

AGENDA

Standards Committee

Date: **Friday 20 April 2012**

Time: **10.00 am**

Place: **The Assembly Hall, Town Hall, St Owen St, Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Heather Donaldson, Democratic Services Officer

Tel: 01432 261829

Email: hdonaldson@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Heather Donaldson, Democratic Services Officer on 01432 261829 or e-mail hdonaldson@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Standards Committee

Membership

Chairman	David Stevens	Independent Member
Vice-Chairman	Jake Bharier	Independent Member
	Olwyn Barnett	Local Authority Representative
	Chris Chappell	Local Authority Representative
	Richard Gething	Parish and Town Council Representative
	Mary Morris	Parish and Town Council Representative

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

AGENDA

		Pages
1.	<p>RESIGNATION OF A STANDARDS COMMITTEE MEMBER</p> <p>To note the resignation of a Standards Committee member.</p>	
2.	<p>APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
3.	<p>DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
4.	<p>MINUTES</p> <p>To approve and sign the minutes of the meeting held on 13 January 2012.</p>	1 - 4
5.	<p>DISPENSATIONS</p> <p>To consider an application for a dispensation received from Bridstow Parish Council.</p>	5 - 10
6.	<p>THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK</p> <p>To consider progress made with the implementation of a new regime of member conduct in preparation for changes brought about by the Localism Act 2011, and to receive the notes of the Standards Working Group held on 06 March 2012.</p>	11 - 14
7.	<p>EXCLUSION OF THE PUBLIC AND PRESS</p> <p>In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p>RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.</p> <p>7A Information which is subject to an obligation of confidentiality</p>	
8.	<p>LOCAL FILTER CASES AND DETERMINATIONS</p> <p>To update the Committee on progress made with complaints about local authority, parish and town councillors.</p>	15 - 52

HEREFORDSHIRE COUNCIL

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 13 January 2012 at 2.00 pm

Present: David Stevens (Chairman) (Independent Member)
 Jake Bharier (Vice Chairman) (Independent Member)
 Olwyn Barnett (Local Authority Representative)
 Chris Chappell (Local Authority Representative)
 Richard Gething (Parish and Town Council Representative)

In attendance: John Hardwick and John Stone (Local Authority Substitutes)

22. APOLOGIES FOR ABSENCE

Apologies were received from Isabel Fox (Independent Member) and Mary Morris (Parish and Town Council Representative).

23. DECLARATIONS OF INTEREST

There were no declarations of interest made.

24. MINUTES

RESOLVED (unanimously): that the minutes of the meeting held on 14 October 2011 were approved and signed as a correct record.

25. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

One application for a dispensation was reported in respect of Bridstow Parish Council, and because it had not been received prior to publication of the agenda, it would be dealt with at the Committee's next meeting on 20 April 2012.

26. STANDARDS WORKING GROUP - THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Committee considered a report from the Standards Working Group about proposals for a new regime of member conduct, following the abolition of the statutory Code of Conduct and penalties through the Localism Act 2012. The recommendations had taken account of the Group Leaders' views expressed at the Working Group's meeting in December 2011. The following principal points were made during the discussion:

- Although the new Standards regime was scheduled to begin from 01 July 2012, insufficient information was currently available from central government to give clarity to what processes would be applied, and what a new Code of Conduct would look like. The Working Group's current proposals would therefore need to be modified to reflect the new legislation and guidance as it emerged, and the Group would meet as necessary to keep pace with any changes.
- The Herefordshire Association of Local Councils (HALC) was keen to consider Herefordshire Council's new Code and arrange for its members to be consulted on it as soon as it was available. The Localism Act had made provision for parish and

town councils to develop their own Codes if desired, and the Committee and HALC shared the view that there was significant merit in administering the new regime through one single Code of Conduct for Herefordshire, if possible. The Association of Council Secretaries and Solicitors was due to agree a proposed national model Code of Conduct in the near future, and the Assistant Director, Law Governance and Resilience would update the Committee, and parish and town councils, on progress as necessary. It was unknown at present whether any authorities who did not adopt a specific Code of Conduct by 01 July, would be required to adopt a national model Code by default.

- Independent members would need to be recruited as early as April 2012 in order to be ready for the new regime. It was still unclear what status existing Independent Members would have in the new arrangements, and whether they would be able to apply for new roles.
- The Working Group had proposed that the Independent Person advising the Monitoring Officer in the new regime would be supported by two local authority members and two parish councillors. In order to minimise potential conflicts of interest, up to three Independent Persons might be required to support the Monitoring Officer.
- Full council would agree the final proposals once the Committee was in a position to make them. The new processes and Code of Conduct were likely to require modification after they were introduced and it was envisaged that the new Standards Panel could be responsible for this, with Council approval.

RESOLVED (unanimously): that the report be noted, and a further report from the Standards Working Group be considered when the new legislation in respect of the Localism Act 2011 is available.

27. EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED (unanimously): that under section 100(A) (4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighed the public interest in disclosing the information.

7A Information which is subject to an obligation of confidentiality.

28. LOCAL FILTER CASES AND DETERMINATIONS

The Committee reviewed progress made with complaints about local authority, parish and town councillors since the introduction of the local filter system on 08 May 2008. To date, the assessment and review sub-committees had dealt with 18 complaints in 2008, 50 in 2009, 31 in 2010, 64 in 2011 and 2 in 2012.

The Committee also considered decision notices received from Standards for England in respect of a number of cases that had been referred to them for investigation. Standards for England had decided that no further action was required on all but four of the cases. The four cases which might benefit from further action would either be referred to an assessment sub-committee or a consideration sub-committee – whichever was appropriate – for a decision on what action to take.

RESOLVED (unanimously): that

- (i) the report be noted, and a report about further progress be presented at the next meeting; and**
- (ii) the four cases returned from Standards for England with a recommendation for further action, be considered by an appropriate sub-committee of the Standards Committee.**

29. FUTURE MEETINGS

The Committee agreed the following future meeting dates:

- 20 April 2012 at the earlier time of 10.00 am
- 15 June 2012 at 10.00 am.

The meeting ended at 3.38 pm

CHAIRMAN



MEETING:	STANDARDS COMMITTEE
DATE:	20 APRIL 2012
TITLE OF REPORT:	APPLICATIONS FOR A DISPENSATION RECEIVED FROM BRIDSTOW PARISH COUNCIL
REPORT BY:	DEMOCRATIC SERVICES OFFICER

Classification: Open

Purpose

1. To consider an application for a dispensation received from Bridstow Parish Council.

Recommendations

THAT a dispensation under Regulation 17 of the Standards Committee (Further Provisions) (England) Regulations 2009 be granted to:

**Councillor Jenny Colin
Councillor Sally Northcott
Councillor Richard Gething
Councillor Simon Brewer
Councillor Clive Beddows
Councillor Shirley Preece**

(of Bridstow Parish Council), for the period of four years, or until the earlier revocation of the mandatory Code of Member Conduct, where the transaction of business of the Bridstow Parish council involves Bridstow Village Hall.

Background

2. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
3. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, amended by the Standards Committee (Further Provisions) (England) Order 2009, give Standards Committees the power to grant dispensations in circumstances where: the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate, **or** where the number of members that are prohibited from voting at a

Further information on the subject of this report is available from Heather Donaldson, Democratic services Officer on (01432) 261829

meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

4. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.
5. The regulations also specify two circumstances where a dispensation may not be granted; firstly, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

Bridstow Parish Council

6. Bridstow Parish Council has requested a dispensation in relation to the following six members:

Councillor Jenny Colin
Councillor Sally Northcott
Councillor Richard Gething
Councillor Simon Brewer
Councillor Clive Beddows
Councillor Shirley Preece.

7. All are trustees of Bridstow Village Hall, and the dispensation is required to enable them to discuss village hall matters. The total membership of the Parish Council is seven and the quorum is three.

Financial Implications

8. None.

Appendices

Letter and application form from Bridstow Parish Council.

BRIDSTOW PARISH COUNCIL

Overlea,
Bridstow,
Ross on Wye,
Herefordshire,
HR9 6AJ.

3rd January, 2012

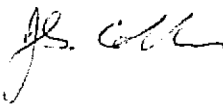
Herefordshire Standards Committee,
Brockington,
35, Hafod Road,
Hereford,
HR1 1SH.

Dear Sir/Madam,

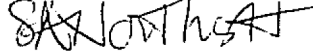
Re: Application for Dispensation – Bridstow Parish Councillors

Could you please grant dispensation to the following councillors, so they can vote on village hall matters:

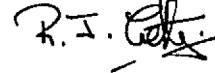
Cllr. Jenny Collin



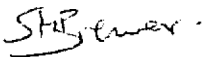
Cllr. Sally Northcott



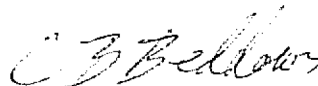
Cllr. Richard Gething



Cllr. Simon Brewer



Cllr. Clive Beddows



Cllr. Shirley Preece



Yours sincerely,



Mrs Pat Newton
Clerk to Bridstow Parish Council

Handwritten notes:
I put them all @
10.1.12
I will see to it
Shirley Preece
40

~~Handwritten scribble~~

Form Received by
Democratic Services
on 12/01/12
HJW

Application form for a Dispensation
under Section 81 of the Local Government Act 2000 in respect of a prejudicial interest

Name of council BRIDSTOW PARISH COUNCIL

1. Names of councillors (the number must be not fewer than half of the total):
Cllr. Jenny Collin .
Cllr. Sally Northcott .
Cllr. Richard Gething
Cllr. Simon Brewer
Cllr. Cive Beddows
Cllr. Shirley Preece .

2. What is the total membership of your council, committee or sub-committee for which dispensation is sought? 7

3. What is the quorum of the council, committee or sub-committee concerned? 3

4. What is the matter for which dispensation is sought?
FOR DISCUSSION & VOTING ON VILLAGE HALL MATTERS .

5. For which type of meeting is dispensation sought? (full council, committee or sub-committee).
Full Council

6. What is the nature of the prejudicial interest?
PARISH COUNCIL ARE TRUSTEES OF THE VILLAGE HALL .

STANDARDS WORKING GROUP: ACTION NOTES [6 MARCH 2012]

NO.	SUBJECT OR AGENDA ITEM	DISCUSSION	DECISION/ACTIONS	ACTION BY
<p>Present: Jake Bharier, David Stevens, John Stone, Chris Chapman, Heather Donaldson Apologies: Richard Gething</p>				
1.	Declarations of interest	<p>With reference to agenda item 6 (appointments to the Standards Panel), DS and JB emphasised that they would only discuss recruitment to the Standards Panel in general terms (e.g. guidance to date from Central government, timetable, process) to enable a broad view on recruitment to be formed. They considered that they might potentially have a prejudicial interest in any specific details of recruitment of Independent Persons to the Standards Panel. This was on the basis that if legislation was introduced at some point to enable existing Independent Members to be recruited to a Standards Panel in the new regime, they might potentially be eligible to apply. The Group therefore agreed that the discussion would be in general and not specific terms.</p>		
2.	Notes of the previous meeting	<p>The Group approved the notes of the previous meeting held on 12 December 2011.</p>		
3.	Proposed code of conduct: update	<p>CC reported that central government had made little progress. The proposed statutory instrument about interests had not been issued, and there was no further information available about any possible sanctions. Further clarity was also required on issues that would not be within the remit of the Standards Panel, such as dispensations, both for parish and town councils and for Council officers in politically restricted posts.</p> <p>ACSeS was due to meet on 14 March 2012 to approve its proposed model code of conduct. If this was approved, it was likely that it would be published soon thereafter. CC would need time to consider it, and then the working group would need to meet again to devise a Herefordshire code based on the model code.</p> <p>The Group noted that the next Council meeting was Annual Council in May 2012, and after that, July 2012. There would also be some limitations on business going to Annual Council. In view of the fact that Council meetings did not coincide with the introduction of the new Standards regime, it might be necessary to hold an extraordinary Council meeting. To ensure efficient transaction of business, Council would consider the new code of conduct in its entirety when the Group had finalised issues such as interests, sanctions, dispensations and membership.</p>	<p>1) The Group be advised of new legislation to be incorporated into a code of conduct for Herefordshire Council, as and when received.</p> <p>2) The Working Group to meet approximately 2 weeks after the ACSeS model code of conduct is released, to decide on a code of conduct for Herefordshire Council.</p>	<p>CC</p> <p>HD to arrange.</p> <p>AGENDA ITEM 6</p>

STANDARDS WORKING GROUP: ACTION NOTES [6 MARCH 2012]

NO.	SUBJECT OR AGENDA ITEM	DISCUSSION	DECISION/ACTIONS	ACTION BY
		<p>Parish and town councils would need to be kept informed of any new information about the code of conduct, and also told if there had been no further developments.</p> <p>CC confirmed that no transitional arrangements had yet been issued for current cases being dealt with under existing legislation. It was possible that these cases would continue to be dealt with under existing legislation once the new regime was in place. In addition, it was possible that the new legislation might not be in place on 1 July, and that complaints received on and after this date might need to be put on hold until the legislation had caught up. The Communications Unit had been made aware of the potential need to brief members of the public.</p>	<p>3) A letter be sent to parish and town councils apprising them of the current situation with the code of conduct.</p>	CC
4.	Proposed standards regime for Herefordshire	<p>The Group reviewed its current proposals for a new standards regime, and considered whether any of them required amendment in the light of any new information received. The majority of its proposals remained unaltered due to a lack of any new information. However, CC reported that the Localism Act currently did not enable existing Independent Members to be recruited as Independent Persons in the new standards regime. Counsel's advice to ACSes had confirmed this, although the DCLG were reported to be looking to change it, possibly through transitional regulations, to ensure that experienced Independent Members were not lost. This meant that the Working Group's proposal 4 - that the existing Independent Members of the Standards Committee be appointed, in the first instance, as Independent Persons under the Localism Act - was currently not possible and required amendment unless any legislation was introduced to rectify it. The Group agreed to wait until further legislation was available, and requested CC to judge what changes would need to be made.</p> <p>The Group agreed that there was merit in requesting an independent legal body to give its proposals a "legal health check" once the secondary legislation was incorporated.</p>	<p>4) The Working Group's proposals to remain unaltered for the timebeing, until further clarity is provided by legislation</p> <p>5) Updates to the proposals, and proposal 4 in particular, be provided to the Group when further information is known.</p> <p>6) "Legal health check" to be arranged for the new code of conduct and proposals when finalised.</p>	CC
5.	Appointments to the Standards Panel	<p>The Group considered what arrangements might need to be in place to recruit Independent Persons and other members of the Standards Panel ahead of the introduction of the new Standards regime on 1 July 2012. The following key points were made:</p>		CC

STANDARDS WORKING GROUP: ACTION NOTES [6 MARCH 2012]

NO.	SUBJECT OR AGENDA ITEM	DISCUSSION	DECISION/ACTIONS	ACTION BY
		<ul style="list-style-type: none"> • It was difficult to embark on recruitment until central government developed its criteria for who could be an Independent person. However, the process might need to be introduced swiftly, and there was merit in preparing for it as far as possible in advance. Any recruitment process could be expected to take up to 3 months, and on that basis might need to start as early as April 2012. • At least 3 Independent Persons would be required to ensure that conflicts of interest were kept to a minimum at each stage of the complaints process. • The current Standards Committee would normally be involved in recruitment of Independent Members, form part of the interview panel, and make recommendations to Council about the appointment of specific persons as Independent Members. It would not be possible in this instance due to potential conflicts of interest amongst Committee members. Alternatives might be: (1) a panel of Herefordshire Councillors (which might need appointment by full Council); (2) full Council; (3) the Council's Appointments Panel; (4) Group Leaders. In all cases, it would need to be established if and how the rules of proportionality applied. The Group agreed that recruitment could begin without a new code of conduct being in place. • Given the circumstances, full Council would normally be required to approve the setting up of the Standards Panel. However, in view of the limited time remaining before 1 July, it might be possible for CC to request that recruitment be dealt with as an urgency procedure, delegated to the Monitoring officer and requiring permission from the Chief Executive. • The existing recruitment pack for independent members could be adapted for use with the new recruitment process. The finalised recruitment pack would need to contain the new code of conduct. 	<p>7) Alternatives to the Standards Committee be explored to undertake recruitment to the new Standards Panel, bearing in mind the requirements of proportionality.</p> <p>8) Approval to deal with the setting up of a Standards Panel, and associated recruitment be sought from the Chief Executive as an urgency procedure.</p> <p>9) Recruitment pack to be adapted.</p>	<p>CC</p> <p>CC</p> <p>HD/CC</p>
6.	Date of next meeting		10) To be arranged when the model code of conduct and/or new legislation is available	HD

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