

**REPORT FOLLOWING A MEETING OF THE NORTH WEST
INDEPENDENT MEMBERS FORUM
held at County Hall, Preston on Tuesday 21st April 2009**

THOSE ATTENDING from Cheshire East Standards Committee

Nigel Briers (Chairman)
David Sayer (Vice Chairman)
Roger Pomlett

**CONVENOR: Chris Rice - Lancashire County Council
Standards Committee**

**SECRETARY: Roy Jones - Committee and Standards Manager
Lancashire County Secretariat**

**ALSO PRESENT: 43 Independent Standards Committee
Representatives of Constituent
Authorities**

[It was explained during the course of the meeting that the Forum when inaugurated was designated as 'Greater Manchester' and only in recent times had this been enhanced to include the North West Region hence the inclusion of the Cheshire East Council]

INTRODUCTIONS

The Convenor welcomed delegates from Cheshire East and outlined the format of the meeting and a summary of replies to an earlier questionnaire sent out with the agenda was circulated for the purpose of facilitating a show of hands by delegates at a later stage in the Forum dealing in the main with housekeeping issues e.g. frequency and venue of meetings, duration of office of chair/secretary (see post). The Convenor introduced the guest speaker Freda Sharkey Acting Head of Legal at the Standards Board for England (SBE).

GUEST SPEAKER

Ms Sharkey gave a pragmatic and forthright dissertation on a number of practical issues dealing at the outset with first reactions, procedures and acknowledgement following receipt of a complaint (which complaint must be in writing) and her guidance was particularly helpful in relation to the difficult question of precisely how much detail of the complaint is to be disclosed in the initial stages to the member against whom the complaint is levelled. No detailed information to be disclosed unless and until the Standards Committee (or a Sub Committee thereof) has considered the complaint (behind closed doors). Ms Sharkey reminded delegates that no person can be 'a member' of a Standards Committee unless that person has signed up to the Council's Code of Conduct (a point to watch carefully in relation to Parish Council representatives).

In dealing with complaints useful guidance and timely warnings were given relative to 'Other Options' for disposal with particular reference to 'Other Action' and instances where it may be appropriate to adjourn for additional information. One particular point to note i.e. where the 'OtherAction' option is exercised then the further investigation route is closed and cannot be retrospectively revived. Delegates were reminded to refresh their memories with regard to Regulation 8 (formulating decisions) and Regulation 11 (keeping the subject member informed). The subject of 'Other Action' closed with a short summary of the circumstances in which a complaint may be referred to SBE. Sole and very important criterion i.e. "Is it in the public interest?" An interesting and instructive talk dealing with useful and practical points and throwing up for discussion moot points which may well trigger future debate e.g. reviews. It appears that nationally hardly ever does a review panel reach a different decision than that achieved at initial assessment stage which raises the question "Does it add value"? Food for thought.

Closing remarks touched lightly on such matters as Intervention (by SBE), Joint Committees and issues surrounding the on-going debate concerning what constitutes a 'criminal conviction' and the new Model Code scheduled for publication in June 2009 (thought unlikely).

Questions followed from delegates mainly again on the subject of criminal convictions in relation to cautions and length of time taken up in procedures (Nigel Briers)

CONCLUSION

The third and final part of the Forum dealt with the housekeeping issues previously referred to and Roger Pomlett explained to the meeting that the Cheshire East delegates had not returned the questionnaire by reason that none of them had previously been included in the Forum and accordingly had neither the experience or sufficient knowledge of the inner workings of the Forum to formulate, at this stage, any constructive contribution.

This was wholly accepted and understood by the Convenor and delegates.

[It is understood that further information will be forthcoming from the Secretariat following circulation of all relevant local authorities upon their respective willingness or otherwise to make a funding contribution to the cost of administering the Forum. The independent membership will ensure that Cheshire East Standards Committee is kept informed]

21st April 2009