

THE STANDARDS BOARD FOR ENGLAND
Board Meeting

Board Room
1st Floor, Cottons Centre
Cottons Lane, London SE1 2QG
12 March 2003
10.00am – 3.00pm

Meeting Minutes

Present: Tony Holland, Chair
Patricia Hughes, CBE, Deputy Chair
John Bowers QC
Cllr Celia Cameron, CBE
Cllr Peter Chalke, CBE
Professor Alan Doig
Margaret Pratt
Roger Taylor
Paul Sabapathy, OBE

In attendance: Allan B Cairns, Chief Executive
David Abrahams, Legal Advisor (part-time)
Tim Bogan, Communications Manager
Richard Cantwell, Finance Manager
Paul Hoey, Head of Policy and Guidance
Lisa Klein, Senior Ethical Standards Officer
Claire Lefort, Legal Advisor
Lindy Petts, Head of Human Resources (part-time)
Bryan Wiggins, IT Manager (part-time)
Michelle Witton, Senior Policy Advisor (part-time)
Alex Wood, Acting Team Leader – Referrals Unit

Observers: Sara Bayly, Legal Advisor

ACTION

03/24 Apologies
None

03/25 Minutes of Board Meetings

The Chair corrected the agenda as the minutes of the Board Referrals Meetings were sent for information and only the minutes of the Board Meeting on 29 January 2003 were for approval.

With regard to the Board Referrals Meetings, the Chair advised that in future draft minutes will be sent to those Board Members who attended the Referral Meeting and will be taken as approved unless amendments are received within 48 hours. The Chair of the next Board Referrals Meeting will sign them. In future these meetings will be called Limited Agenda Board Meetings.

With regard to minutes of Full Board Meetings, David Abrahams advised that the Information Commissioner has rejected the proposal to publish only summaries of decisions taken at board meetings on the SBE website. The board therefore agreed that the minutes of Full Board Meetings will be published on the website but that these minutes will contain decisions only and will not include confidential information. The board further agreed that today's meeting will be an open meeting with a closed session at the end.

The minutes of the Full Board Meeting held on 29 January 2003 were approved and signed by the Chair.

- 03/26 Matters Arising from the minutes of the meeting held on 29 January 2003**
03/02 – Minutes of December Board Meeting – Patricia Hughes said that in view of the fact that it was impossible to reword minute 02/199 so as to achieve what she had intended she asked that the minute be disregarded. The Chair signed the minutes.
03/13 – External Training – Alan Doig advised that he has received a circular from CIPFA Better Governance Forum saying the SBE supports it. It was agreed that the CE should resign his membership. **CE**
03/22 – Communications Strategy Update – Celia Cameron and Peter Chalke advised that that they are not members of SOLACE. Roger Taylor will host an event at the conference.
- 03/27 Declaration of board member interests**
Margaret Pratt declared that she is chairing (in a personal capacity) a Better Governance (CIPFA) conference on Whistleblowing on 29 April 2003.
- 03/28 Team Briefing**
The Board noted the report.
- 03/29 RU Report**
Alex Wood, Acting Team Leader of the Referrals Unit, joined the meeting. The Board noted the report and statistics.
- 03/30 ESO Report**
The Board noted the report and statistics.
- 03/31 MSFM**
The Board approved the MSFM and accompanying letter as drafted.
- 03/32 Handling of allegations during the election campaign**
The Board rejected the recommendation to introduce a fast-track process through Referrals and agreed that normal procedures will be followed during the run-up to local elections.
- 03/33 Freedom of Information Act 2000 – Draft Publication Scheme**
The Board agreed the recommendation that Class A6 of the publication scheme (Summaries of Board decisions) be amended to read: “Minutes of Board meetings (except where such minutes fall into one of the categories of exempt information under Part 2 of the Code of Practice on Access to Government Information)” **HLS**
- 03/34 Media Strategy**
The Board agreed that The Standards Board will respond to errors of fact and criticism of both The Standards Board and the Code of Conduct which appear in national, regional daily and certain other media. **Comms.Mgr**
- 03/35 External Presentations**
The Board agreed the recommendation that the Standards Board continue to contribute to external presentations at events, based on the following criteria:
- a. that the aims and objectives of the event reflect the aims and objectives of the Standards Board;
 - b. that the event is aimed at an audience the Standards Board wishes to reach;
 - c. that the event is organised by, or on behalf of, a public or national body (including but not limited to the LGA, ACSeS, the ODPM, a consortia of local authorities). The Standards Board will not accept invitations to participate in events run by private organisations such as law firms and not supported by other public or national representative bodies.
 - d. that the capacity in which the Standards Board contributes is clear to the audience - in particular that the Standards Board is not providing expert advice and information or endorsing training providers;
 - e. that consideration is given to the Standards Board’s role at the event. The

Standards Board may co-sponsor or partner public or national bodies in their provision of external events.

- f. that a balance is maintained between the availability of senior staff in the office and at events.

03/36 The Code Review: The Legal Q&A

The Board approved the initial draft of the Legal Guide to the Code and agreed to its publication subject to any amendments being agreed by nominated Board members, Patricia Hughes and John Bowers.

HLS/HP&G

03/37 Options for closer working with the Audit Commission

The Board noted and approved the areas and proposals for closer working with the Audit Commission and were particularly keen that The Standards Board should have close involvement with the Comprehensive Performance Assessment process and emphasised the need for CPA Inspectors who have a strong understanding of the ethical environment.

HP&G

03/38 Research Strategy Specification

Alan Doig withdrew from the meeting to avoid a possible conflict of interests. The Board agreed that three research projects should be tendered:-

- Satisfaction with support and guidance
- Supporting Monitoring Officers
- The needs of County Associations

03/39 Board Champions

Deferred to June board meeting.

03/40 Chief Executive's Report

The Chief Executive's verbal update was noted. He reported that the Board have still not received 3 Terms of Reference and 5 Codes of Conduct as follows:-

- Terms of Reference – Cannock Chase District Council, Tyne and Wear Police Authority and the London Borough of Enfield
- Codes of Conduct – Gloucestershire Police Authority, Nottinghamshire & City of Nottingham Fire, London Police Authority, County Durham & Darlington Fire and Rescue and Cannock Chase District Council

There are also approximately 1500 Codes of Conduct from parish councils outstanding.

03/41 Finance Report

The Board noted the report.

03/42 HR Report

Closed item.

03/43 IT Report and BS7799 Implementation Update

The Board noted the report and asked for a further report on progress against BS7799, including a gap analysis, to come to the June Board Meeting.

ITM

03/44 Case Management System

To be discussed at the Case Oversight Committee meeting on 13 March 2003.

03/45 Disqualification by the Adjudication Panel

The Board noted the report and asked for Counsel's Opinion to be obtained.

HLS

03/46 Progress of Section 66 implementation

The Head of Policy & Guidance gave a verbal update. He summarised the effect of the Government amendments to the Local Government Bill. A draft set of regulations had been received on the previous evening and officials were due to discuss the draft with ODPM officials. These regulations dealt with local

adjudication and accompanying guidance was being prepared for Board consideration.

He also gave the Board background details of the judicial review against ODPM and North Yorkshire County Council in relation to a planning application which had taken place. A copy of the judgment would be forwarded to board members once received.

The Board also discussed the Chair's recent letter to the Minister about prosecution and asked for further advice on the issues. A paper will be produced for the April Board meeting.

HP&G

03/47 Draft Liaison Strategy

The Board noted the active and co-ordinated approach staff are taking to managing key stakeholder relationships and also agreed the key stakeholders identified and asked for the Equal Opportunities Commission and Disability Rights Commission to be added.

HP&G

03/48 IdeA (Improvement and Development Agency) Guide for new members

The Board noted that officers have agreed with the IdeA that The Standards Board for England will contribute a section on The Standards Board and the Code of Conduct and approved the proposed content with the proviso that The Standards Board will have the opportunity to sign off the final version produced by the IdeA.

HP&G

03/49 Conciliation

The Board noted the report and asked for more consideration to be given to the most suitable body to carry out the research and also whether it would be more appropriate for Monitoring Officers to provide this service. Further report to the June Board Meeting if possible.

HP&G

03/50 Issues arising under the legal obligations of The Standards Board for England

The Board noted the issues concerning the legal obligations of The Standards Board for England under the Freedom of Information Act 2000, Data Protection Act 1998, Sex Discrimination Act 1975, Disability Discrimination Act 1995, Race Relations Act 1976 as amended by the Race Relations (Amendment) Act 2000 and the Human Rights Act 1998. The Board also noted that The Standards Board for England is not specifically subject to the provisions of the Public Interest Disclosure Act 1998 and the Regulation of Investigatory Powers Act 2000. The Board agreed the intended actions recommended, starting with the Race Relations Act, and asked for a regular report to be made to them.

HLS

03/51 Frequently Asked Questions

The Board noted the responses developed to the questions:-

- Do members need to re-register their interests if they are elected?; and
- Should details of complaints against members be disclosed to the public?

and that they will be placed on the website following the meeting.

03/52 Review of Frequently Asked Questions

The Board noted the updated set of FAQs, which will be placed on the website shortly following the Board meeting, and that many of the FAQs have been amended substantively to reflect the new approach to the FAQs (in the light of the Legal Guide) as well as the latest legal advice. It was agreed that the question dealing with freemasonry in the Legal Guide be added to the FAQs.

HP&G

The next meeting will be held on Wednesday, 23 April 2003 at 10.00am

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Chair