

# A G E N D A

## Standards Committee

Date: **Friday, 4th February, 2005**

---

Time: **2.00 p.m.**

---

Place: **COMMITTEE ROOM 1, SHIRE  
HALL, ST OWEN STREET,  
HEREFORD**

---

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

*For any further information please contact:*

*Heather Donaldson, Members' Services,  
Brockington, 35 Hafod Road, Hereford.*

**Tel: 01432 261829. Fax: 01432 260286.**

**E-Mail:**

***hdonaldson@herefordshire.gov.uk***

---

**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Standards Committee

To: Robert Rogers (Independent Member)(Chairman)

Councillors P.E. Harling and J.W. Edwards, Richard Gething, John Hardwick,  
P.E. Harling and David Stevens

David Stevens (Independent Member)

Richard Gething (Parish Council Representative)

John Hardwick (Parish Council Representative)

	Pages
<p>1. <b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p>2. <b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 3 December 2004, and the notes of the hearing held on 14 January 2005.</p> <p><b>Note: The information relating to 14 January 2005 will follow shortly.</b></p>	1 - 4
<p>3. <b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. <b>DISCUSSION WITH MR P. HOEY OF THE STANDARDS BOARD FOR ENGLAND</b></p> <p>Mr P. Hoey will speak about the Standards Board for England and its current priorities, and will take any questions from the Committee and members of the Public.</p>	
<p>5. <b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS</b></p> <p>To consider applications for dispensations received from any town or parish councils.</p> <p><b>Wards: County-wide</b></p>	
<p>6. <b>COMMITTEE ON STANDARDS IN PUBLIC LIFE 10TH REPORT: "GETTING THE BALANCE RIGHT"</b></p> <p>To consider the recommendations of the Committee's 10th inquiry on implementing standards of conduct on public life.</p> <p><b>Wards: County-wide</b></p>	5 - 10
<p>7. <b>LOBBY GROUPS, DUAL-HATTED MEMBERS AND THE CODE OF CONDUCT</b></p> <p>To consider the attached report on guidance for Members from the Standards Board for England.</p>	11 - 14

**Wards: County-wide**

**Note: The guidance booklet has been sent to you with this agenda. Please bring your copy to the meeting.**

**8. PUBLIC INTEREST REPORT - KINGTON TOWN COUNCIL** 15 - 18

To consider an updated report in respect of Kington Town Council.

**Wards: Kington**

**9. TERMS OF OFFICE OF INDIVIDUAL MEMBERS** 19 - 20

To note the current terms of office of individual members.

**Wards: County-wide**

**10. PROGRAMME OF MEETINGS FOR 2005/06**

To agree a programme of meetings.

**EXCLUSION OF THE PUBLIC AND PRESS**

**In the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.**

**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.

**11. HEARING ON 4 MARCH 2005**

To consider the arrangements for the hearing.

**This item discloses information relating to the financial or business affairs of a particular person (other than the Authority).**

**12. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND 2004** 21 - 24

To update the Committee about determinations by the Standards Board for England in 2004/2005 concerning the County.

**This item discloses information relating to the financial or business affairs of a particular person (other than the Authority).**

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Standards Committee held at Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 3rd December, 2004 at 3.00 p.m.**

**Present:** Robert Rogers (Independent Member)(Chairman)  
Councillors Peter Harling and John Edwards  
David Stevens (Independent Member)  
Richard Gething (Parish Council Representative)  
John Hardwick (Parish Council Representative)

**In attendance:** Councillors R.M. Wilson

**20. APOLOGIES FOR ABSENCE**

There were no apologies for absence

**21. DECLARATIONS OF INTEREST**

There were no declarations of interest

**22. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 15th October 2004 be approved as a correct record and signed by the Chairman.

Arising on minute 13 (Planning Code of Conduct revisions) The County Secretary and Solicitor reported that the Standards Board for England had confirmed its view that agents could speak on behalf of Councillors at meetings of Planning Committees.

Minute 14b (Applications for dispensations received from Town and Parish Councillors) The County Secretary and Solicitor reported that she had suggested to Dinedor Parish Council that they attempt to co-opt a member onto their Committee to overcome the problem of not qualifying for dispensation.

Minute 15 (Third Annual Assembly of Standards Committees) The County Secretary and Solicitor said that a report would be submitted to a future meeting of the Committee in respect of the tenure and terms of appointment of Standards Committee Members

**23. STANDARDS COMMITTEE ANNUAL REPORT 2003-04**

The County Secretary and Solicitor presented a report about the work undertaken by the Standards Committee in 2003-04 and suggesting that an Annual Report be published. The Committee considered details of the report and agreed to several amendments including details about its members and some minor alterations to the wording of the text of the report.

**RESOLVED (unanimously) that (a) the report be received and noted and (b) the revised report be circulated to Hereford and Worcester Fire and Rescue Authority, Herefordshire Association of Local Councils, Local Councils, the Standards Board for England and the Local Press**

**24. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS**

The Committee considered the report of The County Secretary and Solicitor on an application for dispensation received from Bartestree with Lugwardine Group Parish Council. She said that at its last meeting on 15th October the Committee had granted dispensation to eleven members of Bartestree with Lugwardine Group Parish Council who were Trustees of Bartestree Village Hall, a registered charity. Prior to the meeting the Parish Council had requested an additional member be granted dispensation but this had not been reported at the meeting. The Committee agreed that the additional member should be added to the list of those members granted dispensation.

**RESOLVED (unanimously) that Councillor P A Wargent of Bartestree with Lugwardine Group Parish Council be granted a dispensation in respect of Bartestree Village Hall**

**25. THE FREEDOM OF INFORMATION ACT 2000 AND THE IMPLICATIONS ONFOR THE STANDARDS COMMITTEE**

The County Secretary and Solicitor presented a report about the Freedom of Information Act 2000 and the implications it would have for the work of the Standards Committee. She said that the Act, which would come into force on 1 January 2005, was aimed at giving the public greater access to information and promote transparency and openness in government.

The Act gives members of the public a right of access to all recorded information held by Herefordshire Council, and would impose obligations to disclose information and to provide advice and assistance to those requesting information. She outlined the procedure involved, the arrangements for records management and the impact that the provisions of the Act could have on the work of the Standards Committee. She said that there were a number of exemptions contained within the Act which may be relevant to the work of the Committee, particularly Section 30 which related to investigations and proceedings conducted by public authorities.

The Committee was concerned that the Office of the Deputy Prime Minister was very late in issuing detailed guidance on the operation of the Act, particularly in view of the fact that it was due to come into force shortly.

**RESOLVED (unanimously) that the Committee note the impact of the Act and the effect that it would have on their procedures and practices and that The County Secretary and Solicitor arrange for the Chairman to be notified of any requests in respect of the Standards Committee under the provisions of the Act**

**26. TRAINING AND DEVELOPMENT**

The County Secretary and Solicitor outlined the work of the Council's Members' Development Working Group in respect of training for Councillors. A number of events had been run during the year including training on the Code of Conduct and the Planning Code of Conduct. In January the Standards Committee had undergone joint training with the Committee of Worcestershire County Council and the Hereford and Worcester Fire and Rescue Authority. Councillor Richard Gething outlined the training courses which the Hereford Association of Local Councils had run for its Members. He said that future training would include Chairmanship of meetings and it was felt useful if the Standards Committee could have a slot at this event.

Mr David Stevens mentioned that at the recent Annual Assembly of Standards Committees proposals were formulated for a joint meeting of the Independent Members of the Standards Committees of Herefordshire, Shropshire and Worcestershire. The Chairman felt that it would be more beneficial for a joint meeting of all members of Standards Committee and he would contact the convenor at South Shropshire District Council to ascertain if this could be done.

**27. SELECT COMMITTEE EVIDENCE**

The Committee noted the written evidence which had been submitted to the Select Committee investigating the role and effectiveness for the Standards Board for England.

**28. PUBLIC INTEREST REPORT - KINGTON TOWN COUNCIL**

The Committee noted the public interest report which had recently been published by the District Auditor concerning Kington Town Council. The County Secretary and Solicitor outlined the content of the report and meetings that she had recently held with the Town Council about the matter. The Chairman said that he would write to the Mayor of the Town Council outlining the help that would be offered in respect of an Action Plan that was being prepared for the future conduct of the Council

**29. DATE OF NEXT MEETING**

It was agreed that the next meeting would be held on Friday 4th February 2005

**30. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND 2004**

The Committee considered a report on current investigations by the Standards Board for England in respect of complaints of alleged misconduct against certain Councillors

**31. LOCAL DETERMINATION OF COMPLAINTS**

The Committee considered the arrangements for hearing a complaint against a local Councillor which had been referred to it by the Standards Board for England. The County Secretary and Solicitor reported on the arrangements and noted that the Committee had powers to appoint a panel for the hearing. The Committee agreed with the view of the Chairman that it was preferable for the entire Committee to be involved in the hearing, especially as it was the first one that would be dealt with locally. The hearing would be held on 14th January 2005 with provision for the Committee to adjourn and reconvene on 28th January if necessary. The County Secretary and Solicitor would arrange for the details about the case to be submitted to Members at the earliest opportunity

The meeting ended at Time Not Specified

**CHAIRMAN**





## **COMMITTEE ON STANDARDS IN PUBLIC LIFE TENTH REPORT "GETTING THE BALANCE RIGHT : IMPLEMENTING STANDARDS OF CONDUCT IN PUBLIC LIFE"**

**Report By: County Secretary and Solicitor**

### **Wards Affected**

County-wide

### **Purpose**

1. To note the recommendations of the Committee's Tenth Inquiry launched in January 2004 which looked at a number of areas including:
  - the management and enforcement of codes of conduct including declarations of interest across local government, the national health service and other public bodies.

### **Background**

2. The Committee on Standards in Public Life was established in October 1994 by the then Prime Minister in response to concerns about standards in public life. It was given wide ranging terms of reference to examine current concerns about the standards of conduct of all holders of public office. The Committee has published nine reports covering virtually all elected and appointed public office holders.
3. The Committee's Tenth Inquiry was launched in January 2004 to examine the administrative procedures which flow from the implementation of the various recommendations of the Committee since it was established a decade earlier. The Committee wished to know whether the procedures and processes set up have been "effective, proportional and not excessive to the objects of the exercise".
4. The selected areas for inquiry were:
  - Appointments and re-appointments to public bodies (not the civil service);
  - The management and enforcement of codes of conduct including declarations of interest across local government, the national health service and other public bodies; and
  - Whether the seven principles of public life are being embedded into organisational culture and what steps are being taken to ensure that this involves the appropriate use of training and development and is more than a box-ticking exercise.

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

## The Ethical Standards Framework for Local Government

5. The published Summary of the Tenth Report will be circulated separately to members of the Committee. However, the Report concludes:

*The Committee on Standards in Public Life have concluded that although improvements can and should be made to the existing system for handling complaints under the Model Code of Conduct, the framework must move to locally based arrangements for the initial handling, investigation and determination of all but the most serious cases. Only by local ownership and involvement can issues of ethical organisational culture be properly addressed and the overall regulatory framework for standards in local government made proportionate and strategic.*

6. The Committee have made 32 recommendations in relation to the ethical standards framework for local government and they are reproduced in the Appendix to this Report for the Committee's consideration.

## RECOMMENDATION

**THAT** the Standards Committee note the publication of the Tenth Report of the Committee on Standards in Public Life and the series of recommendations in relation to local government.

### Chapter 3: The ethical standards framework for local government

RECOMMENDATION	MECHANISM	TIMEFRAME
<p><b>NORTHERN IRELAND</b></p> <p>R15. Following the review of public administration, and upon the restoration of the Assembly in Northern Ireland, a Statutory Code of Conduct for Councillors should be introduced with a proportionate and locally-based framework for enforcement, drawing upon experience of other parts of the UK.</p>	Legislation	Upon restoration of the Assembly
<p><b>ENGLAND</b></p> <p>R16. Parish councils should remain with the ethical framework for England: the same principles of conduct should apply to all locally-elected representatives, irrespective of the size of authority (or the powers of that authority) to which they were elected.</p>	N/A	N/A
<p>R17. The Government should announce its intention to amend Part III of the Local Government Act 2000 in the parliamentary session 2005/06 to enable the sifting of complaints to be undertaken by local Standards Committees.</p>	Government Response to this Report	Immediate
<p>R18. The amendment to Part III of the Local Government Act 2000 should:</p> <ul style="list-style-type: none"> <li>• Place a duty on the Standards Board for England to delegate the responsibility for initial sifting of complaints to individual local Standards Committees. The delegation should be subject to the operation within a national framework prescribed by the Standards Board (and based upon criteria used by the Standards Board in sifting and referrals) by which local Standards Committees can decide: <ul style="list-style-type: none"> <li>(i) whether to investigate a complaint or not (and if not whether mediation or conciliation between parties or general action in relation to awareness and understanding of the Code is appropriate);</li> <li>(ii) which complaints are of such potential seriousness they should be referred for national investigation;</li> <li>(iii) whether, following a local investigation, a complaint should be referred to the Adjudication Panel; or</li> <li>(iv) to hear and determine the case, with an appropriate penalty where necessary; or</li> <li>(v) accept that no breach has occurred; or</li> <li>(vi) to instruct the monitoring officer and/or Standards Committee chair to instigate mediation or conciliation between parties or general action in relation to awareness and understanding of the Code.</li> </ul> </li> <li>• Introduce a requirement for Standards Committees to report annually to the Standards Board and full Council on the operation of the ethical framework;</li> </ul>	Amendment to Part III of the Local Government Act 2000	During parliamentary session 2005/6 and implemented from January 2007

<ul style="list-style-type: none"> <li>• Introduce a requirement for each Standards Committee and the Standards Boards to determine and publish targets for the completion of each stage in the complaints-handling process they are responsible for and to report on these as part of their respective annual reports; and</li> <li>• Provide a power for the Standards Board to audit the operation of the framework by a local Standards Committee and, if necessary following the audit, to remove the delegation until satisfied that necessary remedial action has been undertaken.</li> </ul>		
<p>R19. The Government should introduce, as a matter of urgency, secondary legislation to require a majority of independent members and an independent chair for Standards Committees and sub-committees in England. This is a critical element of our proposals to improve the existing system and to lay the ground for the subsequent introduction of the locally-based system.</p>	<p>Secondary Legislation</p>	<p>Immediate</p>
<p>R20. Prior to the introduction of the locally-based system, all complaints assessed by the Standards Board as not requiring any investigation should also be sent to the local monitoring officer and Standards Committee so that they:</p> <ul style="list-style-type: none"> <li>(i) are fully aware of complaints made within their jurisdiction;</li> <li>(ii) can become familiar with the criteria used to decide whether an investigation is justified or not; and</li> <li>(iii) judge whether the complaints indicate that some informal mediation between members or parties might be required or general awareness raising or training.</li> </ul>	<p>Standards Board's Operations</p>	<p>Immediate</p>
<p>R21. That the Standards Board should take steps to communicate more robustly and publicly to complainants, members and the public more generally, those minor, trivial, vexatious and politically inspired complaints which are inappropriate to be dealt with under the ethical framework (following the example of the Local Government Ombudsman for Wales).</p>	<p>Standards Board's Operations</p>	<p>Immediate</p>
<p>R22. The Committee welcomes the steps taken by the Standards Board to resolve delays and backlogs in investigations. These measures should be further bolstered by taking full advantage of the new s66 regulations to refer to a local level a steadily increasing proportion of complaints judged worthy of investigation. In light of our recommendations to enable initial complaints-handling to be done at the local level, the experience of operating the s66 regulations over the next two years should be used by the Standards Board to develop the framework within which local Standards Committees will decide whether to refer a complaint for investigation by the Standards Board.</p>	<p>Standards Board's Operations</p>	<p>Immediate</p>

<p>R23. The Standards Board should review its Human Resource Management policies, including pay scales, to ensure that it puts a priority on secondments and transfers from local authorities to the referral and investigations units, thereby increasing and refreshing the level of local government experience.</p>	Standards Board's Operations	Immediate. Implemented before January 2007
<p>R24. The general principles, currently contained in a separate Order, should be incorporated into the Model Code. This will add clarity about the fundamental purpose of the Code and help provide a context for members behind some of the more detailed provisions in the Code. It will also make the Model Code more relevant to members of the public and assist in providing a route into the Code when considering making a complaint.</p>	Standards Board's review of the Model Code of Conduct	April 2005
<p>R25. The phrase "in any other circumstance" should be removed from the Model Code in England (paragraphs 4 and 5 of schedule 1) so as to add clarity to the distinction between private and official conduct.</p>	Standards Board's Review of the Model Code of Conduct	April 2005
<p>R26. Failure to register an interest (financial or other) should normally be treated as a matter for local investigation and determination. This should be reflected in the operation of the new s66 regulations, and in the new locally-based system.</p>	Standards Board's review of the Model Code of Conduct, Standards Board referral criteria	April 2005
<p>R27. The following principles should apply where members are appointed, or nominated, to an outside body by their local authority (or have their membership approved by their local authority); are a member of another relevant authority; or are a member of another public body in which they hold a position of general control or management. They should be free to speak but not vote, subject to:</p> <ul style="list-style-type: none"> <li>(i) the declaration of a personal interest;</li> <li>(ii) the matter before the Council/Committee does not relate to an application by the outside body for any licence, consent or an approval or any objection to such matters or to any statutory order or regulation to be made by the local authority; and</li> <li>(iii) any representations must be made in an open and transparent manner.</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005
<p>R28. In planning decisions the ability of elected members to represent constituents' interests where they have personal and prejudicial interests has been unnecessarily diminished. This should be changed to give any elected member the right to speak (but not vote) for their constituents at a planning committee meeting or at any other quasi-regulatory meeting, provided:</p> <ul style="list-style-type: none"> <li>(i) a declaration of personal interest is made, including the nature of the interest;</li> <li>(ii) the representations are made in an open and transparent manner; and</li> </ul>	Standards Board's review of the Model Code of Conduct and, if necessary, primary legislation	April 2005

(iii) the member making the representations (whether a member of the Committee or not) withdraws at the completion of their representations.		
R29. The three principal regulators (Standards Board for England, Local Government Ombudsman for Wales, and Standards Commission for Scotland) should put in place formal arrangements for the sharing of experiences and best practice. This should be extended to include the body with designated responsibility for enforcement of a new statutory framework in Northern Ireland.	The three principal regulators	Immediate
R30. Prior to the introduction of the locally-based system consideration should be given as part of the review of the Code of Conduct to amend the duty to report a possible breach of the Code so that it becomes a "duty to report a possible breach to the monitoring officer and Standards Committee chair" who would then be responsible for deciding whether a formal complaint to the Standards Board should be made.	Standards Board's review of the Model Code of Conduct	April 2005
R31. All local authorities should consider using the Audit Commission/Standards Board Ethical Governance Audit tool and facilitated workshop to self-assess their arrangements for ensuring ethical standards.	Local authorities and Audit Commission	Immediate
R32. The Standards Board should develop model training and development materials that can be used to provide monitoring officers and Standards Committee members with the key competencies required to sift, investigate and determine complaints under the ethical framework. All monitoring officers and Standards Committee members should have undertaken training using this material by January 2007.	Standards Board's Operations	Immediate
R33. The Standards Board should develop further the concept of regional forums to facilitate regional support networks for monitoring officers and Standards Committee members.	Standards Board's Operations	Ongoing

## LOBBY GROUPS, DUAL HATTED MEMBERS AND THE CODE OF CONDUCT

Report By: County Secretary and Solicitor

### Wards Affected

County-wide

### Purpose

1. To note the guidance for members published by the Standards Board for England in relation to lobby groups, dual-hatted members and the Code of Conduct.

### Background

2. At its meeting on 17 January 2003, the Council agreed to adopt a Planning Code of Conduct based on government guidance and practical experience. The Code now features as Appendix 13 in the Council's Constitution.
3. Paragraphs 33 and 34 of the Planning Code of Conduct deal with "planning committee members who serve on parish and town councils".
4. The relevant text is repeated below for ease of reference.
  33. *Some Councillors will be Members of Parish or Town Councils as well as Herefordshire Council Councillors. This situation can also present problems where the Parish or Town Council is consulted on planning applications. Whilst the comments of the Parish Councils should concentrate on local issues this is often the stage when Herefordshire Councillors can come under pressure to indicate their support or objection to a particular proposal. Of particular concern is the potential for a conflict of interest arising when a Member of both Councils votes on an application at a Parish or Town meeting prior to the relevant Planning Committee meeting. It is quite conceivable that a Councillor in this position could end up voting in a different way when all the relevant information is made available in the Officer's report.*
  34. *In order to avoid this potential conflict, it would be preferable for Councillors not to serve on Parish or Town Council's planning committees. If they cannot avoid that, then they should not vote or say anything which would create the impression that they have already made up their minds prior to the relevant Herefordshire Council's planning meeting. In this way they will avoid being part of the formal process of submitting representations on planning applications to the Council, and so demonstrate their impartiality. Those Members who have indicated their view on an application or have voted should declare an interest when an application comes before the relevant Planning Committees and leave the room when it is discussed.*

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

5. The advice is clear that members are advised to “not vote or say anything which would create the impression that they have already made up their minds prior to the relevant Herefordshire Council’s planning meeting”.
6. This advice was based on guidance published by the Local Government Association “Probity in Planning (Update) The Role of Councillors and Officers – Revised Guidance Note on Preparing a Local Code of Good Practice for Councillors and Officers dealing with Planning Matters”.
7. This note was published by the Local Government Association after consideration by members of the Association’s Planning Executive; the Standards Board for England; the Department for Transport, Local Government and Regions; the Council Planning Officers Society; and the Association of Council Secretaries and Solicitors in 2002.
8. Its aim was to ensure the preservation of the integrity of the planning system as open and fair to all parties. Its advice was clear that if a member, in advance of the decision making planning meeting had taken a firm view on a planning matter, either in meetings of another body or otherwise, they would not be able to demonstrate that in participating in a decision, all the relevant facts and arguments had been taken into account – they would have fettered their discretion.

### **The Standards Board for England Guidance of September 2004**

9. The Standards Board for England have recently published guidance in relation to these matters. In the section entitled “dual-hatted members” the guidance confirms that the Code of Conduct does not automatically prevent members from considering the same issue at more than one tier of local government, including speaking and voting in both tiers.
10. It advises on page 15 that if an issue comes up for discussion at both the parish and district level and a member sits on both authorities they should:
  - *“at the parish level, make it clear that you will reconsider the matter at district level, taking into account all relevant evidence and representations at the district tier;*
  - *at the district level, declare a personal (but not prejudicial) interest arising from your membership of the parish council which has already expressed a view on the matter, and make it clear that the parish council’s view does not bind you and that you are considering the matter afresh.*

*These guidelines apply even if the proposal has a direct impact on a particular location. For example, to continue the example of a parish and district councillor, there is no objection, in principle, **to you speaking and voting** on issues in the district council’s development plan that particularly affect your parish. Of course, you must still consider if you have a prejudicial interest arising from the impact of the proposals on your well-being or financial position. In such circumstances, it would not be appropriate to rely on the exemption in paragraph 10(2) of the code.”*

### **Conclusion**

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200



11. The Committee are asked to consider whether or not it would wish to recommend a revision to the current Planning Code of Conduct at Herefordshire which advises that Herefordshire Councillors not vote or say anything which would create the impression that they have already made up their minds prior to the Herefordshire Council's planning meeting.

## **RECOMMENDATION**

**THAT**            **the Committee consider the current conflict between the Council Planning Code of Conduct and the SBE Guidance and decide how best to proceed.**



**KINGTON TOWN COUNCIL****Report By: County Secretary and Solicitor****Wards Affected**

Kington

**Purpose**

1. To inform members of the action proposed by the Kington Town Council in response to the Public Interest Report published by the District Auditor on 22 October 2004.

**Background**

2. The Standards Committee was advised at its meeting on 3 December 2004 of the District Auditor's Public Interest Report arising from general concerns about the Town Council's corporate governance arrangements.
3. One of the recommendations by the District Auditor was for the Town Council to seek advice and support from the Herefordshire Standards Committee and Monitoring Officer when promoting high standards of conduct and considering possible breaches of the Code of Conduct.

**Action Plan**

4. The Mayor of Kington Town Council (Councillor Mrs R J Bradbury) has met with the County Secretary and Solicitor as Monitoring Officer to discuss the recommendations and how best to respond. An action plan has been drawn up which is set out at Appendix A to this Report for the Committee's information.
5. This plan was recommended to the Kington Town Council at their last meeting on 17 January 2005. The County Secretary and Solicitor was also invited to attend this meeting and advised on the proposed actions. The recommendations were accepted with a number of small amendments and these are due to be ratified at the next meeting of the Kington Town Council in February.

**Presentation on Code of Conduct**

6. At the meeting on 17 January 2005, the County Secretary and Solicitor also took the opportunity to make a presentation to the Town Council of the requirements of the Code of Conduct and to take questions.

**RECOMMENDATION**

**THAT the Standards Committee note the action that has been taken in relation to Kington Town Council.**

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200



**KINGTON TOWN COUNCIL – AUDIT COMMISSION REPORT**  
**PROPOSED ACTION TO RECOMMENDATIONS**

No	Audit Commission Recommendation	Accepted	Proposed Action
1	Formally adopts a set of standards based on those recommended by the Standards Committee on Public Life (Nolan Committee).	Yes	Nolan Standards adopted on 20 December 2004, minute number 4993.
2	Operates within those standards and establishes a climate of openness and trust to enable individual councillors to work constructively together and enable the council to demonstrate it can act corporately as one body.	Yes	The scrutiny group has been set up (see terms of reference) to examine procedures to try and ensure that this intention is ultimately realised. This arrangement will be reviewed in 12 months time (January 2006). Neither of the council's formal committees (finance and personnel) have executive powers. No councillor is excluded from attending or contributing to the meetings of these committees nor to the meetings of any council working party.
3	Provide the appropriate training either alone or with neighbouring parish councils to help councillors improve their understanding of their duties and responsibilities. Such training could include awareness of the Standards in Public Life and the provisions of the Members' Code of Conduct and compliance with Standing Orders and Financial Regulations.	Yes	Training programmes are provided by HALC and councillors attended during 2004/05. Each councillor will be invited to complete a training needs questionnaire and a programme of training will be provided to meet those needs.
4	Provide further training on the way the council's decisions and actions are recorded in the minutes. Determine how frequently the Council wishes to receive reports on its financial position and in what format so that it can demonstrate its financial accountability.	Yes	The clerk will attend a suitable refresher training course. The Scrutiny Group are reviewing the financial reporting arrangements and will make appropriate recommendations in time for the next financial year.
5	Where there are concerns or doubt over proposed action of the council, seek legal or professional advice.	Yes	Arrangements are in place to seek advice from NALC/HALC, the clerk from SLCC and the Audit Commission. A SLA with Herefordshire Council's Legal Services is being considered.

**KINGTON TOWN COUNCIL – AUDIT COMMISSION REPORT**

**PROPOSED ACTION TO RECOMMENDATIONS**

6	Ensure that procedures are in place to enable the council to comply with both the letter and the spirit of the new provisions of the Freedom of Information Act.	Yes	Procedures are in place to log all requests in accordance with NALC guidance. The clerk is being trained to deal with these matters. The council intends to put as much information as possible onto the council website.
7	Seek advice and support from Herefordshire County Council's standards committee and their monitoring officer when promoting high standards of conduct and considering possible breaches of the code of conduct.	Yes	Robert Rogers, the Chair of the Herefordshire Standards Committee and Marie Rosenthal (County Secretary and Monitoring Officer), have offered advice and support. Marie Rosenthal is coming to talk to the Council about the Code of Conduct and its requirements on 17 January 2005.

## **TERMS OF OFFICE OF INDIVIDUAL COMMITTEE MEMBERS**

**Report By: County Secretary and Solicitor**

### **Wards Affected**

County-wide

### **Purpose**

1. To inform the Committee of the current terms of office of individual members.

### **Background**

2. The Local Government Act 2000 introduced a framework to govern the conduct of members and co-opted members of local government and other public authorities. Part III of the Act requires the Council to set up a Standards Committee with the following role and functions.
  - Promote and maintain high standards of conduct by councillors and co-opted members.
  - Assist councillors and, where appropriate, co-opted members, to observe the Code of Conduct.
  - Advise the Council on the adoption or revision of the Code of Conduct.
  - Monitor the operation of the Code of Conduct.
  - Advise, train or arrange to train councillors and co-opted members on matters relating to the Code of Conduct.
  - Exercising these functions in relation to parish councils for which it is the responsible authority and the members of those councils.
  - Granting dispensations to councillors, co-opted members and church and parent governor representatives from requirements related to interests set out in the Code of Conduct.
3. Regulations published under the Local Government Act 2000 requires Standards Committees to be composed of at least two councillors (who may not include the Leader of the Council) and at least one person who is not a councillor or officer of the council or any other body having a standards committee (the independent member).
4. The current composition of the Herefordshire Standards Committee as set out in the Constitution is the Chairman and Vice-Chairman of the Council, two independent members and two parish council representatives nominated by the Herefordshire Association of Local Councils.

---

Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

5. Robert Rogers, Chairman of the Standards Committee, was re-appointed as Chairman and Independent Member by the Council at its meeting on 23 May 2003.
6. Richard Gething was appointed to succeed Marcus Allen on the recommendation of the Herefordshire Association of Local Councils, and took up office in June 2003.
7. David Stevens, independent member, was appointed by the Council at its meeting on 16 January 2004 for a term of office of 4 years.
8. John Hardwick was appointed by the Council on the recommendation of the Herefordshire Association of Local Councils, at its meeting on 16th January 2004.

**RECOMMENDATION**

**THAT            this Report be noted.**



Document is Restricted



Document is Restricted

