

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 16 January 2009

Membership:

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

NEW INDEPENDENT MEMBER: MRS ISABEL FOX

1. We welcomed our newly appointed independent member, Mrs Isabel Fox, to her first Standards Committee meeting. Her skills and expertise have already been put to good use, chairing two Review Sub-Committees and one Assessment Sub-Committee.

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

2. 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. We are one of only six authorities selected for the pilot, which involves 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. In connection with this, Councillor Beris Williams attended a Kington Town Council meeting, and Mr David Stevens visited Eardisland Parish Council, to talk informally about the local filter and assessment process, and explain our role.
3. As part of the project, parish and town councillors are being asked questions designed to gauge their understanding of the new Code of Conduct, of the Standards Committee's and the Monitoring Officer's roles, and of the new local filter process. This will help us to ascertain whether they would benefit from additional training.
4. The Herefordshire Association of Local Councils (HALC) and the Assistant Chief Executive (Legal and Democratic), in partnership with the Committee, are producing guidance leaflets for Town and Parish Councils on the planning process, and on the Code of Conduct and the role of the Standards Committee. The Assistant Chief Executive (Legal and Democratic) and the HALC Chief Executive will introduce the leaflets at an informal Chairs and Clerks training evening on 17 February 2009. Some of our members will also be present to assist with training and to answer questions.

GIFTS AND HOSPITALITY CODE

5. We considered a proposed Gifts and Hospitality Code, which has been devised as part of the wider review of the Constitution, and made a number of amendments. The Code now requires approval by Council.

RECOMMENDATION: that the Code on Gifts and Hospitality (Appendix 1 to this report) be adopted by Council, for inclusion in the Constitution.

MONITORING OFFICERS' MEETING

6. The Assistant Chief Executive (Legal and Democratic) attended a meeting for Monitoring Officers, at the SBE headquarters in Manchester on 12 January 2009. These meetings take place quarterly, and are a forum for the SBE to learn about issues that are affecting standards committees, particularly in relation to operating the local filter. They are proving to be extremely useful, and we are grateful to Mr McLaughlin for his contribution.
7. Mr McLaughlin reported to us on problems experienced by some local authorities when applying mediation as an alternative action. One Monitoring Officer reported that mediation had taken two-and-a-half years to resolve. This is not an example we are keen to follow.
8. In addition, Monitoring Officers discussed the possibility of asking complainants what outcome they would like to achieve from the complaints process, and what alternative actions would be appropriate, if an Assessment or Review Sub-Committee wished to consider this route. We feel that there is merit in amending our complaints form to accommodate this, because it supports the aims of transparency and restorative justice, and on occasion may mean that a complaint can be dealt with more quickly and simply. At the same time, of course, it has to be clear that a complainant is not by these means given undue influence in the process; that must remain a matter for us.

PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES

9. The new rules under Regulation 8 of the Standards Committees (England) Regulations 2008 state that a written summary must be produced after an Assessment or Review Sub-Committee has considered a complaint. The summary must include the main points considered, the conclusions drawn, and the reasons for the conclusion. It must also be available for public inspection for six years. We shall be publishing the summaries in the form of a decision notice on the Standards and Ethics pages of the Council's website, and we shall also keep a public register which will be available for inspection.
10. We have agreed that, in some cases, we will only publish the complaint reference number, and not the name of the person complained about. We would normally do this if no further action were to be taken against the councillor concerned, or if revealing the name might prohibit or hinder the fairness of an investigation.

EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

11. 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. To date, the Assessment Sub-Committee has considered eighteen complaints, and the Review Sub-Committee has considered two. The start of 2009 has been particularly busy, with the Sub-Committees having met six times over a two-week period in January, including three adjournments to obtain further information. This is an additional call on resources, but we remain convinced that the local handling of cases is a great improvement on the previous cumbersome process whereby all complaints automatically went to the Standards Board for England. It allows knowledge of the local circumstances to be brought to bear, and it means that complaints without substance go no further.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 16 January 2009.