

## REPORT OF THE STANDARDS COMMITTEE

### Meeting held on 17 October 2008

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**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.

**DISPENSATIONS**

1. We considered the question of what happens when we have granted a dispensation, and subsequently the membership of the parish council changes, with the effect that there are fewer than half of the Councillors affected. Because the dispensation is granted to named individuals, it will still apply until its expiry date or until revocation. We are clear that a parish or town council should revoke a dispensation if it remains in place for less than the qualifying number, or if the nature of an interest changes so that the dispensation is no longer applicable. Members should not take advantage of a dispensation when the legal requirements are no longer fulfilled.
2. We will make this clear in a new version of the dispensation application form, consulting the Herefordshire Association of Local Councils (HALC).

**CONSULTATION PAPER: "COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER: CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES".**

3. We considered a consultation paper from the Department for Communities and Local Government which seeks views on revising the Local Authorities (Model Code of Conduct) Order 2001, and on the proposed introduction of a model code of conduct for local government employees. We held an initial discussion and will submit our final views (which will be posted on the Council website) in due course. Full details of the consultation can be found via the following link:

<http://www.communities.gov.uk/publications/localgovernment/codesconductconsultation>

**CODE OF CORPORATE GOVERNANCE**

4. We have agreed a new Code of Corporate Governance for the Council, which was approved by the Audit and Corporate Governance Committee at its meeting on 25 September 2008. The aim of the new version is to be short, straightforward and clear, as befits what is in effect the council's promise to the people of Herefordshire. Both Committees recommend its adoption. If this high-level Code is approved by Council, we envisage that a detailed working version will be produced to set out exactly how compliance with the high-level aims is to be achieved.

**RECOMMENDATION:** that the re-drafted Code of Corporate Governance and Foreword (Appendix 1 to this report) be adopted by Council.

**ASSESSMENT CRITERIA: ANONYMOUS COMPLAINTS**

5. At our meeting on 04 July 2008, we agreed a process, and approved forms and guidance, for handling complaints about councillors in Herefordshire, as required by the Standards Committee (England) Regulations 2008. It also falls to the Committee to decide how to deal with anonymous complaints, and we have amended our guidance to include a process for this.

**SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

6. Four of our members attended the Annual Assembly of Standards Committees, held at the International Conference Centre in Birmingham on 13 and 14 October 2008. The theme this year was "Delivering the Goods: Local Standards in Action", and concentrated on operating the local filter, and sharing our experiences of the new regime in place since 08 May 2008. The conference was over-subscribed; an indication of its popularity and its invaluable contribution towards training.

**STANDARDS BOARD FOR ENGLAND/HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT**

7. 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 on application of the Code of Conduct, and the production of joint guidance leaflets. Our first task will be to engage with selected Parish and Town Councils and Clerks, to talk informally about the local filter and assessment process, and explain our own role.

**EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR**

8. We have reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. The initial handling of complaints is now conducted by the Assessment Sub-Committee, which to date has considered twelve complaints, and is meeting approximately once a month. We have also devised a system for managing and keeping track of complaints, as required by the new Regulations. The Standards Board for England has raised some interesting points on applying the new regime, in its Bulletin 40, which we have also considered. The Bulletin makes particularly helpful reading, and can be found on the SBE website at:

<http://www.standardsboard.gov.uk/Publications/TheBulletin/>

In the handling and assessment of cases, we keep in mind the three principles of our work: open; fair; and proportionate.

**RECRUITMENT OF AN INDEPENDENT MEMBER**

9. We conducted interviews for an additional post of Independent Member on 26 August 2008. The additional post is necessary to reduce the possibility of statutorily required independent chairs being conflicted out of the various stages of the local filter process. The interview panel consisted of Robert Rogers (Chairman), Councillor John Stone, John Hardwick, and Colonel Tony Ward OBE (Independent Member of the West Mercia Police Authority, and a member of that Authority's Standards Committee) as an external member. The process produced some very impressive candidates; the panel was unanimous in recommending the appointment of Ms Isabel Fox, and we readily endorse that recommendation. Isabel Fox is a solicitor of wide experience, and is currently a professional President of the Mental Health Review Tribunal and Chair of the Disability Appeals Tribunal. She was previously an Independent Member of the Standards Committee of South Oxfordshire, and recently moved to Ledbury.
10. It is immediately clear from our initial experiences of working with the local filter that a further Independent Member will be required. This will ensure resilience in the case of conflict, will enable much greater flexibility in the process, and will assure the public of continued transparency in what is proving to be a very demanding area. Neither post under this item is paid; the only cost to the Council will be modest expenses such as occasional mileage.

**RECOMMENDATION: that**

- (i) **Ms Isabel Fox be appointed as an Independent Member of the Standards Committee;**
- (ii) **The recruitment of a fourth Independent Member of the Standards Committee be approved.**

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**

**BACKGROUND PAPERS:**

- Agenda papers of the meeting held on 17 October 2008.