

Mark Reaney

From: BRIAN LOWE [lowe839@btinternet.com]

Sent: 19 March 2005 08:57

To: billdavies@wirral.gov.uk; fredaanderson@wirral.gov.uk; Paul Haywood;
jeanquinn@wirral.gov.uk; lesrowlands@wirral.gov.uk; Mark Reaney; Lyn Rodgers;
tonypritchard@wirral.gov.uk

Subject: Independent Standards Committee

Independent members of the Standards committee have requested the Chair to include some additional items in the agenda for our next meeting. His decision is still awaited.

One of the items relates to the independence of the Committee and is an issue that I feel particularly strongly about. In anticipation that this item is included in the agenda I thought it appropriate to share my argument with you before the meeting, so you have a better understanding of where I am coming from. I know that you are all busy people but I hope you have time to read the attachment before the meeting.

I would make clear that this is my position on the matter and although other independent members are supportive of "independence" in concept I am unable to say if they support this argument in full but I am hopeful that they will at least have the opportunity to express their position in debate.

I believe the timing is right for this issue to be discussed again as we are approaching the start of another Council Year and the question of the Chair of our committee will be soon be upon us once again. In addition momentum to more independence in Standards Committees seems to be picking up.

Kind regards

Brian Lowe

22/03/05

Argument for an “Independent” Standards Committee for Wirral Borough Council by Brian Lowe (Co-opted Member)

This Standards Committee is urged to recommend to the Council that the Constitution be amended to at least such that this Standards Committee is comprised of 3 elected Members (1:1:1) and three independent members. The Chair should be independent.

For A Standards Committees to be effective few will disagree that it is essential that it commands the confidence of the public and few will also disagree that to achieve this the Committees should be perceived by that same public as being independent. (i.e. balanced such that its activities and decisions are seen to be free from political affiliations and pressures)
It should be able and seen to be able to impartially perform its roles and responsibilities.

Since selection as a co-opted member of the Standards Committee I have thought it bizarre that elected members outnumber co-opted members and that the Chair has always been allocated, by whatever process, to an elected member. I have always been of the belief that this arrangement is unsatisfactory and should be changed if the public is to have faith that the committee will impartially manage the ethical behaviour of its own. I am confident that most members of the public would look at the current set up and question its “independence” and its impartiality. I was pleased to discover recently that in Wales it is now required that at least half of the members of a Standards committee should be independent and have an independent chair. In addition current Standards Board Guidance is that a Standards Committee should have an independent chair and a **majority** of independent members when determining a case. (This Committee has accepted this principle. Reference Minute 4 of meeting of 4/07/03)

Further more the 10th report of the Committee on Standards in Public Life (published in Jan 2005) recommends delegation of initial review of complaints to local Standards Committees and requests the Government to introduce secondary legislation “**to require a majority of independent members and an independent chair**”. If these recommendations are adopted then a local Committee will be involved in all complaints at the earliest stage and it is therefore even more important that the public see that the committee is entirely independent.

According to my research up until last year the Chairmanship of this Standards Committee had been decided by the Council under Section 15 of the Local Government and Housing Act 1989. The procedure is **invalid** as section 53 Para 10 of the Local Government Act 2000 exempts Standards Committees from that “balance” process.

Last year however the Council recommended that the Standards Committee select its own chair and in my view for the first time the current Chair of this committee is “legal”. The Committee however missed the opportunity to elect an independent chair with total votes from elected members exceeding the total vote of the independent minority. This was in spite of the fact that the Corporate Governance Review 2002/2003 recommended that consideration be given to the appointment of an independent chair as good practice and that the Standards Board best practice was that at least the Chair of Standards Committees should be independent.

It is a fact that at the present time only approximately 50% of authorities have even an independent chair. Both the Standards Board and the Committee on Standards

in Public Life strongly promote the concept of Independent Standards Committees. Indeed the latter committee has recommended to the Government that legislation be introduced to enforce the independence of Standards Committees on English Authorities something that the authorities seem unwilling to implement voluntarily.

I believe this Committee should take the opportunity to demonstrate its enlightenment and acceptance of desirable change by recommending to the Council appropriate constitutional amendments based on at least the Welsh Model or perhaps even more radical, the latest recommendation from the Committee on Standards in Public Life at the earliest possible moment. It will then be able to make the public more aware of its existence, roles and responsibilities (an action which I believe to be desirable and within our gift) without any questions being raised about its integrity and real independence and its ability to impartially manage the ethical behaviour of its own.

Request For Special Meeting of the Standards Committee

22nd March 2005

To
Mark Reaney
Legal and Member Services
Wirral Metropolitan Borough Council

In accordance with Standing Order No 26 we the undersigned as independent members request a special meeting of the Standards Committee.

Items for the agenda are:-

- 1) Make up and Independence of this Standards Committee.
- 2) Make up of "sub Committee" for Determinations
- 2) Independent members Forum.
- 3) Public awareness of the Standards Committee.
- 4) Amendments to the Constitution of the Council were appropriate to specifically include Independent Committee members as well as elected members.

Paul Haywood



Brian Lowe



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Standards Committee

Dear Councillors

As leaders of the political parties within Wirral, I am writing as an independent member of this committee, pressing my great concern over matters, which have been raised within **YOUR** Standards Committee.

Constitution items have surfaced and should be addressed, it is in the interests of the all-future councillors that all these highlighted points are and solved (Maybe a sub committee).

As "Lay independent member" to this committee I feel my purposes is to assist and express an independent view, which is not clouded by political aims and I hope that I have achieved this up to date.

Points where raised at the last standards committee meeting (22/03/05) and a special meeting called for by Mr B Lowe and myself (see Page 1481).

The spokes person for the Conservative seen to understand why we wanted the time constrains. If we came to agreement on an item it should go to the full council. The spokes person for the conservative also pointed out that 5 days was needed. All this was mistakenly omitted from the minutes.

We are still waiting for a date for the special meeting.

I emailed Mr Reaney/Cll D. Hawkins with debate/motions items for the special meeting on 23/03/05 and that it be forwarded to all on the committee and requested the email address of the councillors on the committee (NO email reply)

I had to go the local library to find email addresses of the councillors. The email was resent to Mr Reaney/Cll D. Hawkins and all members (NO email reply)

I have approached via email and telephone Mr Reaney office over the starter pack for councillors, which contains the Wirral's constitution for councillors.

This document is quoted whenever questions are raised. (NO email reply)

I attended on a meeting on 09/03/05 at Bolton I requested the claim form, I am still waiting (NO email reply)

I do realise that the Officers are all over worked with the General Election but a reply pointing this out is all that is necessary

Would it possible to attend as visitors to the "The democracy local working party"?

I attach the doc sent to the Councillors and Lay Independent members

P. Haywood Independent member to Standards

Please forward to members of the Standards Committee

1 Statement by the Chair on the calling of a special meeting (Requires two political groups)

The statement is correct, but it applies to the council procedures. Council Members of the Standards Committee are a non-partisan group and therefore not politically aligned. The three Lay members are independent of each other and are certainly not a pressure group.

**An amendment to the Standards Committee procedures requires debate.
"That any two members can call a special meeting"
If agreement is reached, the outcome should be sent to full council for the necessary change.**

2 The Election of the Chair

The Standards Committee since it was formed has had 4 Chairpersons. It has been noted by me that one political party has been dominant; this political party has held the chair's position three out of the four years. This method cannot carry on and another system should and must be implemented.

The main problem is how to solve the election of the Chair.

**I propose the Chair and Deputy Chair be on a rotating method.
It would rotate though political lines from one political party to another
The Deputy Chair the following year would then seek election to the Chair.**

The last political group should take up the offer and seek election to the Deputy Chair.

**That the Deputy Chair be given an allowance for the roll
With the prospect of much greater involvement in dealing with
problems, The Chairs allowance should be increased.**

If agreement is reached, the outcome should be sent to full council for the necessary change

- i. This in my opinion would lead to greater independence from the council
- ii. Greater continuity in the roll of the Chair as the person would have been in post for 1 year already

3 The make up of the of the Sub Committee for determinations

The protection of any councillor is paramount in my thoughts. This protection is in the form of the Lay members of the Standards.

I propose that the number of Lay members on the sub committee be increased by one. The Subcommittee would consist of four panel members and a Chair.

The other lay member is held as deputy to other two, taking over the roll if a problem occurs with the attendance of either Lay member.

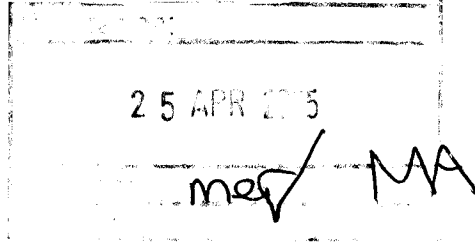
If agreement is reached, the outcome should be sent to full council for the necessary change

Submitted by Mr P. Haywood Wednesday, 23 March 2005

18 Gulls Way
Lower Heswall
Wirral
CH60 9JQ

22nd April 2005

Borough Solicitor and Secretary
Corporate Services Department
Wirral Borough Council
Town Hall
Brighton St.
Wallasey
CH44 8ED



Mr Mark Reaney,

As per Standing Order 8 I hereby give notice of the following motions both proposed by me, and both to be seconded by Mrs Lyn Rodgers to be moved at the special meeting of the Standards Committee now to be convened on Monday 9th May 2005.

As I interpret Standing Order 8 (1) the deadline for notice of motions for this meeting is Monday 25th April which has been met.

I move that this Standards Committee recommends to the Monitoring Officer that the Wirral Borough Council Constitution be reviewed with the objective of ensuring that the rights and responsibilities of Independent Members of this Standards Committee are accurately reflected in the constitution and are at least as fair and equitable and within the principles of a fair local democracy as those of elected members on matters related to Standards Committee business and that he should as per Article 15 of the Constitution recommend any relevant changes (of the Constitution) to the Local Democracy Working Party and the Council for implementation.

I move that this Standards Committee recommends to the Council via the Monitoring Officer and Local Democracy Working Party that the make up of the Standards Committee be changed so that it consists of three Councillors and three Independent members. The Chair and Deputy Chair shall be independent members elected annually by the Standards Committee for a period of tenure of one year after which they may stand for re-election.

Yours sincerely

A handwritten signature in black ink that reads 'B. Lowe'.

Brian Lowe
Independent Member Standards Committee.



to Mr B Lowe
18 Gulls Way
Lower Heswall
Wirral
CH60 9JQ

date 26 April 2005

your ref
my ref MA/SY/050426-1
service Legal and Member Services
Tel 0151 691 8471 Please ask for Mike Archbold
fax 0151 691 8468
email mikearchbold@wirral.gov.uk

Dear Mr Lowe

ITEMS FOR STANDARDS COMMITTEE

I am sorry you felt obliged to send in by special delivery the two motions for the meeting of the Standards Committee on 9 May. Standing Order 8(1) applies only to meetings of the Council. Standing Order 23 applies certain of the standing orders relating to Council meetings to committees and sub-committees also, but Standing Order 8 is not one of them.

There is no specific rule within the Constitution for the Standards Committee that allows for individual members, whether elected or independent, to put items on the agenda by request. Having said that, I would not seek to distinguish the Standards Committee from select (scrutiny) committees, where members do have that power. I am happy, therefore, to submit your letter to the meeting on 9 May. Also, I am prepared to recommend, for the avoidance of doubt, that such a provision should be written into the Constitution. We are in the process of reviewing the Constitution, and I am hoping that recommendations can be submitted to the Annual Meeting of the Council, on 23 May. I propose to submit both the proposals in your letter to the Local Democracy Working Party for consideration in the context of that overall review. Any comments made by the Standards Committee in respect of those proposals can also be fed into that process.

Yours sincerely

Head of Legal and Member Services