

# NORTH HERTFORDSHIRE DISTRICT COUNCIL

## STANDARDS COMMITTEE

### MINUTES

Meeting held at the Council Offices, Gernon Road, Letchworth Garden City  
on Thursday, 19 June 2008 at 7.30p.m.

**PRESENT:** *Mr N. Moss (Independent Chairman).  
Parish Councillor M. Goddard and District Councillors Judi Billing, Lee  
Downie, David Kearns, Mrs L.A. Needham, L.W. Oliver & M.R.M. Muir.*

**IN ATTENDANCE:** *Corporate Legal Manager (Acting Monitoring Officer) and Senior Committee  
and Member Services Officer.*

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of Mr P. Chapman (Independent Vice-Chairman), Parish Councillor R. Wornham, and District Councillors A. Bardett and S. Bloxham.

#### 2. CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman commented that the work of the Committee had been expanded, in that recent legislation had moved the responsibility for dealing with complaints against councillors from the Standards Board for England to local authorities. This would involve compliance with a set of detailed criteria, and would entail much of the work on individual complaints being carried out by a series of sub-committees of the Standards Committee. As a consequence, the size of the Standards Committee had been increased from nine to sixteen Members.
- (2) The Chairman reminded Members that, in line with the new Code of Conduct, any Declarations of Interest now needed to be declared immediately prior to the item in question.

#### 3. MINUTES

**RESOLVED:** That the Minutes of the meetings of the Committee held on 28 September 2007, 12 December 2007 and 20 December 2007 be approved as true records of the proceedings and signed by the Chairman.

At the Chairman's request, the Acting Monitoring Officer updated the Committee with progress with the following actions arising from the above meetings:

- (1) 12 December 2007 Meeting – Minute 4 – Report into an Allegation of Breach of the Parish Code of Conduct (Standards Board Ref: 17633.07) – the actions relating to resolutions (3), (4) and (5) to this Minute had not been progressed, but were on a list of outstanding issues to be addressed.
- (2) 20 December 2007 Meeting – Minute 4 – Review of Procedure and Costs of Investigation – a total of 30 hours had been allocated for the Council's audit team to assist with investigative work on standards issues, and a budget of £16,500 had been agreed for the use of external investigatory services. The difficulty in using audit staff was that they had limited experience of standards investigations, although this could be rectified through adequate training. It was noted that such training was likely to take longer than the time that the Council's audit team would have available to carry out any investigations. Reciprocal arrangements with other Local authorities were still being explored, and there was a possibility of the Monitoring Officer's role being shared with East Hertfordshire District Council.

The Acting Monitoring Officer advised that she would be reporting to the September 2008 meeting of the Committee on the resources situation, which may include a proposal for the appointment of an external organisation to take on the investigatory role on an annual basis.

- (3) 20 December 2007 Meeting – Minute 7 – Provisions and Implications of the Local Government and Public Involvement in Health Act 2007 – Bevan Brittain had undertaken Member training on the new Local Referral Scheme, including a joint session with Stevenage Borough Council.
- (4) 20 December 2007 Meeting – Minute 8 – Audit and Declarations of Interest – it was noted that the Chairman had sent a personal letter to all Parish Councils informing them of the Committee’s concern regarding the number of outstanding Declarations of Acceptance of Office and Registration of Financial Interests, and asking them to take steps to rectify this situation. The Chairman reported that the responses received had been variable. The Acting Monitoring Officer was requested to submit a report, including a spreadsheet showing a breakdown of what was outstanding by parish, to the September 2008 meeting of the Committee.
- (5) 20 December 2007 Meeting – Minute 9 – Revisions to the Whistle Blowing Code – the Trade Union consultation on the Code had yet to take place.

#### 4. NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

#### 5. ESTABLISHMENT OF SUB-COMMITTEES

The Acting Monitoring Officer submitted a report on the “local filter” mechanism for standards complaints, established under the Local Government and Public Involvement in Health Act 2007, together with proposals for the setting up of statutory sub-committees to bring into effect the provisions of the Standards Committee (England) Regulations 2008. The matter had been reported to the Annual Meeting of the Council on 15 May 2008.

The Acting Monitoring Officer outlined each section of the report, and covered the following areas:

- Establishing the sub-committees;
- Joint working between Authorities;
- Publicity for the new arrangements;
- Procedures for dealing with allegations;
- Pre-assessment;
- Local resolution of complaints;
- Filtering out irrelevant complaints;
- Anonymous complaints;
- Multiple complaints;
- Public or private meetings;
- Public information about complaints received;
- Member requests for information under the Data Protection Act;
- Freedom of Information Act;
- Notification following initial assessment;
- Review of initial assessment;
- Decision whether to conduct a local hearing.

The Acting Monitoring Officer drew attention to the need to establish the following sub-committees:

- (i) **An Assessment Sub-Committee** to hear initial complaints, comprising two Independent Co-opted Members, four elected Members of the District Council and two Parish or Town Council representatives (with a quorum of three Members, with an Independent Member as Chairman, and at least one elected Member of the District Council, and at least one Parish or Town Council representative when considering a matter relating to the conduct of a Town/Parish councillor);
- (ii) **A Review Sub-Committee** to hear any complaints to which the Assessment Sub-Committee had decided that the matter should not proceed to full hearing, comprising one Independent Member, two elected Members of the District Council, and one Parish or Town Council representative (with the same quorum as in (i) above);

- (iii) **A Hearings Sub-Committee** to undertake full hearings of any matters referred to it by the Assessment Sub-Committee (to comprise Members who had not previously sat on either the Assessment or Review Sub-Committees in respect of the matter in question).

The Committee debated the report, and asked a number of questions of the Acting Monitoring Officer. In respect of the Sub-Committees, it was considered that, rather than appoint specific individuals to serve on each of them (and bearing in mind that there was now vacancies for two Independent and two Parish/Town Council representatives), a “pool” system should be adopted to ensure that the minimum quorum was achieved for each meeting. With regard to the Hearings Sub-Committee, it was considered that, wherever possible, the Independent Chairman of the Standards Committee should chair these meetings.

The Committee considered the recommendations in the report, and made a number of minor amendments to some of them.

**RESOLVED:**

- (1) That the Acting Monitoring Officer be instructed to arrange appropriate publicity in accordance with the Regulations and Guidance, after consultation with the Chairman of the Standards Committee and in collaboration with the Head of Communications;
- (2) That an Assessment Sub-Committee be established, comprising two Independent Co-opted Members, four elected Members of the Council and two Parish or Town Council representatives, where required, with the Terms of Reference set out in Appendix 1 to the report;
- (3) That a Review Sub-Committee be established, comprising one Independent Co-opted Member, two elected Members of the Council and one Parish or Town Council representative where required, with the Terms of Reference set out in Appendix 2 to the report;
- (4) That Hearings Sub-Committees be established as and when required for particular hearings, comprising Members who have not been involved on the referral or review of the particular matter, and that wherever possible, the Independent Chairman of the Standards Committee should chair these meetings;
- (5) That a “pool” system be adopted to ensure that the minimum quorum was achieved for each of the meetings referred to in resolutions (2), (3) and (4) above;
- (6) That the Acting Monitoring Officer be instructed to notify the Member of receipt of a complaint against them and provide a written summary of the allegation at the same time as acknowledging receipt of the allegation to the person making the allegation and no later than sending the agenda for the meeting of the Assessment Sub-Committee to Members of that sub-committee, unless after consultation with the Chairman of the Standards Committee he/she considers it appropriate to defer notification on reasonable grounds that the Member may interfere in the investigation, in which case notification should be made as soon as the reasons for the deferral no longer applied;
- (7) That a local protocol be adopted, as set out in Appendix 3 to the report, authorising the Acting Monitoring Officer to seek such local resolution in appropriate cases;
- (8) That anonymous complaints should not normally be entertained, but that the Acting Monitoring Officer be authorised to keep the identity of a complainant confidential where she is of the opinion that this is in the public interest to do so;
- (9) That the Acting Monitoring Officer be instructed, as set out in the draft protocol attached to the report, where practicable, to obtain and inform the Assessment Sub-Committee of any publicly available information which would facilitate their task of determining whether a complaint merits investigation;
- (10) That the Acting Monitoring Officer be instructed to make arrangements for a meeting of the Assessment Sub-Committee once every calendar month, but that she be instructed only to call actual meetings if there was business to be discharged;

- (11) That the Assessment and Review Sub-Committee meetings be held in private, unless the relevant sub-committee determined otherwise in any particular instance;
- (12) That the protocol set out in Appendix 3 to the report, setting out the responsibilities and discretions of the Acting Monitoring Officer in the provision or withholding of information relating to complaints, be approved;
- (13) That the functions of determining whether to accept the Acting Monitoring Officer's finding of no breach, to go to a local hearing, or to refer the matter to a Case Tribunal, be delegated to the Hearings Sub-Committee;
- (14) That the potential for joint working with other District Councils be explored.

**REASON FOR DECISION:** To comply with new legislative duties.

## **6. MEMBERSHIP OF THE COMMITTEE (VACANCIES)**

The Acting Monitoring Officer submitted a report regarding the mechanisms for appointing additional Members to the Standards Committee to enable it to fulfil its duties under the Standards Committee (England) Regulations 2008.

The Acting Monitoring Officer advised that, from 8 May 2008, all complaints about Member conduct had to be made to the Standards Committee of the Authority, who had to establish three sub-committees to decide whether a complaint should be investigated, to give a right of appeal against a decision not to investigate and to hear any finding of breach of the Code of Conduct. The introduction of this new system would require the Standards Committee to be increased in size to comprise up to four Independent Co-opted Members, eight elected Members of the Council (including one Executive Member) and up to four Parish and Town Council representatives. A total of sixteen members would ensure that there were sufficient numbers of independent and parish Members available for each of the Assessment and Review Sub-Committees without a conflict of interest arising, although the authority could operate with three each of independent and parish members if the appointments process was unable to secure the necessary number of members.

The Committee was informed that Regulation 5 of the 2008 Regulations set out the means of appointing independent members of the Standards Committee. The vacancy must be advertised in a local newspaper, on the Council's website and may be advertised in other publications as the Council considered appropriate. Persons interested in the post must submit a written application although there was no prescribed form of application. The Appointments Board was designated by the Council's Constitution to interview the candidates and make a recommendation for appointment to Council.

The report stated that certain persons were prohibited from becoming independent members of the Standards Committee. If within the previous 5 years a person had been a member or officer or was a relative or close friend of a member or officer or the Council, they could not be considered for the position. The rules relating to appointment of parish members were less prescriptive. It would for the Council to adopt "such procedures as it thinks fit" when appointing parish members. Historically, parish members had been appointed by a direct approach to the parishes requesting willing members to come forward. It was recommended that the Authority should request nominations from one parish or town council in the north of the District and one in the south.

### ***RESOLVED:***

- (1) That the Acting Monitoring Officer be instructed to publish a notice in the local newspaper and on the Council's web-site inviting participants to come forward for interview as an independent Member of the Standards Committee;
- (2) That the Acting Monitoring Officer arrange for a meeting of the Appointments Board to consider any applications for the post of independent Member of the Standards Committee;

- (3) That the Acting Monitoring Officer approach each of the Parish Councils within the District and ask for one additional nomination for each of the north and south areas of the District.

**REASON FOR DECISION:** To comply with statutory requirements.

**7. DRAFT PROTOCOLS**

It was noted that this matter had been discussed earlier (see Minute 5 above).

**8. OUTSTANDING ISSUE RELATING TO THE PLANNING CODE OF CONDUCT**

The Acting Monitoring Officer advised that the Department of Communities and Local Government (DCLG) was in the process of producing a paper on how the planning process could be speeded up, and to relax the restrictions placed on Members when dealing with both applicants and objectors to planning applications, including the potential for Members to make site visits unaccompanied by officers. The Association of County Secretaries was currently at odds with the suggestion provided by the DCLG, as all relevant High Court cases had found that unaccompanied site visits could give rise to perceptions of Member bias/pre-determination of the matter.

The Acting Monitoring Officer stated that there was clearly further investigation to be done into the outstanding issue relating to the Planning Code of Conduct before the Committee was in a position to recommend it to Council for approval. She agreed to provide a report on the matter to the September 2008 meeting of the Committee, to include reference to the differing roles of Planning Committee and non-Planning Committee Members in the process.

**9. MONITORING OFFICER REPORT – FORMER PARISH COUNCILLOR BEAVIS**

The Acting Monitoring Officer advised that the investigation into the complaint about the conduct of former Parish Councillor Beavis would need to proceed to a full hearing process under the former standards regime, as the original complaint had been received prior to the commencement date for the new regime (8 May 2008).

**RESOLVED:** That a meeting of the Standards Committee be arranged for late July 2008 to hear and determine the investigation into the conduct of former Parish Councillor Beavis.

**REASON FOR DECISION:** To make arrangements for the determination of this outstanding matter.

The meeting closed at 9.50pm.

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Chairman