

<b>MEETING:</b>	<b>COUNCIL</b>
<b>DATE:</b>	<b>28 MAY 2010</b>
<b>TITLE OF REPORT:</b>	<b>ANNUAL REPORT OF THE STANDARDS COMMITTEE 2009 - 2010</b>
<b>MEMBERSHIP:</b>	<b>ROBERT ROGERS (CHAIRMAN) (INDEPENDENT MEMBER), JAKE BHARIER (INDEPENDENT MEMBER), ISABEL FOX (INDEPENDENT MEMBER), RICHARD GETHING (PARISH AND TOWN COUNCIL REPRESENTATIVE), JOHN HARDWICK (PARISH AND TOWN COUNCIL REPRESENTATIVE), DAVID STEVENS (INDEPENDENT MEMBER), JOHN STONE (LOCAL AUTHORITY REPRESENTATIVE), BERIS WILLIAMS (LOCAL AUTHORITY REPRESENTATIVE).</b>

**CLASSIFICATION:** This is an open report.

### **Wards Affected**

County-wide

### **Purpose**

To inform the Council of the main activities of the Committee during the past year.

### **The work of the Committee**

1. The past year has proved to be an extremely busy but rewarding time for the Committee. The extensive changes to the standards regime took place from May 2008 and have considerably increased the Committee's workload. All complaints cases are now determined locally instead of by Standards for England; a move which we have welcomed because of the advantages that local ownership brings. It has also proved to be a real challenge for many standards committees, including us, not least because of the significant demands it has placed on resources at times. We dealt with 68 complaints between May 2008 (the date when the local filter was introduced) and December 2009, 11 of which were referred to our Monitoring Officer for investigation.
2. Because of the increasing demands on our time to deal with the local filter process we have expanded our membership from six to eight during the two years, and now have four Independent Members, and two each of Parish and Town Council Representatives and Herefordshire Councillors. We also have four additional named substitutes who are able to assist with assessments and reviews of complaints in instances when our usual members are conflicted out. This membership gives us much greater flexibility to meet the new requirements.

## **How complaints are being dealt with – January 2009 to May 2010**

3. Nearly all complaints alleged behaviour which can reasonably be regarded as bringing the member's office into disrepute as a result of other behaviour, such as failing to treat others with respect or compromising impartiality. Recent cases have raised issues relating to the use of electronic messaging and networking sites. Of 55 complaints made to the Standards Committee since January 2009, one was not formally pursued. Of the other 54, 6, related to Herefordshire councillors, while 48, related to town or parish councillors 17 meetings of our Assessment Sub-Committee have been held.
4. When a complaint is received, the Assessment Sub Committee is required (before the subject of the complaint is notified) to consider whether the complaint demonstrates that there has been a possible breach of the Code of Conduct. This is an initial sifting process designed to sort out complaints that do not fall within the remit of the Standards Committee. The Assessment Sub Committee has a number of options open to it. It can decide that there is complaint that falls within their remit, they can decide to take no further action, they can refer the matter to the Monitoring officer for action as an alternative to formal investigation e.g. training or they can refer the matter to the Monitoring Officer for investigation. In certain limited circumstances the matter can be referred to Standards for England for investigation. If the matter proceeds to investigation and the investigator finds that there has been a breach, the matter is then dealt with by a hearing by the Standards Committee. If the investigator finds that there has not been a breach or has found a breach but is recommending that the case should not proceed to a formal hearing, then a preliminary Consideration hearing is held so that the Committee receives details and can determine whether it agrees with the investigator.
5. Of the 6 complaints against Herefordshire Councillors, the sub-committee found no action required 2 cases, 1 was referred for investigation on one issue and Monitoring Officer training on a second issue and 2 were referred to the monitoring officer for other action in the form of training. One complaint was referred for investigation which led to a full hearing by the Standards Committee.
6. Of the 48 complaints against parish or town councillors, 35 related to members of the same town council. 7 of the 10 remaining complaints against individual town or parish councillors were referred for investigation, 3 were referred to the Monitoring Officer for other action and the assessment sub-committee found no breach of the Code in 3 cases. Of the 7 complaints referred for investigation, our Consideration Sub-Committee found no breach in 1 case and 2 are awaiting referral to the Consideration Committee.
7. In the case of the multiple complaints brought against members of one town council, the Assessment Sub-Committee decided to refer the allegations to Standards for England because, if proven, the conduct complained of would have merited a sanction in excess of that which could be imposed by the Standards Committee. In addition, the investigation required would have imposed an unreasonable burden on the authority and any subsequent hearing would have been unreasonably complex for the Committee. Standards for England in turn directed the Monitoring Officer to take action locally. This direction requires the Monitoring officer to arrange conciliation, training and governance. A governance review is underway, training and development is being delivered but conciliation is deferred pending the other action. In addition, the Monitoring officer has put in place coaching and support for the Council staff. Standards for England are complimentary about the encouraging

progress which has been made so far by the Monitoring Officer's team.

8. Only 1 meeting of our Review Sub-Committee was convened during the year. The sub-committee in that case upheld the decision of the Assessment Sub-Committee.
9. 2 meetings of the Consideration Sub-Committee were convened, and 2 complaints are due to be referred to a Consideration Sub-Committee shortly. In one case, the Assessment Sub-Committee had referred a complaint for investigation of allegations of bullying, using position to confer advantage or disadvantage and failure to declare a prejudicial interest. The Consideration Sub-Committee in that case decided, on the basis of the investigation report, that there had not been any breach of the Code of Conduct.
10. There have been two hearings by the Standards Committee at which evidence was heard relating to a number of complex issues. The result of the hearing was to find breach of the code in both cases and to impose sanctions on the subject members. One of these cases is the subject of an appeal to be heard on 21<sup>st</sup> May 2010.

## **Governance Issues**

11. We also have an important role to play in contributing to and reviewing the new Constitution of the Council. In addition to handling all complaints about councillors, the Standards Committee is fully involved in encouraging ethical governance. We trust that we continue to be an exemplar of good practice; one example, a national case study on how we have developed member training and our excellent relationship with the Herefordshire Association of Local Councils, is available on the Standards for England website.

## **Joint Training**

12. Last July Members of the Committee and officers involved in supporting us attended joint training at Worcestershire County Council Headquarters. 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. 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. Joint training has also taken place with Herefordshire Association of Local Councils (HALC)
13. Last year we heard a report of further progress on the Standards Board for England's pilot project to produce a model for compacts between Associations of Local Councils, the Society of Local Council Clerks, 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. It is very good that Herefordshire was one of only six authorities in the country invited to take part. HALC produced a report for the National Association of Local Councils, and a compact which explains how the Standards Committee interacts with HALC. The project has been extremely successful and has highlighted the exemplary working relationship between the Committee and HALC (not something replicated in every county). Standards for England has employed consultants to conduct a review of the project, and engaged our Committee members, HALC, and some of the

participating parish and town councillors in their research. They were complimentary about the results of the project.

## **Our Annual Report**

14. Good progress is being made on the preparation of our annual report which will be finalised in June and then published. It is followed by many sectors, both within and far beyond Herefordshire. It is distributed to all parish and town councils in Herefordshire, to our neighbouring standards committees, to the Herefordshire Association of Local Councils, and also to Standards for England, the Department of Communities and Local Government and other national bodies which share an interest in standards and ethics. In addition, the public is becoming increasingly aware of members' responsibilities under the Code of Conduct, and of the standards expected of them. Our report style and format has been widely used by many of the other Standards Committees who operate in England.

## **Outlook**

15. In future, Council will have considered constitutional issues relating to the Committee. If approved the aim will be for us to use panels of three members for Consideration and Hearing instead of the full Committee. This will be a more efficient and flexible use of our resources. We are also recommending the appointment of a Vice Chairman to assist with the Committee's increased workload.
16. I hope that Councillors find the report helpful. I welcome any comments upon it.

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**

### **BACKGROUND PAPERS:**

Agendas for the meetings of the Standards Committee held during 2009-2010.