

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
on Monday, 22 June 2009 at 7.30p.m.**

PRESENT: *Mr N. Moss (Independent Chairman), Mr P. Chapman (Independent Vice-Chairman), Mr S. Gillies and Mr P. Joester.
Parish Councillors M. Goddard and B. Hillan.
District Councillors A. Bardett, Bernard Lovewell, M.R.M. Muir and L.W. Oliver.*

IN ATTENDANCE: *Senior Lawyer (Deputy Monitoring Officer) and Senior Committee and Member Services Officer.*

1. APOLOGIES FOR ABSENCE

Apologies for absence were submitted on behalf of District Councillors Mrs A.G. Ashley and Judi Billing.

2. MINUTES

RESOLVED: That the Minutes of the meeting of the Committee held on 23 February 2009 be approved as a true record of the proceedings and signed by the Chairman.

3. NOTIFICATION OF OTHER BUSINESS

No other items were presented for consideration.

4. CHAIRMAN'S ANNOUNCEMENTS

- (1) The Chairman reminded Members that, in line with the Code of Conduct, any Declarations of Interest needed to be declared immediately prior to the item in question.
- (2) The Chairman announced that he had received notification of the resignation from the Committee of Letchworth Town Councillor Chris Harlow. A debate ensued upon the selection procedure to be followed to appoint former Town Councillor Harlow's replacement, and it was agreed that the Deputy Monitoring Officer be requested to prepare a report for submission to the next meeting of the Committee regarding this matter.
- (3) The Chairman advised that Kim Sawyer, former Corporate Legal Manager (and Acting Monitoring Officer) had left the Council to take up a senior legal services position with Peterborough City Council. Members agreed that the Chairman should write to Mrs Sawyer to thank her for her work for the Standards Committee. The Chairman welcomed Mrs Katie White to the meeting in her role as Deputy Monitoring Officer.

5. NEW GUIDANCE ON "OTHER ACTION"

The Deputy Monitoring Officer presented a report in respect of new guidance issued by the Standards Board for dealing with local assessment of Member complaints.

The Deputy Monitoring Officer reminded Members that, when assessing complaints about member conduct, the Assessment Sub-Committee had a number of options:

- To refer the matter to the Standards Board for England for investigation;
- To refer the matter to the Monitoring Officer for investigation;
- To refer the matter to the Monitoring Officer to take 'other action'; or
- To take no further action.

The Committee was informed that Guidance had been issued by the Standards Board which clarified for Members what 'other action' might mean and when it might be appropriate to consider 'other action' as a suitable means of addressing matters raised in a complaint.

A copy of the Guidance on 'other action' was attached at Appendix 1 to the report. The Guidance helpfully provided two indicators for when other action was most appropriate, namely:

- There was evidence of poor understanding of the Code of Conduct and/or the authority's procedures;
- Relationships within the Council had broken down to such an extent that it had become difficult to conduct the business of the Council.

The report stated that training and mediation or conciliation were the two primary methods of dealing with these problems. The methods could be delivered either individually to the Member complained of or to a group of Members where there was evidence of difficult relations. A comprehensive list of 'other action' was included at Page 4 of the Guidance published by the Standards Board for England.

The Deputy Monitoring Officer advised that, at a recent Monitoring Officer conference, one of the speakers encouraged Monitoring Officers to assist town and parish councils to set up an internal complaints system (similar to the Council's own 3C's procedure) so that complaints could be addressed internally where appropriate. This would discourage persons from using the local referrals process as the only means of seeking redress against Members carrying out their functions. However, the Committee considered that it would be unlikely that most town and parish councils in North Hertfordshire would have sufficient resources to be able to set up such a formal complaints system.

The Guidance did, however, make some other useful points which Members of the Assessment Sub-Committee must always bear in mind:

- A referral for other action closed the opportunity to investigate. It was not therefore possible to refer the matter back to the Assessment Sub-Committee to investigate if other action had not been successful. Members needed to be aware that where an investigation was warranted, other action should not be seen as the softer option. These were two mutually distinct processes;
- A decision to take other action must not imply that a Member complained of had breached the Code of Conduct. The process of other action could not result in a finding that the Member had or had not failed to comply with the Code. The Assessment Sub-Committee needed to be aware, therefore, that other action might not be favourably considered by a Member who might wish to have the opportunity to be exonerated through an investigation.

The Deputy Monitoring Officer advised that it was possible that a Member might refuse to take part in the action proposed by the Assessment Sub-Committee. In that event there was no sanction that could be imposed on the Member. However, the Guidance indicated that a refusal to take part in other action might give rise to a complaint that the Member had brought their Council into disrepute.

RESOLVED: That the Guidance issued by the Standards Board be noted, and be included in the handbook for Assessment and Review Sub-Committee Members.

REASON FOR DECISION: To promote good standards of conduct amongst Members.

6. LOCAL ASSESSMENT CRITERIA

The Deputy Monitoring Officer presented a report seeking whether or not the Committee wished to adopt local assessment criteria as guidelines for helping assess complaints about Members' conduct and whether the criteria proposed in the report were suitable.

The Committee was advised that the Monitoring Officer's report to Assessment Sub-Committee meetings would always refer to the 'initial tests' and the 'assessment criteria' stated within the Standards Board guidance entitled 'Local Assessment of Complaints' (attached as Appendix 1 to the report), and that Members would often discuss the questions raised within the Guidance to inform their decision.

The Guidance encouraged Standards Committees to develop their own assessment criteria and the purpose of the report was to consider whether the Committee wished to develop criteria proposed by the Deputy Monitoring Officer which expanded upon the Guidance provided by the Standards Board.

The Deputy Monitoring Officer proposed criteria under the following headings, full details of which were contained in the report:

Criterion 1 - Submission of information for assessment;

Criterion 2 – Delay (i.e. time between alleged conduct and submission of complaint);

Criterion 3 - Politically motivated complaints;

Criterion 4 - Malicious, tit-for-tat or vexatious complaints;

Criterion 5 - Withdrawn complaints.

The Committee considered the proposed criteria, and supported their adoption, subject to the following amendments:

Section 4 – change the word “the” to “an” in front of each mention of “Assessment Sub-Committee”; and

Paragraph 4.4.3 – change the word “will” to “may” in the third line.

RESOLVED: That the Local Assessment Criteria set out at Paragraph 4 of the report, and as amended, be adopted, and the Deputy Monitoring Officer be directed to display the criteria on the Council's website.

REASON FOR DECISION: To promote good standards of conduct amongst Members.

7. UPDATE ON PROGRESS AND WORK PROGRAMME

The Deputy Monitoring Officer presented a report updating the Committee on outstanding matters and seeking agreement to a Work Programme for the coming year.

The Deputy Monitoring Officer referred to the Annual Return to the Standards Board, attached at Appendix 1 to the report, and the proposed Work Programme, which was tabled at the meeting. The Work Programme had been divided into regular items and forward planning items.

The Deputy Monitoring Officer explained preparation of the proposed checklist for Members' Interests referred to in Paragraph 4.3.3 of the report had been delayed, but would be added to the Work Programme for 2009/10. She had produced a handbook for Members of each Assessment Sub-Committee and Review Sub-Committee, which aimed to be a useful source of all necessary information for Members to have when assessing or reviewing complaints. The handbook was available at the meeting.

The Committee debated the report and the Work Programme.

RESOLVED:

- (1) That the proposed checklist for Members' Interests, when completed, should be included with all NHDC Committee agenda papers, and that a copy of the checklist be sent to all Parish/Town Clerks with a request that they do the same;

- (2) That the handbook which aimed to be a useful source of all necessary information for Members to have when assessing or reviewing complaints, be made available at each meeting of the Assessment Sub-Committee and Review Sub-Committee;
- (3) That the Deputy Monitoring Officer be requested to write to the Hertfordshire Association Local Councils asking that organisation to promote the latest DVD on standards issues to its member councils, and that the Deputy Monitoring Officer write a separate letter to all Parish/Town Clerks asking them to ensure that all of their Members had viewed the DVD.

REASON FOR DECISION: To promote good standards of conduct amongst Members.

The meeting closed at 9.15pm.

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Chairman