

AGENDA

Standards Committee

Date: **Friday 24 June 2011**

Time: **1.00 pm**

Place: **Room 22a - Brockington**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

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If you would like help to understand this document, or would like it in another format or language, please call Heather Donaldson, Democratic Services Officer on 01432 261829 or e-mail hdonaldson@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Standards Committee

Membership

Chairman	Robert Rogers	Independent Member
	Olwyn Barnett	Local Authority Representative
	Jake Bharier	Independent Member
	Chris Chappell	Local Authority Representative
	Isabel Fox	Independent Member
	Richard Gething	Parish and Town Council Representative
	Mary Morris	Parish and Town Council Representative
	David Stevens	Independent Member

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

	Pages
<p>1. STANDARDS COMMITTEE CHAIRMAN AND VICE-CHAIRMAN</p> <p>To note that, at the Annual Council Meeting held on 27 May 2011, Mr Robert Rogers was elected Chairman of the Herefordshire Standards Committee for the ensuing municipal year; and</p> <p>To appoint a Vice-Chairman for the ensuing municipal year.</p>	
<p>2. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
<p>4. MINUTES</p> <p>To approve and sign the minutes of the meeting held on 01 April 2011.</p>	1 - 2
<p>5. HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS</p> <p>To receive an oral update from Mr Richard Gething on the recent activities of the Herefordshire Association of Local Councils.</p>	
<p>6. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</p> <p>To consider applications for dispensations received from parish and town councils.</p>	3 - 6
<p>7. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK</p> <p>To discuss any developments, and make recommendations to Council in relation to the outlook for standards and ethics in local government, and the future role of the Committee.</p>	7 - 18
<p>8. TRAINING FOR STANDARDS COMMITTEE MEMBERS</p> <p>To discuss any training requirements that Committee Members might have, following the May 2011 local elections.</p>	
<p>9. EXCLUSION OF THE PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p>RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>7A Information which is subject to an obligation of confidentiality.</p>	

10. LOCAL FILTER CASES AND DETERMINATIONS

To update the Committee on progress made with complaints about local authority, parish and town councillors.

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 1 April 2011 at 2.00 pm

Present: David Stevens (Independent Member) (Vice chairman in the Chair)
Jake Bharier (Independent Member)
Isabel Fox (Independent Member)
John Hardwick (Parish and Town Council Representative)
Richard Gething (Parish and Town Council Representative)
John Stone (Local Authority Representative)
Beris Williams (Local Authority Representative)

In attendance: Mary Morris (Substitute Parish and Town Council Representative)

42. APOLOGIES FOR ABSENCE

Apologies for were received from Nicky Carless (Substitute Parish and Town Council Representative) and Robert Rogers (Chairman) (Independent Member).

43. DECLARATIONS OF INTEREST

Councillor John Stone declared a personal interest in Agenda Item 7 (Local filter Cases and Determinations) and remained in the meeting for the duration of this item.

44. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 14 January 2011 be approved as a correct record and signed by the Chairman, subject to the following amendment:

- **Minute 37 (Declarations of Interest):** the name "Councillor Beris Williams" be deleted and replaced with the name "Jake Bharier".

45. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were no applications for dispensations received.

Members felt that there was merit in contacting all parish and town council clerks, to remind them of the potential need to apply for dispensations in respect of any new councillors, following the May 2011 local elections.

RESOLVED: (unanimously) that

- (i) the report be noted; and
- (ii) the Committee Manager arranges for reminders to be sent out to all parish and town council clerks in respect of applying for dispensations for new councillors as necessary, following the May 2011 local elections.

46. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Committee considered the progress of the Decentralisation and Localism Bill, and discussed recent developments in relation to the outlook for standards and ethics in local government, and the potential future role of the Committee.

Mr Richard Gething reported on the views of the Herefordshire Association of Local Councils (HALC) and the National Association of Local Councils (NALC), that although there was significant merit in retaining a code of conduct in a post-Standards Board regime, it would only be effective if it were obligatory rather than voluntary. Both organisations foresaw significant problems with a voluntary code through inconsistencies in adoption and a universal inability to enforce it, and expressed a preference for no code at all in the absence of any realistic alternatives. Furthermore, both organisations were concerned that neither the Local Authority, nor the Local Government Ombudsman would have any legal jurisdiction over parish and town councils once the Bill took effect. With further devolvement of powers to parish and town councils on planning matters due to take place, the need for them to be publicly accountable was likely to increase.

The Assistant Director – Law Governance and Resilience outlined the possible role of Monitoring Officers under the proposed new regime, that they might be expected to resolve standards and ethics issues locally, and that there might be a future role for a Standards Committee in view of this. In response to a question, he confirmed that all Members of the Council would be briefed on the present situation with the Bill and the continued role of the Committee, during their post election induction seminars, due to commence in June 2011.

RESOLVED: (unanimously) that the report be noted.

47. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under section 100(A) (4) of the Local Government Act 1972, the public 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, as indicated below and it is considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information

7A Information which is subject to an obligation of confidentiality.

48. LOCAL FILTER CASES AND DETERMINATIONS

The Committee reviewed progress made on complaints about local authority, parish and town councillors since the introduction of the local filter system on 08 May 2008. To date, the Assessment and Review Sub-Committees had dealt with eighteen complaints in 2008, fifty in 2009, thirty-one in 2010 and seventeen in 2011.

RESOLVED: (unanimously) that the report be noted.

The meeting ended at 3.05 pm

CHAIRMAN



MEETING:	STANDARDS COMMITTEE
DATE:	24 JUNE 2011
TITLE OF REPORT:	APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS
REPORT BY:	DEMOCRATIC SERVICES OFFICER

Classification: Open

Purpose

1. To consider an application for a block dispensation received from Kington Town Council.

Recommendations

THAT

- (a) the Standards Committee considers whether members of Kington Town Council require a dispensation in relation to their roles as members of the Kington Recreation Ground Trust;
- (b) if the Committee decides that a dispensation is necessary, it considers the granting of a block dispensation to Kington Town Council in respect of the Kington Recreation Ground Trust for a further four year period, to run concurrently with.

Background

2. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
3. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, amended by the Standards Committee (Further Provisions) (England) Order 2009, give Standards Committees the power to grant dispensations in circumstances where: the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate, **or** where the number of members that are prohibited from voting at a

Further information on the subject of this report is available from Heather Donaldson, Democratic services Officer on (01432) 261829

meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

4. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.
5. The regulations also specify two circumstances where a dispensation may not be granted; first, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

Kington Town Council

6. Kington Town Council has requested a block dispensation in relation to its councillors' roles as members of the Kington Recreation Ground Trust (a registered charity). All town councillors are automatically members of the Trust on acceptance of office. Individual councillors are not trustees; rather, the Town Council as a corporate body is the trustee. Issues relating to the management of this facility frequently arise on the agenda for the Town Council.
7. A block dispensation was initially granted on 17 February 2006 for four years, and subsequently for the period 16 April 2010 to the date of the Town and Parish Council elections in May 2011. The latter decision ensured that the dispensation was in place until the end of the current Town Council mandate, and that any future dispensations would run concurrently with each election period. The granting of a block dispensation has eliminated the need to request a new dispensation every time there is a change of councillor.
8. The exceptional reasons for granting a block dispensation in Kington Town Council's particular instance remain the same as in previous requests, namely:
 - The proposed block dispensation relates entirely to the Kington Recreation Ground and to no other matter;
 - The Town Council has documentary evidence to support the fact that all members without exception are automatically Trustees and there is no other mechanism for becoming a Trustee;
 - In accordance with the Regulations, the block dispensation will apply for a limited period from the date of the Committee's resolution and will be subject to review at the end of the period.
9. The most recent dispensation has now expired. The Town Council has requested that the Standards Committee considers a new block dispensation which would capture all current and future Councillors for a further period of four years.

Financial Implications

10. None.

Appendix

Letter and from Kington Town Council dated 16 May 2011 (application form to follow).



Kington Town Council

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MEMBERS SUPPORT

19 MAY 2011

RECEIVED

Monday 16th May 2011

Dispensation for Parish Councillors – Kington Recreational Ground

Dear Heather

As you are aware Kington Town Council's 'Block Dispensation' in relation to Kington Recreational Ground has expired after a period of one year.

Since the original application (copy included) nothing has altered that being, 'when a Town Councillor accepts their office on Kington Town Council they automatically become a member of the Kington Recreation Ground Trust. Individual Councillors are not a trustee of the Recreation Ground, the Town Council as a corporate body is the trustee. Therefore during Council meetings issues about the Recreation Ground have to be covered by a dispensation as everyone in the town benefits from the Recreation Ground'.

However since the original dispensation was sought and granted the individual councillors have changed. The current councillors are listed below:

Cllr. Mrs E. Banks
Cllr. Mr. T Bounds
Cllr. Mrs R. Bradbury (Dep Mayor)
Cllr. Mrs. C. Kibblewhite
Cllr. Mrs. J. Gardner
Cllr. Mrs. E Rolls
Cllr. Mrs. J. Reid
Cllr. Mr. D. East
Cllr. Mrs. J. Thomas
Cllr. Mrs. S. Williams
Cllr. Mr. M. Turner

Cllr. Mr. B Widdowson (Mayor)
Cllr. Mrs. C. Forrester
Cllr. Mr. P. Williams
Cllr. Mr. H. Jones

I respectfully request that this 'Block Dispensation' application be placed before the next Herefordshire Council Standards Committee. To allow them to consider a further grant for what ever period is thought appropriate, may I suggest for the life of the Council i.e. four years, to enable Kington Town Council to be able to discuss Recreational Ground matters

Yours sincerely

A handwritten signature in black ink, reading "Gwilym J. Rippon". The signature is written in a cursive style with a large initial 'G'.

Gwilym J. Rippon AILCM
Clerk to Kington Town Council

MEETING:	STANDARDS COMMITTEE
DATE:	24 JUNE 2011
TITLE OF REPORT:	THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK
REPORT BY:	DEMOCRATIC SERVICES OFFICER

Classification: Open

Purpose

To consider the present outlook for standards and ethics in local government and the future role of the Standards Committee.

Recommendation

THAT the report be noted and Members consider how best to advise the Council on the future maintenance of ethical standards.

Key Points Summary

- The Decentralisation and Localism Bill includes proposals to abolish the Standards Board regime.
- The Committee has previously considered some of the implications that the proposed arrangements will have on the way ethical standards will be maintained and complaints dealt with in the future.
- Until such time as the new legislation is passed, the statutory framework remains operative and complaints are still being dealt with in the same way. A report about the progress of these is set out for Members in the confidential section of the Agenda.
- The Bill was introduced to the House of Commons on 13 December 2010. It is currently progressing through the House of Lords and underwent its second reading 07 June 2011. The Committee Stage – line by line examination of the Bill – is due to begin on 20 June 2011, and the Bill is likely to receive royal assent late in 2011.

Alternative Options

- 1 There are none.

Reasons for Recommendations

- 2 To note the emerging information about the Government's planned Decentralisation and Localism Bill, on SFE and the ethical standards framework, and to make recommendations on the future handling of complaints about standards and ethics.

Further information on the subject of this report is available from
Heather Donaldson, Democratic Services Officer on (01432) 261829

Introduction and Background

3. The Government's aim is to have the new arrangements in place by late 2011 and the Council will therefore need to consider what arrangements, if any, it needs to put in place for an ethical framework and the way in which complaints about councillors are dealt with.

Key Considerations

4. Briefly, the Decentralisation and Localism Bill has the following provisions which are relevant to standards and ethics:

The 'predetermination' rules – The Bill will end the situation where councillors are prevented from acting on local issues because of the risk of challenge that they are biased. The proposal makes it clear that if a councillor has given a view on an issue, this does not show that the councillor has a closed mind on that issue, so that if a councillor has campaigned on an issue or made public statements about their approach to an item of council business, he or she will be able to participate in discussion of that issue in the council and to vote on it if it arises in an item of council business requiring a decision.

The Standards Board regime – The Bill will abolish the regime and allow councils to make their own arrangements to govern propriety and behaviour and empower the local community to hold their elected representatives to account. To date, the Department for Communities and Local Government (DCLG) has provided the following guidance on how existing and future standards complaints will be handled:

- **Transitional arrangements** (the date on which these arrangements will take effect is not yet known):

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

Any investigations being undertaken by Standards for England will transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation.

The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system.

The suspension sanction will be removed from standards committees for the transitional period. Hence the most a standards committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

- **Arrangements after the abolition of the Standards Board Regime:**

Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intends that wilful failure to comply with these requirements will constitute a criminal offence, and the Monitoring Officer of a local authority will have powers to refer such instances to the police.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Dr Robert Chilton, Chair of Standards for England, in his letter to Standards Committee chairs on 30 November 2010, added to this, that “[a voluntary standards committee] would be an ‘ordinary committee’ of the authority and therefore not need to have independent representation”. Such committees will, according to councils’ local constitutions, be able to censure but will not be able to suspend or disqualify members from council.

5. Mr Jake Bharier, Independent Member of the Herefordshire Standards Committee, has submitted a paper with some initial thoughts and suggestions for handling standards and ethics complaints post-Standards Board regime, and for possible avenues of consultation. It is appended to this report, along with the Committee’s previous observations on the impact of the Bill, in order to assist the Committee’s debate on proposals for any future standards and ethics regime in Herefordshire.

Community Impact

6. It is important to ensure that the community at large is aware that the statutory framework remains operative.

Financial Implications

7. There are no further financial implications known at this stage.

Legal Implications

8. Until such time as the relevant legislation is passed, the current statutory framework remains operative.

Risk Management

9. There is a need to ensure that, until otherwise known, the statutory framework is adhered to. Ethical standards are important to the Council and, following the abolition of this framework, the effectiveness of the new statutory regime needs to be monitored.

Consultees

10. There are none

Appendices

Appendix A – Possibilities post-Localisation Bill: initial thoughts (Jake Bharier, Independent Member of the Standards Committee)

Appendix B – Views expressed at the Standards Committee meeting held on 22 October 2010:

Appendix C - Views expressed at the Standards Committee meeting held on 14 January 2011:

Background Papers

- Letter from Dr David Chilton to Standards Committee chairs dated 30 November 2010;
- DCLG information release dated December 2010 & Ministerial Statement dated 13 December, 2010.
- DCLG Publication entitled: “Localism Bill: the abolition of the Standards Board regime, clarification of the law on predetermination and the requirement to register and declare interests. Impact assessment” dated January 2011
- Localism Bill 2010-11, UK Parliament: <http://services.parliament.uk/bills/2010-11/localism.html>

Herefordshire Council Standards Committee

Possibilities post-Localisation Bill: initial thoughts

Introduction

1. The Localisation Bill, if enacted in its present form, would repeal the statutory basis of a code of conduct for members of councils, and the statutory framework for application of such a code. There would remain, however, statutory obligations in respect of declarations of conflict of interest. Councils will be invited to make voluntary arrangements.
2. This note is a personal reflection on possible ways in which Herefordshire Council might respond.
3. The Council would need to address three areas:
 - (a) What is the behaviour expected of Members?
 - (b) How would the Council deal with departures from the expected behaviour?
 - (c) How might any of this relate to Parish and Town Councils within the area?

What is the behaviour expected of Members?

4. The existing Code of Conduct would be a very sound basis for any voluntary replacement. It sets out the general obligations of treating people with respect, of handling information which may be confidential, of maintaining the reputation of the council, and of taking advice on legal matters. The Code may need some tweaking in order to be consistent with any new statutory provision. However, there would appear to be no reason why the principles in sections 3 – 7 of the current code could not be adopted as a voluntary code.

How would the Council deal with departures from the expected behaviour?

5. A voluntary code is likely to have an element of self management. However, the Council would still need to have a reasonably robust means of responding to departures from expected behaviour. And the process of dealing with such cases must recognise both the public nature and the political nature of the organisation. So the process should be capable of demonstrating a degree of openness, and independence from the political aspects.

6. A departure from expected behaviour might be identified by one of four groups of people:
 - Officers undertaking a statutory duty;
 - councillors (either individually or collectively);
 - employees; or
 - members of the public.
7. A complaint about a member's behaviour ought to be handled in accordance with the principles of natural justice, and consistently with Human Rights legislation. If a complaint were raised by an employee, then the provisions of employment legislation and employment contracts may also need to be taken into account.
8. The statutory role of Monitoring Officer is, I understand, likely to continue, and it would be sensible for the role to continue to be the principal channel for managing procedures related to the behaviour of members. However, the position of the Monitoring Officer may be strengthened if supported by an appropriate constituency, such as senior Members and independent people.
9. The statutory basis for sanctions in cases of departures from expected behaviour is likely to disappear, except in respect of conflict of interest. However, the Council would need to have some form of sanction available. As an extreme example, how could the Council respond if a Member assaulted another Member during the course of a meeting? Or in the corridor outside the meeting?
10. It may therefore be appropriate for a voluntary code to include an indicative list of possible sanctions in case of departures from expected behaviour, together with an obligation to make such sanctions public.

How might any of this relate to Parish and Town Councils within the area?

11. We understand from HALC that there is a strong view among parish councils that there remains a need for clear guidance and support on these matters. If there is no statutory basis, then any arrangement would need to be voluntary.
12. One way of managing this might be for HALC to take a stronger role. It could, for example, be made a condition of membership of HALC that parish councils endorse the voluntary code and agree the processes for implementing the code. HALC could then agree with Herefordshire Council that the Council's Monitoring Officer act as principal agent for implementation.

Possible actions and options

13. First thoughts, therefore, on what could be done, and how.

- (a) An initial report to the Council indicating possible ways forward
- (b) Discussions, moderated by the Monitoring Officer, with the Group Leaders
- (c) The Council to give some publicity to post-Localism proposals on standards, and invite comment
- (d) The Council to agree a voluntary code of conduct based on sections 3 – 7 of the current code of conduct
- (e) The Monitoring Officer to remain principal channel for dealing with complaints, acting:
 - alone; or
 - through an advisory committee along the lines of the existing Standards Committee; or
 - through the senior Members (Chair and group leaders); or
 - through a committee that also dealt with other matters that required a degree of independent input, such as audit.
- (f) The code to include an indication of possible sanctions, and a requirement that sanctions be published.
- (g) HALC to act as interlocutor with parish councils in order to have some equivalent arrangements.

Jake Bharier
8 June 2011

**LOCALISM AND DECENTRALISATION BILL
COMMENTS OF THE HEREFORDSHIRE STANDARDS COMMITTEE**

Views expressed at the Standards Committee meeting held on 22 October 2010:

Declarations of Interests: The proposals for Councillors to register their interests - with non-registration becoming a criminal offence - raised questions about how best to establish what interests Councillors would have, and who would be responsible for whistleblowing.

The Committee questioned whether criminalising the failure to declare interests would be more effective than regulation through a code of conduct, given the current structure and application of criminal law. Further information was needed on how complaints about matters other than members' interests would be dealt with. This was particularly important given that many Herefordshire complaints cases were about bullying and misuse of office.

Role of the Monitoring Officer: There was merit in empowering Monitoring Officers to intervene in the early stages of a complaint as a means of reducing bureaucracy. Monitoring Officers had been considerably less proactive under the current legalistic regime, due to the potential for conflicts of interest as complaints progressed through the system. A process which gave Monitoring Officers more freedom to deal with complaints would be welcomed.

Political Process: Any new proposals would need to take account of the political process and –particularly at local authority level - the role of party whips in encouraging good member behaviour. The political structure of a local authority and its relationship to the standards framework was a significant issue which could differ widely from a strong single party political structure, to a narrowly hung council. The new regime would need to be responsive to this.

Public Engagement and Public Confidence: The Committee expressed concern that it would be difficult to use the ballot box as a method of regulating councillors' behaviour, because elections only took place approximately every three years. There was a real risk of diminishing public engagement in local democracy, and of a general loss of public confidence in the democratic process.

Parish and Town Councils: How would complaints about parish and town councillors be dealt with? The Herefordshire Association of Local Councils (HALC) had expressed a view at its recent AGM, that there was a prevailing need to retain some form of code of conduct, and have access to guidance on standards matters after the abolition of SfE. Local feedback from parish and town councils had indicated strong support for continuing with the local regulation of standards matters, and HALC had suggested establishing a voluntary code of conduct which local councils could agree to abide by, as one possible solution. The local filter had been extremely effective in enabling the Committee to identify at an early stage, those complaints which were political or vexatious in nature, through the benefit of local knowledge.

Encouraging Good Governance: A significant proportion of Herefordshire complaints cases had arisen out of failings in good governance rather than in standards and ethics. There was merit, therefore, in seeking to prevent such complaints through being clear about good governance, providing appropriate training, assisting with chairing skills, providing support to local clerks and offering mediation where necessary. The Committee had worked with HALC to provide some of these services, and the Quality Parish Scheme was an additional mechanism which could encourage good governance. It might be possible to build on this as a way to regulate standards in the future.

The Role of Independence: More clarity was required on the role of independence in dealing with standards complaints.

Role of the Local Government Ombudsman: How would complaints that fall between being trivial and being serious but which did not warrant criminal investigation be dealt with? These may be picked up by the Local Government Ombudsman (LGO) as maladministration complaints, but would the LGO have the resources to deal with them, and what powers would it have?

Costs of the New Proposals: The costs involved in the new proposals had not been set out, and might prove to be higher than the costs of the current local standards framework. At present, the complaints system was free to the public.

General View of the Herefordshire Standards Committee: It was recognised that the present system had numerous shortcomings. For example, the regime had at times become a vehicle for trivial complaints and vendettas, and the standards process could be unnecessarily lengthy and bureaucratic. The Committee had sought by its methods of operation to minimise this. Members felt, however, that if the present proposals were carried through, it was unlikely that there would be an effective local government ethical code, which may be a matter of concern to the public. The Committee broadly supported the retention of a local standards framework, but with a streamlined and less onerous process.

**LOCALISM AND DECENTRALISATION BILL
COMMENTS OF THE HEREFORDSHIRE STANDARDS COMMITTEE**

Views expressed at the Standards Committee meeting held on 14 January 2011:

Consultation: Initial responses from members of the Herefordshire Association of Local Councils (HALC) had indicated a strong wish to adopt a voluntary code of conduct after the existing Code was repealed. There was merit in a wider consultation to ascertain the opinions of all councillors and the general public in Herefordshire in respect of a voluntary code, and of how standards and ethics should be shaped locally. The Committee agreed that this would be done through consultation at annual parish meetings, and via a report to Council.

Parish and Town Councils: Members recognised that, in respect of handling complaints, parish and town councils might be required to develop a separate system of regulation to local authorities in the future, based on factors such as the differences in their functions and powers, and those bodies which had jurisdiction over complaints. For example, the Local Government Ombudsman currently had powers to handle complaints about local authority councillors, but not parish and town councillors. Such a situation would be detrimental to parish and town councils might struggle to address issues of governance, particularly if the only means of handling complaints came every few years via the ballot box. Lengthy periods without additional mechanisms for dealing with complaints might contribute to increased dysfunction. Complaints about issues such as bullying or racism would need to be dealt with immediately. The Committee agreed that it was imperative to develop a uniform and consistent approach to standards and ethics for all councillors.

Support for a Voluntary Code of Conduct: Whilst recognising the merits of a voluntary code of conduct, members also observed that there would inevitably be councils, and even individuals within any one council, who would be unwilling to adopt a voluntary code. This raised questions about its validity, and the potential difficulties of enforcing it. The Committee also recognised the importance of consensus amongst all of the local authority political groups to ensure the success of a voluntary code.

Dispensations: Clarity was required on how dispensations to town and parish councils would be granted following repeal of the Code and its supporting legislation. There appeared to be no other statutory areas in existence that would cover this function.

Planning Functions: The Bill proposed that more planning functions would be devolved to parish and town councils. Members expressed concern that a significant proportion of complaints about parish and town councillors related to planning matters, and that, without appropriate support and training, this trend would worsen.

Future Role of Standards Committees: There would be a future role for local Standards Committees in relation to the development and application of a voluntary code of conduct. The role of independent members would be an important part of this, particularly in providing assurances to the public. Although there were some similarities between the work of the Standards Committee and the Audit and Governance Committee, their remits were likely to remain substantially different, and so amalgamation of the two was not envisaged.

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