

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 8 January 2010 at 2.00 pm

Present: Robert Rogers (Chairman) (Independent Member)
David Stevens (Independent Member)
Jake Bharier, (Independent Member)
Richard Gething, (Town and Parish Council Representative)
John Hardwick (Town and Parish Representative)
John Stone (Local Authority Representative)
Beris Williams (Local Authority Representative)

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isabel Fox, Anne Gray and Nicky Carless.

2. DECLARATIONS OF INTEREST

There were none

3. MINUTES

RESOLVED: (unanimously) that the minutes of the following meetings be approved as a correct record and signed by the Chairmen with the amendments indicated:

- (i) 27 March 2009 – subject to the deletion of the name of Mr Jake Bharier
- (ii) 02 October 2009; - subject to the inclusion of the following members in the attendance list and Mr David Stevens as Chairman: Jake Bharier, Richard Gething, John Stone and Beris Williams
- (iii) 30 October 2009.

4. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were none.

5. THE CONSTITUTION

The interim Head of Law and Governance presented a report about the Constitution considered by Council on 13 November 2009. She said that Council had approved the new Constitution in principle and come to the following resolutions:

- a) agrees that its new Constitution will take effect on 1 January 2010;
- b) confirms the composition and Members of the Planning Committee and asks Group Leaders to review their nominations to reflect geographic diversity and notify the Chief Executive of any changes to the membership of the Committee;

- c) designates its Community Services Scrutiny Committee as its Crime and Disorder Committee;
- d) instructs the Chief Executive to prepare and adopt a scheme of delegation in accordance with the new Constitution by no later than 1 January 2010;
- e) approves the core content and principles in its new Constitution and instructs the Monitoring Officer to:
 - i. complete Parts 6 and 7 of the Constitution before 1 January 2010;
 - ii. complete Part 8 of the Constitution as soon as possible after 1 January 2010;
 - iii. incorporate any amendments agreed by Council into the new Constitution, which includes retaining the financial limit for key decisions at £500k;
 - iv. correct any typographic or other errors; and
 - v. deliver training as appropriate on the new Constitution;
- f) agrees that the Monitoring Officer be authorised to finalise the Constitution in consultation with the Chairman of the Council;
- g) recommends that the Monitoring Officer undertake the following:
 - i. to complete the web-enabling of the Constitution;
 - ii. to review the deferred matters referred to in this report;
 - iii. to consult with the Standards Committee about whether the new Constitution promotes high standards of conduct within the Council;
 - iv. to consult and seek views from partners and the public on the new Constitution;
 - v. present a further report(s) as necessary reflecting that further work; and
 - vi. carry out this work with the Constitutional Review Working Group;
- h) agrees that the Constitutional Review Working Group be retained to assist with such further work as it determines.

The Chairman had some concerns about the degree to which the Committee could comment at this stage on whether the new Constitution would promote high standards of conduct within the Council. He noted that the Code of Corporate Governance was not included within the current version of the Constitution. He also enquired whether the Codes developed by the Committee in respect of the following were compliant with the new Constitution:

- Members' Code of Conduct;
- use of Council Resources by Members;
- use of ICT;
- Confidential Reporting Code;
- Code on Gifts and Hospitality; and
- the Planning Code

The interim Head of Law and Governance advised that there was no disparity between the Codes and the new Constitution and that if any changes were forthcoming, they would be subject to the views of the Standards Committee in the first instance. She outlined the further work to be done on the Constitution in conjunction with the Council's Constitution Review Working Group, particularly Part 8. She also explained that there was also further work to be done on the Planning Code regarding the role of Ward Members arising from the change to a single Planning Committee instead of a Planning Committee and three Area Planning Sub-Committees.

Having considered various aspects of the new Constitution and noted the arrangements for Member training and the further work to be done by the Constitution Review Working Group, the Committee was of the view that it did not have sufficient information available to it to make recommendations at this stage. It was requested that a further report be presented to it setting out exactly what needed to be looked at.

RESOLVED: (unanimously) that the consideration of the new Constitution be deferred for the time being pending the submission of a report from the Interim Assistant Chief Executive Legal and Democratic giving further clarification.

6. STANDARDS COMMITTEE WEBSITE

RESOLVED: (unanimously) that consideration of this item be deferred until the next meeting.

7. STANDARDS BOARD FOR ENGLAND BULLETIN 46

The Committee discussed the contents of Bulletin No 46 from Standards for England and in particular the experience, issues, concerns and suggestions of members of standards committees and monitoring officers at the 2009 Annual Assembly. It was noted that the main areas of debate revolved around bias, predetermination and the code; sharing the lessons learnt from local assessments; and vexatious or persistent complainants. The top five issues discussed were:

- asking for further Standards for England guidance on the definition of a vexatious complaint
- change legislation to allow monitoring officers to filter out such complaints and allow committees to refuse complaints from vexatious complainants
- having robust assessment criteria to filter out such complaints at assessment
- to write warning letters to complainants deemed vexatious by the council procedures
- to deliver targeted training
- to publish the average cost of assessing and investigating a complaint.

Regarding the cost implications, the interim Head of Law and Governance advised that the cost of employing an external investigator for each case was some £2000-£5000 and that current procedures for dealing with complaints placed a considerable burden upon members of the Committee and the resources of the Council's legal and democratic services teams.

The role of the Monitoring Officer was discussed and it was noted that she filtered out those complaints which did not need to go through the Standards Committee process. There was some discussion about the undue anxiety that could be caused to those who were the subject of a complaint and in particular the fact that the process did not allow for them to be given all the details about it at an early stage. Councillor Gething also identified a further confidentiality issue: when the Herefordshire Association of Local Councils could be made aware of a complaint because it could have an impact upon them. The Chairman pointed out that the speed of the process was a fundamental issue in dealing with a complaint. The Committee also felt that the quality of the information that was provided by a complainant was crucial and that it was essential for this to be

done by a comprehensive application form rather than by letter because the information received by the latter could be disjointed.

The Committee discussed the returns which were submitted to Standards for England and it was noted that there was little opportunity for Committee input to the quarterly returns. The Committee would be able to have an input in the annual return however and it was agreed that this should be included on the agenda for the next meeting.

RESOLVED: (unanimously) that the Standards Board for England Bulletin 46 be received and noted.

8. THE ANNUAL ASSEMBLY OF STANDARDS COMMITTEES, 2009

The Committee discussed the Annual Assembly of Standards Committees which had been held in Birmingham on 12th & 13th October 2009. Delegates had found the break-out sessions to be particularly useful for the sharing of ideas and experiences. Councillor Gething had also found there to be much more emphasis on the role of town and parish councillors.

9. ASSESSMENT MADE CLEAR

In view of the length of the meeting, it was agreed that the 'Assessment Made Clear' DVD should be viewed individually by Members.

10. DATE AND TIME OF NEXT MEETING

The following programme of meetings was agreed, all to take place on Fridays at 2.00 p.m. in the Council Chamber at Brockington:

- 16 April 2010
- 25 June 2010
- 15 October 2010
- 14 January 2011
- 01 April 2011

Several Members would not be available for the meeting proposed for 23 July and it was therefore agreed that an alternative date should be found.

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

11. EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

Members reviewed progress on complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. The Assessment and Review Sub-Committees had dealt with some forty-nine complaints to date. Although many of the complaints during 2009 related to a single council, it was clear that dealing with complaints was now a major area of work. The Committee discussed the

progress in dealing with the cases and had some considerable concerns at the lack of progress which had been made with those that were outstanding.

The interim Head of Law and Governance outlined the review of capacity she was undertaking in the Legal and Democratic Services Department and the steps she was taking to deal with the backlog. She also provided details about the hearings that were to be arranged and a programme for training and mediation in respect of a local council about which a large number of complaints had been received. She had made additional resources available within the Democratic Services section, had introduced a fortnightly review of cases and was rationalising the preparation of templates and guidance for the different processes involved. She had some concerns about capacity in the Legal Services Department and outlined how she proposed to address this with the assistance of the Committee. She said that the Interim Assistant Chief Executive, Legal and Democratic, was investigating the provision of additional resources to deal with the matter. The Committee expressed concern that the handling of complaints was now adversely affecting its reputation. It was agreed that the Chairman should be in contact to the Chief Executive about the matter.

RESOLVED: (unanimously) that:

- (i) the report be noted;**
- (ii) the Interim Assistant Chief Executive, Legal and Democratic be instructed to prepare a further report about progress in dealing with cases and providing adequate resources to deal with complaints; and**
- (iii) the Chairman express to the Chief Executive the concerns of the Committee.**

The meeting ended at 4.55 pm

CHAIRMAN