

AGENDA ITEM 4

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
THE COUNCIL CHAMBER,
WALLFIELDS, HERTFORD ON
TUESDAY, 11 AUGUST 2009 AT
7.30 PM

PRESENT: District Council Members

Councillor R L Parker, P A Ruffles, J Warren.

Town Councils' Representative

Mrs E Woods

Independent Members

Mr D Farrell, Mr J Morphew (Chairman),
Mr T Vickers

OFFICERS IN ATTENDANCE:

Anne Freimanis	- Chief Executive
Linda Bevan	- Committee Secretary
Simon Drinkwater	- Monitoring Officer

170 APOLOGIES

An apology for absence was submitted on behalf of Jeff Jones.

171 DECLARATION OF INTEREST

Councillor P A Ruffles declared a personal and prejudicial interest in Minute 179 - Complaint in Respect of Councillor Ref: EHDC/04/2008 by virtue of his close association with the Councillor concerned. He left the Council Chamber during discussion of the item.

RESOLVED ITEMSACTION172 ELECTION OF CHAIRMAN

The Committee Secretary invited the Committee to elect its Chairman for the Civic Year 2009/10. The Committee agreed to elect Mr J Morphew as its Chairman for the Civic Year.

RESOLVED - that Mr J Morphew be elected Chairman of the Committee for the Civic Year 2009/10.

173 EXCLUSION OF PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the item of business detailed at Minute 179 - Complaint in Respect of Councillor Ref: EHDC/04/2008 below, on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The Committee agreed that this item should not be considered in public.

RESOLVED - that the press and public be excluded from the meeting during discussion of the item of business detailed in Minute 179 - Complaint in Respect of Councillor Ref: EHDC/04/2008 below, on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

174 MINUTES

RESOLVED - that the Minutes of the meeting of the Standards Committee held on 1 April 2009 be confirmed as a correct record and signed by the Chairman.

ACTION175 STANDARDS COMMITTEE (FURTHER PROVISIONS)
ENGLAND REGULATIONS 2009

The Monitoring Officer submitted a report on new regulations concerning the Standards Committee. These concerned the suspension of Standards Committee functions, Joint Standards Committees and dispensations.

The new regulations gave the Standards Board a power to intervene in an individual Authority if necessary. This could arise if an Authority had failed to follow Standards Board guidance; comply with a direction from the Standards Board; carry out its function within a reasonable time or in a reasonable manner. Other reasons for this would be if the Monitoring Officer had failed to carry out his functions within a reasonable time or in a reasonable manner or the Authority or its Standards Committee had requested the Standards Board to intervene. The Standards Board would need to give notice of such an intervention. It could appoint another Authority to carry out the initial assessment. The Standards Board had discretion to use its own investigators and the Adjudication Panel for hearings or another Authority or ask the original Authority to use its Monitoring Officer and Committee.

The regulations also gave discretion to two or more local Authorities to set up a Joint Standards Committee. The regulations set down the arrangements to be specified if this option was chosen.

The regulations amended previous arrangements for allowing a Member to attend the Standards Committee if he had a prejudicial interest. A dispensation could be granted for example if the business of the Authority would be impeded because more than 50% of the decision making body would otherwise be prohibited from voting.

The Committee discussed the report and forming a Sub-Committee to hear complaints and asked the Monitoring Officer to submit a report on this to the Committee.

ACTION

RESOLVED - that (A) the new regulations and in particular the new grounds for application for a dispensation be noted; and

(B) the Monitoring Officer submit a report to the Committee on forming a Sub-Committee to hear complaints. MO

176 OTHER ACTION GUIDANCE

The Monitoring Officer submitted a report on new guidance from the Standards Board for England relating to referring cases for other action than being dealt with by the Standards Committee.

The Standards Board said complaints should not be referred for other action when an investigation was in the public interest, when an allegation challenged the Members' honesty or integrity or where it proved to be true, the alleged conduct would undoubtedly warrant a sanction.

The Committee discussed the report and decided to note the guidance but ask the Monitoring Officer to query whether the existing regulations had been misinterpreted by the Standards Board.

RESOLVED - that the guidance be noted and the Monitoring Officer raise the Committee's concerns over the interpretation of existing regulations with the Standards Board. MO

177 DRAFT 2008/09 ANNUAL GOVERNANCE STATEMENT

The Leader of the Council submitted a report on the Draft 2008/09 Annual Governance Statement as part of consultation on the statement.

The Council was responsible for ensuring that its business was conducted in accordance with the law and proper standards, and that public money was safeguarded,

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properly accounted for and used economically, efficiently and effectively. The Council was required to undertake a review of this through the Annual Governance Statement.

The Committee expressed concern about the local nature of some complaints referred to it by Parish and Town Councils and the need for training for Parish and Town Councils and the need to review the Officer/Member Relations Protocol and the Members' Planning Code of Good Practice. It decided a small sub group would be helpful in this review.

RESOLVED - that (A) further training be provided for Town and Parish Councils explaining the role of the Standards Committee; and MO

(B) a sub group of the Committee be set up to review the Member/Officer Relations Protocol and the Members' Planning Code of Good Practice and report back to the Standards Committee. MO

178 ANTI-FRAUD AND ANTI-CORRUPTION AND DISCLOSURE (WHISTLEBLOWING) CODE

The Monitoring Officer submitted a report updating the Council's Anti-Fraud and Anti-Corruption Strategy and Disclosure (Whistleblowing) Code.

The Anti-Fraud and Corruption and Confidential Reporting Code had been simplified and updated with assistance from a lay member of the Standards Committee. Two revised documents had been drawn up called the "Anti-Fraud and Anti-Corruption Strategy" and "Disclosure (Whistleblowing) Code". The documents provided a consistent approach to the management of anti-fraud measures throughout the Council.

The Anti-Fraud and Anti-Corruption Strategy helped the Council foster a culture of integrity, honesty and openness. Fraud and corruption were not tolerated or given tacit consent and all should be alert to irregularities and be

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ready to act on such evidence.

The Disclosure (Whistleblowing) Code encouraged Members, employees and those with whom the Council had dealings to report any suspicions of fraud and corruption without fear of reprisals.

The documents had been presented to the Human Resources Committee and would be presented to the Audit Committee.

The Committee decided to approve the documents with some amendments to the layout and drafting of the Disclosure document. It expressed concern at the use of the term “whistleblowing” and decided this should be amended as now detailed.

RESOLVED - that the Anti-Fraud and Anti-Corruption Strategy and Disclosure Code be approved subject to the drafting and layout amendments discussed at the meeting and the removal of “whistleblowing” from the title of the Disclosure Code (with a reference to “whistleblowing” in the text of the Code only).

MO

179 COMPLAINT IN RESPECT OF COUNCILLOR
REF: EHDC/04/2008

A report on a complaint in respect of a District Councillor was brought to the Committee as an urgent item so that a decision could be made on whether it should be heard by the Standards Committee or referred to the Standards Board.

The Committee indicated that it wished to consider matter as a Part 2 Item and would expect this to be the convention going forward, recognising that would exclude a subject Councillor from attending this part of the meeting.

The Committee discussed the length of time that had elapsed in dealing with the complaint. This appeared to

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have arisen largely due to the ill-health of the Councillor concerned. The Committee asked that it be recorded that it had dealt with the matter as quickly as it had been able to.

The Committee discussed the options open to it and agreed that the complaint should be considered by the Standards Committee.

RESOLVED - that (A) Officers be asked to make arrangements for the complaint to be dealt with by the Standards Committee; and MO

(B) the Monitoring Officer be asked to ensure that similar considerations are in future Part 2 agenda items. MO

The meeting closed at 9.10 pm.

Chairman
Date