

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 04 July 2008

Membership:

Robert Rogers (Independent Member) (Chairman); Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member); Councillor John Stone; Councillor Beris Williams.

CODE OF CORPORATE GOVERNANCE

1. We have considered a revised Code of Corporate Governance for the Council. We were grateful for the presence of Councillor Richard Smith, Vice-Chair of the Audit and Corporate Governance Committee, who communicated the views of that Committee. We feel that the Code requires further work to make it simpler and easier to use. We also agreed that there was a mix of principles (appropriate to a Code) and of compliance reporting, which should be reserved for the Council's compliance report. We have therefore undertaken to produce a new draft, and will ensure that it meets CIPFA/SOLACE requirements and the wishes of the Audit and Corporate Governance Committee. The Standards Committee and the Audit and Corporate Governance Committee will approve the revised Code in time for Council on 31 October 2008.

ROLE AND COMPOSITION OF THE STANDARDS COMMITTEE AND ITS SUB-COMMITTEES

2. In accordance with the Standards Committee (England) Regulations 2008, and the guidance issued by the Standards Board for England, we have reviewed our arrangements in the light of the requirements of local assessment. We have also established two new Sub-Committees, the Assessment Sub-Committee and the Review Sub-Committee.
3. The Assessment Sub-Committee will undertake the initial assessment of a complaint and decide whether the complaint requires further investigation. We have agreed membership for the first meeting of this Sub-Committee, which will be held on 28 July 2008.
4. The Review Sub-Committee will be convened in instances when the Assessment Sub-Committee has decided not to investigate a complaint, and the complainant requests a review of that decision. No-one who has been involved in the assessment of a complaint may sit on a review of that complaint.
5. We have also agreed a protocol of procedures for the Monitoring Officer on assessments and reviews.
6. We made the recommendations to Council that are set out below, and the documents for approval are appended as follows:
 - Appendix 1 – Revised Part 8 of the Constitution on the Standards Committee
 - Appendix 2 – Terms of reference of the Assessment Sub-committee
 - Appendix 3 – Terms of reference of the Review Sub-committee
 - Appendix 4 – Monitoring Officer Protocol

RECOMMENDATIONS TO COUNCIL:**THAT:**

- (i) the amendments to Part 8 of the Constitution (the Standards Committee), and the Terms of Reference for the Assessment Sub-Committee and the Review Sub-Committee be approved;**
- (ii) the Monitoring Officer be instructed to notify members of receipt of any complaint, and:**
 - provide a written summary of the allegation to the member(s)**
 - at the same time, acknowledge receipt of the allegation from the person making the allegation.**
 - no later than sending the agenda to members of the Assessment Sub-committee unless, after consultation with the Chairman of the Standards Committee, the Monitoring Officer considers it appropriate to defer notification in order to enable proper investigation to take place.**
- (iii) the protocol set out at Appendix 4, authorising the Monitoring Officer to seek local resolution in appropriate cases, and setting out the Committee's expectations of a Monitoring Officer through the referral process be adopted;**
- (iv) the identity of a complainant may be kept confidential if the Monitoring Officer has reason to believe that the complainant:**
 - (a) will be at risk of physical harm;**
 - (b) is an officer who works closely with the member and there is a reasonable fear of intimidation or incrimination;**
 - (c) suffers from a serious health condition which might be affected**
- (v) meetings of the Assessment and Review Sub-Committees should be held in private unless the relevant Sub-Committee determines otherwise;**
- (vi) the functions of determining whether to accept the Monitoring Officer's finding of no breach, to go to a local hearing or to refer the matter to a case tribunal should be delegated to a Hearing Panel of Members of the Standards Committee; and**
- (viii) the Monitoring Officer be instructed to promulgate these changes after consultation with the Chairman of the Standards Committee.**

LOCAL ASSESSMENT: INITIAL HANDLING OF COMPLAINTS

7. The Standards Committee (England) Regulations 2008 require us to agree a process for handling a complaint about any councillor in Herefordshire. We have approved a complaints form and guidance which is now available on the website.

ALTERNATIVE ACTIONS SEMINAR

8. The Assistant Chief Executive (Legal and Democratic) reported on a recent seminar that he had attended at the Standards Board for England headquarters in Manchester. Alternative action provides options other than conducting investigations and holding hearings. It might involve mediation or conciliation, training, and peer mentoring, facilitated by the Monitoring Officer at the request of the Assessment Sub-Committee.
9. We welcome alternative action as another option open to us, and we will consider it in appropriate cases. We have to bear in mind, however, that once we embark upon it the opportunity to investigate is closed. This applies even if the alternative action fails, so it is an option to be used with care.

JOINT WORKING WITH OTHER STANDARDS COMMITTEES

10. There is provision in the new Regulations for joint working arrangements with other Standards Committees. This may be useful at the review stage, to ensure that an independent and objective element is maintained throughout. We plan to make reciprocal arrangements with the West Mercia Police Authority and the Hereford and Worcester Fire and Rescue Authority to “borrow” members as appropriate for our Review Sub-Committees.

JOINT TRAINING ARRANGEMENTS

11. We plan joint training with the Standards Committees of Worcestershire County, Worcester City, the Hereford and Worcester Fire and Rescue Authority and the West Mercia Police Authority to ensure that all the Committees are fully up to date with the demands of the new “local filter”.

RECRUITMENT OF AN INDEPENDENT MEMBER

12. Recruitment of an additional Independent Member (to satisfy the requirements of local assessment) is under way. An advertisement for the post appeared in the Hereford Times on 17 July 2008, and the closing date for applications will be 08 August 2008.

STANDARDS COMMITTEE HEARING ARRANGEMENTS

13. The Standards Board for England (SBE) has issued a substantial amount of new guidance to support local assessment, and we are ensuring that our procedures are compliant with this and the new Regulations.

COUNCILLOR/OFFICER RELATIONS PROTOCOL

14. We have completed our consideration of the amended Appendix 12 (Annex 1) of the Constitution, which relates to the protocol for councillor/officer relations, and have made minor amendments. This protocol is the subject of consideration by Council in an item elsewhere on this agenda.

STANDARDS BOARD FOR ENGLAND/HEREFORDSHIRE ASSOCIATION OF LOCAL

COUNCILS JOINT PILOT PROJECT

15. At our last meeting we heard further details of the SBE's pilot project to produce a model for compacts between Associations of Local Councils, Monitoring Officers and Standards Committees through assessing activities such as joint training, informal meetings between Standards Committees and Associations to ensure agreement over application of the Code of Conduct, and the production of joint guidance leaflets. We are very pleased that Herefordshire is one of only six counties to be invited to take part in this project, and the National Association of Local Councils has commented that we are already practising much of what the pilot recommends.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 04 July 2008.