

# A G E N D A

## Standards Committee

Date: **Friday, 12th January, 2007**

---

Time: **2.00 p.m.**

---

Place: **The Council Chamber,  
Brockington, 35 Hafod Road,  
Hereford**

---

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

*For any further information please contact:*

*Heather Donaldson, Brockington, 35 Hafod Road, Hereford*

**Tel: 01432 261829; Email:  
hdonaldson@herefordshire.gov.uk**

---

**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Standards Committee

To: Robert Rogers (Independent Member)(Chairman)

Councillors John Edwards and John Stone

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Parish and Town Council Representative)

	Pages
<p>1. <b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p>2. <b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
<p>3. <b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 20 October 2006.</p>	1 - 6
<p>4. <b>DISPENSATIONS REGULATIONS</b></p> <p>To consider the attached advice from the Standards Board for England, in relation to the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002.</p> <p><b>Wards: County Wide</b></p>	7 - 10
<p>5. <b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS</b></p> <p>To consider any applications for dispensations received from town or parish councils.</p> <p><b>Wards: County Wide</b></p>	11 - 12
<p>6. <b>HEARINGS: DRAFT PROCEDURE GUIDES</b></p> <p>To consider a comprehensive procedure guide in respect of the hearing process (<b>TO FOLLOW</b>).</p> <p><b>Wards: County Wide</b></p>	
<p>7. <b>STANDARDS COMMITTEE ANNUAL REPORT</b></p> <p>To consider and approve a revised draft of the Standards Committee Annual Report.</p> <p><b>Wards: County Wide</b></p>	13 - 22

**8. HEREFORDSHIRE CODE OF CORPORATE GOVERNANCE**

To receive an oral update from the Head of Legal and Democratic Services in respect of amendments to the Code of Corporate Governance proposed by the Committee at its meeting on 20 October 2006.

**Wards: County Wide**

**9. PURDAH PERIOD AND GUIDANCE IN RESPECT OF 2007 ELECTIONS**

23 - 46

To note the statutory requirements relating to Council publicity during the Purdah period, and to note the information booklet "Guide to Becoming a Herefordshire Councillor".

**Wards: County Wide**

**10. TRAINING**

To receive an oral update from the Head of Legal and Democratic Services about the current Standards Committee training programme.

**Wards: County Wide**

**11. DATES OF FUTURE MEETINGS**

To note that the next Standards Committee meeting will be held at **2.00 p.m. on Friday 13 April 2007** in the **Council Chamber at Brockington**. Future meeting dates are as follows (all on Fridays):

- 06 July 2007 at 2.00 p.m.
- 19 October 2007 at 2.00 p.m.
- 18 January 2008 at 2.00 p.m.
- 25 April 2008 at 2.00 p.m.

**EXCLUSION OF THE PUBLIC AND PRESS**

**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.**

**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

**12. REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND**

To appoint a Sub-Committee to consider matters in relation to SBE Complaint No. 15104.06.

**Wards: County Wide**

**This item discloses information which is subject to an obligation of confidentiality.**

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Standards Committee held at :  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday, 20th October, 2006 at 3.45 p.m.**

**Present:** Robert Rogers (Independent Member)(Chairman)

**Councillor John Edwards and Councillor John Stone  
David Stevens (Independent Member)  
Richard Gething (Parish and Town Council Representative)  
John Hardwick (Parish and Town Council Representative)**

**83. APOLOGIES FOR ABSENCE**

*(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)*

There were no apologies for absence.

**84. DECLARATIONS OF INTEREST**

*(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)*

There were no declarations of interest received.

**85. MINUTES**

*(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)*

**RESOLVED: (unanimously) that the minutes of the meeting held on 30 June 2006 be approved as a correct record and signed by the Chairman (Robert Rogers and David Stevens both signed in this instance, because both chaired part of the meeting).**

**86. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS**

The Committee considered a report outlining an application for a dispensation received from Yarkhill Parish Council.

Members referred to the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, which enabled them to grant dispensations in circumstances when the number of councillors that would be prohibited from participating in the business of the council (due to them having a prejudicial interest) would exceed 50%.

The application was from two out of the six members of Yarkhill Parish Council, in relation to Yarkhill Village Hall, and therefore amounted to less than 50% of the Parish Council membership. Members commented that there were many similar examples in Herefordshire of smaller parish councils which might have less than 50% of its members exempted from a particular discussion. In theory, this meant that they would not be in a position to have a dispensation granted. The fact remained, however, that they might still struggle to be quorate if one or two additional members were also absent.

The Committee felt that the wording “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” was ambiguous. In relation to Yarkhill Parish Council, the Committee questioned the exact meanings of “entitled” and “required”, and whether either word was a reference to a quorum.

Members decided to grant the dispensation to both applicants, and seek clarification from the Standards Board for England (SBE) about the meaning of the Regulations. If, upon receipt of clarification, the Parish Council’s position was any different to that agreed, the Committee would inform the Parish Council.

**RESOLVED: (unanimously) that:**

- (i) the request for dispensation received from Mr J. Rawsthorne and Mr J.T. Godsall of Yarkhill Parish Council be granted;**
- (ii) the Head of Legal and Democratic Services seek clarification from the SBE in respect of Paragraph 3.1 (i) of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002; and**
- (iii) if, upon receipt of clarification, any changes are required to the dispensation granted to Yarkhill Parish Council, the Committee will inform the Parish Council.**

#### **87. DISPENSATIONS - DRAFT GUIDANCE FOR TOWN AND PARISH COUNCILS**

Mr Alan McLaughlin, Head of Legal and Democratic Services, outlined amendments to the draft Dispensations Guidance for Town and Parish Councils, and Mr Richard Gething submitted amendments suggested by the Herefordshire Association of Local Councils (HALC). Having considered all relevant aspects, the Committee agreed on the final draft.

**RESOLVED: (unanimously) that the Dispensations Guidance for Town and Parish Councils be finalised and prepared for use as soon as possible.**

#### **88. HEARINGS: DRAFT GUIDANCE FOR PARTICIPANTS**

The Chairman circulated a draft document which aimed to assist participants in hearings in becoming familiar with the hearing process at the earliest stage possible. The guidance covered frequently asked questions and addressed some of the common misconceptions. The Committee felt that the document required an additional paragraph explaining the difference between a witness called to give evidence about the facts of a particular case, and a witness called to give evidence of mitigating factors. Members agreed the following additional paragraph to be inserted after the eleventh paragraph in the document:

**“If you are called as a witness in mitigation, following the finding of fact by the Committee or Sub-Committee, you may present special factors that you wish the Committee or Sub-Committee to take into account in reaching its decision on the penalty or sanction to be imposed. Please note that you will not be able to review or comment on findings already made by the Committee or Sub-Committee.”**

**RESOLVED: (unanimously) that the Brief for Those Attending a Standards Committee Hearing be approved, subject to an additional paragraph as above, and be distributed to participants before a hearing as well as being distributed at the hearing itself.**

#### **89. ANNUAL REPORT 2005/06**

Members considered a draft Standards Committee Annual Report, and suggested the following:

- The finalised report be produced as a “stand alone” colour booklet for circulation to other Authorities, Standards Committees, Town and Parish Councils, the Standards Board and other interested organisations;
- Some members provided updated information in respect of their personal details;
- The report would cover the period up to the end of 2006, rather than following the Municipal year;
- Additional sections would be inserted on Devolution, including its potential impact on resources and training, and on HALC (in consultation with Mr Gething).

**RESOLVED: (unanimously) that the Standards Committee Annual report be amended as agreed in the above minute, and the new draft be considered at the Committee’s next meeting on 12 January 2007.**

#### **90. HEREFORDSHIRE CORPORATE GOVERNANCE CODE**

Members commented on the Council’s Code of Corporate Governance, which followed joint guidance produced by CIPFA and SOLACE. They suggested amendments to Paragraph 42, such as expanding the information to include more details about the Council’s ethical framework, and the roles of the Monitoring Officer and the Standards Committee. They felt that the document should also make specific reference to the various codes that the Standards Committee had developed and continued to monitor, such as the Code of Conduct, and protocols relating to the use of Council resources, and to Planning matters.

Mr A. McLaughlin reported that he would also make any further revisions to the document that he considered necessary from a legal viewpoint.

**RESOLVED: (unanimously) that the Council’s Code of Corporate Governance be revised, including the amendments suggested above, in consultation with the Chairman of the Standards Committee and the Head of Legal and Democratic Services.**

#### **91. STANDARDS BOARD FOR ENGLAND BULLETIN 30**

Members considered the Standards Board for England Bulletin 30, with particular reference to protocols on dealing with the Media, and the SBE’s proposed approach to monitoring local investigations.

Mr Robert Blower, Head of Communications, was present during the discussion. He reported that revisions to the Council's own protocols on dealing with the media were under way. The new protocols would include much of the SBE's guidance on the basis that it was comprehensive, clear and easy to follow.

Members did 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 would contact the Council's Chief Executive in the first instance. They felt that that this proposal detracted from the Committee's autonomy, and that members would prefer to be the first point of contact in the event of a problem.

**RESOLVED: (unanimously) that:**

- (i) **The Council's protocols on dealing with the media be revised to include the SBE guidance; and**
- (ii) **Mr A. McLaughlin would convey the Standards Committee's opinion on referring problems with hearings to the Chief Executive, to Paul Hoey, Head of Policy and Guidance at the SBE.**

**92. "A QUESTION OF STANDARDS"**

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

**RESOLVED: (unanimously) that the report be noted.**

**93. STANDARDS BOARD FOR ENGLAND ANNUAL REVIEW: "DEVOLUTION"**

The Committee considered the Standards Board for England Annual Review, which 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 proposed to issue a simpler, clearer and locally owned Code of Conduct. It anticipated that the Code would be issued in time for May 2007, and that the consultation would begin shortly.

**RESOLVED: (unanimously) that the report be noted.**

**94. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

Various members reported on the Annual Assembly of Standards Committees, which took place at the International Conference Centre in Birmingham on 16 and 17 October 2006. Mr Gething and Councillor Stone had attended this event for one day, and Mr Stevens, Mr Hardwick and Councillor Edwards had attended for both days. Over 700 delegates participated in specialist discussion groups and listened to addresses from key speakers on standards and ethics issues. Members felt that the conference had proved to be an invaluable resource for training and information, and was an essential forum for exchanging ideas highlighting important issues. The recurrent theme was devolution, and the implications that this would have for resources. Members also gained the insight, from discussions with members from other areas, that the Herefordshire Standards Committee was extremely well supported by the Council, had gained significant experience in conducting hearings, and was at the cutting edge of ethics and standards.

**RESOLVED: (unanimously) that the report be noted.**



## 95. TRAINING EVENTS

Mr A McLaughlin reported that there would be a joint training session with HALC on 29 November 2006, on the Code of Conduct. Members expressed an interest in attending informally. Mr McLaughlin was also liaising with Mr 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.

Mr Gething produced statistics on training from HALC, and said that he would put these into a clearer format in time for the next meeting.

**RESOLVED: (unanimously) that the report be noted.**

## 96. DATES OF FUTURE MEETINGS

The next Standards Committee meeting would be held at 2.00 p.m. on Friday 12 January 2007 in the Council Chamber at Brockington. Future meeting dates were noted as follows:

- Friday 13 April 2007 at 2.00 p.m.

In addition, members also approved the following meeting dates:

- 06 July 2007 at 2.00 p.m.
- 19 October 2007 at 2.00 p.m.
- 18 January 2008 at 2.00 p.m.
- 25 April 2008 at 2.00 p.m.

## 97. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

*(Note: Councillor Edwards was not present during the discussion on this item, having left the meeting to attend another engagement).*

The Committee considered a report on the current investigations by the Standards Board for England in respect of complaints of alleged misconduct against certain councillors during 2006.

Arising from this discussion, members also looked at how hearing and meeting information was displayed in the Council's website, and felt that a more consistent approach was needed. They also looked at how standards and ethics issues were displayed on the home page, and expressed the view that there was great merit in providing more detail, and that accessibility to a greater range of external links and information was required.

**RESOLVED (unanimously) that:**

- (i) **the report be noted; and**
- (ii) **the Head of Legal and Democratic Services and the Democratic Services Officer explore ways to improve and update the Council's website in relating to standards and ethics issues.**

The meeting ended at 5.35 p.m.

**CHAIRMAN**



## DISPENSATIONS REGULATIONS

Report By: Democratic Services Officer

### Purpose

1. To consider the attached advice from the Standards Board for England in respect of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002.

### Background

2. At the meeting on 20th October the Committee considered a dispensation application from Yarkhill Parish Council in respect of members with an interest in Yarkhill Village Hall. The dispensation was approved, but it was pointed out in discussion that the wording of 3(1)(a)(i) of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 (SI, 2002, No 339) was ambiguous. Did the "50% affected" test apply to all the members of a Council (those "entitled" to take part in a meeting), or was it related to the quorum (those "required" to take part in a meeting). And there was an additional ambiguity in "required": did it refer to the number required -- the quorum -- or to individuals who for some business reason were required to take part in a decision?
3. The Democratic Services Officer sought advice from the Standards Board for England, which is attached. The Board are not prepared to give definitive advice; they say that this is for the Department of Communities and Local Government, who (as the Office of the Deputy Prime Minister) drafted the regulations (as the SBE say "without much input from anyone as I understand it"). But the SBE are clear that there is an ambiguity in the drafting. They feel that individual Standards Committee should take their own view, and they say that "it is not likely that the Board or Ethical Standards Officers would challenge any reasonable interpretation of the Regulations.

### RECOMMENDATION

**THAT** the Committee considers the view of the SBE and decides what interpretation it wishes to put on this provision of the Regulations. The Committee may also wish to ask the Chairman to write to the Minister to ask what interpretation his Department puts upon them, and also to consult the Parliamentary Joint Committee on Statutory Instruments to see whether they took a view upon this point when originally considering the Regulations.



**From:** Mark Jones [Mark.Jones@standardsboard.co.uk]  
**Sent:** 03 January 2007 17:52  
**To:** Donaldson, Heather  
**Cc:** Freda Sharkey; Natalie Ainscough  
**Subject:** RE: Dispensation Regulations 2002 - Query about Para 3.1 (i)

Thanks for your query.

Although the Standards Board cannot give definitive advice in relation to specific factual situations, the following general guidance may be of some assistance. It should be noted that the Standards Board's Ethical Standards Officers are operationally independent. Whilst Ethical Standards Officers will be guided by the views of the Standards Board nothing contained in this e-mail should be taken as binding on them.

For a more definitive interpretation of these regulations you really need to contact the DCLG as they produced the statutory instrument without much input from anyone as I understand it. The Dispensation Regulations were drafted by the government to enable parish council members with prejudicial interests to take part in meetings where over 50 per cent of the meeting would otherwise be prevented from participating. Any questions about the content or operations of the regulations can be addressed to the DCLG at –

[Contactus@communities.gsi.gov.uk](mailto:Contactus@communities.gsi.gov.uk) (general enquiries)

**Address:**

Communities and Local Government  
Eland House  
Bressenden Place  
London  
SW1E 5DU

**Fax:** 020 7944 4101

They aim to respond to all written correspondence within 15 working days.

**Are entitled**

My interpretation of the words "are entitled" is that this refers to all those members (usually including co-optees) who are on the committee (i.e. entitled to participate in any meeting). So, generally it will not be possible to grant a dispensation to members unless at least 50% of them would be prevented from taking part in a meeting.

**Or required**

My interpretation of the effect of the words "or required" you refer to is that it may allow a dispensation to be granted to a member by a standards committee which would only be effective when non-attendance at a particular meeting by that particular class of member would render the meeting incapable of taking place. (e.g. parish representative at a standards committee meeting or where the quorum is set at more than 50% of the membership of the body concerned).

I do not think it can be a reference to a quorum in general. If it was there would appear to be no point in having the reference to 50% of those entitled to participate since this would pretty well always exceed the quorum and, therefore not need to be there.

An additional problem with reading it as meaning 50% of the quorum is what happens in the following situation. A dispensation is granted to two members of a parish council to be used only when the council meeting would otherwise be inquorate. There is a future meeting at which 3 other members intend to attend. The quorum is 4. Which of the two members with a dispensation can attend? Legally, can they both be given dispensations which would allow them to attend? It would appear not since; on each occasion when the dispensation would apply the number of members who cannot participate must render the meeting inquorate.

In the end it is a matter for your standards committee to deal with these regulations as best they can, given their ambiguity. The advice we have given on our website about them is as far as we feel able to go in trying to clarify what they mean. It is not likely that the Board or Ethical Standards Officers would challenge any reasonable interpretation of the regulations. Hopefully the DCLG can shed some more light on what they mean for you.

**DISPENSATIONS TO TOWN AND PARISH COUNCILS****Report By: Head of Legal and Democratic Services****Purpose**

1. To consider an application for dispensation received from Welsh Newton and Llanrothal Parish Council.

**Financial Implications**

2. None

**Background**

3. 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.
4. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 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.
5. 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.
6. The 2002 regulations also specify two circumstances where a dispensation may not be granted; first, 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.

7. Three out of the seven members of Welsh Newton and Llanrothal Parish Council have requested a dispensation in relation Welsh Newton Village Hall. The three members are:

Ms Elissa Swinglehurst  
Mr John Lane  
Mrs Moria Cox

8. All three are Village Hall trustees, and the dispensation will enable members to discuss village hall matters.

### **RECOMMENDATION**

**THAT** the Committee considers granting the three members of Welsh Newton and Llanrothal Parish Council named in the report, a dispensation in respect of Welsh Newton Village Hall.

### **BACKGROUND PAPERS**

- Application forms for Dispensations, from the Clerk to Welsh Newton and Llanrothal Parish Council, dated 15 December 2006



**STANDARDS COMMITTEE ANNUAL REPORT 2006****Report By: Democratic Services Officer****Wards Affected**

County-Wide

**Purpose**

1. To consider how the Standards Committee's work in 2006 can best be communicated to stakeholders and others, including County, Town and Parish Councillors in Herefordshire, the Standards Board for England, neighbouring authorities, authorities whose Standards Committees participate in the West Mercia Independent Members' Forum, our Members of Parliament and the members of the former Standards Commission (Lord Lieutenant, Recorder and Bishop).
2. The Committee gave preliminary consideration to a draft Annual Report at its meeting at its meeting on 20<sup>th</sup> October; made some factual amendments; and agreed to consider a recast paper at its next meeting. The Clerk and Chairman have produced the attached new draft.

**Handling**

3. The Chairman suggests that the Committee's special position in relation to the Council should be reflected by producing the Annual Report in a free-standing document, rather than in the conventional form of a Report to Council; and that it should be in a distinctive format.

**RECOMMENDATION****THAT the Committee considers the content of the Report and its subsequent handling.**

## COVER

A photographic cover (along the lines of the *Guide to Becoming a Herefordshire Councillor*) but with a different picture, typical of the County's landscape.

The Council logo top left.

Title:

***Standards in Local Government: what we are doing in Herefordshire***

***The Annual Report of the Standards Committee for 2006***

## INSIDE FRONT COVER

**HEREFORDSHIRE....covers 842 square miles (218,000 hectares). In area it is the second largest non-metropolitan unitary authority in England**

**It has a population of 179,000, just over half of whom live in Hereford City and five market towns (Bromyard, Kington, Ledbury, Leominster and Ross-on-Wye)**

**In addition to Herefordshire Council, there are 138 Town and Parish Councils (and four Parish meetings), more than in any other unitary authority**

**In all, some 1,300 councillors are involved in local government in Herefordshire**

## FACING INSIDE COVER

Set out in a style similar to the *Guide* referred to above, headings in green.

## OPEN, FAIR AND PROPORTIONATE

### **What we do [text box]**

The Committee was established on [date] under section 53 of the Local Government Act 2000 and first met on 8<sup>th</sup> February 2002.

- We promote and maintain high standards of conduct by the members (and co-opted members) of Herefordshire Council, and of Town and Parish Councils in the County
- We advise on codes of conduct (and draft and revise them where necessary)

---

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

- We train members on conduct issues, and help them to observe codes of conduct
- We hold local hearings and determine complaints against councillors which are referred to us by the Standards Board for England, or which come to us after a complaint is referred by the Board for local investigation
- We respond to inquiries from the public on any aspect of our work

**In all that we do, we seek to ensure that Herefordshire demonstrates best practice and is at the forefront of developments nationally. Codes of Conduct, and the regulation of standards issues, are now part of public life. There is no doubt that they play an important part in enhancing and maintaining public confidence. The credibility of the system in local government, as elsewhere, depends upon it being *open, fair and proportionate*. These principles are at the heart of our approach.**

## TEXT ON SUBSEQUENT PAGES

**MEMBERSHIP** [photographs of each alongside. Period on Committee, and whether first or second term, to be added]

Our membership in 2006 was

- **Robert Rogers (Independent Member) (Chairman):** Robert Rogers has been in the service of the House of Commons since 1972 and is now the House's Clerk of Legislation, and a Clerk at the Table. During his time at the House he has been involved in every area of its work. He writes on Parliamentary and governance issues and is the co-author of *How Parliament Works*, the sixth edition of which appeared in July 2006. He is married with two grown-up daughters and has lived in the County since 1977. He is also a member (and has been Chair and Vice-Chair) of the Standards Committee of the Herefordshire and Worcestershire Combined Fire Authority.
- **Councillor John Edwards:** John Edwards was Vice-Chairman of Herefordshire Council until 13 May 2005 when he became Chairman. He helped to found How Caple, Sollers Hope and Yatton Group Parish Council in 1974, and has been a member ever since. He has been a churchwarden for forty-six years, was County Chairman of the Young Farmers Club in the fifties, and represented local farmers at national level. He is a farmer and landowner in How Caple, and is married with a grown up daughter and two sons, and six grandchildren.
- **Councillor John Stone:** John Stone joined the Council in 2000 having been in the teaching profession for many years. He became Vice-Chairman of Herefordshire Council on 13 May 2005. He has also held a number of other offices with the Council including Vice Chairman of the Education Scrutiny Committee, Vice Chairman of the Northern Area Planning Sub-Committee, Vice Chairman of the Social and Economic Development Scrutiny Committee, Chairman of the Courtyard Review Group, a Member of the Herefordshire Local Admissions Forum and Chairman of the Standing Advisory Council for Religious Education. He has been a member of Brimfield and Little Hereford Parish Council for ten years and is a churchwarden of St Michaels, Brimfield.

---

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

- **David Stevens (Independent Member):** David Stevens is the current Chairman of Herefordshire Young Enterprise and was formerly Chairman of West Mercia Crimestoppers, the Area Council of the Herefordshire Chamber of Commerce, and an independent member of the West Mercia Police Authority. He worked for many years with Bulmers' Export Department. He lives in Hereford city, and is married with three grown up children. He is also a member of the Herefordshire and Worcestershire Fire and Rescue Authority Standards Committee.
- **Richard Gething (Parish Council Representative):** Richard Gething is Chairman of the Herefordshire Association of Local Councils, Bridstow Parish Council and the Local Access Forum, and Vice-Chairman of the Herefordshire Rural Police Community Consultation Group. He is a retired Army Officer, and currently Non-Executive Director of a management consultancy company (public and private sector). He is married with two grown up sons and lives in Glewstone. He is also Vice-Chair of the Herefordshire and Worcestershire Fire and Rescue Authority Standards Committee.
- **John Hardwick (Parish Council Representative):** Mr Hardwick farms in the Fownhope area and is the current Chairman and a founder Director of Marches Quality Meats Ltd, based in Ludlow. He is also the Vice-Chairman of the Herefordshire Association of Local Councils Executive Committee, National Farmers' Union (NFU) representative on the Wye Valley Area of Outstanding Natural Beauty Joint Advisory Committee, the Wye Forum, and President of Woolhope and District Young Farmers, having been associated with the Young Farmers movement for the past 41 years. He was formerly the County Chairman of the NFU Livestock Committee and of Fownhope Parish Council. He is married with a daughter of 17 years and a son of 15 years.

**We are assisted and supported by:**

- **Alan McLaughlin, Head of Democratic Services and Monitoring Officer**

Insert biographical note

Alan succeeded Marie Rosenthal, County Secretary and Solicitor, who moved to a senior appointment with Swindon Council. Marie had advised the Committee from the start, and we take this opportunity of expressing our profound thanks to her for her enthusiasm and skilful guidance.

- **Heather Donaldson, Clerk of the Committee**

Insert biographical note

**We also draw upon the services of Herefordshire Council Officers and Departments for support in arranging meetings and hearings, printing and publication of material, and website publication. We are very grateful for this support, and for the readiness with which it is provided.**

[NEW PAGE]

## ACTIVITIES IN 2006

### TRAINING

- We continued to work with the Herefordshire Association of Local Councils (HALC) to deliver training for town and parish councillors, especially on the Code of Conduct and personal/prejudicial interest issues, as part of their broader programme of training for town and parish councillors.
- As a risk management exercise, we continued to monitor participation in HALC's training programme, in order to identify any councils with an especially low response rate.
- We produced a leaflet explaining the different roles of the Standards Committee, the Monitoring Officer, and the Herefordshire Association of Local Councils, particularly so that councillors will have a better understanding of what advice each can provide, and so where to go for help.
- Following our hosting of the Independent Members' Forum in February 2006, our Chairman produced *A Chairing Checklist*, a short guide to the conduct and business of meetings from the Chair's point of view. This has been widely distributed, and used for training events. It has also been taken up by other local authorities.
- As well as training councillors, we ensure that the members of the Committee are fully up to date with developments. The Bulletins of the Standards Board for England are discussed at our meetings, and relevant case summaries of determinations are circulated to members. Five of our members attended the Annual Assembly of Standards Committees in Birmingham in October 2006, and took a full part in the workshops and other activities there.

### HEARINGS

We have had more experience of local hearings than most Standards Committees, now having completed five. The latest of these took place in March 2006 following a local investigation carried out by an officer from Herefordshire Council's Legal and Democratic Services. (The process of investigation was of course kept entirely separate from our consideration of the matter, and our Legal Adviser had no involvement in the investigation.) Following this hearing, an application was made to appeal against our decision. We had decided to impose no sanction, so in the circumstances we were surprised; but we welcomed the decision of the President of the Adjudication Panel for England that the application was without merit and that there were no grounds for such an appeal [*check exact wording*].

---

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

We have drawn on our experience of each hearing in developing our approach. Changes in 2006 include:

- A guide for members of the public and press attending a hearing. This sets out how hearings are conducted, and in particular emphasises the constraints of following due process – for example, the need to keep evidence concise and relevant, and the limitations, in the interests of fairness, on introducing evidence without notice to the parties. This guidance supplements the laminated sheet setting out the different stages of a hearing which we introduced for participants and the public in 2005.
- A comprehensive internal note to act as a checklist of actions in the process leading up to a hearing, and especially to ensure that recommended timelines are followed.

We continue to have our hearings recorded for transcription; although this adds cost, we think it contributes to the fairness of the process, and that it is an essential precaution in the event of our decision being appealed.

We take a critical look at hearings guidance and best practice elsewhere, and adopt it when appropriate. We did not, however, agree with the Standards Board for England view (their Bulletin 29) that an investigation report should be made public five days before a hearing, because we feel that the release of what might be seen as the “case for the prosecution”, on its own, would not be fair on the councillor who was the subject of the complaint, especially if it gave rise to media coverage before the hearing.

## **THE STANDARDS BOARD FOR ENGLAND: HANDLING OF COMPLAINTS**

We have continued to monitor the Board’s handling of complaints, and have been pleased to see the dramatic improvement in the speed with which these are dealt with. The way in which complaints are handled will change fundamentally with devolution to local Standards Committees (see our look forward to next year, below) We make a particular point of noting the types of behaviour that give rise to complaints under the “conduct” heading, so that we can adapt our approach to training if necessary.

## **DISPENSATIONS**

We have dealt with a considerable number of requests from town and parish councils for “dispensations” – that is, for our permission for members who have a prejudicial interest to be able to participate in council business when the subject of that interest is being discussed. This arises most often when councillors are also, for example, trustees of the village hall or of playing fields.

The legal basis for seeking a dispensation is complex – more complex than it should be – and is not helped by ambiguity in the Government’s regulations which govern it.

We have therefore produced a plain-language guide for town and parish councils which explain the background and lead them through the questions we need to have answered in order to consider a dispensation.

## **WEST MERCIA INDEPENDENT MEMBERS' FORUM**

The Standards Board for England has encouraged the development of regional forums to support independent members of Standards Committees. The West Mercia region has a forum comprising Standards Committees from Shropshire, Herefordshire and Worcestershire, and one or both our independent members have attended every meeting. We feel that our Committee has a balanced membership, and is extremely well supported in terms of staff and resources. It is clear, however, that many independent members from other areas feel isolated and lacking in support and information, and in this the Forum has a valuable role to play.

For the first time we were hosts to the Forum meeting in Hereford, on 3rd February 2006, with a very good attendance. The Leader of Herefordshire Council, Councillor Roger Phillips, and the Chief Executive, Neil Pringle, gave short keynote introductions in which they emphasised the importance the Council attached to the maintenance of high ethical standards and their support for the work of the Standards Committee. The main agenda item was a lively discussion on local hearings, following presentations by the Chairman of the Committee on our experiences of conducting hearings, and by Kevin O'Keefe, the Legal Practice Manager, on conducting local investigations.

## **HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS**

As will be clear elsewhere in this Annual Report, we continue to work closely with HALC on a range of issues. The excellent relationship between the Standards Committee and the County Association – not replicated in every authority across the County – is one we greatly value.

## **CONDUCT PROTOCOLS AND CORPORATE GOVERNANCE**

We completed the Herefordshire set of conduct protocols with one on the use of council resources. The use of IT equipment and internet/network access was a complex element of this, and we had consulted widely on successive drafts.

We also commented on Herefordshire Council's Corporate Governance Code, which follows joint guidance produced by CIPFA and SOLACE. We suggested a number of amendments, including more detail about the Council's ethical framework, the role of the Committee and the Monitoring Officer, and the Codes developed and monitored by the Standards Committee. [These amendments have been incorporated.]

## COMPREHENSIVE PERFORMANCE ASSESSMENT

Herefordshire Council was subjected to a full CPA in 2006, emerging with an overall “good” score. A member of the CPA team interviewed the Chairman about the role of the Standards Committee, as part of a wider assessment of the Council’s ethical structure and practice. We were delighted that this was well reflected in the governance section of the CPA team’s report. It seems likely that effective handling of ethical issues will be an important part of future CPA judgements.

## DEVOLUTION: CHANGES TO THE STANDARDS FRAMEWORK

The local government ethical framework introduced by the Local Government Act 2000 was closely examined in 2005 and 2006: by the House of Commons Select Committee on the Office of the Deputy Prime Minister, by the Committee on Standards in Public Life (now “the Graham Committee”) and by the Standards Board for England itself. There was general agreement that the basic concepts were sound, but also a number of suggestions for change, which the Government is pursuing through the Local Government Bill in the current Parliamentary session.

We followed these developments carefully, and submitted evidence both to the House of Commons ODPM Committee and to the Committee on Standards in Public Life.

In addition, our Chairman was invited by David Prince, the Chief Executive of the Standards Board for England, to take part in a small “stakeholders’ group” to advise the Board on the practicalities of the key change from a Standards Committee point of view: the devolution to local level of the majority of complaint investigations and hearings. We return to this in *Outlook for 2007* below.

## A LOOK BACK AT 2006

**2006 was another busy year for us. As always, we have sought to make the work of the Committee add value rather than simply activity. We have kept at the forefront of developments and best practice. We have ensured that our voice on standards matters, reflecting the views and concerns of local government in a predominantly rural area, is heard at national level. We have emphasised training and education on ethical matters as the best way of enhancing the reputation of local government and of avoiding the use of the complaints machinery. And we have maintained the approach set out at the start of this report: *open, fair and proportionate.***

## OUTLOOK FOR 2007

### Devolution

This will be a key issue in two ways, both of which we will be watching closely:

***Devolution of standards matters*** will bring more local investigations and hearings, no doubt with resource implications. In technical terms, we feel well equipped for the

---

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



change. However, some crucial elements remain to be clarified, principally: the process of decision-making on local investigation and hearing (and possible challenge) after referral by the SBE; and the range of penalties available to local Standards Committees. We are certain the the success of devolution depends upon these being expanded to match the nature of the complaints to be dealt with.

**Local devolution** will give town and parish councils greater powers, which will in turn give them a higher profile; and the exercise of those powers will make the maintenance and monitoring of an appropriate ethical framework even more important.

### **2007 Local government elections**

We will be examining guidance on “purdah” and other matters in the run-up to the elections – a time when feelings can run high and the risk of “tit for tat” complaints increases – and issuing additional guidance if necessary.

Following the elections, we will be providing training for newly elected councillors at all levels as part of their induction.

### **Website**

We will be recasting our pages on the Herefordshire Council website to provide easy access to our various guidance notes, as well as papers for Committee meetings and hearings, and overall a better public information resource.

### **Media handling**

We will be looking at Herefordshire Council’s protocols for dealing with the media, drawing on SBE guidance.

**We welcome views from councillors and members of the public on these and any other standards issues.** [contact details follow]



## PURDAH PERIOD AND GUIDANCE IN RESPECT OF 2007 ELECTIONS

**Report By: Head of Legal & Democratic Services**

### Wards Affected

County-wide

### Purpose

1. To inform the Committee of the statutory requirements relating to Council publicity in the period between the notice of election being issued and the date of the election normally referred to as "purdah". To request the Committee to consider and give their views on the proposals within the report.

### Background

2. (1) The following documents are attached:
  - Proposed guidance to be issued on pre-election publicity to members either in the attached form or by way of letter and to members of Corporate Management Board and Heads of Service subject to the agreement of the Chief Executive. In addition, the Please note that the Purdah Period commences on the date of the notice of election, usually 28 days before the date of the election, which is 3rd May 2007;
  - Guide to Becoming a Herefordshire Councillor, which is being issued to potential candidates who may wish to stand for election to Herefordshire Council in May 2007. The Guide has been issued by the Council's Communications Office, and is available on the Internet, and from all Info Shops, Council receptions, libraries and post offices. It has also been sent to all agents for political parties. The Guide aims to give people clear information about becoming a councillor, the processes involved, and some of the likely duties and responsibilities. After the elections, the Council will issue an induction pack to all Herefordshire Councillors.
- (2) Local Authorities have specific legal powers to issue publicity and to fund other organisations to produce publicity. However Section 2 of the Local Government Act 1986 states that "a local authority shall not publish any material which in whole or in part, appears to be designed to affect public support for a political party" and is to be taken into account when deciding this including the timing, content, style and other circumstances of publication and the likely effect on those to whom it is directed.
- (3) In addition the Secretary of State also issued a "Code of Recommended Practice" in 1988 which was amended in 2001. This provides statutory guidance on local authority publicity. The particular significance for this report is paragraph 4.1 which states: "the period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the elections. Publicity should not deal with controversial issues

---

Further information on the subject of this report is available from  
Alan McLaughlin, Head of Legal & Democratic Services on (01432) 260200

or report views, proposals or recommendations in such a way that it identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election". The attached guidance is prepared to assist both members and officers to remind them of their respective responsibilities during the Purdah Period.

## RECOMMENDATION

- THAT**
- (a) the Committee provides any initial views they may have on the Report with regard to pre-election publicity and guidance for members; and**
  - (b) the attached Guide to Becoming a Herefordshire Councillor be noted.**

## BACKGROUND PAPERS

- None identified.

**DRAFT**

**GUIDANCE FOR MEMBERS AND OFFICERS**

**IN THE RUN UP TO THE 2007 HEREFORDSHIRE**

**COUNCIL ELECTIONS**

**1. INTRODUCTION**

On 3rd May 2007 elections will be held for all wards in respect of the Council. This guidance is a collation of the existing rules, regulations and administrative practices which apply to the proper use of the Council's powers and resources. Any problems or request for advice should be referred to the Head of Legal and Democratic Services, the Chief Executive or the Director of Resources.

As a public authority, the Council's powers, facilities and resources for example its officers, funds, building, equipment and supplies cannot be used for electoral campaigning or political purposes. The basic legal rule applies the whole time in different guises, irrespective of the electoral cycle. However, public bodies have developed special rules for the period immediately before the election.

The period immediately before the election is called the "Purdah Period" and special rules apply ("the purdah rules").

The Council's business can continue in the normal way up to the point that the Purdah Period starts. This includes the implementation of the Council's current policy and the scrutiny of them.

This guidance seeks to assist members and officers during the Purdah Period and is intended to ensure the proper use of the Council's resources/facilities. As such it is relevant to all members and statutory obligations under the Code of Conduct to act in accordance with the Council's requirements when using or authorising use by others of the Council's resources.

The Standards Board for England can enforce these rules if they involve a member. If officers break these rules then they may be subject to normal disciplinary procedures. Depending on the circumstances, action could also be taken by the auditor, the Ombudsman, the Electoral Commission and the courts.

**2. THE PURDAH RULES**

The following special rules apply during the Purdah Period.

The Purdah Period is 25 working days before polling day i.e. the period from the day the election is formally called. It starts on 25th March 2007. However as this date approaches greater care and sensitivity is needed. The Council's generated or funded publicity must be, and must be seen to be,

# DRAFT

politically neutral. Anything that could reasonably be regarded as giving a political candidate or their supporters/party an advantage in the election is not politically neutral. During the Purdah Period publicity (including campaigns) is only acceptable if it cannot be perceived as giving support to a candidate or their supporters, no matter what the other justifications for it are. The use of the Council's resources for the purposes of a candidate's election, as well as being unlawful in itself, may also amount to an unlawful donation which must be repaid.

### **3. THE PURDAH PERIOD**

The Purdah Period by central and local government convention lasts for 25 working days before the day of the poll, excluding public and bank holidays. This is the formal start of the election process under election law, when formal notices about the election are published. The date of the election has been fixed for Thursday 3rd May 2007. The Purdah Period will therefore start on 25th March 2007. Although this is a fixed date, inevitably greater care and sensitivity will be required as the start of the Purdah Period approaches.

### **4. PUBLICITY AND EVENTS**

The Secretary of State issued a "Code of Recommended Practice" in 1998 which was amended in 2001. This provides statutory guidance on local authority publicity during the Purdah Period. Of particular significance is paragraph 4.1 which states: "the period between the notice of an election and the election itself should preclude proactive publicity in all its forms of candidates and other politicians involved directly in the elections. Publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual members or groups of members. However, it is acceptable for the authority to respond in appropriate circumstances to events and legitimate service enquiries provided that their answers are factual and not party political. Members holding key political or civic positions should be able to comment in an emergency or where there is a genuine need for a member level response to an important event outside the authority's control. Proactive events arranged in this period should not involve members likely to be standing for election". As a result any Council publicity should not deal with controversial issues or report views, proposals or recommendations in such a way that identifies them with individual politicians or their party groups.

Particular care should be taken over official support and use of public resources, including publicity, for announcement concerning decisions by the Council on matters relevant to the Council or other public elections. In some cases it may be necessary to defer announcements until after the elections, although this will need to be carefully balanced against any implication that deferral could itself influence the outcome of the election. Each case will need to be considered on its merits. There is a general presumption as a result of the Code against undertaking new campaigns during the Purdah Period in any area that might be considered controversial in relation to the election.

Special care should be taken in relation to current or ongoing publicity campaigns during the Purdah Period. These should not be open to the criticism that they are

# DRAFT

being undertaken for political purposes. Campaigns that are liable to be misrepresented as being party political should be stopped until after the election.

During the Purdah Period officers may properly be called upon to provide support for any official or statutory function the members perform, factual briefings and policy advice that is necessary to resolve issues that cannot be deferred until after the election. Officers may not however be asked to provide briefings for use in election campaign debates/literature.

Requests for information from candidates from officers must be met in an even-handed manner.

Throughout the Purdah Period the Council's Code of Conduct remains in force in relation to all members of the Council who are standing for re-election. If they break the code they can be reported in writing to the Standards Board for England. Anyone can make a written complaint to the Board. It has the power following an investigation, to suspend the person concerned from office for up to two years, or to remove them and barr them from holding public office for up to five years.

Officers also need to know what their obligations are, so as to inform advice they give, and to avoid them being placed in a position where they are asked to do something that might breach the Code.

## **5. THE CODE'S OBLIGATION**

Members must comply with the following whenever they act in an official capacity they must:

- Promote equality by not discriminating unlawfully against any person
- Treat others with respect
- When using or authorising use by others of the Council's resources, ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to the discharge of the Council's functions or of the office to which they have been elected or appointed
- When using or authorising the use by others of the Council's resources act in accordance with the Council's requirements
- When reaching decisions have regard to any relevant advice provided by the Director of Resources and the Monitoring Officer acting in pursuance of their duties under the relevant legislation.

Members must not do any of the following in their official capacity:

- Anything which compromises, or which is likely to compromise, the impartiality of those who work for, or act on behalf of the Council.
- Disclose information given to them in confidence by anyone, or information acquired which they believe is of a confidential nature, without the consent of a person authorised to give it, unless they are required by law to do so.
- Prevent another person from gaining access to information to which that person is entitled by law.

# DRAFT

Both in their official capacity and in any other circumstance, members must not:-

- Conduct themselves in a manner which could reasonably be regarded as bringing their office or the Council into disrepute; or
- Use their position as a member of the Council to improperly confer on, or secure for, themselves or any other person an advantage or disadvantage

In addition, if they become aware of any conduct by another member of the Council, which they reasonably believe involves a failure to comply with the Council's Code of Conduct then they must make a written complaint to that effect to the Standards Board for England as soon as it is practicable for them to do so.

## **6. RULES FOR OFFICERS**

- All staff must follow the rules set out in the Officers Code of Conduct when performing the official duties of their post in work related time. These rules seek to ensure political impartiality when officers do related Council work or use Council resources – usually in work time.
- Normally officers are free to do what they like in their own private time. Officers who don't hold "politically restricted posts" can do what they like in their own private time without interference from the Council (although they have to comply with their other employment obligations, e.g. not doing anything that brings the Council into disrepute).
- However, the law imposes restrictions on the activities of staff in politically restricted posts. However the law imposes on the activities of officers in politically restricted posts. Such officers cannot in their private time do anything that the law regards as a restricted activity. These activities are defined by statutory regulations
- If an officer is asked to do something that they think may breach the Officers Code of Conduct or the rules in this Guidance then they should first tell the person concerned that they are uncomfortable doing what is requested. If that person persists, then the matter should be reported to a manager or Head of Service. Officers should not comply with the request if they know or suspect it to be wrong. The Council has an approved whistle-blowing policy to provide protection.
- All officers have a responsibility:
  - (a) To uphold the political impartiality of the Council, not to use public resources for political purposes and not to act in any way which would conflict with the Officer Code;
  - (b) To give members and the public fair, considered and impartial advice;
  - (c) To conduct themselves with integrity impartiality and honesty, avoiding any kind of impropriety;
  - (d) To give honest and impartial advice to members of the Council without fear or favour, and make all information relevant to a decision available to them, whilst upholding the confidentiality of any advice given in private.



# DRAFT

In addition all officers should avoid any action or behaviour which breaches, or could be construed as breaching, the principle of political neutrality

## **7. RULES FOR POLITICALLY RESTRICTED STAFF**

- There is nothing to prevent politically restricted officers from being a member of a political party and acting privately in support of such a party. There are however some restrictions set out in the Local Government Officers (Political Restrictions) Regulations 1990 (SI 1990 No 851), as amended. The law implies a term into the contracts of employment of every politically restricted employee that they will not engage in any of the restricted activities. Breaching this is not a criminal offence, but could give rise to disciplinary action.
- The restricted activities apply to independent politicians and their supporters/supporting organisations in exactly the same way as they apply to political parties, and members/candidates. Politically restricted officers who engage in restricted activities for an independent politician will equally be in breach of their contract of employment.

## **8. USE OF COUNCIL RESOURCES AND FACILITIES**

The resources and facilities of the Council can only be used in connection with or in support of Council business and the function of members in relation to Council business. Party political activity and electoral campaigning are not part of the Council's duties. Members are reminded that the Council's headed stationery, logos and designs must not be used or replicated in any stationery or information imparted by members to the public during the election period.

If you have any queries regarding this guidance please do not hesitate to contact the Head of Legal and Democratic Services.





# Thinking of becoming a Herefordshire councillor?

Here's what you need to know...

LOCAL ELECTIONS 2024

**FIRST, THE BASICS**

Who can become a councillor?	3
What about party politics?	3
What is the role of a councillor?	3
What is the role of an officer?	5
How much time is involved in council work?	5
Is there a salary?	6

**AND ON TO HEREFORDSHIRE...**

A brief history of Herefordshire Council	7
The council's services	7
The council's structure and approach	7
Herefordshire Plan / Partnership	8
The council's main offices	8
Information offices	8

**WHO SUPPORTS HEREFORDSHIRE COUNCILLORS?**

All the council's officers	10
Members' support	10
About the election process	11
If you are elected, what happens next?	11
Who to contact	12
A few words from a newly elected councillor	13
Facts and figures about Herefordshire	14

# FIRST, THE BASICS

## WHO CAN BECOME A COUNCILLOR?

You can become a councillor, provided you are 21 years of age or over\* on the day of nomination, have property in or work connections with the area and are either a British citizen, Commonwealth citizen, citizen of the Irish Republic or a citizen of the European Union.

You do not need any previous experience: however, a general understanding of how a council works would be of great benefit.

If you are elected, you will be expected to take part in an initial induction programme. Further training will be provided to meet any future needs you may have as a councillor.

\*The government is currently consulting on lowering the age to 18.

## WHAT ABOUT PARTY POLITICS?

If you wish, you may stand as a representative of a political party, in which case you will need to contact your preferred political party's local office. You can also stand as an independent, i.e., by yourself. If you decide to do this, you should be aware that currently, Herefordshire independent councillors have chosen to form a political group. The relevant groups' contact addresses are listed near the back of this booklet.

## WHAT IS THE ROLE OF A COUNCILLOR?

Herefordshire Council is split into 40 wards and each ward has one, two or three councillors representing it. There are 58 councillors in total on the council and the number of representatives for each ward was decided by the Electoral Commission appointed by central government.

As a councillor you will have many challenging roles, from undertaking work on behalf of the people of your ward to being a member of full council. As the councillor for a particular ward, you will be asked by the electorate to help with any issues in your ward and be responsible for promoting and representing your ward.

All 58 councillors make up the full council, which normally meets five times a year. The council is responsible for setting the budget, council tax and main policies. Cabinet is responsible for delivering the day-to-day services.

## The cabinet

The cabinet has recently approved changes to the constitution, which allows the leader of the council to appoint a cabinet of between three and nine members. At present the cabinet is made up of the leader of the council, the deputy leader and seven councillors.

The leader is responsible for identifying the area for which each cabinet member is responsible and it is usually for one of the council's main service areas. The leader covers corporate strategy and finance and the deputy leader looks after children and young people's services.

The other seven currently cover: community services, corporate and customer services and human resources; environment; highways and transportation; rural regeneration and strategy; resources; and social care adults and health.

## Scrutiny committees

The council has established a strategic monitoring committee and five scrutiny committees to ensure accountability and transparency of the council's decision-making process. The five scrutiny committees cover: adult social care and strategic housing; children's services; community services; environment; and health. The principal roles of these committees are to: help in developing council policy; investigate areas of concern; review performance of the council and conduct Best Value Reviews. They have the statutory power to 'call-in decisions', which means they can delay a decision being implemented and investigate it further. The strategic monitoring committee co-ordinates the work of the other scrutiny committees.

## Community forums

There are six community forums, which meet at different venues around the county about every three months. The role of the community forums is to build strong links with local communities, to consider the impact of council services on those communities and to make proposals to meet local needs. They have been set up to give members of the public an opportunity to discuss with local

councillors and other interested parties, issues affecting the local area. Details are advertised in local papers and on the website about two weeks before each meeting.

The council is currently working with the police to look at other ways of consulting with the public.

## **Traditional committees**

There are four traditional style committees: audit and corporate governance; planning; regulatory and the standards committee. There are also three area planning sub-committees that deal with the majority of planning applications. Each councillor sits on the relevant area planning sub-committee, which covers their ward.

## **Standards committee**

To ensure that the council maintains high standards, the council has appointed a standards committee with an independent chairperson. This is responsible for promoting and maintaining high standards of conduct by the councillors and co-opted members of the council as well as town and parish councillors. The council has a code of conduct, which you will be required to adhere and sign up to.

## **WHAT IS THE ROLE OF AN OFFICER?**

The council employs staff to support and advise you as a councillor and help you make the right decisions. They are also employed to implement the council's policies, putting your decisions into practice and are responsible for ensuring that services run smoothly, efficiently and effectively.

## **HOW MUCH TIME IS INVOLVED IN COUNCIL WORK?**

It is for you to decide the level of commitment you are able to give to being a councillor. Some have more time to give than others, but if you are elected chairman of a committee or member of the cabinet, the role can be very demanding. If you are appointed as a member of a council body, you will be expected to attend its meetings. There will also be seminars and smaller working group meetings to attend with officers or other councillors.

Your representative role will involve making yourself available to the people of your ward and you may choose to hold ward surgeries. Also, the people of your ward will expect you to lead local projects to enhance your ward and be in regular contact with your local parish councils.

## **IS THERE A SALARY?**

There is no salary for being a councillor as it is regarded as a voluntary public service. However, councillors are paid allowances, which are designed to re-imburse them for expenses incurred whilst engaged on council business.

Every councillor is entitled to a basic allowance, currently £6,348 a year, paid into bank accounts in monthly instalments. Some councillors are also given an allowance to cover any special responsibilities they are asked to undertake, such as chairman of a committee, cabinet member etc. There is also a childcare and dependant carers' allowance.

In addition, travel allowance is payable for attendance at approved council meetings, but not for ward work. If you are away from home for a certain number of hours on council business a subsistence allowance can be claimed. You will need to provide a VAT receipt.



# ON TO HEREFORDSHIRE...

## **A BRIEF HISTORY OF HEREFORDSHIRE COUNCIL**

Herefordshire Council began its life as a unitary authority on 1 April 1998, having been part of a major reorganisation of local government. The reorganisation involved the amalgamation of Hereford City Council, a substantial part of Leominster District Council, South Herefordshire District Council, part of Malvern Hills District Council and part of Hereford and Worcester County Council

In January 1999 Herefordshire Council became one of the first authorities in the country to respond to government plans to modernise local government by adopting a Cabinet-style structure. This was formalised by the Local Government Act 2000 and the introduction of a new constitution on 1 July 2001.

## **THE COUNCIL'S SERVICES**

Herefordshire Council is a unitary authority, which means it is responsible for a number of services including the following:

Car parking, collection of council tax and non domestic rates, economic development, education, environmental health, highways (including footpaths and street lighting), housing, libraries, public conveniences, recreation, arts and museums, social services, strategic planning and all planning applications, trading standards and waste collection and disposal.

Councillors also represent Herefordshire Council on both the Herefordshire and Worcestershire Fire and Rescue Authority and the West Mercia Police Authority.

## **THE COUNCIL'S STRUCTURE AND APPROACH**

The council has five main directorates, which provide services direct to the public: adult and community services; children and young people; corporate and customer services; environment; and resources.

Over recent years, the council has been recognised at both national and regional level, in particular, for securing funding for special projects, such as South Wye Regeneration and the new Whitecross School.

## HEREFORDSHIRE PLAN / PARTNERSHIP

The establishment of the Herefordshire Partnership (consisting of over 100 partners including Herefordshire Council, West Mercia Police, Local Learning Skills Council, Chamber of Commerce, Primary Care Trust and many voluntary organisations) has led to the development of the Herefordshire Plan (following a major review this is now called the Herefordshire Community Strategy).

The Herefordshire Community Strategy provides a coherent and shared vision for the future of Herefordshire and consists of a vision, a set of guiding principles and four themes - each with a number of outcomes. The Herefordshire Community Strategy leads the Herefordshire Local Area Agreement, and is a tool for future resource and service planning and for leveraging in external funding to Herefordshire. The Herefordshire Partnership is the way in which these organisations work together to achieve the vision in the Herefordshire Community Strategy.

## THE COUNCIL'S MAIN OFFICES

The main council offices are listed as follows:

**BROCKINGTON:** PO Box 240, 35 Hafod Road, HEREFORD. HR1 1ZT

**PLOUGH LANE:** PO Box 4, Plough Lane, HEREFORD. HR4 0XH

**BATH STREET:** PO Box 233, HEREFORD. HR1 2HQ

**GARRICK HOUSE:** PO Box 245, Widemarsh Street, HEREFORD. HR4 9ZB

**TOWN HALL:** PO Box 230, St. Owens Street, HEREFORD. HR1 2PJ

**SWAN HOUSE:** PO Box 66, Edde Cross Street, ROSS-ON-WYE. HR9 7BZ

## INFORMATION OFFICES

### Info In Herefordshire – One-Stop Shops

Info in Herefordshire offers one stop shops and INFO points around the market towns of the county and in

the city, where members of the community and visitors to the county can get information advice and guidance on all council services and partner organisations. The Info Service can be contacted either by personal visit, telephone, email, letter, fax or via the Herefordshire Council website.



The Bromyard Centre is the most recent One Stop Shop to open and offers a number of facilities all under one roof including, Info in Herefordshire, library, leisure centre, tourist information centre and youth centre. Visitors to the centre can also enjoy a relaxation area and free Internet access.

By the end of 2006 a new Info Shop and library will open in Kington and at the beginning of 2007 the Info Shop in Hereford city, at Garrick House, will have undergone a major refurbishment. This will mean citizens will have access to a wider range of services. There will be more customer booths, more private interview rooms and computer facilities as well as improved access for disabled people.

**Contact Details** Tel: 01432 260 050 email: [info@herefordshire.gov.uk](mailto:info@herefordshire.gov.uk)

## One Stop Shops

Info In Herefordshire, Swan House, Edde Cross Street,  
Ross-on-Wye, HR9 7BZ

Info In Herefordshire, 11 Corn Square, Leominster, HR6 8YP

The Bromyard Centre, Cruxwell Street, Bromyard, HR7 4EB

## INFO POINTS

Info In Herefordshire, Garrick House, Widemarsh Street, Hereford  
HR4 9EU

Info In Herefordshire, 2 Mill Street, Kington, Herefordshire HR5 3BQ

Info In Herefordshire, St Katherine's, High Street, Ledbury,  
Herefordshire HR8 1EA

# WHO SUPPORTS HEREFORDSHIRE COUNCILLORS?

## **ALL THE COUNCIL'S OFFICERS**

In all the work you will do as a councillor, there will be help and support from all the council's officers. Guidance will mainly come from the chief executive, the head of legal and democratic services, the five directors and other senior managers. They are available to you at any time, irrespective of whether you are part of a particular political group, chairman of one of the council's bodies, or simply acting in your ward role.

One of the ways in which the council is changing is in the emphasis it places on ensuring that other officers, not just senior managers, support councillors. A key officer contacts list will be provided to help you contact the relevant officer who can help you with your problem or query.

## **MEMBERS' SUPPORT**

The members' support team provides full-time dedicated support to meet the needs of councillors. Services offered include a confidential secretarial service, photocopying, information gathering/problem solving, organising meetings, message taking, provision of stationery and general assistance with ward work.

There is also a corporate communication centre where regular information is produced for councillors and advice is available on how to deal with the press and the media.

You will have access to a fully equipped members' room based at Brockington which has meeting facilities for both formal and informal use, telephones, fax, computers and printer and refreshments. There is also a members' room at the Shirehall, Hereford for use by Herefordshire Councillors.

The council encourages all councillors to use electronic communication and to this end you will be provided with a computer and appropriate training. As far as possible, day-to-day communication with members will be by e-mail and each member will be given an e-mail address. This has proved to be a fast and reliable method of communication between councillors, staff and the electorate.

## ABOUT THE ELECTION PROCESS

If you are interested in standing for election as a councillor, you will need to complete a nomination paper which must be verified by ten signatories (a proposer, a seconder and eight assentors) from the ward in which you wish to stand. You will also need to have lived, or worked, or owned property or land or be registered as an elector within the county of Herefordshire for the preceding twelve months before election day. This does not necessarily have to be in the ward in which you are thinking of standing.

Information and a guide on the nomination and election process is available from the electoral registration services manager, 11 Corn Square, Leominster, Herefordshire HR6 8LR, telephone (01432) 260110.

## KEY DATES

The key dates you may like to note are as follows:

By not later than the following date:

27th March 2007	Publication of notice of election
4th April 2007 (noon)	Last day for nominations to be received
10th April 2007 (noon)	Publication of statement of persons nominated
11th April 2007 (noon)	Delivery of notice of withdrawal of candidate
25th April 2007	Publication of notice of poll
3rd May 2007	Polling day

Polling hours are from 7.00am until 10.00pm

## IF YOU ARE ELECTED, WHAT HAPPENS NEXT?

Being elected is when the real challenge begins and you will be eager to know what happens next.

Before you can act as a councillor you will be required to complete certain formalities and sort out some simple administration. This will include signing a declaration of acceptance of office as well as agreement to be bound by the Herefordshire Council code of conduct. If you stand for election you will be given further information regarding this before the election.

You will also be offered some basic training (induction), which will give you information on how the council operates, including the running of each of its services. Further information on your role as a councillor will also be available.

You will also want to know how you get appointed to the council's committees. Appointment to these committees is handled through the leaders of the political groups. The chief executive will give advice on the process directly to any councillor who is not a member of a political group.

## WHO TO CONTACT

If you do have any queries or require further information regarding this booklet, please feel free to contact any of the following Officers, who will be pleased to assist:

**Neil Pringle, chief executive**  
(01432) 260044

**Alan McLaughlin**  
Head of legal and democratic  
services (01432) 260200

If you have any queries or require further information on political groups, please contact your local political party constituency office, or contact the council's political group leaders at the addresses below:

### Conservative group

Councillor Roger Phillips, leader of the Conservative group, PO Box 240, Brockington, 35 Hafod Road, Hereford. HR1 1ZT.  
Telephone: (01432) 260494

### Liberal Democrat group

Councillor Terry James, leader of the Liberal Democrat group, PO Box 240, Brockington, 35 Hafod Road, Hereford. HR1 1ZT.  
Telephone: (01544) 230746

### Independent councillor's group

Councillor Bob Matthews, leader of the Independent group, PO Box 240, Brockington, 35 Hafod Road, Hereford. HR1 1ZT.  
Telephone: (01432) 760498

### Labour group

Councillor Chris Chappell, leader of the Labour group, PO Box 240, Brockington, 35 Hafod Road, Hereford. HR1 1ZT.  
Telephone: (01432) 268227

Finally, it may be helpful to speak to a councillor currently serving on Herefordshire Council, to get an insight into what it is really like!

## **Good luck and we look forward to working with you!**

### **A FEW WORDS FROM A NEWLY ELECTED COUNCILLOR**

*On election day I felt overwhelmed that most people had voted for me but very honoured and therefore determined to do my best. It was all a steep learning curve for me but extremely rewarding.*

*It has added a new dimension to my life, as I have always been interested in what was going on in Hereford and it has given me the opportunity to be much more involved in what is happening. I was already IT literate and had a good home office system, which, I believe, is vital.*

*Attending a few council meetings beforehand helped me to know what to expect at my first council and planning meetings.*

*Members' support has been invaluable, as I can ask simple questions without being embarrassed. As I was elected at a by-election an individual induction programme was arranged for me. The most helpful session was when I was invited to a management meeting with the heads of department within a directorate. Before they had their meeting each one gave a brief presentation of their own field of work and I was able to ask a few questions. It was much easier to put names to faces and remember what each one did! I also had a tour of some of the facilities within the community services department, which gave me insight into how things were being developed.*

*The members' guide was useful in helping me unravel the many different strands of the Council!*

*Having a mentor and others in the group, who were very supportive, was key to gaining experience in protocol at meetings and in ward work.*

*The members' development working group has given me the opportunity to get to know others from different parties, as it is small and not as impersonal as the bigger meetings. I didn't say much at first but gradually gained confidence as I got to know people. It has offered excellent training opportunities and I would recommend it for all councillors - old and new!*

*Although I have learnt a great deal, it feels like it is only the tip of the iceberg!*

## FACTS & FIGURES OF HEREFORDSHIRE

Population		2005 Mid-year estimate			178,800	
Age group	ALL number	%	FEMALE number	%	MALE number	%
0-14	30,300	16.9	14,700	16.1	15,600	17.9
15-24	18,900	10.6	9,200	10.1	9,700	11.1
25-44	43,500	24.3	22,100	24.2	21,400	24.5
45-59	38,500	21.5	19,400	21.2	19,100	21.9
60+	47,600	26.6	26,000	28.4	21,500	24.6
Total	178,800		91,500		87,300	

(Source: Office for National Statistics (ONS)) NB. Figures may not sum due to rounding

### Population forecasts (2004-based)

Age Group	2006	2008	2011
0-14	29,630	28,470	27,000
15-59	100,440	99,310	97,800
60+	48,890	52,080	56,010
Total	178,960	179,870	180,800

(Source: Hfids Council Research Team & ONS)

### Population density, 2004

Area (hectares)	217,973
Area (km squared)	2,180
Area (square miles)	842
Population density (2004, persons per ha)	0.82

### Relative size and population

Herefordshire is the 26th largest non-metropolitan unitary authority in England, in terms of population, out of 46.

In terms of area Herefordshire is the 2nd largest non-metropolitan unitary authority in England

### Market town populations, 2004

Town	Population
Bromyard	4,240
Hereford City	55,940
Kington	2,660
Ledbury	9,240
Leominster	11,220
Ross-on-Wye	10,180

(Source: Hfids Council Research Team & ONS)

### Unemployment

<b>April 2006</b>	
Number of claimants:	1,714
Unemployment rate:	1.7%
No. Unemployed for over 6 Months:	380
As % of Total	
Unemployed:	22.4%

(Source: NOMIS, ONS)

### Employment Structure

#### Non-Agricultural Employment 2004

Industry	Number
Construction/utilities/quarrying	4,361
Manufacturing industries	11,685
Service industries	48,769

n.b. does not include the self employed

(Source: Annual Business Inquiry, ONS)

#### Agricultural census 2004

Industry	Number
Agriculture	9,919

n.b. does not include the self employed



## FACTS & FIGURES OF HEREFORDSHIRE

### Household characteristics

Number of households	74,282
<b>% of households which are:</b>	
Owner occupied	71.6%
Rented from the social sector	15.2%
Other rented	13.2%

#### % of Households which have:

No car	18.2%
No central heating	8.9%

#### % of residents aged 16-74 who are:

Large employers & higher managerial / higher professional occupations	7.0%
Lower managerial and professional occupations	17.7%
Intermediate occupations / small employers & own account workers	19.2%
Lower supervisory & technical occupations	7.6%
Semi-routine / routine occupations	22.3%
Never worked / long term unemployed	2.4%
Full-time students	4.7%
Non-classifiable	19.1%

#### % of residents who are:

Economically active	68.0%
Economically inactive	32.0%

### 2001 Census

Number of residents	174,860
<b>% of residents who are:</b>	
White	99.1
Mixed	0.4%
Asian or Asian British	0.2%
Black or Black British	0.1%
Other	0.2%

#### % of residents who:

Have a limiting long term illness	18.0%
Provide unpaid care	10.1%

#### % of Households which are:

Pensioner households	27.5%
Lone parent	8.2%

## County administration

### Parliamentary constituencies

Hereford                      Leominster (part of)

### Wards

There are 40 electoral wards in Herefordshire

### Parishes

There are 238 parishes in Herefordshire

### Health authorities

Herefordshire Primary Care Trust

This factsheet is available from [www.herefordshire.gov.uk](http://www.herefordshire.gov.uk) For further information please email [researchteam@herefordshire.gov.uk](mailto:researchteam@herefordshire.gov.uk) or call 01432 260498

Herefordshire Council research team. Census 2001 Data: Crown copyright 2003

### European constituencies

West Midlands Region

### Electorate 2006

There are 133,679 people registered to vote (qualifying date 15th October 2005)

### Parish councils

There are 134 parish councils in Herefordshire

### Police authorities

West Mercia Constabulary

