

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 20 October 2006

Membership:

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member).

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

1. We have decided in principle to grant a dispensation to two members of Yarkhill Parish Council in relation to their roles as members of Yarkhill Village Hall Committee. We are seeking clarification from the Standards Board for England (SBE), in relation to Paragraph 3.1 (i) of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002. We feel that the wording "where the number of councillors that are prohibited from participation in the business of the council exceeds 50% of those who are entitled or required to participate" is ambiguous, and in relation to our discussions on Yarkhill PC, we questioned the exact meanings of "entitled" and "required", and whether either word was a reference to quorum. This issue is particularly important to a smaller parish council, which might have less than 50% of its members exempted from a particular discussion (and so might not be in a position to have a dispensation granted), and might struggle to be quorate due to the absence of one of two additional members.

DISPENSATIONS: DRAFT GUIDANCE FOR TOWN AND PARISH COUNCILS

2. The Herefordshire Association of Local Councils (HALC) has now commented on the draft guidance, and we have suggested some further amendments. We will shortly be in a position to issue the finalised guidance, which is aimed at helping Town and Parish Councils through what can be a somewhat complex process.

HEARINGS: DRAFT GUIDANCE FOR PARTICIPANTS

3. We have been working on guidance with the aim of making participants aware of what to expect from the hearing process at an early stage, and to encourage a less daunting atmosphere. The guidance will cover frequently asked questions, and will address some of the common misconceptions. A good example of this is that we have identified a need to explain to witnesses the differences between giving evidence about the facts of a particular case, and giving evidence of mitigating factors (in circumstances when the Committee has found that there is a breach of the Code of Conduct). We hope that this approach will give all participants greater confidence to speak, and will also assist in making the process business-like but also as fair as possible.

ANNUAL REPORT 2006

4. We have considered a first draft of our Annual Report, and will finalise it on 12 January 2007. This year we are working on a new format, and will circulate it as a "stand-alone" document to other Authorities, Standards Committees and interested organisations. We also intend it to show the Standards Board for England that Herefordshire is able to demonstrate best practice in Code of Conduct and Standards Committee matters.

HEREFORDSHIRE CODE OF CORPORATE GOVERNANCE

5. We have commented on the Council's Corporate Governance Code, which follows joint guidance produced by CIPFA and SOLACE. We have suggested amendments, and an expansion to Paragraph 42 to include more detail about the Council's ethical framework, and the roles of the Monitoring Officer and the Standards Committee; and to make specific reference to the various codes that the Standards Committee has developed and continues to monitor, such as the Code of Conduct, and protocols relating to the use of Council resources, and to Planning matters.

SBE BULLETIN 30

6. The SBE Bulletin gave us plenty of material for discussion, and we were extremely grateful to Robert Blower, Head of Communications, for his valuable input at the meeting. As a result, revisions to the Council's protocols on dealing with the media are under way, and the new protocol will include much of the SBE guidance, which is clear and easy to follow.
7. In addition, we considered the SBE's proposed new approach to monitoring local investigations. We do not agree with the SBE's suggestion that, in the event of a serious problem with the outcome of a Standards Committee hearing, the SBE will contact the Chief Executive in the first instance. We will write to Paul Hoey, Head of Policy and Guidance at the SBE, expressing our view that this proposal detracts from the Committee's autonomy, and that we would prefer to be the first line of contact in the event of a problem.

"A QUESTION OF STANDARDS"

8. The Committee noted a paper produced by the Cornerstone Group (of MPs), and the SBE's detailed response to it.

STANDARDS BOARD FOR ENGLAND ANNUAL REVIEW: "DEVOLUTION"

9. The SBE Annual Review is centred on the continued move to a system of local assessment of complaints, and the SBE's adoption of the role of strategic regulator within this framework. As part of this devolution, the SBE will issue a simpler, clearer, and locally-owned Code of Conduct. It is proposed to issue this Code in time for May 2007, and consultation will begin shortly. We will keep the Council, and other interested parties, informed of progress.

FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

10. The Annual Assembly took place at the International Conference Centre in Birmingham on 16 and 17 October 2006. Richard Gething and Councillor John Stone attended this event for one day, and David Stevens, John Hardwick and Councillor John Edwards attended for both days. Over 700 delegates participated in specialist discussion groups and listened to addresses from key speakers on standards and ethics issues. Once again, the conference proved to be an invaluable resource for training and information, and is an essential forum for exchanging ideas highlighting important issues. The recurrent theme was devolution, and the implications that this will have for resources. It was clear to all of our members, from discussions with members from other areas, that the Herefordshire Standards Committee is extremely well supported by the Council, has gained significant experience in conducting hearings, and is at the cutting edge of ethics and standards.

JOINT TRAINING EVENT WITH THE STANDARDS COMMITTEE AND HALC

11. We will be holding a joint training session with HALC on 29 November 2006, on the Code of Conduct. We are also liaising with Simon Mallinson, Head of Legal and Democratic Services at Worcester County Council, to provide joint training for Standards Committee Members in Herefordshire and Worcestershire, and on the Combined Fire and Rescue Authority and the West Mercia Police Authority.

DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

12. We have considered progress reports on current investigations by the Standards Board for England.

STANDARDS COMMITTEE ON THE COUNCIL'S WEBSITE

13. The Committee is in the process of updating its website content, and making ethics and standards information more accessible.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the meeting held on 20 October 2006.