

THE STANDARDS BOARD FOR ENGLAND
Board Meeting

Board Room
1st Floor, Cottons Centre
Cottons Lane, London SE1 2QG
16 November 2005
10.00am – 12.30pm

Meeting Minutes

Present: Sir Anthony Holland, Chair
Patricia Hughes, CBE, Deputy Chair
Cllr Louise Bloom
Celia Cameron, CBE (up to and including item 05/138)
Peter Chalke, CBE
Margaret Pratt (from item 05/139 onwards)
Paul Sabapathy, CBE
Roger Taylor

In attendance: David Prince, Chief Executive
Tim Bogan, Communications Manager
Chris Boothman, Head of Legal Services
Allister Duncan, Head of Corporate Services
Lisa Klein, Head of Investigations
Lucy Nickless, Principal Referrals Case Manager
Anne Rehill, Senior Policer Adviser
Andrew Lockley, Irwin Mitchell (item 05/138 only)

ACTION

05/120 Apologies
None

05/121 Minutes of Board Meeting held on 22 September 2005 (Open Session)
The minutes were approved and signed by the Chair.

05/122 Matters Arising
None.

05/123 Declaration of Board Member interests and forthcoming engagements
Chair: Term of office as Chair of Northern Ireland Parades Commission finishes on 31 December 2005. He is also no longer on the Criminal Injuries Compensation Appeals Panel;
Peter Chalke: has accepted a consultancy with Persimmon Homes;
Paul Sabapathy: National Blood Authority was wound up at the end of September so he is no longer a board member;
Roger Taylor: Interim Associate Chief Executive at Norwich City Council; doing a new piece of work for Wigan MBC mostly concerning a finance project; also doing some work for Yorkshire and Humberside Regional Centre for Excellence;
Louise Bloom: was due to meet with Cllr Richard Kemp on 24 November but this is to be rescheduled.

05/124 Team Briefing
The Board noted the report and that future briefs will be widened to report on performance across the organisation.

Comms.Mgr

05/125 Board Members' Handbook
The Board agreed:

- i. the list of contents and additionally asked for KPIs and statistics over a number of years and for Board members' names and addresses to be

HoCS

included. They also asked for the handbook to be available electronically as well as in a ring binder;

- ii. that the handbook should be revised by the Board on an annual basis and that the policies and procedures similarly be reviewed on an annual basis; and
- iii. suggested that a basic information sheet is compiled for new Board members.

HoCS

HP&G

The Chair also gave an update on the recruitment of new Board members. Seven interviews took place on 11 November and a further two interviews are being held on 16 December.

05/126 Anti-Fraud and Corruption Policy

The Board approved the policy but asked that para 4.1 on page 7 is redrafted to ensure that an internal investigation would not prejudice a subsequent police investigation.

HoCS

05/127 Policy for refusing misconceived complaints against members

The Board approved the proposals as follows:-

- i. Having taken legal advice on the position, it is proposed that in future a complaint about a council decision or procedure with no attempt to identify any misconduct on the part of an individual councillor does not have to be treated as a complaint, even if a number of councillors are referred to as being complained against. This would cover cases where a complainant submits a list of councillors to try to bring the complaint within jurisdiction, but makes no attempt to link the substance of the complaint to any individual conduct. Such a complaint should not be regarded as being an allegation that a member has failed, or may have failed, to comply with the Code of Conduct.
- ii. As such complaints will not be formally logged or assessed, members and monitoring officers will not be notified that a complaint has been made which the Board has decided falls outside of its jurisdiction. Complainants in such cases will be advised to alternatively make their complaint directly to the authority concerned, or to the Local Government Ombudsman. The details of the complainant's allegation will also be returned to them. It is acknowledged that a result of this practice will be that the subject members will not be advised that a complaint has been received; however the complaints will strictly speaking not be against the member, and the Board will not be retaining the information.

It was agreed that the example given with the proposals would not be used in the reference material.

HRU

05/128 Criteria for section 59(4)(b) findings

The Board noted the approach used by ESOs in relation to findings made under section 59(4)(b) of the Local Government Act. They did not wish to in any way fetter the ESOs' discretion. This was particularly with regard to paragraph 10 of the report where guidance was sought on various scenarios.

05/129 Research

The Board agreed that tenders should be invited for research on "Satisfaction with the Standards Board for England".

05/130 Benefits Review

The Board agreed the additions to the benefits package as follows:-

- i. Salary sacrifice schemes – Childcare vouchers, home computer initiatives and payroll giving
- ii. Group membership of healthcare cash plans, dental insurance, Benenden

Healthcare and Gym/Sports centre.

on the strict understanding that this would be at no cost to the Standards Board for England.

05/131 Witness Expense Scheme

The Board adopted the proposed scheme:-

- i. Witnesses may incur travel and subsistence expenses and may need to take time off from work if required to attend a case tribunal convened by the Adjudication Panel for England. The SBE will pay on request a witness' reasonable travel and subsistence expenses and compensation for loss of work time if that witness has been required to attend a case tribunal.
- ii. Travel and subsistence expenses and compensation for loss of work time agreed will only be paid at the rates set out in this scheme.
- iii. The SBE will not pay the expenses of any third party who attends a case tribunal with a witness, such as a friend, family member or legal representative.
- iv. A witness' travel and subsistence expenses will be paid in accordance with the allowances paid to members of local authorities (as set out in scheme).
- v. There is a presumption that witnesses will use public transport (standard class) unless the SBE agrees, in advance, that alternative arrangements are more economical or necessary.
- vi. Witnesses may claim compensation for loss of time if they have lost income to attend a case tribunal. Compensation will be paid in accordance with the financial loss allowance rates paid by the Court Service to jurors on jury service (see scheme).
- vii. Claimants must provide full documentation to support their claim. In the case of loss of income, evidence must be provided to show that income was lost. Investigators must pass all claims to the SBE for certification and then to the Finance Department for payment.
- viii. The SBE, if requested in advance, may agree to pay additional and necessary expense incurred by a person required to attend a case tribunal. Examples would include photocopying costs and childminding fees.
- ix. Claimants must provide the SBE with full documentation to support their claim. All claims must be passed to the Hearings Coordinator for certification and to the Finance Department for payment.

05/132 Chief Executive's Report

The Board:

- i. received the report, noting that there would be a period of considerable uncertainty until the implications of the forthcoming ministerial statement could be fully worked through;
- ii. endorsed the proposed Chief Executive's Learning Set proposals for further development with SOLACE;
- iii. agreed, in principle, with the suggestion of a LSE symposium-style event "in association with the Standards Board for England" as outlined below;
- iv. advised on issues to be raised with the LGA Executive; and
- v. noted the Board Meeting date on Wednesday, 7 December 2005 at 10.00am

05/133 Capacity Building

The Board noted the progress on the various initiatives.

05/134 Mid-Year Performance Review 2005/06
The Board noted the performance of the organisation against its Key Performance Indicators and asked for thanks to be passed on for the improving throughput in case handling during a period of uncertainty.

05/135 Performance against the Operational Plan
The Board noted the report.

05/136 Corporate Services Report
The Board noted the report.

05/137 Communicating with members of the public
The Board agreed that a proactive approach is required and the Communications Manager will draft a strategy.

Comms.Mgr.

05/138 Advice on the investigation process of the Standards Board for England
Andrew Lockley, partner with Irwin Mitchell, joined the meeting. Irwin Mitchell had been retained to carry out an assessment of the investigation process to ensure that the process was compliant with natural justice, the Human Rights Act and good practice in terms of fairness. The Board noted the good progress made to date and that the process and guidance that have been adopted meets high standards. A full report will be made to the next meeting of the Board Investigations Panel. This will include the latest guidance on the investigations process.

**SESO
HLS**

05/139 Annual Assembly feedback from 2005 and preparations for 2006
The Board received the report and discussed themes for next year's event. They also agreed that the proposed pricing structure for the 2006 event was reasonable. They noted that the first meeting of the steering committee is on 30 November 2005 and Board members were invited to attend.

05/140 Closed Items
– The Board then went into closed session to consider confidential matters.

05/145

The next meeting will be held on Monday, 9 January 2006 at 10.00am

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Chair