

MEETING:	COUNCIL
DATE:	24 JULY 2009
TITLE OF REPORT:	REPORT OF THE STANDARDS COMMITTEE MEETING HELD ON 10 JULY 2009
PORTFOLIO AREA:	LEADER OF THE COUNCIL

CLASSIFICATION: This is an open report.

MEMBERSHIP: Robert Rogers (Independent Member) (Chairman); Jake Bharier (Independent Member); Isabel Fox (Independent Member); Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member); John Stone (Local Authority Representative); Beris Williams (Local Authority Representative).

Wards Affected

County-wide

Purpose

To note the report and approve any recommendations therein.

Recommendation(s)

THAT Council:

approves the appointment of Councillors Mary Morris and Nicky Carless as alternative parish and town council representatives, and Councillors Josie Pemberton and Ann Gray, as alternative local authority representatives of the Standards Committee, to substitute for corresponding Standards Committee members when required.

Joint Training

1. Members of the Committee and officers involved in supporting us attended joint training at Worcestershire County Council Headquarters on 10 July 2009. Simon Mallinson, Monitoring Officer at Worcestershire, and Geoff Hardy, Special Projects Lawyer at Herefordshire delivered the training to standards committee members from Herefordshire and Worcestershire County Councils, Worcester City, the Hereford and Worcester Combined Fire Authority, and the West Mercia Police Authority.

2. We considered various applications of the local filter and the hearing process. The case study approach was a good way of matching training to a variety of experience and expertise, and the event was much appreciated and very well-pitched.

Universities of Teesside and Hull Joint Research Project

3. We welcomed Dr Michael Macaulay, Reader in Governance and Public Ethics at Teesside University, to our meeting. Dr Macaulay, along with colleagues from Hull University, is carrying out a piece of research on notable practice in standards committees. He is particularly interested in committees which have been successful in expanding their non-statutory roles, and was impressed with our web page and our joint training arrangements with the Herefordshire Association of Local Councils (HALC) and our neighbouring standards committees.
4. Dr Macaulay attended our joint training session in Worcester in the morning, and later our informal briefing meeting with HALC. He reported that the work undertaken by us in Herefordshire is widely recognised in the local government community, and the day had given him a detailed picture of what we are achieving and a demonstration of best practice for others. He will be producing a report for Standards for England (the new name for the Standards Board for England), and will share it with us. The report will be used as the basis for some workshops at this year's Annual Assembly of Standards Committees, and for Standards for England's best practice guidance.

Introduction of Stage 3 Complaints Procedure for Aggrieved Complainants

5. We have considered the appropriateness of including the Council's Stage 3 complaints process as part of the local filter mechanism, particularly in relation to investigations and hearings. At present, complaints against councillors are dealt with by the local filter, and complaints against Council employees, policies and procedures are dealt with by the Council's own three-part internal complaints process. We recognise that there might be some "crossover" on occasion, between our role in governance and the management structure of the council. An example of this would be when, during the course of dealing with a complaint about a councillor through the local filter, the complainant then decides to make an additional complaint about the manner in which an investigation has been handled by a Council employee.
6. We do not feel that the Stage 3 complaints process can be included in the local filter mechanism, for several reasons:
 - If a complaint about a councillor progresses to a Standards Committee hearing, then any complaints about something other than councillor conduct must be addressed either before, or at the hearing. In practical terms, the deadlines given in the local filter guidance, if strictly adhered to, allow us plenty of time to deal with separate grievances before a hearing takes place. This will prevent evidence germane to the hearing being the subject of simultaneous consideration in another complaints process. We may, of course, decide that a complaint may be relevant to a hearing.

- There are already two further options open to complainants who are dissatisfied with the process, namely the Local Government Ombudsman, and Judicial Review. These options are available after the assessment and review process has been exhausted.
7. We will review our hearing guidance and any paperwork that we send out to those involved to ensure that complainants are aware of the time limits on making complaints, and of their right to seek further redress through the Local Government Ombudsman or Judicial Review.

Local Government Chronicle Awards 2010

8. The Local Government Chronicle Awards 2010 are now open, and we plan to enter the Standards and Ethics category. We feel that we have a good story to tell, and sound evidence of our work to support ethical standards in Herefordshire.

Experience of Local Filter Cases, And Determinations So Far

9. 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. In 2008, our Assessment Sub-Committee considered eighteen complaints, and so far in 2009, it has dealt with forty-one.

Standards Committee Membership

10. We welcomed our new independent member, Mr Jake Bharier, to his first meeting. In addition, we have now received all four nominations for alternative local authority representatives, and town and parish council representatives. They will serve as substitutes in instances when members are conflicted out of the various stages of the local filter process. They will not be members of the Committee or its Sub-Committees except when they are substituting for members, and they will not be able cross-substitute (for example, a local authority (Herefordshire Council) representative will be able to substitute only for a Herefordshire Councillor). One of our alternative local authority representatives, Councillor Josie Pemberton and the two nominated parish and town council representatives, Councillors Mary Morris and Nicky Carless, attended our meeting as part of their induction. The fourth representative is Councillor Ann Gray. It remains for Council to approve the nominated representatives.

Background Papers

- Agenda for the Standards Committee Meeting held on 10 July 2009.

ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE