

Agenda

Standards Panel

Date: **Monday 8 November 2021**

Time: **2.00 pm**

Place: **Conference Suite, Plough Lane, Hereford, HR4 0LE**

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

For any further information please contact:

Caroline Marshall

Tel: 01432 260249

Email: caroline.marshall3@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format, please call Caroline Marshall on 01432 260249 or e-mail caroline.marshall3@herefordshire.gov.uk in advance of the meeting.

Agenda for the meeting of the Standards Panel

Membership

Claire Jenkins, Independent Person (chairperson)

Councillor Christy Bolderson

Councillor Dave Boulter

Councillor Nigel Shaw

Councillor Richard Gething

HALC nominated representative

Agenda

	Pages
<p>1. APOLOGIES FOR ABSENCE To receive any apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST To receive declarations of interests in respect of Schedule 1, Schedule 2 or Other Interests from members of the committee in respect of items on the agenda.</p>	
<p>3. EXCLUSION OF PRESS AND PUBLIC 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 style="padding-left: 40px;">2 Information which is likely to reveal the identity of an individual.</p>	
<p>4. SAMPLING OF MONITORING OFFICER RESOLUTION DECISIONS BETWEEN 1 APRIL 2020 AND 1 MAY 2021 To review a sample of monitoring officer resolution decisions between 1 May 2020 to 30 April 2021.</p>	7 - 430

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- Attend all council, cabinet, committee and sub-committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt' information.
- Inspect agenda and public reports at least five clear days before the date of the meeting.
- Inspect minutes of the council and all committees and sub-committees and written statements of decisions taken by the cabinet or individual cabinet members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. (A list of the background papers to a report is given at the end of each report). A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all councillors with details of the membership of cabinet and of all committees and sub-committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the council, cabinet, committees and sub-committees.
- Have access to a list specifying those powers on which the council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge (20p per sheet subject to a maximum of £5.00 per agenda plus a nominal fee of £1.50 for postage).
- Access to this summary of your rights as members of the public to attend meetings of the council, cabinet, committees and sub-committees and to inspect and copy documents.

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The chairman or an attendee at the meeting must take the signing in sheet so it can be checked when everyone is at the assembly point.



Meeting:	Standards Panel
Meeting date:	8 November 2021
Title of report:	Sampling of monitoring officer resolution decisions between 1 May 2020 and 30 April 2021
Report by:	Monitoring officer

Classification

Open – Report

Appendices 1 to 31 are exempt by virtue of the paragraph(s) of the Access to Information Procedure Rules set out in the constitution pursuant to Schedule 12A of the Local Government Act 1972, as amended.

- 1 Information related to any individual

And the public interest in maintaining this exemption whilst the matter is being determined by the panel outweighs the public interest in disclosing the information.

Key Decision

This is not an executive decision.

Wards Affected

All Wards

Purpose and summary

To review a sample of monitoring officer resolution decisions between 1 May 2020 to 30 April 2021

Recommendation

THAT

- (a) The standards panel provide comments on the level of assurance obtained from sampling, to be reported in the annual code of conduct complaints report by the monitoring officer

Alternative Options

1. There are no alternative options as it is requirement of the Herefordshire Council constitution that the Standards Panel undertake a sample of decisions taken under monitoring officer resolution.

Key Considerations

2. In accordance with the Localism Act 2011 (“The Act”) this council must have procedures in place to deal with complaints about member conduct. It is entirely for the council to decide the details of those procedures, but they must appoint at least one Independent Person whose views are to be taken into account before making a decision on a complaint that they have decided to investigate.
3. The Council’s arrangements since the introduction of the Act involves decision making by the monitoring officer.
4. As part of the amendments to the constitution agreed at Council on 25 May 2018, an annual sample review of decisions made by the monitoring officer under the code of conduct complaints process was approved as a mechanism for maintaining high standards of conduct by members and ensuring that the council’s arrangements are appropriate.
5. At the audit and governance committee meeting on 30 July 2018, it was requested that the review takes place prior to its meeting in November 2018 so that the views of the panel could be taken into account as part of the annual report on the code of conduct.
6. At the Standards Panel meeting held on 16 October 2018, the following criteria for identifying a sample of complaint to review was approved as follows:
 - a) All complaints which had resulted in dissatisfaction from the subject member or the complainant;
 - b) All complaints handled solely by the monitoring officer without any view from the independent person;
 - c) All complaints which form part of a cluster of complaints which relate either to an individual or an individual parish council;
 - d) All complaints which have been made against members of the cabinet or those acting in support to the cabinet;
 - e) All complaints that have been rejected as out of the scope of the complaints procedure; and
 - f) A random sample of complaints from each of the following categories:
 - I. Rejected under the initial assessment process – with the views of the independent person sought
 - II. Rejected under the initial assessment process – without the views of the independent person sought
 - III. Monitoring officer resolution with a breach of the code of conduct
 - IV. Monitoring officer resolution without a breach of the conduct
 - V. Discontinued with no finding as the subject member has resigned and it is not in the public interest to continue with the complaint.
7. During the period, 1 May 2020 to 30 April 2021, there were 42 complaints received. As at the date of publication, there were 17 complaints still open and as such these have not been included within this sampling process. Three appeals are yet to be heard.
8. The panel should note that during the year there was an issue with timeliness of dealing with complaints. This was due to a combination of the pandemic and staff resource being moved onto other high priority work areas. Steps have been taken to resolve this issue and a Standards Panel is in the process of being set up for 28 January 2022 to undertake a review of the first 6 months of 2021/22 complaints dealt

with.

9. For each of the categories in paragraph 6 above, the following numbers of complaints have been identified:
 - a) Dissatisfaction from the subject member or complainant: 3 using appeal received as the criteria
 - b) Complaints handled solely by the monitoring officer: None
 - c) Cluster of complaints which relate either to an individual or an individual parish: 5 which consists complaints against various councillors in one parish council.
 - d) Complaints against members of the cabinet or those acting in support to the cabinet: 3
 - e) All rejected complaints: 16
 - f) Random sample of complaints with a monitoring officer resolution of breach or not breach of the code: 6
10. In relation to categories in f, many of these are duplicated (complaints in category (i) and (v) are contained in (e) and (ii) is contained in (b)). The random sample therefore contains only complaints with a monitoring officer resolution of breach or no breach of the code.
11. Appendix one of the pack lists the complaints under each of the criteria.
12. Appendices 2 to 31, contains the details of each of the 30 complaints namely the original complaint, the subject members' comments and the decision letter or notice.
13. The panel will have to consider how to undertake their review in assessing the appropriateness of the decision making process, points to consider may include:
 - a) The timeliness of the decision making
 - b) The consistency of the decisions
 - c) The sanctions which were recommended.

Community Impact

14. Having an effective process for dealing with code of conduct complaints upholds principle A and G of the code of corporate governance by ensuring that councillors behave with integrity and that councillors are accountable for their actions. This should provide reassurance to the community that councillors are behaving in the best interests of their communities and that appropriate action is being taken to ensure that the code is being upheld. By undertaking an annual sample of complaints determined under monitoring officer resolution should provide assurance that all code of conduct complaints are being dealt with in a consistent manner.

Equality duty

11. Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

Further information on the subject of this report is available from
Claire Ward, Solicitor to the Council, Tel no. 01432 260267

A public authority must, in the exercise of its functions, have due regard to the need to:-

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

12. The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services. By doing this sampling we can pick up on and eliminate discrimination, harassment and victimisation if complainants are making false accusations which go against the act

Resource implications

13. There are no resource implications arising as a result of this report.

Legal Implications

14. There are no legal implications arising as a result of this report.

Risk Management

16. There are no risks arising directly from the report which is for information.
Maintaining high standards of conduct mitigates risks to the reputation of the council.

Consultees

17. None.

Appendices

- Appendix 1 List of all complaints to be sampled
Appendices 2 to 31 Sample complaints

Background Papers

None

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