

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</p> <p>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>

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		<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>	<p>CC</p>
4.	<p>Proposed standards regime for Herefordshire</p>	<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>	<p>CC</p> <p>CC</p>
5.	<p>Appointments to the Standards Panel</p>	<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>		

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		<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