

**MINUTES of the meeting of Standards Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday, 4th July, 2008 at 2.00 p.m.**

**Present:** Robert Rogers (Independent Member)(Chairman)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Parish and Town Council Representative)

David Stevens (Independent Member)

John Stone (Local Authority Representative)

Beris Williams (Local Authority Representative)

**50. APOLOGIES FOR ABSENCE**

There were no apologies for absence received.

**51. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**52. MINUTES**

**RESOLVED: (unanimously) that the minutes of the meeting held on 18 April 2008 be approved as a correct record and signed by the Chairman.**

**53. CODE OF CORPORATE GOVERNANCE**

The Committee considered a revised Code of Corporate Governance for the Council. The Code had been re-drafted to take account of the framework agreed by Cabinet on 27 March 2008, and to reflect the new governance framework and guidelines outlined in the CIPFA/SOLACE publication "Delivering Good Governance in Local Government". The Committee welcomed Councillor Richard Smith, Vice-Chair of the Audit and Corporate Governance Committee, to the meeting. Councillor Smith communicated the views of that Committee, that the proposed Code was too long and required simplification. The Standards Committee concurred with this view, and agreed that the Code required further work to make it easier to use. It was also of the opinion that there was a mix of principles (appropriate to a Code) and of compliance reporting, which should be reserved for the Council's compliance report. The Chairman said that he would produce a new draft, relevant to Herefordshire, ensuring that it met CIPFA/SOLACE requirements, and the wishes of the Audit and Corporate Governance Committee. He would circulate the draft to members for approval by email after the meeting, so that it could be forwarded to the Audit and Corporate Governance Committee and put before Council at its October 2008 meeting.

**RESOLVED: (unanimously) that**

- (i) the Chairman re-drafts the Code of Corporate Governance, for approval by email by the Standards Committee after the meeting;**

- (ii) the approved draft be forwarded to the Audit and Corporate Governance Committee for approval at its next meeting; and
- (iii) the finalised draft, agreed by both the Audit and Corporate Governance Committee and the Standards Committee, be considered by Council at its meeting on 31 October 2008

**54. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS**

Members noted that no applications for dispensations had been received.

**55. LOCAL ASSESSMENT: INITIAL HANDLING OF COMPLAINTS**

The Assistant Chief Executive (Legal and Democratic) presented his report in respect of complaints information, forms and guidance, and complaints assessment criteria, proposed as a result of the Standards Committee (England) Regulations 2008. He advised that the Committee was required to agree a process for handling a complaint about any councillor in Herefordshire.

Members considered the forms, and made various amendments. In particular, they expressed a preference for the "Diversity Monitoring Form" to be completed as an option, rather than being compulsory. This would be made clear on the complaint form.

**RESOLVED: (unanimously) that the Complaint Form, Guidance Notes, and Assessment and Review Criteria be approved for use, as amended by the Standards Committee, and be made available to the public, together with the Standards Board for England booklet "Local Assessment of Complaints".**

**56. ALTERNATIVE ACTIONS SEMINAR**

The Assistant Chief Executive (Legal and Democratic) reported on a recent seminar that he had attended at the Standards Board for England headquarters in Manchester. Alternative action provided options other than conducting investigations and holding hearings, and might involve mediation or conciliation, training, and peer mentoring. Alternative actions were intended to be facilitated by the Monitoring Officer at the request of the Assessment Sub-Committee.

The Committee welcomed alternative action as another option open to it, and agreed to use it in appropriate cases. It was noted, however, that once embarked upon, the opportunity to investigate would be closed. This applied even if the alternative action failed; therefore it was an option to be used with care.

**RESOLVED: (unanimously) that the use of alternative action by the Monitoring Officer and the Assessment Sub-Committee be approved in appropriate cases.**

**57. ROLE AND COMPOSITION OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES**

The Committee reviewed its arrangements in the light of the requirements of local assessment, and made amendments to its terms of reference to reflect the requirements of the Standards Committee (England) Regulations 2008, and the guidance issued by the Standards Board for England. Also in accordance with the

regulations and guidance, the Committee considered establishing two new Sub-Committees, namely the Assessment Sub-Committee and the Review Sub-Committee. The Assessment Sub-Committee would undertake the initial assessment of a complaint and decide whether it required further investigation. The Review Sub-Committee would be convened in instances when the Assessment Sub-Committee had decided not to investigate a complaint, and the complainant had requested a review of that decision. Members noted that no one who had been involved in the assessment of a complaint would be able to sit on a review of that complaint. The Committee considered proposed terms of reference for both Sub-Committees, and made various amendments.

The Committee considered a proposed protocol of procedures for the Monitoring Officer, in respect of assessments and reviews, and approved it, with some amendments.

**RESOLVED: (unanimously) that it be recommended to Council on 25 July 2008 that**

- (i) the amendments to Part 8 of the Constitution (the Standards Committee), and the Terms of Reference for the Assessment Sub-Committee and the Review Sub-Committee be approved;**
- (ii) the Monitoring Officer be instructed to notify members of receipt of any complaint, and provide a written summary of the allegation to the member(s)**
  - at the same time, acknowledge receipt of the allegation from the person making the allegation.**
  - no later than sending the agenda to members of the Assessment Sub-committee unless, after consultation with the Chairman of the Standards Committee, the Monitoring Officer considers it appropriate to defer notification in order to enable proper investigation to take place.**
- (iii) the protocol set out at Appendix 4 of the report, authorising the Monitoring Officer to seek local resolution in appropriate cases, and setting out the Committee's expectations of a Monitoring Officer through the referral process be adopted;**
- (iv) the identity of a complainant may be kept confidential if the Monitoring Officer has reason to believe that the complainant:**
  - (a) will be at risk of physical harm;**
  - (b) is an officer who works closely with the member and there is a reasonable fear of intimidation or incrimination;**
  - (c) suffers from a serious health condition which might be affected**
- (v) meetings of the Assessment and Review Sub-Committees should be held in private unless the relevant Sub-Committee determines otherwise;**

- (vi) **the functions of determining whether to accept the Monitoring Officer's finding of no breach, to go to a local hearing or to refer the matter to a case tribunal should be delegated to a Hearing Panel of Members of the Standards Committee; and**
- (viii) **the Monitoring Officer be instructed to promulgate these changes after consultation with the Chairman of the Standards Committee.**

#### **58. JOINT WORKING WITH OTHER STANDARDS COMMITTEES**

The Assistant Chief Executive (Legal and Democratic) presented a report in respect of joint working arrangements with other Standards Committees, provided for in the new Regulations. He said that joint working may be useful at the review stage, to ensure that an independent and objective element was maintained throughout all complaint cases.

Having approached neighbouring Local Authorities, the Assistant Chief Executive (Legal and Democratic) reported that reciprocal arrangements were possible with the West Mercia Police Authority and the Hereford and Worcester Fire and Rescue Authority. Members agreed that the most practical means of doing this would be to "borrow" members as appropriate for Review Sub-Committees.

**RESOLVED: (unanimously) that**

- (i) **the Assistant Chief Executive (Legal and Democratic) explore joint working arrangements with the West Mercia Police and Hereford and Worcester Fire Authorities;**
- (ii) **the Standards Committee review the local arrangements for assessment and review after six months, to enable the Assistant Chief Executive (Legal and Democratic) to make any necessary reports and revisions.**

#### **59. JOINT TRAINING ARRANGEMENTS**

Members considered a report in respect of joint training arrangements with the Standards Committees of Worcestershire County, Worcester City, the Hereford and Worcester Fire and Rescue Authority and the West Mercia Police Authority. The training would aim to ensure that all the Committees were fully up to date with the demands of the new "local filter". The Assistant Chief Executive (Legal and Democratic) said that he would liaise with the other authorities to devise a training programme.

Members noted that Shropshire County Council had not been in a position to participate in any joint training at this stage, because it was undergoing the necessary structural changes to become a Unitary Authority, and agreed to accommodate any training requests as necessary.

**RESOLVED: (unanimously) that**

- (i) **the Assistant Chief Executive (Legal and Democratic) arrange joint training with the Standards Committees of Worcestershire County, Worcester City, the Hereford and Worcester Fire and Rescue Authority and the West Mercia Police Authority, and inform the Standards Committee of venues and dates for training;**
- (ii) **the Standards Committee and the Assistant Chief Executive (Legal and Democratic) offer any training support required to Shropshire County Council.**

**60. RECRUITMENT OF AN INDEPENDENT MEMBER**

The Committee discussed in detail the processes required in respect of the recruitment of an additional Independent Member (to satisfy the requirements of local assessment). The Democratic Services Officer reported that an advertisement for the post had appeared in the Hereford Times on 17 July 2008, and the closing date for applications would be 08 August 2008. Members concluded that the most likely time to conduct interviews, given their various commitments, would be during September 2008.

The Committee agreed to finalise arrangements for the membership of the interview panel, the shortlisting dates and the interview dates and arrangements, by email. It was agreed that one panel members should be entirely independent of the Committee and the Council, in accordance with good practice.

**RESOLVED: (unanimously) that**

- (i) **the arrangements to date for the recruitment of an additional Independent member be noted, and the remaining arrangements be finalised by email;**
- (ii) **the selection and interview panel must include one member who is entirely independent of the Council and of the Standards Committee.**

**61. STANDARDS COMMITTEE HEARING ARRANGEMENTS**

It was noted that the report had been deferred to a later meeting.

**62. MEMBER/OFFICER RELATIONS PROTOCOL**

The Committee considered proposed amendments to the Appendix 12 (Annex 1) of the Council's Constitution, which related to the protocol for councillor/officer relations. The protocol had originally been suggested by the Standards Committee and approved by Council in March 2005.

The Committee approved the revisions, subject to some minor amendments.

**RESOLVED: (unanimously) that it be recommended to Council on 25 July 2008, that the revised protocol for councillor/officer relations, as amended by the Standards Committee, be approved.**

**63. STANDARDS BOARD FOR ENGLAND/HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT**

Mr R. Gething reported on progress made with the Standards Board for England's pilot project to produce a model for compacts between Associations of Local Councils, Monitoring Officers and Standards Committees, through assessing activities such as joint training, informal meetings between Standards Committees and Associations. The aim of the project was to ensure agreement over application of the Code of Conduct, and the production of joint guidance leaflets.

The Committee expressed delight that Herefordshire was one of only six counties to be invited to take part in the project, and the National Association of Local Councils had commented that the Committee was already practising much of what the pilot recommended.

**RESOLVED: (unanimously) that the report be noted.**

**64. LOCAL ASSESSMENT: RETURNS REPORT TO THE STANDARDS BOARD FOR ENGLAND**

The Assistant Chief Executive (Legal and Democratic) reported that an Assessment Sub-Committee needed to be convened to hear two complaints that had been received, and the Committee agreed membership for the meeting, which would be held on 28 July 2008. The complaints were the first to be processed under the new local filter regime, and would be included in the quarterly statistical returns to the Standards Board for England.

Members felt that there was merit in considering the assessment and review process at its next meeting, when some practical application of it would have been exercised.

**RESOLVED: (unanimously) that**

- (i) the report be noted;**
- (ii) a meeting of the Assessment Sub-Committee, comprising Mr D. Stevens (as Chairman), Mr R. Gething and Councillor JB Williams, be held on 28 July 2008 to consider complaints about councillors received by the Monitoring Officer;**
- (iii) a report on the local filter (assessment and review) process be considered at the Standards Committee meeting to be held on 17 October 2008.**

The meeting ended at 4.15 p.m.

**CHAIRMAN**