

**MINUTES of the meeting of Standards Committee held at :
Committee Room 1, Shire Hall, Hereford on Monday, 12th
February, 2007 at 10.30 a.m.**

Present: 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)**

110. APOLOGIES FOR ABSENCE

There were no apologies for absence.

111. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Item	Interest
Councillor John Edwards	Agenda Item 9 – (REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND) (SBE Complaint Nos. 15104.06 and 17223.07 to 17229.07)	Declared a prejudicial interest and left the meeting for the duration of this item.
Mr Richard Gething	Agenda Item 9 – (REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND) (SBE Complaint Nos. 17223.07 to 17229.07)	Declared a personal interest and remained in the meeting for the duration of this item.
Mr John Hardwick	Agenda Item 9 – (REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND) (SBE Complaint No. 15104.06)	Declared a prejudicial interest and left the meeting for the duration of this item.
Councillor John Stone	Agenda Item 8 (DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND); and Agenda Item 9 – (REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND) (SBE Complaint No. 15104.06 and 17223.07 to 17229.07)	Declared a prejudicial interest and left the meeting for the duration of this item.

112. STANDARDS COMMITTEE ON THE COUNCIL'S WEBSITE

The Chairman circulated a draft of the proposed website content for the Standards Committee to be placed on the Council's website. He asked members to forward any comments to the Democratic Services Officer, who would be compiling and maintaining the content.

113. MINUTES

During consideration of the minutes, the Chairman reported that he had taken the opportunity, when presenting the Standards Committee report to Council on 09 February 2007, to refer to the likely heightened political sensitivity in the run-up to the elections in May 2007. He had reminded members to be punctilious about the requirements of the Code of Conduct, and to think carefully before using the complaints mechanism.

RESOLVED: (unanimously) that the minutes of the meeting held on 12 January 2006 be approved as a correct record and signed by the Chairman.

114. CONSULTATION ON AMENDMENTS TO THE MODEL CODE OF CONDUCT

Members considered the consultation issued by the Department of Communities and Local Government, on the proposed revised Model Code of Conduct for Local Authority Members. They made the following general comments:

- There was no mention of an increase in powers for Standards Committee in relation to the sanctions that they could impose at hearings. Members felt that these powers should be strengthened in order to make the Code of Conduct more robust. They made particular reference to the length of suspension that could be imposed on a member who was the subject of a hearing. They were of the opinion that three months was inadequate in many cases, especially if a parish or town council only met every two months. The Committee reiterated that a maximum of twelve months was a more realistic sanction.
- The proposed Code did not go far enough in terms of clarifying the meanings of Personal and Prejudicial interests. The Committee also expressed concern that DEFRA's Local Access Forums used the terms "direct" and "indirect" when referring to interests, which put one Government Department out-of-step with the others. This created the potential for confusion amongst councillors who were also members of the forums and had to use two different terminologies.

In addition, the Committee made the following additional points about the Commentary on the Detailed Amendments Proposed:

- **Bullying:** Guidance on bullying should be clear and straightforward. Members felt that the new Code provided the correct tone, in that it would retain the phrase "a member must treat others with respect", and would add to it that members must not bully any person. In line with the proposals, the Committee felt that a specific definition of bullying should not be included in the Code because it would be too complex and might be difficult to apply.
- **Disclosure of Confidential Information:** There needed to be a distinction between attributable disclosure and leaks. The latter would not be in the spirit of the Code and should not be protected.

- **Behaviour Outside Official Duties:** The proposals reflected the judgement of Collins J on the Mayor of London's recent High Court Appeal. The Committee felt that the definitions were too narrow. In particular, to discount all behaviour in instances when a member had not been convicted by a court, was not conducive to good behaviour, and went against the spirit of the Code.
- **Publicity Code:** Members expressed an opinion that guidance on publicity should be included explicitly in the Code, as opposed simply to making reference to the Government's Code of Recommended Practice on Local Authority Publicity.
- **Reporting Breaches of the Code and Proscribing Intimidation:** The Head of Legal and Democratic Services emphasised that the proposals would increase pressure on the Monitoring Officer's role because the likely outcome was that the number of complaints received would increase.
- **Definition of Personal Interests:** The Head of Legal and Democratic Services made the point that the proposals did not take account of bias, which he felt was a significant omission. Members agreed that the public perception of an interest could sometimes carry great significance, and the Code should reflect this.
- **Public Service Interests:** The Committee noted that the proposals would not address all of the difficulties which might arise when granting dispensations, although they would probably reduce the number of problems experienced.

RESOLVED: (unanimously) that the Chairman write to the Department of Communities and Local Government (and copy the letter to the Herefordshire Association of Local Councils), conveying the Standards Committee's views on the proposed amendments to the Model Code of Conduct for Local Authority Members, by the closing date of 09 March 2007.

115. CODE OF CORPORATE GOVERNANCE

The Head of Legal and Democratic Services reported on the progress made with amendments to the Code of Corporate Governance. He said that two versions had been circulated with amendments from different departments, and these needed to be incorporated into one document. The Audit Manager was in the process of reviewing the Code, and an updated version would be put to the Audit and Corporate Governance Committee and the Standards Committee, after the May 2007 elections.

Members considered a proposed foreword to the Council's Code of Corporate Governance, and agreed that the Chairman and the Head of Legal and Democratic Services would revise it and make any necessary amendments.

RESOLVED (unanimously) that

- (i) The Head of Legal and Democratic Services and the Audit Manager combine all amendments to the Code of Corporate Governance, and circulate it by email to Standards Committee members, for comments and amendments to form part of the review. The amended version to be considered by the Standards Committee at its meeting on 06 July 2007, and by the Audit and Corporate Governance Committee after the May 2007 elections; and**
- (ii) The Chairman and the Head of Legal and Democratic Services to make any necessary revisions to the foreword to the Code of Corporate Governance, and copy the revised version to the Audit and Corporate Governance Committee.**

116. COMMUNICATIONS PROTOCOLS

The Committee reviewed the Council's draft Communications Protocols. The purpose of the protocols was to assist the public in knowing who to contact on standards and ethics issues, and to provide guidance for Council members and officers in dealing with the media.

RESOLVED: (unanimously) that the Chairman revise the Council's draft Communications Protocols as necessary for inclusion as Council Policy, and the final document be laminated and included in the Standards Committee hearing guidance pack.

117. INDUCTION REVIEW GROUP

Members considered the work undertaken by the Council's Induction Review Group in respect of the induction programme for members following the May 2007 elections. They felt that the programme offered an excellent introduction to Herefordshire Council, and congratulated the Group on its thorough work. They suggested some additional wording about the Standards Committee, and asked for the Annual Report 2006 to be included in the literature given to new councillors.

The Committee agreed that the Chairman would participate in the induction programme, in relation to ethics and standards.

RESOLVED: (unanimously) that additional wording about the Standards Committee, and the Standards Committee Annual Report 2006, be included in the members' induction pack, and that the Chairman give a short address on ethics and standards as part of the induction programme on 11 May 2007.

118. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

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 2006-2007.

RESOLVED: (unanimously) that the report be noted.

119. REFERRALS TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND

(Note: To assist the efficient transaction of business, the Committee decided to consider SBE Complaint No.s 17223.07 - 177229.07 first. Councillors J Edwards and J Stone were present for the initial general discussion about procedure in relation to these complaints, and then both declared prejudicial interests in these complaints and in complaint No. 15104.06, and left the meeting for its remainder. In relation to SBE Complaint No. 15104.06, Mr J Hardwick declared a prejudicial interest, and left the meeting for its remainder.)

The Committee considered a report on SBE Complaints Nos. 17223.07 to 177229.07. The Head of Legal and Democratic Services provided information on how the complaints had arisen, and asked members to consider the practicalities of any subsequent investigations or hearings, and whether they would be conducted locally, or referred back to the Standards Board for England (SBE).

In response to a question, he said that the SBE's advice was that hearings and investigations would be conducted in the usual manner in the run-up to the elections, without any need to make any exceptional or delayed arrangements.

Having considered the various prejudicial interests which might affect some of its members, and the timing in relation to the May 2007 elections, and the SBE's advice, members agreed that the Standards Committee was able to conduct any hearings which might arise from the complaints.

The Committee also considered whether the investigation could be conducted locally. They agreed that there was no barrier to this. The Head of Legal and Democratic Services said that he would ask the Legal Practice Manager, Mr Kevin O'Keefe, to conduct the investigations. This would enable the Head of Legal and Democratic Services to give advice at any hearing.

In addition, the Head of Legal and Democratic Services apprised members of the current situation in respect of SBE Complaint No. 15104.06, and he circulated a chronology of the investigation to date. He had kept the SBE informed of progress, and the final investigation report would be completed shortly.

RESOLVED: (unanimously) that

- (i) in respect of SBE Complaint No.s 17223.07 to 17229.07, the Head of Legal and Democratic Services request the Legal Practice Manager to conduct any necessary investigations (subject to receipt of an official letter for referral from the Standards Board for England), and that the Standards Committee consider any final investigation report and conduct any hearing;**
- (ii) in respect of SBE Complaint No. 15104.06, an additional meeting of the Standards Committee be held on 09 March 2007 to consider the final investigation report, and whether or not to hold a hearing; and**
- (iii) in respect of all the above complaints, the Head of Legal and Democratic Services inform the Standards Board for England in writing of progress.**

The meeting ended at 12.52 p.m.

CHAIRMAN