

MEETING / DECISION MAKER:	AUDIT AND GOVERNANCE COMMITTEE
DATE:	5 DECEMBER 2012
TITLE OF REPORT:	STANDARDS PANEL REPORT, 22 NOVEMBER 2012
REPORT BY:	ASSISTANT DIRECTOR, LAW, GOVERNANCE AND RESILIENCE & MONITORING OFFICER

1. Classification

1.1 Open.

2. Key Decision

2.1 This is not a key decision.

3. Wards Affected

3.1 County-wide.

4. Purpose

4.1 To consider the recommendations of the Independent Person, following the Standards Panel meeting on 22 November 2012.

5. Recommendation(s)

THAT:

- (a) Members approve the report of the Standards Panel meeting on 22 November 2012;**
- (b) Members approve the recommendations of the Independent Person following the Standards Panel meeting and request the Monitoring Officer to arrange training for the subject member; and**
- (c) Members request Council to consider the recommendation of the Independent Person as to membership of outside bodies.**

6. Key Points Summary

- The complaint was made in December 2010 and referred for investigation by the assessment sub-committee of the Herefordshire Standards Committee;
- The investigation was not completed;
- The complaint was referred to the Standards Panel to be concluded under the new standards system implemented 20 July 2012;
- The panel found the subject member to be in breach of the Members' Code of Conduct;
- The Independent Person made recommendations for penalties to be implemented.

7. Alternative Options

7.1 The alternative options are to:

- accept the findings in the report, but impose an alternative sanction;
- accept the findings and impose no sanction;
- reject the findings and recommendations.

8. Reasons for Recommendations

8.1 The Panel agreed that the subject member had failed to comply with the Code of Conduct. The relevant sections of the Code were:

Part 1, paragraph 2 of the Code of Conduct

- (1) You must comply with this Code whenever you:
- (b) act, claim to act or give the impression you are acting as a representative of your authority.

Part 1, paragraph 3 of the Code of Conduct

- (1) You must treat others with respect.

Part 1, paragraph 5 of the Code of Conduct

You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

8.2 The Panel noted that the new Code of Conduct, implemented on 20 July 2012, contained equivalent provisions in the Rules of Conduct, paragraphs 1(a) and 11(b).

9. Introduction and Background

9.1 Council has adopted a new system for resolving complaints against Members, which was approved by the Audit and Governance Committee, at its meeting on 21 September 2012.

- 9.2 Under this process, complaints which were otherwise ready for final determination under the old regime, but which had not been concluded by the Standards Committee, fell to be considered by a newly constituted Standards Panel who would consider the facts and/or previous findings and make an appropriate report to this committee.
- 9.3 This report relates to the second of two complaints that remain outstanding from the old regime.

10. Key Considerations

- 10.1 The Standards Panel met on Thursday 22 November 2012 to consider a complaint made on 2 December 2010 that Councillor Glenda Powell had failed to comply with the Members' Code of Conduct.
- 10.2 The process of addressing the complaint had already commenced under the previous scheme. It had been referred for investigation following consideration by an assessment sub-committee.
- 10.3 The investigation was not concluded owing to delays resulting from the ill health of both subject member and the investigating officer's mother. On 1 July 2012, the standards system was abolished. The implementation of a new system and the statutory requirement to appoint Independent Persons resulted in further delays in resolving the complaint.
- 10.4 The Panel considered the facts of the case and the comments of both the complainant and the subject member, and decided that there had been a breach of the Code of Conduct.
- 10.5 The Panel discussed and agreed what sanctions it would be appropriate to recommend to the Monitoring Officer for decision by the Audit and Governance Committee.

11. Community Impact

- 11.1 None identified.

12. Equality and Human Rights

- 12.1 None identified.

13. Financial Implications

- 13.1 None arising directly from this report.

14. Legal Implications

- 14.1 The Council's Standards Committee and the previous regime for resolving complaints about the conduct of elected members were abolished on 1 July 2012 by the Localism Act 2011. Complaints unresolved at that date fall to be concluded in accordance with the new scheme to ensure a clear transition from the previous standards regime to the new local complaints system. The content of this report complies with the requirements of the Localism Act.

15. Risk Management

- 15.1 If complaints are not handled expeditiously then public confidence may be undermined and the Council's ethical credibility may be undermined.

16. Consultees

- 16.1 None.

17. Appendices

- 17.1 Report of the Standards Panel meeting on 22 November 2012 (attached as an appendix to this report).

18. Background Papers

- 18.1 None identified.