

NORTH HERTFORDSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE

MINUTES

**Meeting held at the Council Offices, Gernon Road, Letchworth Garden City
on Tuesday, 10 November 2009 at 7.30p.m.**

PRESENT: *Mr N. Moss (Independent Chairman), Mr P. Chapman (Independent Vice-Chairman) and Mr S. Gillies.
Parish Councillors M. Goddard, B. Hillan and R. Wornham.
District Councillors Mrs A.G. Ashley, Judi Billing, David Kearns, Bernard Lovewell, M.R.M. Muir and L.W. Oliver.*

IN ATTENDANCE: *Acting 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 District Councillor A. Bardett and Mr P. Joester (Independent Member).

2. MINUTES

RESOLVED: That the Minutes of the meeting of the Committee held on 22 June 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

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.

5. UPDATE FROM ANNUAL ASSEMBLY OF STANDARDS COMMITTEE

The Chairman and Vice-Chairman reported back from the recently held 8th annual assembly of standards committees, which they had both attended in Birmingham.

The Chairman advised that the assembly had been attended by an estimated 500-600 delegates. He had noted that, whilst a number of standards committees across the country had not needed to invoke the provisions of the new local referrals process, due to a lack of complaints, the Standards Committee of North Hertfordshire District Council appeared to have been one of the busier committees in dealing with complaints through the assessment and review process.

The Chairman commented that, broadly, as he saw it there had been two themes running throughout the assembly: promoting standards generally and handling of complaints. Other points of interest had included:

- in respect of the promoting standards, the Chairman advised that the Standards Board for England was now known as Standards for England, and had adopted the role of a regulator in standards matters.

One of the presentations had given the results of a survey which had asked a sample of people "Do local politicians tell the truth?". Responses had shown that:

- 20% felt that local councillors rarely or never told the truth, with 28% feeling that local councillors always / most of the time told the truth; and
- 29% felt that local MPs rarely or never told the truth, with 24% feeling that local MPs always / most of the time told the truth;

- 90% of local councillors surveyed supported the Members' Code of Conduct, and 98% of Standards Committee members supported the Code. There were approximately 80,000 local councillors in England, and there had been 2,800 complaints made against them since the new referrals process had commenced operation (roughly 1 in 25). Of these complaints, only 25 had faced a sanction for breach of the Code of Conduct.

The Chairman considered, therefore, that further work needed to be undertaken nationally and locally to promote the Code and standards generally, as the public perception appeared to be at odds with the reality. He suggested a number of steps that NHDC might take to further improve its openness to the public by publishing material about the Members' activities.

In briefly debating this matter, the Committee requested the Acting Monitoring Officer to consider the feasibility of placing the Members' Gifts and Hospitality Register and Members' Register of Interests and their expenses claims on the Council's website. The Acting Monitoring Officer undertook to investigate and report back to the Committee on this matter. It was also noted that it was planned to show a DVD regarding the Code of Conduct to either the Area Committees or the full Council of NHDC. The Chairman also intended to raise the profile of the issue as part of an annual report to Council on the work of the Committee.

In respect of the handling of complaints, the Chairman noted that a balance needed to be struck between the need to take complaints seriously and the possible disproportionate costs of pursuing investigations in circumstances when other suitable solutions were available. Standards for England appeared keen on the use of "Other Action", as set out in Regulation 13 of the Standards Committee (England) Regulations 2008. He invited the Vice-Chairman to describe how "Other Action" worked.

The Vice-Chairman explained that "Other Action" was one route open to Assessment Sub-Committees, as an alternative to referring a complaint for investigation. The advantages would be gains in time and cost, although it should be noted that "Other Action" would not be appropriate where an investigation was in the public interest; where a Member's honesty/integrity was questioned; or where the alleged conduct, if proved, would warrant a sanction.

The Vice-Chairman advised that there were 2 main indicators for "Other Action", namely

- Where there was evidence of poor understanding of the Code of Conduct and/or the procedures of the authority; and
- Where relationships within the authority make it very difficult to conduct business.

The Vice-Chairman drew attention to Paragraphs 9 and 10 of the tabled Guidance document, which set out some examples of "Other Action" - these included training, mediation, mentoring, re-drafting of policies and procedures, etc.

The Vice-Chairman concluded by advising that Standards for England had recommended at the assembly that Standards Committees should draw up criteria to assist Assessment Sub-Committees in deciding when it might be appropriate to take "Other Action".

The Committee then watched and discussed an informative DVD produced by Standards for England entitled "Assessment Made Clear: Assessment of Complaints". The DVD covered a range of complaints, including "Other Action".

RESOLVED:

- (1) That the oral report of the Chairman and Vice-Chairman on the 8th annual assembly of standards committees, and the content of the Standards for England DVD entitled "Assessment Made Clear: Assessment of Complaints", be noted:
- (2) That the Acting Monitoring Officer be requested to consider the feasibility of the Members' Gifts and Hospitality Register and Members' Register of Interests and Members' expenses being made available on the Council's website, and to investigate and report back to the Committee on this matter.

REASON FOR DECISION: To continue to promote good standards of conduct amongst Members and public confidence in the work of members of NHDC.

6. UPDATE ON PROGRESS AND WORK PROGRAMME

The Acting Monitoring Officer presented a report updating the Committee on outstanding matters and the submission of an amended Work Programme for the coming year. The following appendices were submitted with the report:

Appendix 1 – Work Programme for Standards Committee;

Appendix 2 – Quarterly return to Standards for England (tabled at meeting);

Appendix 3 – Members' Interests Checklist.

In respect of the Work Programme, the Acting Monitoring Officer stated that this had been updated, and now also included at its beginning details of the Committee's statutory authority and functions and duties contained in the Council's Constitution. She explained that, for ease of reference, the next and future versions of the Work Programme would appear

- in a landscape format, and
- as one table with action taken in each year set alongside the annual calendar of regular items.

The Committee debated the Work Programme and, in response to a number of questions, the Acting Monitoring Officer confirmed that the register of Gifts and Hospitality applied to District Council Members, but that the Register of Interests applied to both District Council and Parish Council Members. In respect of the forthcoming review of Gifts and Hospitality, she confirmed that the programme would come before the Standards Committee in due course.

The Acting Monitoring Officer reported that the tabled Appendix 2 to the report - Quarterly return to Standards for England – contained personal information, and should have been issued as a Part II document on pink paper. Before discussing this document, it was therefore,

RESOLVED: That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following discussion, on the grounds that the item may involve the likely disclosure of exempt information, as defined in Paragraphs 1 and 2 of Part 1 of Schedule 12A of the said Act (as amended)

The Acting Monitoring Officer stated that that the next quarterly return should be shorter, as she needed to carry out a number of "housekeeping" matters before she would be in a position to close some of the files.

The Committee returned to Part 1 of the agenda, and accepted the Monitoring Officer's suggestion that she organised and hosted some further joint standards training with Broxbourne Borough Council early in 2010, and that consideration for other joint training be ongoing.

In respect of Appendix 3 to the report - Members' Interests Checklist – it was accepted that this document would need some refinement, and it was agreed that the Chairman and Vice-Chairman of the Committee, in consultation with the Acting Monitoring Officer, be delegated to undertake any necessary amendments to the Checklist.

RESOLVED:

- (1) That the updates in the report be noted, and the Work Programme attached at Appendix 1, as amended, be agreed;
- (2) That the Acting Monitoring Officer be requested to proceed with the organisation and hosting of some further joint standards training with Broxbourne Borough Council early in 2010;
- (3) That the Chairman and Vice-Chairman of the Committee, in consultation with the Acting Monitoring Officer, be delegated to undertake any necessary amendments to the Members' Interests Checklist, attached at Appendix 3 to the report.

REASON FOR DECISION: To ensure good governance within the Council..

7. SELECTION CRITERIA TO BE FOLLOWED TO APPOINT PARISH AND TOWN COUNCIL REPRESENTATIVES TO THE STANDARDS COMMITTEE

The Acting Monitoring Officer presented a report in respect of a proposed procedure for the appointment of Parish and Town Council Members onto the Standards Committee. The following appendix was submitted with the report:

Appendix 1 – Draft Selection Protocol.

The Acting Monitoring Officer advised that Members would recall that one Town and one Parish Council member were appointed to the Standards Committee in 2008, in addition to the two existing Parish Council Members, in order to comply with the requirements of the new local referrals process. This was because at least one Parish Member was required to sit on an Assessment, Review or Hearings Sub-Committee, whenever a parish matter was being considered.

The Acting Monitoring Officer reminded the Committee that, at its meeting held on 16 September 2008, it had made a referral to Council requesting an amendment to the Constitution to permit the Standards Committee to adopt its own selection procedures for future appointments of Parish Members. At the Council meeting on 25 September 2008, the matter had been the subject of debate, and the Council expressed a preference that the Hertfordshire Association of Local Councils should be asked to propose appointments to the Committee. Accordingly, the amendment to the Constitution requested by the Standards Committee was not agreed by the Council on the 25 September 2008, and instead it was recommended that a selection protocol should be considered and drawn up by the Standards Committee for referral to and approval by Council.

The Acting Monitoring Officer further reminded the Committee that, following the local elections in May 2009, there was now a vacancy on the Committee for one of the Parish Members. However, recruitment to this vacant post was not urgent. It had been expected that the Regulations governing the local complaints process would require specific Members to be allocated to each Sub-Committee, requiring the Council therefore to have a minimum of four Parish Members. As it had transpired, the Regulations and Guidance permitted Members of the Sub-Committee to be taken from a pool, and also permitted Members on the Assessment or Review Sub-Committees to sit on the Hearings Sub-Committee. Therefore, there was no immediate requirement to ensure the vacancy was filled, although it would be preferable to deal with this matter expeditiously.

The Acting Monitoring Officer referred to the proposed draft Selection Protocol to use when selecting suitable candidates for appointment to the Standards Committee, as attached at Appendix 1 to the report. This included such things as:

- the recruitment and selection process
- term of office
- facilities, induction, training and support

The Acting Monitoring Officer stated that the process that the Standards Committee suggested on 16 September 2008 involved all the applicants being invited to attend an interview with the Standards Committee, with the Chairman of the Committee taking the lead with any interview. The Committee noted that a slightly different approach was suggested in the draft Selection Protocol. The Committee resolved to use this procedure for all future appointments of Parish/Town Councillors to the Standards Committee.

In the event that the Standards Committee was able to agree the recommendation to support the draft Selection Protocol, the Acting Monitoring Officer undertook to refer this to the Council as part of the current Constitution Review.

The Committee debated the report, and agreed that the draft Selection Protocol be supported, subject to the following amendments:

- Paragraph 1.2 – Advertisement – instead of “The Monitoring Officer should arrange for an advertisement of the vacancy.....” to now read “The Monitoring Officer may arrange for an advertisement of the vacancy.....” ;

- At an appropriate place in the document, the insertion of a reference to ensure that parish council member vacancies were also notified to the Hertfordshire Association of Local Councils, as well as to all Parish Councils in the area.

The Committee also considered that, where achievable, the geographical split of Parish Councillors from the North and South of the District should be continued.

RESOLVED:

- (1) That the report be noted;
- (2) That the draft Selection Protocol, as attached at Appendix 1 to the report, and as amended, be supported.

REASON FOR DECISION: To ensure good governance within the Council.

8. DATE OF NEXT MEETING

In view of the Chairman's unavailability to attend the next scheduled meeting of the Committee on 2 March 2010, it was

RESOLVED: That the next meeting of the Committee be re-scheduled to take place at 7.30pm on Tuesday, 23 February 2010, in the Council Chamber, Council Offices, Gernon Road, Letchworth Garden City.

The meeting closed at 9.50pm.

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Chairman