

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
ROOM 27, WALLFIELDS, HERTFORD
ON MONDAY, 23 FEBRUARY 2004 AT
7.30 PM

PRESENT:

District Council Members

Councillor J Warren (Chairman).
Councillor A L Burlton

Parish Council's Representative

Mr B Taylor

Town Council's Representative

Mrs E Woods

Independent Members

Mr J Morphew, Mr A Walker

ALSO IN ATTENDANCE:

Councillor W Ashley

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Assistant Director (Law and Control)
Jeff Hughes	- Head of Democratic Services

655 APOLOGY

An apology for absence was submitted on behalf of
Councillor M Wood.

656 CHAIRMAN'S ANNOUNCEMENT

The Chairman welcomed to her first meeting of the Standards Committee, Mrs E Woods.

RECOMMENDED ITEMACTION657 MEMBER/OFFICER AND STATUTORY OFFICER PROTOCOLS

The Monitoring Officer submitted a report inviting the Committee to consider Member/Officer protocols together with protocols for the Head of Paid Service, Chief Finance Officer and the Monitoring Officer.

The Monitoring Officer advised that Council had agreed to refer the protocols to the Committee, via the Policy Development Scrutiny Committee, for consideration.

The Committee noted that the Policy Development Scrutiny Committee had, at its meeting held on 21 January 2004, considered the protocols and identified a number of amendments, as now detailed.

The Monitoring Officer stated that the protocols now submitted were designed to define relationships between Members/Officers in order to avoid potential conflict.

The Committee noted that the Council's External Auditor had been invited to comment on the protocols. The auditor had subsequently made suggestions in relation to the protocols affecting the "Section 151" Finance Officer role and other responsibilities associated therewith in relation to the "Prudential Code".

The Committee supported the suggested amendments to the protocols identified by the Policy Development Scrutiny Committee. The Committee also made a

ACTION

number of amendments to the text of the protocols, particularly to take account of the comments of the External Auditor in relation to the “Prudential Code”.

In response to comments from Members, the Monitoring Officer advised that the protocols would likely need to be amended in the near future to take account of the provisions of the Freedom of Information Act and the need for the Authority to designate an “Information Officer”.

RECOMMENDED – that the Member/Officer and Statutory Officer protocols as now amended and appended to these Minutes be adopted.

ALC

RESOLVED ITEMS658 MINUTES

In relation to Minute 348 – Standards Committee Work Programme – the Committee agreed to substitute the word “allegations” for the word “allocations” in the second sentence of the second paragraph of narrative.

The Committee agreed to confirm the Minutes subject to the amendment now detailed.

RESOLVED – that the Minutes of the meeting of the Standards Committee held on 16 October 2003 be confirmed as a correct record and signed by the Chairman subject to the following amendment:

- in relation to Minute 348 – substitution of the word “allegations” for the word “allocations” in the second sentence of the second paragraph of narrative.

ACTION659 DETERMINATION OF STANDARDS ALLEGATIONS BY
THE STANDARDS COMMITTEE

The Monitoring Officer submitted a report inviting the Committee to approve a procedure for the determination of complaints against Councillors which had been referred to it by the Standards Board.

The Monitoring Officer reminded the Committee that it had previously agreed a procedure for such matters. That procedure, however, now needed to be revised in the light of changes to legislation and guidance issued by the Standards Board.

The Committee noted that two procedures were now before it for consideration. The first procedure related to a matter referred to the Council's Monitoring Officer after the Ethical Standards Officer of the Standards Board had completed an investigation. The second procedure related to a matter referred before the Ethical Standards Officer had carried out an investigation. This second procedure would only apply after further regulations were made. These regulations were currently in draft form and would be the subject of consultation. It was likely that the procedure now submitted would therefore require revision in the light of the finalised version of regulations and any subsequent guidance from the Standards Board.

The Committee considered the proposed protocols in detail. It sought clarification from the Monitoring Officer as to which protocol related to the process to be followed before an Ethical Standards Officer had completed an investigation and the process to be followed after an investigation. It further sought clarification as to the definition of the word "investigating".

The Committee reminded the Monitoring Officer of the need for its Members to receive training on the application of the procedure matters now detailed.

ACTION

The Committee made a number of amendments to the text of the procedures.

The Committee agreed that the procedures, as appended to the report now submitted, should be adopted for the local determination of complaints referred to it by the Standards Board, subject to:

- (1) the Monitoring Officer addressing the points of clarification now identified and making any necessary amendments to the procedures as a consequence thereof, and
- (2) the amendments now detailed.

RESOLVED - that the procedures, as appended to the report now submitted, be adopted for the local determination of complaints referred to it by the Standards Board, subject to:

ALC

- (1) the Monitoring Officer addressing the points of clarification now identified and making any necessary amendments to the procedures as a consequence thereof, and
- (2) the amendments now detailed.

660 REFERENCES FROM THE STANDARDS BOARD

The Committee considered a report by the Monitoring Officer detailing the decision taken by the Standards Board in respect of complaints received concerning either Members of this Authority or its constituent Parish/Town Councils.

The Monitoring Officer advised that, since the last meeting, the Standards Board had made a determination in respect of a complaint received concerning Councillor W Ashley.

ACTION

The Committee noted that the nature of the complaint was that Councillor Ashley had not declared a personal interest in a matter. The Board had found that Councillor Ashley did not have a personal interest. Accordingly, as he did not have a personal interest, the question of a prejudicial interest did not arise. The Board had found that Councillor Ashley had not failed to comply with the Council's Code of Conduct. In accordance with the provisions of the Local Government Act 2000, no further action needed to be taken in respect of the complaint.

The Board noted Councillor Ashley's comments concerning the resources needed to investigate the complaint and the lack of evidence associated therewith. He suggested that a mechanism needed to be introduced that would weed out unsubstantiated complaints against local authority Members. He stated that he intended to raise his concerns on the complaint process with the Standards Board.

The Committee agreed to receive the Monitoring Officer's report.

RESOLVED – that the report be received.

The meeting closed at 9.05 pm

Chairman
Date