

STANDARDS COMMITTEE ANNUAL REPORT 2006**Report By: Democratic Services Officer****Wards Affected**

County-Wide

Purpose

1. To consider how the Standards Committee's work in 2006 can best be communicated to stakeholders and others, including County, Town and Parish Councillors in Herefordshire, the Standards Board for England, neighbouring authorities, authorities whose Standards Committees participate in the West Mercia Independent Members' Forum, our Members of Parliament and the members of the former Standards Commission (Lord Lieutenant, Recorder and Bishop).
2. The Committee gave preliminary consideration to a draft Annual Report at its meeting at its meeting on 20th October; made some factual amendments; and agreed to consider a recast paper at its next meeting. The Clerk and Chairman have produced the attached new draft.

Handling

3. The Chairman suggests that the Committee's special position in relation to the Council should be reflected by producing the Annual Report in a free-standing document, rather than in the conventional form of a Report to Council; and that it should be in a distinctive format.

RECOMMENDATION**THAT the Committee considers the content of the Report and its subsequent handling.**

COVER

A photographic cover (along the lines of the *Guide to Becoming a Herefordshire Councillor*) but with a different picture, typical of the County's landscape.

The Council logo top left.

Title:

Standards in Local Government: what we are doing in Herefordshire

The Annual Report of the Standards Committee for 2006

INSIDE FRONT COVER

HEREFORDSHIRE....covers 842 square miles (218,000 hectares). In area it is the second largest non-metropolitan unitary authority in England

It has a population of 179,000, just over half of whom live in Hereford City and five market towns (Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye)

In addition to Herefordshire Council, there are 138 Town and Parish Councils (and four Parish meetings), more than in any other unitary authority

In all, some 1,300 councillors are involved in local government in Herefordshire

FACING INSIDE COVER

Set out in a style similar to the *Guide* referred to above, headings in green.

OPEN, FAIR AND PROPORTIONATE

What we do [text box]

The Committee was established on [date] under section 53 of the Local Government Act 2000 and first met on 8th February 2002.

- We promote and maintain high standards of conduct by the members (and co-opted members) of Herefordshire Council, and of Town and Parish Councils in the County
- We advise on codes of conduct (and draft and revise them where necessary)

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- We train members on conduct issues, and help them to observe codes of conduct
- We hold local hearings and determine complaints against councillors which are referred to us by the Standards Board for England, or which come to us after a complaint is referred by the Board for local investigation
- We respond to inquiries from the public on any aspect of our work

In all that we do, we seek to ensure that Herefordshire demonstrates best practice and is at the forefront of developments nationally. Codes of Conduct, and the regulation of standards issues, are now part of public life. There is no doubt that they play an important part in enhancing and maintaining public confidence. The credibility of the system in local government, as elsewhere, depends upon it being *open, fair and proportionate*. These principles are at the heart of our approach.

TEXT ON SUBSEQUENT PAGES

MEMBERSHIP [photographs of each alongside. Period on Committee, and whether first or second term, to be added]

Our membership in 2006 was

- **Robert Rogers (Independent Member) (Chairman):** Robert Rogers has been in the service of the House of Commons since 1972 and is now the House's Clerk of Legislation, and a Clerk at the Table. During his time at the House he has been involved in every area of its work. He writes on Parliamentary and governance issues and is the co-author of *How Parliament Works*, the sixth edition of which appeared in July 2006. He is married with two grown-up daughters and has lived in the County since 1977. He is also a member (and has been Chair and Vice-Chair) of the Standards Committee of the Herefordshire and Worcestershire Combined Fire Authority.
- **Councillor John Edwards:** John Edwards was Vice-Chairman of Herefordshire Council until 13 May 2005 when he became Chairman. He helped to found How Caple, Sollers Hope and Yatton Group Parish Council in 1974, and has been a member ever since. He has been a churchwarden for forty-six years, was County Chairman of the Young Farmers Club in the fifties, and represented local farmers at national level. He is a farmer and landowner in How Caple, and is married with a grown up daughter and two sons, and six grandchildren.
- **Councillor John Stone:** John Stone joined the Council in 2000 having been in the teaching profession for many years. He became Vice-Chairman of Herefordshire Council on 13 May 2005. He has also held a number of other offices with the Council including Vice Chairman of the Education Scrutiny Committee, Vice Chairman of the Northern Area Planning Sub-Committee, Vice Chairman of the Social and Economic Development Scrutiny Committee, Chairman of the Courtyard Review Group, a Member of the Herefordshire Local Admissions Forum and Chairman of the Standing Advisory Council for Religious Education. He has been a member of Brimfield and Little Hereford Parish Council for ten years and is a churchwarden of St Michaels, Brimfield.

- **David Stevens (Independent Member):** David Stevens is the current Chairman of Herefordshire Young Enterprise and was formerly Chairman of West Mercia Crimestoppers, the Area Council of the Herefordshire Chamber of Commerce, and an independent member of the West Mercia Police Authority. He worked for many years with Bulmers' Export Department. He lives in Hereford city, and is married with three grown up children. He is also a member of the Herefordshire and Worcestershire Fire and Rescue Authority Standards Committee.
- **Richard Gething (Parish Council Representative):** Richard Gething is Chairman of the Herefordshire Association of Local Councils, Bridstow Parish Council and the Local Access Forum, and Vice-Chairman of the Herefordshire Rural Police Community Consultation Group. He is a retired Army Officer, and currently Non-Executive Director of a management consultancy company (public and private sector). He is married with two grown up sons and lives in Glewstone. He is also Vice-Chair of the Herefordshire and Worcestershire Fire and Rescue Authority Standards Committee.
- **John Hardwick (Parish Council Representative):** Mr Hardwick farms in the Fownhope area and is the current Chairman and a founder Director of Marches Quality Meats Ltd, based in Ludlow. He is also the Vice-Chairman of the Herefordshire Association of Local Councils Executive Committee, National Farmers' Union (NFU) representative on the Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee, the Wye Forum, and President of Woolhope and District Young Farmers, having been associated with the Young Farmers movement for the past 41 years. He was formerly the County Chairman of the NFU Livestock Committee and of Fownhope Parish Council. He is married with a daughter of 17 years and a son of 15 years.

We are assisted and supported by:

- **Alan McLaughlin, Head of Democratic Services and Monitoring Officer**

Insert biographical note

Alan succeeded Marie Rosenthal, County Secretary and Solicitor, who moved to a senior appointment with Swindon Council. Marie had advised the Committee from the start, and we take this opportunity of expressing our profound thanks to her for her enthusiasm and skilful guidance.

- **Heather Donaldson, Clerk of the Committee**

Insert biographical note

We also draw upon the services of Herefordshire Council Officers and Departments for support in arranging meetings and hearings, printing and publication of material, and website publication. We are very grateful for this support, and for the readiness with which it is provided.

[NEW PAGE]

ACTIVITIES IN 2006

TRAINING

- We continued to work with the Herefordshire Association of Local Councils (HALC) to deliver training for town and parish councillors, especially on the Code of Conduct and personal/prejudicial interest issues, as part of their broader programme of training for town and parish councillors.
- As a risk management exercise, we continued to monitor participation in HALC's training programme, in order to identify any councils with an especially low response rate.
- We produced a leaflet explaining the different roles of the Standards Committee, the Monitoring Officer, and the Herefordshire Association of Local Councils, particularly so that councillors will have a better understanding of what advice each can provide, and so where to go for help.
- Following our hosting of the Independent Members' Forum in February 2006, our Chairman produced *A Chairing Checklist*, a short guide to the conduct and business of meetings from the Chair's point of view. This has been widely distributed, and used for training events. It has also been taken up by other local authorities.
- As well as training councillors, we ensure that the members of the Committee are fully up to date with developments. The Bulletins of the Standards Board for England are discussed at our meetings, and relevant case summaries of determinations are circulated to members. Five of our members attended the Annual Assembly of Standards Committees in Birmingham in October 2006, and took a full part in the workshops and other activities there.

HEARINGS

We have had more experience of local hearings than most Standards Committees, now having completed five. The latest of these took place in March 2006 following a local investigation carried out by an officer from Herefordshire Council's Legal and Democratic Services. (The process of investigation was of course kept entirely separate from our consideration of the matter, and our Legal Adviser had no involvement in the investigation.) Following this hearing, an application was made to appeal against our decision. We had decided to impose no sanction, so in the circumstances we were surprised; but we welcomed the decision of the President of the Adjudication Panel for England that the application was without merit and that there were no grounds for such an appeal [*check exact wording*].

We have drawn on our experience of each hearing in developing our approach. Changes in 2006 include:

- A guide for members of the public and press attending a hearing. This sets out how hearings are conducted, and in particular emphasises the constraints of following due process – for example, the need to keep evidence concise and relevant, and the limitations, in the interests of fairness, on introducing evidence without notice to the parties. This guidance supplements the laminated sheet setting out the different stages of a hearing which we introduced for participants and the public in 2005.
- A comprehensive internal note to act as a checklist of actions in the process leading up to a hearing, and especially to ensure that recommended timelines are followed.

We continue to have our hearings recorded for transcription; although this adds cost, we think it contributes to the fairness of the process, and that it is an essential precaution in the event of our decision being appealed.

We take a critical look at hearings guidance and best practice elsewhere, and adopt it when appropriate. We did not, however, agree with the Standards Board for England view (their Bulletin 29) that an investigation report should be made public five days before a hearing, because we feel that the release of what might be seen as the “case for the prosecution”, on its own, would not be fair on the councillor who was the subject of the complaint, especially if it gave rise to media coverage before the hearing.

THE STANDARDS BOARD FOR ENGLAND: HANDLING OF COMPLAINTS

We have continued to monitor the Board’s handling of complaints, and have been pleased to see the dramatic improvement in the speed with which these are dealt with. The way in which complaints are handled will change fundamentally with devolution to local Standards Committees (see our look forward to next year, below) We make a particular point of noting the types of behaviour that give rise to complaints under the “conduct” heading, so that we can adapt our approach to training if necessary.

DISPENSATIONS

We have dealt with a considerable number of requests from town and parish councils for “dispensations” – that is, for our permission for members who have a prejudicial interest to be able to participate in council business when the subject of that interest is being discussed. This arises most often when councillors are also, for example, trustees of the village hall or of playing fields.

The legal basis for seeking a dispensation is complex – more complex than it should be – and is not helped by ambiguity in the Government’s regulations which govern it.

We have therefore produced a plain-language guide for town and parish councils which explain the background and lead them through the questions we need to have answered in order to consider a dispensation.

WEST MERCIA INDEPENDENT MEMBERS' FORUM

The Standards Board for England has encouraged the development of regional forums to support independent members of Standards Committees. The West Mercia region has a forum comprising Standards Committees from Shropshire, Herefordshire and Worcestershire, and one or both our independent members have attended every meeting. We feel that our Committee has a balanced membership, and is extremely well supported in terms of staff and resources. It is clear, however, that many independent members from other areas feel isolated and lacking in support and information, and in this the Forum has a valuable role to play.

For the first time we were hosts to the Forum meeting in Hereford, on 3rd February 2006, with a very good attendance. The Leader of Herefordshire Council, Councillor Roger Phillips, and the Chief Executive, Neil Pringle, gave short keynote introductions in which they emphasised the importance the Council attached to the maintenance of high ethical standards and their support for the work of the Standards Committee. The main agenda item was a lively discussion on local hearings, following presentations by the Chairman of the Committee on our experiences of conducting hearings, and by Kevin O'Keefe, the Legal Practice Manager, on conducting local investigations.

HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS

As will be clear elsewhere in this Annual Report, we continue to work closely with HALC on a range of issues. The excellent relationship between the Standards Committee and the County Association – not replicated in every authority across the County – is one we greatly value.

CONDUCT PROTOCOLS AND CORPORATE GOVERNANCE

We completed the Herefordshire set of conduct protocols with one on the use of council resources. The use of IT equipment and internet/network access was a complex element of this, and we had consulted widely on successive drafts.

We also commented on Herefordshire Council's Corporate Governance Code, which follows joint guidance produced by CIPFA and SOLACE. We suggested a number of amendments, including more detail about the Council's ethical framework, the role of the Committee and the Monitoring Officer, and the Codes developed and monitored by the Standards Committee. [These amendments have been incorporated.]

COMPREHENSIVE PERFORMANCE ASSESSMENT

Herefordshire Council was subjected to a full CPA in 2006, emerging with an overall “good” score. A member of the CPA team interviewed the Chairman about the role of the Standards Committee, as part of a wider assessment of the Council’s ethical structure and practice. We were delighted that this was well reflected in the governance section of the CPA team’s report. It seems likely that effective handling of ethical issues will be an important part of future CPA judgements.

DEVOLUTION: CHANGES TO THE STANDARDS FRAMEWORK

The local government ethical framework introduced by the Local Government Act 2000 was closely examined in 2005 and 2006: by the House of Commons Select Committee on the Office of the Deputy Prime Minister, by the Committee on Standards in Public Life (now “the Graham Committee”) and by the Standards Board for England itself. There was general agreement that the basic concepts were sound, but also a number of suggestions for change, which the Government is pursuing through the Local Government Bill in the current Parliamentary session.

We followed these developments carefully, and submitted evidence both to the House of Commons ODPM Committee and to the Committee on Standards in Public Life.

In addition, our Chairman was invited by David Prince, the Chief Executive of the Standards Board for England, to take part in a small “stakeholders’ group” to advise the Board on the practicalities of the key change from a Standards Committee point of view: the devolution to local level of the majority of complaint investigations and hearings. We return to this in *Outlook for 2007* below.

A LOOK BACK AT 2006

2006 was another busy year for us. As always, we have sought to make the work of the Committee add value rather than simply activity. We have kept at the forefront of developments and best practice. We have ensured that our voice on standards matters, reflecting the views and concerns of local government in a predominantly rural area, is heard at national level. We have emphasised training and education on ethical matters as the best way of enhancing the reputation of local government and of avoiding the use of the complaints machinery. And we have maintained the approach set out at the start of this report: *open, fair and proportionate.*

OUTLOOK FOR 2007

Devolution

This will be a key issue in two ways, both of which we will be watching closely:

Devolution of standards matters will bring more local investigations and hearings, no doubt with resource implications. In technical terms, we feel well equipped for the

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change. However, some crucial elements remain to be clarified, principally: the process of decision-making on local investigation and hearing (and possible challenge) after referral by the SBE; and the range of penalties available to local Standards Committees. We are certain the success of devolution depends upon these being expanded to match the nature of the complaints to be dealt with.

Local devolution will give town and parish councils greater powers, which will in turn give them a higher profile; and the exercise of those powers will make the maintenance and monitoring of an appropriate ethical framework even more important.

2007 Local government elections

We will be examining guidance on “purdah” and other matters in the run-up to the elections – a time when feelings can run high and the risk of “tit for tat” complaints increases – and issuing additional guidance if necessary.

Following the elections, we will be providing training for newly elected councillors at all levels as part of their induction.

Website

We will be recasting our pages on the Herefordshire Council website to provide easy access to our various guidance notes, as well as papers for Committee meetings and hearings, and overall a better public information resource.

Media handling

We will be looking at Herefordshire Council’s protocols for dealing with the media, drawing on SBE guidance.

We welcome views from councillors and members of the public on these and any other standards issues. [contact details follow]