

**LOCALISM AND DECENTRALISATION BILL
COMMENTS OF THE HEREFORDSHIRE STANDARDS COMMITTEE**

Views expressed at the Standards Committee meeting held on 22 October 2010:

Declarations of Interests: The proposals for Councillors to register their interests - with non-registration becoming a criminal offence - raised questions about how best to establish what interests Councillors would have, and who would be responsible for whistleblowing.

The Committee questioned whether criminalising the failure to declare interests would be more effective than regulation through a code of conduct, given the current structure and application of criminal law. Further information was needed on how complaints about matters other than members' interests would be dealt with. This was particularly important given that many Herefordshire complaints cases were about bullying and misuse of office.

Role of the Monitoring Officer: There was merit in empowering Monitoring Officers to intervene in the early stages of a complaint as a means of reducing bureaucracy. Monitoring Officers had been considerably less proactive under the current legalistic regime, due to the potential for conflicts of interest as complaints progressed through the system. A process which gave Monitoring Officers more freedom to deal with complaints would be welcomed.

Political Process: Any new proposals would need to take account of the political process and –particularly at local authority level - the role of party whips in encouraging good member behaviour. The political structure of a local authority and its relationship to the standards framework was a significant issue which could differ widely from a strong single party political structure, to a narrowly hung council. The new regime would need to be responsive to this.

Public Engagement and Public Confidence: The Committee expressed concern that it would be difficult to use the ballot box as a method of regulating councillors' behaviour, because elections only took place approximately every three years. There was a real risk of diminishing public engagement in local democracy, and of a general loss of public confidence in the democratic process.

Parish and Town Councils: How would complaints about parish and town councillors be dealt with? The Herefordshire Association of Local Councils (HALC) had expressed a view at its recent AGM, that there was a prevailing need to retain some form of code of conduct, and have access to guidance on standards matters after the abolition of SfE. Local feedback from parish and town councils had indicated strong support for continuing with the local regulation of standards matters, and HALC had suggested establishing a voluntary code of conduct which local councils could agree to abide by, as one possible solution. The local filter had been extremely effective in enabling the Committee to identify at an early stage, those complaints which were political or vexatious in nature, through the benefit of local knowledge.

Encouraging Good Governance: A significant proportion of Herefordshire complaints cases had arisen out of failings in good governance rather than in standards and ethics. There was merit, therefore, in seeking to prevent such complaints through being clear about good governance, providing appropriate training, assisting with chairing skills, providing support to local clerks and offering mediation where necessary. The Committee had worked with HALC to provide some of these services, and the Quality Parish Scheme was an additional mechanism which could encourage good governance. It might be possible to build on this as a way to regulate standards in the future.

The Role of Independence: More clarity was required on the role of independence in dealing with standards complaints.

Role of the Local Government Ombudsman: How would complaints that fall between being trivial and being serious but which did not warrant criminal investigation be dealt with? These may be picked up by the Local Government Ombudsman (LGO) as maladministration complaints, but would the LGO have the resources to deal with them, and what powers would it have?

Costs of the New Proposals: The costs involved in the new proposals had not been set out, and might prove to be higher than the costs of the current local standards framework. At present, the complaints system was free to the public.

General View of the Herefordshire Standards Committee: It was recognised that the present system had numerous shortcomings. For example, the regime had at times become a vehicle for trivial complaints and vendettas, and the standards process could be unnecessarily lengthy and bureaucratic. The Committee had sought by its methods of operation to minimise this. Members felt, however, that if the present proposals were carried through, it was unlikely that there would be an effective local government ethical code, which may be a matter of concern to the public. The Committee broadly supported the retention of a local standards framework, but with a streamlined and less onerous process.