posts, and this should be noted in their terms of reference. Members were advised to check this and Mike Wilkinson advised that in his Council a list had been drawn up of politically restricted posts.

For the last 18 months standards committees have had an adjudication role which is separate from Standards for England. Please see Local Government and Public Involvement in Health Act 2007 (http://www.opsi.gov.uk/ACTS/acts2007/pdf/ukpga_20070028_en.pdf).

The Forum noted that Standards for England were encouraging to seek to enhance areas of good governance, but whilst there was a good argument for independent members on any standards committee to have an enhanced role, but it should not be forgotten that they are on the standards committee for a specific purpose.

10. Transparency of Local Government Members' Allowances etc

The Forum considered if there was a knock-on effect from the fall out over expenses to Local Government and what, if anything, should standards committees do about that.

The need to be proactive was agreed, eg publishing the Register of Interests on the website. (It was noted that in five years certain bodies will be expecting all expenses to be published on local authority websites anyway, so it may be useful to start doing this anyway.)

11. Whistleblowing Policies & Processes

The forum agreed the paper from Philip Tether was very useful, and members were advised to contact Dr Tether direct with any queries.

The Forum considered how complainants are often suspicious of officers and members and the role of independent member is therefore exceptionally valuable in dealing with some types of complaint.

It was agreed that standards committees need to have a role in whistleblowing, but not a central one.

The Forum offered their thanks to Dr Tether and agreed this item should be taken forward to the next meeting.

12. Consideration of speaker for the next meeting

An offer had been made by Dr Michael Macaulay to attend the next meeting, which was accepted by the Forum. Mike Wilkinson agreed to contact with Dr Macaulay to make arrangements.

13. Any other urgent business

None.

14. AIMSce matters

AIMSce had held a fringe event and a transcript of the address and presentation slides can be downloaded from their website if required: www.aimsce.org.uk.

15 Dates and Venues for spring and autumn 2010 meetings.

The Spring meeting will be in March 2010 at Sheffield. Mr Alan Carter agreed to organise this event and circulate possible dates.

The Autumn meeting will take place in October 2010 in York.