

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 10 July 2009 at 3.30 pm

Present: Robert Rogers (Chairman) (Independent Member)

Jake Bharier (Independent Member)

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)

1. ELECTION OF CHAIRMAN

The Committee noted that, at the extraordinary meeting of Council on 12th June 2009, Mr Robert Rogers was re-elected as Chairman of the Committee for the ensuing municipal year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor Beris Williams. The Committee also noted that Councillor John Stone would be attending the meeting, but was unable to arrive at the start due to attending to an unavoidable and urgent matter elsewhere.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

With reference to Minute 97 (STANDARDS BOARD FOR ENGLAND BULLETIN 42), and in response to a question from Mr David Stevens, the Special Projects Lawyer confirmed that a letter from the Chief Executive, confirming that Independent Members and Town and Parish Representatives were included in the Council's indemnification arrangements, would be issued to members during the week after the meeting.

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

5. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were no applications for dispensations received.

6. DR MICHAEL MACAULAY

The Committee welcomed Dr Michael Macaulay, Reader in Governance and Public Ethics at the University of Teesside, to the meeting. Dr Macaulay, along with colleagues from the University of Hull, had been commissioned by Standards for England to conduct research into Standards Committees which had achieved notable practice in any given area, and in

particular those that had been successful in expanding their non-statutory roles, and was impressed with the Committee's web page and its joint training arrangements with the Herefordshire Association of Local Councils (HALC) and neighbouring standards committees.

Dr Macaulay had attended the Committee's joint training session in Worcester in the morning, and later, its informal briefing meeting with HALC. He reported that the work undertaken by the Herefordshire Standards Committee was widely recognised in the local government community, and the day had given him a detailed picture of what the Committee was achieving and a demonstration of best practice for others. He would be producing a report for Standards for England, and would share it with the Committee. The report would be used as the basis for some workshops at this year's Annual Assembly of Standards Committees, and for Standards for England's best practice guidance.

RESOLVED: (unanimously) that the report be noted.

7. STANDARDS COMMITTEE ANNUAL REPORT 2008

Members agreed the cover picture, and information for the Standards Committee Annual Report 2008. The document would be finalised by email after the meeting.

RESOLVED: (unanimously) that the Standards Committee Annual Report be finalised by email, following the meeting.

8. STANDARDS BOARD FOR ENGLAND BULLETIN 44

Members considered the latest Bulletin from Standards for England.

RESOLVED: (unanimously) that the report be noted.

9. INTRODUCTION OF STAGE 3 COMPLAINTS PROCEDURE FOR AGGRIEVED COMPLAINANTS

The Committee considered the appropriateness of including the Council's Stage 3 complaints process as part of the local filter mechanism, particularly in relation to investigations and hearings. Complaints against councillors were currently dealt with by the local filter, and complaints against Council employees, policies and procedures were dealt with by the Council's own three-part internal complaints process.

Members recognised that there might be some "crossover" on occasion, between their role in governance and the management structure of the council, citing an example of this as being when, during the course of dealing with a complaint about a councillor through the local filter, the complainant then decided to make an additional complaint about the manner in which an investigation had been handled by a Council employee.

The Committee did not feel that the Stage 3 complaints process could be included in the local filter mechanism, for the following reasons:

- If a complaint about a councillor progressed to a Standards Committee hearing, then any complaints about something other than councillor conduct must be addressed either before, or at the hearing. In practical terms, the deadlines given in the local filter guidance, if strictly adhered to, allowed

plenty of time to deal with separate grievances before a hearing took place. This would prevent evidence germane to the hearing being the subject of simultaneous consideration in another complaints process. The Committee acknowledged, however, that it may decide that a complaint may be relevant to a hearing.

- There were already two further options open to complainants who were dissatisfied with the process, namely the Local Government Ombudsman, and Judicial Review. These options were available after the assessment and review process has been exhausted.

The Committee agreed to review its hearing guidance and any paperwork that it sent out to those involved, to ensure that complainants were aware of the time limits on making complaints, and of their right to seek further redress through the Local Government Ombudsman or Judicial Review.

RESOLVED: (unanimously) that the Standards Committee does not adopt the Council's Stage 3 Complaints procedure for aggrieved complainants, for the reasons outlined in the above minute.

10. LOCAL GOVERNMENT AWARDS 2010

The Committee noted that the Local Government Chronicle Awards 2010 were now open, and agreed to enter the Standards and Ethics category. Members felt that there was sound evidence of its work to support ethical standards in Herefordshire.

RESOLVED: (unanimously) that the Standards Committee enters the Standards and Ethics category of the Local Government Chronicle Awards 2010.

11. DATE OF NEXT MEETING

Friday 02 October 2009 at 2.00 p.m. in the Council chamber at Brockington.

12. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

13. LOCAL FILTER CASES AND DETERMINATIONS

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. Members discussed the handling of specific cases with a view to establishing best practice. In particular, members discussed:

- The practical and administrative arrangements in respect of a forthcoming hearing;
- The progress made with five outstanding investigations, and one recommendation for training. It was noted that three investigations were now being conducted externally. Likely deadlines for completion were discussed;
- The likely timetable for a decision from Standards for England in respect of all cases that had been referred to it.

RESOLVED: (unanimously) that the report be noted.

The meeting ended at 5.21 pm

CHAIRMAN