

Minutes of the meeting of Standards Panel held at Conference Room, Herefordshire Council Offices, Plough Lane, Hereford, HR4 0LE on Tuesday 16 August 2022 at 2.00 pm

Present: **Councillors: Polly Andrews, Nigel Shaw and Christy Bolderson**
 Independent Person: Jake Bharier (Chair)
 Parish Council Representative: Richard Gething (HALC)

Officers: **Senior Solicitor/Deputy Monitoring Officer**

1. APOLOGIES FOR ABSENCE

Apologies were received from Cllr Clare Davies.

2. NAMED SUBSTITUTES

Cllr Christy Bolderson substituted for Cllr Clare Davies.

3. DECLARATIONS OF INTEREST

The Herefordshire Association of Local Councils representative, Richard Gething, declared a non-pecuniary interest in respect of Appendix 14, insofar as he was a serving Councillor on the Parish Council connected to the complaint at the time that the complaint was made, but had since resigned.

4. EXCLUSION OF PRESS AND PUBLIC

The Panel gave consideration to whether the press and public should be excluded for the subsequent business on the agenda, on the grounds that the report contained exempt information likely to reveal the identity of an individual.

During the discussion of whether the review should be held in public or private session, the following points were raised:

- Previous Panel meetings had been held in public session, and personal information was not discussed.
- The Panel were reviewing the process, rather than the content of the complaints, therefore the naming of individuals could be avoided.
- If there was a need for a detailed conversation where personal information would need to be disclosed, the Panel could move into private session accordingly.

It was unanimously resolved that:

The meeting remain open to the press and public.

5. SAMPLING OF MONITORING OFFICER DECISIONS BETWEEN 1 MAY 2021 - 30 APRIL 2022

The Panel gave consideration to the report as set out on pages 9-354 of the agenda, which asked the Panel to comment on the level of assurance obtained from sampling, to be reported in the annual code of conduct complaints report by the Monitoring Officer.

The Deputy Monitoring Officer introduced the report and invited comment from the Panel on the timeliness of decision making, the consistency of decisions and the sanctions which had been recommended.

Prior to consideration of the individual appendices, the Chair, speaking collectively on behalf of the appointed Independent Persons, raised a number of concerns which included:

- A general lack of timeliness in reaching decisions, with around 60% of the cases included in the sampling report having exceeded target resolution date;
- Failure to convene an informal Panel to review a number of issues which arose at the last Standards Panel meeting held on 11 March 2022, in particular the unavailability of key documents;
- A lack of clarity around who is dealing with matters following changes in Council personnel;
- A lack of quality evident in some work, with an example given where it took multiple efforts to produce a coherent decision notice;
- Uncertainty over whether the Standards function as a whole is adequately resourced, with the suggestion that the Audit & Governance Committee should seek to monitor this carefully; and
- The workload of the Independent Persons becoming stretched, in particular as a result of providing support to subject members.

The Chair also acknowledged, however, that despite 9 cases remaining open, the evidence indicated that the service was beginning to catch up and turnaround resolution times were gradually reducing. The Panel requested confirmation of what date the earliest of the 9 remaining open cases was received; the information was not available at the meeting but the Deputy Monitoring Officer undertook to inform the Panel outside of the meeting.

The Panel noted that some cases are outsourced to another local authority for resolution, and asked how decisions to outsource particular complaints are arrived at. The Deputy Monitoring Officer confirmed that outsourcing generally occurs where there is resource pressure leading to risk that the target resolution period will be exceeded, or where the complaint involves a Herefordshire Council Cabinet Member and it is felt that independent consideration would be appropriate.

The Panel conducted a review of appendices 2-26 and the following observations were raised:

- Appendix 7 – It was noted that on previous Standards Panel there had been complaints of a similar nature against the subject member, and although the complaints had been rejected as the Councillor was found to be acting in a personal capacity, they continue to attract further complaints due to not changing their behaviour. The Panel suggested that member training in the appropriate use of social media may be useful, and asked whether the complaint form could be amended to invite the complainant to consider whether the subject member was acting in their capacity as a Councillor at the time of the alleged behaviour.
- Appendix 11 – Although a breach of the Code was found, no details of any proposed remedy or sanction were provided. If it had been the case that despite the breach, no further action was considered necessary, the Panel stated that a justification should be given. It was suggested that a 'Recommendation' column

- could be added to the summary list at Appendix 1 to enable the Panel to easily cross-reference any proposed sanctions against the Monitoring Officer decision.
- Appendix 12 – It was noted that the Monitoring Officer had undertaken a ‘Public Interest Test’ but the Panel felt more information was necessary to understand how the test was applied and how this informed the eventual decision.
 - Appendix 13 – As with Appendix 11, despite the finding of a breach of the Code, no Monitoring Officer recommendation to address the breach was evident.
 - Appendix 15 – It was noted that the decision notice contained a recommendation that a further written apology be made by the subject member, but there was no record as to whether this sanction had been complied with. The Deputy Monitoring Officer advised that the Council does check with Parish/Town Clerks to see if an apology has been made, although it was clarified that it is a Monitoring Officer recommendation, rather than a requirement.
 - Appendix 25 – It was noted that the subject member was asked to deliver a ‘public apology’ but it was considered that the subject member may be unclear as to how this recommendation is satisfied. The Panel felt that any Monitoring Officer recommendation that the subject member should apologise ought to clearly specify what a public apology should entail, in order to distinguish between other forms of apology such as in writing.

At the conclusion of the discussion, the Chair summarised the recommendations of the Panel:

- That the Deputy Monitoring Officer confirms the date that the earliest of the 9 remaining open complaints was received;
- That the Independent Person recruitment process be commenced;
- That the resource pressures on the Standards function are acknowledged and monitored by Audit & Governance Committee;
- That the outsourced complaints to Cornwall Council contain a very comprehensive level of detail and reasoning for how decisions are arrived at - Herefordshire Council could look to emulate this model;
- That consideration be given to amending the complaint form, to ask the complainant whether they consider the subject member to have been acting in their capacity as a Councillor at the time of the alleged conduct;
- That the list of complaints and outcomes should include an additional column containing the Monitoring Officer recommendation to address any breaches of the Code;
- Where the Monitoring Officer employs the ‘Public Interest Test’, an explanation and justification should be provided;
- Where the Monitoring Officer recommends that an apology be provided, the manner of how the apology is delivered should be clearly specified; and
- That an informal review Panel should be convened to review the issues which arose at the Standards Panel meeting held on 11 March 2022.

It was unanimously resolved that:

The comments of the Panel on the level of assurance obtained from sampling be reported in the annual code of conduct complaints report by the Monitoring Officer.

The meeting ended at 3.08 pm

Chairperson