

### Independent Persons Comments on Standards Complaints Process

For the 2017/18 AGS I would like to make some further comments about the Council's "standards procedure", ie the way in which code of conduct complaints are handled.

These comments relate to a 6-page document on the Council's website titled "Arrangements for dealing with complaints about the code of conduct for members", and would fit under your AGS heading "Principle 3 - require high standards of conduct".

FYI this document is attached as a PDF.

A. There have been no "Standards Panels" since I was appointed as Independent Person in May 2016, so all conduct complaints have been dealt with by "Monitoring officer resolution". Based on cases determined in 2017/18, I am concerned that the procedures for "monitoring officer resolution":

1. do not cover how sanctions for breaches of the code will be enforced, for example if a councillor simply refuses to apologise, to attend training or to attend a mediation meeting.
2. do not cover the role of political group leaders and their powers to remove a councillor from committees and external appointments. These powers may be needed either as a sanction for a breach of the code, or as a means of enforcing a sanction.
3. are not clear about the use of publicity as a sanction for breaching the code, or the use of publicity when no breach has been established (for instance, at the request of the subject member).

B. A wider issue is whether the entire standards procedure would be considered unfair, because there seem to be no rights of appeal or challenge which could result in any decision being changed at any stage in the process - note the multiple appearances of the text "There shall be no right of appeal".

C. Finally, there is no written protocol agreed with West Mercia Police, or specific criteria in the standards procedure, to describe how complaints about "disclosable pecuniary interests" (which may be criminal offences under s 34 of the Localism Act 2011) should be handled -ie when / why / how should such complaints be referred to the Police. I emailed Claire Ward on 29 November 2016 to express my concern over the lack of defined criteria and procedure for referral of DPI complaints to the Police, in relation to a specific DPI complaint against a Parish Councillor in Herefordshire, compared with the 2015 prosecution of Cllr Flower of Dorset CC for DPI offences.

Best wishes,

Richard Stow  
Independent Person

Via email: 28 March 2018 in connection with consultation on annual governance statement consultation