

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN THE
ROOM 27, WALLFIELDS, HERTFORD ON
FRIDAY 29 JUNE 2012, AT 10.00 AM

PRESENT:

District Council Members:

Councillors A Burlton, M Carver, N Poulton
and M Wood

Town Councils' Representatives:

Mrs E Woods

Parish Councils' Representatives:

Mr J Jones and Mr C Marks

Independent Members:

Mr D Farrell and Mr T Vickers (Chairman)

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Director of Neighbourhood Services
Jeff Hughes	- Head of Democratic and Legal Support Services

110 ELECTION OF CHAIRMAN

RESOLVED – that Mr T Vickers be elected Chairman of the Standards Committee for meetings between now and its disestablishment (on 30 June 2012).

111 APOLOGIES

Apologies for absence were submitted on behalf of Mr S Bouette and Mr J Morphew.

112 CHAIRMAN'S ANNOUNCEMENTS

The Chairman thanked those District Councillors, independent members and representatives of town/parish councils for their work as members of the Standards Committee.

He advised that, through legislative changes, the current Committee and its membership would be replaced by a new Member body to oversee the conduct of District, Parish and Town Councillors.

However, the Committee still had a duty to consider extant code of conduct complaints.

The Chairman stated that he had requested this meeting to consider these complaints and also to afford it the opportunity to comment, if it so wished, on the Authority's new standards regime for Members' conduct.

113 DECLARATIONS OF INTEREST

Mr C Marks declared a personal and prejudicial interest in complaints concerning members of Hormead Parish Council as he was either the complainant and, in all cases, the Clerk to that Authority. He withdrew from the meeting prior to the consideration of the items of business concerning Hormead Parish Councillors (see Minutes 121 to 123 below).

114 MINUTES

Councillor M Carver, with regard to Minute 779 – Apologies – advised that he had submitted his apology for absence for the meeting.

With regard to Minute 782 – Localism Act 2011 – the

Chairman:

- (A) highlighted that no provision had been made within the Authority's revised Code of Conduct requiring Members to declare receipt of gifts and hospitality (such a requirement continued to apply to officers), and
- (B) invited Members to confirm, or otherwise, that they had received finalised versions of the various documents detailed in advance of their adoption at the Council meeting on 16 May 2012.

The Committee requested the Monitoring Officer to draw Council's attention to the omission of any requirement either in the revised code of conduct or its constitution for Members to declare receipt of gifts and hospitality.

Members confirmed that they had no further comments on the finalised versions of the various conduct documents considered by Council at its meeting on 16 May 2012.

RESOLVED – that (A) the Minutes of the meeting of the Standards Committee held on 19 April 2012 be confirmed as a correct record and signed by the Chairman, subject to the inclusion of Councillor Carver's name to those detailed as having submitted an apology for absence under Minute 799, and

(B) the Monitoring Officer be requested to draw Council's attention to the omission of any requirement either in the revised code of conduct or its constitution for Members to declare receipt of gifts and hospitality.

115 COUNCIL DETERMINATION ON NEW STANDARDS REGIME

The Chairman invited the Committee to consider, and if appropriate, comment on the new Members' code of conduct regime approved by the Council at its meeting held on 16 May 2012.

Members noted the detail of the new code of conduct, the processes approved for dealing with complaints and the constitution of a new Standards Committee.

Council, it was further noted, had not accepted any of the Committee's recommendations for a new standards regime.

Concern was expressed that no representation from town/parish councils had been included within the new standards regime. The regime should, at some stage, include provisions to ensure standards issues affecting parish/town councils were dealt with appropriately.

Individual parish/town councils wishing to adopt codes of conduct that contained provisions not within the template should contact the Monitoring Officer for advice.

The Committee stressed the importance of public perception and that any standards regime must command public trust. Members considered that the Monitoring Officer should be required to report summary details of complaints received and dismissed as trivial, together with the reasons.

The Committee debated a number of further areas of concern relating to:

- (a) the appointment and role of independent members;
- (b) the content of the code of conduct, and
- (c) the process for dealing with complaints, particularly the role of the Monitoring Officer.

The Committee noted that Council would be reviewing the code and associated processes in the light of experience and best practice information.

Councillor Carver, on behalf of the Authority, thanked independent members and representative town/parish council representatives for their work on the Standards Committee.

RESOLVED – that the Monitoring Officer be requested to convey the debate and comments of the Committee,

as now detailed, on its new standards regime to East Herts Council.

116 EXCLUSION OF THE PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the items of business at Minutes 117 to 123 below on the grounds that they 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 these items should be considered in public.

The Committee also agreed that the Investigating Officer's report referred to in Minute 121 below did not contain any exempt information or personal data and should therefore be made available for public inspection.

RESOLVED – that (A) the matters detailed in Minutes 117 to 123 below be considered in public, and

(B) as the report referred to in Minute 121 did not contain any exempt information or personal data, it be made available for public inspection.

117 COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR:
REFERENCE EHDC/07/2011

The Monitoring Officer reported that the Investigating Officer's report had not been received in relation to complaint reference EHDC/07/2011.

The Committee expressed its grave concern over the handling of the investigation and the time taken by the independent investigating officer. The Monitoring Officer was requested to ensure that the investigation report was received by no later than the end of July 2012.

RESOLVED – that the report be received.

118 COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR:
REFERENCE EHDC/08/2011

The Monitoring Officer reported that the Investigating Officer's report had not been received in relation to complaint reference EHDC/08/2011.

The Committee expressed its grave concern over the handling of the investigation and the time taken by the independent investigating officer. The Monitoring Officer was requested to ensure that the investigation report was received by no later than the end of July 2012.

RESOLVED – that the report be received.

119 COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR:
REFERENCE EHDC/09/2011

The Monitoring Officer reported that the Investigating Officer's report had not been received in relation to complaint reference EHDC/09/2011.

The Committee expressed its grave concern over the handling of the investigation and the time taken by the independent investigating officer. The Monitoring Officer was requested to ensure that the investigation report was received by no later than the end of July 2012.

RESOLVED – that the report be received.

120 COMPLAINT IN RESPECT OF A DISTRICT COUNCILLOR:
REFERENCE EHDC/10/2011

The Monitoring Officer reported that the Investigating Officer's report had not been received in relation to complaint reference EHDC/10/2011.

The Committee expressed its grave concern over the handling of the investigation and the time taken by the independent investigating officer. The Monitoring Officer was requested to

ensure that the investigation report was received by no later than the end of July 2012.

RESOLVED – that the report be received.

121 COMPLAINT IN RESPECT OF A PARISH COUNCILLOR:
REFERENCE HORM/02/2011

The Monitoring Officer tabled a copy of the Investigating Officer's report on their investigation of complaint referenced HORM/02/2011.

The Monitoring Officer confirmed that a copy of this report had been sent to both the complainant and the subject Member.

The Committee noted that that the Investigating Officer had concluded that there was no evidence of a breach of Hormead Parish Council's Code of Conduct.

The Committee, after debate, and based on advice from the Monitoring Officer, agreed with the Investigating Officer's finding.

RESOLVED – that the Investigating Officer's finding that there was no evidence of a breach of Hormead Parish Council's Code of Conduct in relation to complaint referenced HORM/02/2011 be agreed.

122 ASSESSMENT SUB-COMMITTEE DECISION: REFERENCE
HORM/01/2012

The Monitoring Officer reported the decision taken by the Assessment Sub-Committee in respect of complaint referenced HORM/01/2012, particularly in the context of a previous complaint referenced HORM/03/2011.

RESOLVED – that the report be received.

123 COMPLAINT AGAINST A PARISH COUNCILLOR:
REFERENCE HORM/03/2011

The Monitoring Officer reported on the action taken in respect of complaint referenced HORM/03/2011.

The Committee noted the action taken and also the decision of the Assessment Sub-Committee on a related complaint referenced HORM/01/2012.

RESOLVED – that the report be received.

The meeting closed at 12.25 pm

Chairman
Date