

**Meeting of the Standards Panel
22 November 2012: Committee Room, Brockington**

Present:

The Standards Panel:

Jake Bharier, Appointed Independent Person (Chair)
Councillor Chris Chappell (Herefordshire Council representative)
Richard Gething (Town & parish council representative)

Legal adviser:

Chris Chapman, Monitoring Officer

Clerk:

Hazel Lavelle, Democratic Services Support Officer

Subject member:

Councillor Glenda Powell

Complainant:

Councillor Adrian Bridges

1. The Chair introduced all those present. He outlined the roles of the panel members and the function of the panel as a whole, with reference to the relevant section of the Localism Act 2011, and explained that the proceedings were informal. The Chair outlined the current position as follows:
 - Complaint SC1031 was made on 2 December 2010, by Mr Adrian Bridges. Mr Bridges made the complaint in his capacity as Secretary and a director of the Northolme Community Centre Association (NCCA). The complaint relates to an e-mail that the subject member sent to Mr Brian Hubbard, a resident of Belmont parish, following his attendance at a seminar on 21 July 2010, which the subject member had also attended. In the e-mail, the subject member expressed concern about a comment made at the seminar by Mr Hubbard, that the Northolme Community Centre and the Belmont Community Centre, both of which are within the parish of Belmont, should be managed by the same group of people. In the e-mail, the subject member suggested that:
 - the people running the Northolme Community Centre were not outward looking and excluded those not in their "clique";
 - the community centre association members and the community centre were under investigation by the Charity Commission;
 - an Extraordinary General Meeting of the Association on 25 June 2010 was null and void because it had not complied with Charity Commission rules;
 - at that meeting on 25 June, two committee members who tried to speak were shouted down by local residents; and
 - because an Annual General Meeting had not been held in accordance with Charity Commission requirements, the Charity Commission could close down the Community Centre.

The e-mail was sent to Mr Hubbard on 21 July 2010. It was not copied to anyone else. On 8 September 2010, Mr Hubbard forwarded the e-mail to Belmont Parish Councillor Mrs Beryl

Brown, and it was discussed at a meeting of the Directors of NCCA on 14 October 2010. The complainant alleged that all the comments made by the subject member in her e-mail to Mr Hubbard were untrue and that they would have a damaging effect on the reputation of the members of the NCCA.

2. On 8 December 2010, the assessment sub-committee of the standards committee of Herefordshire Council, comprising Jake Bharier, (Independent Member and Chairman), Richard Gething, (Parish and Town Council Representative) and John Stone (Local Authority Representative), considered the complaint and, in accordance with Section 57A(2) of the Local Government Act 2000, as amended, the assessment sub-committee decided to refer the allegation to the monitoring officer of Herefordshire Council for investigation. The sub-committee considered that the information before it was sufficient to suggest that there may have been a breach or breaches of the council's Code of Conduct, subject to the investigation determining that Councillor Powell was acting as a councillor when sending the e-mail. 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.
3. The chair expressed his regret that it had taken so long to reach a point at which a decision could be made on the matter.
4. The Chair invited the complainant to outline the grounds for his complaint. Mr (now Councillor), Bridges explained that allegations made in the e-mail sent by the subject member to a member of the public, Mr Brian Hubbard, were untrue and damaging to the NCCA.
5. The subject member stated that the e-mail had been sent from her personal e-mail address and signed 'Glenda', and that she had not, therefore, been acting in her capacity as a councillor at the time. She explained that she sent the e-mail because Mr Hubbard had approached her on 21 July 2010, at a seminar organised by the City Council, wishing to discuss a meeting of the NCCA that had taken place on 25 June 2010. The subject member advised him that it would be inappropriate to discuss this matter at the seminar and that she would speak to him later.
6. At the time the e-mail was sent, the subject member was one of three Herefordshire Councillors representing the Belmont ward, a Hereford City Councillor and a Belmont Rural Parish Councillor. The subject member resigned from Belmont Parish Council in May or June 2012.
7. The panel had further discussion with the subject member and the complainant. It then first addressed the question of whether the subject member had been acting in her capacity as a councillor when she sent the e-mail. The panel considered that:
 - The subject member had been asked by Herefordshire Council to help with setting up the NCCA originally because of her position as a councillor;
 - the subject member was not invited to the NCCA meeting on 25 June 2010 as a director or member of the NCCA, but had been asked by two ex-directors of the NCCA to attend as an observer because of her status as a councillor;
 - the seminar on 21 July 2010 at which the subject member was approached by Mr Hubbard, was organised by and for Hereford City Councillors. The subject member was present in her capacity as a Hereford City Councillor, and had led discussions there. She would therefore have been approached by Mr Hubbard in that capacity.

- although the e-mail on 21 July 2010 may have been sent from the subject member's personal e-mail address and was signed 'Glenda', it was normal practice for the subject member to be addressed by constituents as 'Glenda' when on council business, and not unusual for councillors to use their personal e-mail addresses when on council business;
 - there were significant doubts about the subject member's claim that the e-mail was sent in reply to one from Mr Hubbard.
 - all councillors were aware that they may be seen as representing their authority at all times and must behave accordingly;
 - an ordinary member of the public would not make the distinction between a councillor's different roles as ward, city or parish councillor.
8. **The panel considered that, in the light of the subject member's long involvement as a local councillor and her appointment as a councillor to setting up the NCCA, it was reasonable to perceive her as acting in her capacity as a councillor when she sent the e-mail on 21 July 2010. Therefore, the Code of Conduct applied to her at the time.**
9. The panel went on to consider the allegations made in the e-mail. The panel noted:
- the subject member's statement that the allegations had been based on information given to her by other directors of the NCCA;
 - the subject member's statement that she had given those directors the telephone number of the Charity Commission expecting that they would seek an investigation;
 - the complainant's statement that he knew of no investigation into NCCA instigated by the Charity Commission;
 - The complainant's statement that the only correspondence between the Chair or Secretary of NCCA and the Commission had related to procedural matters for general meetings;
 - the complainant's statement that the NCCA's accounts were properly audited and no financial irregularities had been reported;
 - Correspondence from the Charity Commission to one of the directors of NCCA.
10. The panel noted in particular that there was no evidence that the Charity Commission had considered investigating NCCA or taking any other action against it.
11. **The panel considered that the allegations in the subject member's e-mail were unsubstantiated, and that they could be damaging to the NCCA. The panel therefore considered 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.

12. 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).
13. **The panel considered the options for penalties in respect of the complaint. The panel decided, and it is my recommendation, that, in respect of the subject member's position as a member of Herefordshire Council:**
 - **the Audit and Governance Committee be asked to present a report on the consideration of the investigation of the complaint to the next full council meeting;**
 - **the Audit and Governance Committee be asked to recommend to council to consider whether it was appropriate for the member to be appointed or nominated by the authority as a representative to external bodies;**
 - **training should be arranged for the subject member to ensure she is fully aware of the provisions of the members' Code of Conduct.**
14. **The panel further decided, and it is my recommendation, that, in respect of the subject member's position as a member of Hereford City Council, this report should be copied to Hereford City Council for their consideration.**
15. The panel noted that on 23rd March 2010, an assessment sub-committee of the Herefordshire Standards Committee had considered another complaint, number SC0950, made by a representative of NCCA against the subject member. The assessment sub-committee had decided to refer the complaint to the monitoring officer of Herefordshire Council, requiring guidance and advice to be given to Councillor Powell and, if, in the opinion of the monitoring officer, it was necessary, for mediation to take place between the parties. The decision was not implemented pending the outcome of a second complaint, and is now subsumed in the decision on complaint SC1031.

Jake Bharier
Independent Person
Chair of the Standards Panel
26 November 2012