

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 16 January 2009 at 2.00 pm

Present: Robert Rogers (Independent Member) (Chairman)

Isabel Fox (Independent Member)
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)

77. ISABEL FOX

The Chairman welcomed Ms Isabel Fox, newly appointed Independent Member, to the meeting. It was noted that her skills and expertise had already been put to good use, chairing two Review Sub-Committees and one Assessment Sub-Committee.

78. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

79. DECLARATIONS OF INTEREST

There were no declarations of interest made.

80. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 17 October 2009 be approved as a correct record and signed by the Chairman.

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

Mr Richard 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 (HALC), Monitoring Officers and Standards Committees. Herefordshire was one of only six authorities selected for the pilot, which involved assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets.

In connection with this, Councillor Beris Williams had attended a Kington Town Council meeting, and Mr David Stevens had visited Eardisland Parish Council, to talk informally about the local filter and assessment process, and explain the Committee's role. As part of the project, parish and town councillors were being asked questions designed to gauge their understanding of the new Code of Conduct, of the Standards Committee's and the Monitoring Officer's roles, and of the new local filter process. This would help the Committee to ascertain whether they would benefit

from additional training.

In addition, HALC and the Assistant Chief Executive (Legal and Democratic), in partnership with the Committee, were producing guidance leaflets for Town and Parish Councils on the planning process, and on the Code of Conduct and the role of the Standards Committee. The Assistant Chief Executive (Legal and Democratic) and the HALC Chief Executive would introduce the leaflets at an informal Chairs and Clerks training evening on 17 February 2009. Some members agreed to be present to assist with training and to answer questions.

RESOLVED (unanimously) that the report be noted.

82. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were no applications for dispensations received.

83. GIFTS AND HOSPITALITY PROTOCOL

The Committee considered a proposed Gifts and Hospitality Code, which had been devised as part of the wider review of the Constitution, and made a number of amendments.

RESOLVED (Unanimously) that it be recommended to Council that the proposed Code on Gifts and Hospitality be adopted by Council, for inclusion in the Constitution, subject to amendments made by the Standards Committee.

84. STANDARDS BOARD FOR ENGLAND BULLETIN 41

Members considered the latest bulletin from the Standards Board for England.

RESOLVED: (unanimously) that the report be noted.

85. MONITORING OFFICERS' MEETING

The Assistant Chief Executive (Legal and Democratic) reported that he had attended a meeting for Monitoring Officers at the SBE headquarters in Manchester on 12 January 2009. The meetings took place quarterly, and were a forum for the SBE to learn about issues that were affecting standards committees, particularly in relation to operating the local filter. He said that the meetings were proving to be extremely useful.

He reported on problems experienced by some local authorities when applying mediation as an alternative action. One Monitoring Officer had reported that mediation had taken two-and-a-half years to resolve. Members commented that this was not an example that they are keen to follow. In addition, Monitoring Officers had discussed the possibility of asking complainants what outcome they would like to achieve from the complaints process, and what alternative actions would be appropriate, if an Assessment or Review Sub-Committee wished to consider this route. The Committee felt that there was merit in amending its complaints form to accommodate this, because it supported the aims of transparency and restorative justice, and on occasion may mean that a complaint could be dealt with more quickly and simply. At the same time, Members emphasised that it had to be made clear that a complainant was not by these means given undue influence in the process.

RESOLVED: (unanimously) that the report be noted, and the Complaints Form be amended to reflect the questions to the complainant, as outlined above.

86. PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES

The Assistant Chief Executive (Legal and Democratic) presented his report on the new rules under Regulation 8 of the Standards Committees (England) Regulations 2008, which stated that a written summary must be produced after an Assessment or Review Sub-Committee had considered a complaint. The summary must include the main points considered, the conclusions drawn, and the reasons for the conclusion. It must also be available for public inspection for six years. The Committee agreed to publish the summaries in the form of a decision notice on the Standards and Ethics pages of the Council's website, and to keep a public register which would be available for inspection.

In addition, it was agreed that, in some cases, only the complaint reference number would be published, and not the name of the person complained about. This would normally be done if no further action were to be taken against the councillor concerned, or if revealing the name might prohibit or hinder the fairness of an investigation.

RESOLVED: (unanimously) that a written summary of each complaint be published in the form of a decision notice, which would be made available for inspection on a register, and on the Council's website, subject to agreement about anonymity under circumstances as described above.

87. DATE OF NEXT MEETING

Friday 17 April 2009 at 2.00 p.m. in the Council Chamber at Brockington.

88. EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

The Committee reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. To date, the Assessment Sub-Committee had considered eighteen complaints, and the Review Sub-Committee has considered two. Members noted that the start of 2009 had been particularly busy, with the Sub-Committees having met six times over a two-week period in January, including three adjournments to obtain further information. They discussed the handling of specific cases with a view to establishing best practice.

It was clear that the local filter process had placed an additional call on resources, which would need to be monitored. Members felt, however, that the local handling of cases was a great improvement on the previous cumbersome process whereby all complaints automatically went to the Standards Board for England, because it enabled knowledge of the local circumstances to be brought to bear, and meant that complaints without substance went no further.

RESOLVED: (unanimously) that the report be noted.