

INDEPENDENT MEMBERS FORUM

30 May 2006

at

Rochford District Council (Civic Suite, Rayleigh)

Present:	John Honey (JH)	Monitoring Officer	Rochford	
	Tony Comber	Independent Member	Rochford	
	David Cottis	Independent Member	Rochford	
	Bernard Flynn	Independent Member	Rochford	
	Ian Clift	Independent Member	Castle Point	
	Derek Connelly	Independent Member	Castle Point	
	Robert Smale	Independent Member	Castle Point	
	Julie Batt (JB)	Committee Officer	Basildon	
	Malcolm Fielding	Independent Member	Basildon	
	Myrna Liles (ML)	Independent Member	Maldon	
	Denise Foster	Officer (Minutes)	Rochford	
	Apologies:	Andrew Smith (AS)	Monitoring Officer	Castle Point
		Jason Bishop	Independent Member	Castle Point
		Amanda Darke	Independent Member	Castle Point
Margaret Jackson		Independent Member	Basildon	
Ian Andrews		Independent Member	Maldon	

7.	<p><u>Introduction</u></p> <p>John Honey (JH) welcomed everyone to Rochford District Council Civic Suite and the second Independent Members Forum. All present introduced themselves.</p> <p>As there were new members of the Forum present, JH explained that the IMF had been set up following discussion arising out of the Standards Board Annual Conference 2005. Rochford, Castle Point and Basildon were involved in the inaugural meeting at Castle Point on 21 February 2006. The Monitoring Officer at Chelmsford (Sue Deval) advised that their Independent Member did not wish to attend. However, they would like to be kept up to date as new independent members are being recruited who are likely to want to take a more pro active role. No response had been received from Southend Borough Council.</p>	
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	<p>JH stressed that the Independent Members have ownership of this forum and, therefore, the ability and responsibility to drive it forward in whatever manner they wish. Officers will assist with arrangements and advice as required.</p> <p>Authority updates:</p> <p>Rochford Although much progress has been made on issues such as Members' training, no cases have yet been referred for local determination. If a case was referred to the Standards Committee, the Chairman is required to nominate an Independent Member to chair a panel hearing. The Independent Chairman would nominate 2 members of the Committee to sit with him to hear the case.</p> <p>Castle Point The Independent Members present are newly appointed. Their Standards Committee now comprises 5 elected Members and 5 Independent Members. They have a Standards Committee meeting set for 12 June, when a complaint against a Councillor is to be dealt with. All 10 members of the Standards Committee (5 elected and 5 independent) will hear the case.</p> <p>Castle Point's Standards Committee deal with general complaints as well as Standards Board referrals.</p> <p>Basildon No cases have yet been referred for local determination. Their Standards Committee comprises 3 elected Members (1 from each political party), 3 Independent Members (who are Chairman and Vice Chairman) and 1 Parish Representative.</p> <p>Maldon Maldon have 2 Independent Members, who alternate chairing of meetings.</p> <p>ML advised that their Standards Committee had dealt with a couple of cases where complaints had been received (Member against Member). However these were dealt with under their local codes and protocols and had not been referred from or to the Standards Board for England.</p> <p>No cases have been referred by the Standards Board for local determination. However, there have been cases involving Maldon District Councillors that had been referred to the Adjudication Panel by the Ethical Standards Officer.</p>	
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8.	<p><u>Minutes of IMF Meeting 21 February 2006</u></p> <p>Noted</p>	
9.	<p><u>Matters Arising</u></p> <p><u>Proposals to hold a Mock Hearing:</u> See Minute 11</p>	
10.	<p><u>Ethical Framework</u></p> <p>JH ran through the development of the ethical framework to date. Significant changes are promised around how local determinations are dealt with – this will undoubtedly result in an increasing workload for local Standards Committees.</p> <p>Currently, upon receipt of a complaint against a Councillor, the Standards Board for England decide whether to investigate and, if so, the case is passed to an Ethical Standards Officer who may involve the relevant Local Authority in the investigation. Once the complaint has been investigated the options are:</p> <ul style="list-style-type: none"> • No breach of the code, therefore, no further action • Referral to the Standards Committee for determination • Referral to the Adjudication Panel for determination <p>If a Standards Committee determines that the Code of Conduct has been breached the maximum sanction they can apply is suspension of the Councillor for 3 months.</p> <p>If the Adjudication Panel determines that the Code of Conduct has been breached, the maximum sanctions they can apply is disqualification from acting or standing as a Councillor 5 years.</p> <p>It is proposed that the Standards Board for England will take a more strategic role and by 2008 all complaints will be considered locally with all but the most serious cases referred for local determination. Independent Members of Standards Committees will, therefore, have a major role in future.</p> <p>Other issues discussed by the Forum were:</p> <ul style="list-style-type: none"> • Likely changes in Code of Conduct, particularly around whistle blowing, provisions on bullying and clarification of members' interests. • The increase in workload for Standards Committees, if every complaint received is dealt with locally. 	

	<ul style="list-style-type: none"> • Impact of the White Paper, due next month but likely to be delayed, on local government reorganisation and the ethical framework. • Impact of any changes in law on current structure • Possible difficulties for a Member to be involved in a hearing against a fellow Member. 	
11.	<p><u>Proposals for Mock Hearing on 13 July 2006 at Castle Point</u></p> <p>Arrangements have been made by AS for the mock hearing to take place and details of the scenario have been circulated. AS had invited the Forum to consider how roles were to be filled.</p> <p>Following a general discussion, the Forum felt that the part of officers should be played by those currently occupying those positions and that Independent Members should play the hearing panel. The Chairman's role should be taken by Castle Point and 4 Committee Members should be made up from Independents from the four authorities present at this meeting.</p> <p>To aid member training, allowing observation of the proceedings, it would be best if officers played the other parts. It was suggested that 2 Officers from Rochford and 2 Officers from Castle Point might play the roles of Cllrs. Beckham, Gerrard, Rooney and Lampard. (To be arranged between JH and AS).</p> <p>Elected Members of all the Forum Authorities to be invited to attend the mock hearing.</p>	JH
12.	<p><u>Any Other Business</u></p> <p>None</p>	
13.	<p><u>Date and Venue of Next Meeting</u></p> <p>The next meeting is to be arranged for September – to be hosted by Basildon. Arrangements to be made and circulated by JB.</p>	JB