

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

## **MINUTES of the meeting of Standards Committee held at Committee Room 1, Shirehall, St. Peter's Square, Hereford on Friday, 6th July, 2007 at 12.00 p.m.**

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

Councillor John Stone and Councillor Beris Williams  
David Stevens (Independent Member)  
Richard Gething (Parish and Town Council Representative)

### **1. ELECTION OF CHAIRMAN**

Members acknowledged that the Standards Committee did not usually appoint a Vice-Chairman. They felt that it should be stated formally, however, that in the absence of the Chairman, the other independent member would always chair the meeting.

#### **RESOLVED (unanimously)**

- (i) that Mr. Robert Rogers be elected Chairman for the ensuing municipal year; and
- (ii) if the Chairman is absent from a meeting for any reason, the other independent member will take the Chair.

### **2. APOLOGIES FOR ABSENCE**

Apologies were received from Mr. John Hardwick. The Committee wished to record formally its best wishes to Mr Hardwick for a swift recovery from his recent illness.

In addition, members welcomed new member Councillor Beris Williams to the meeting. Councillor Williams had attained membership of the Standards Committee through his appointment as Vice-Chairman of the Council, in accordance with the Constitution.

### **3. DECLARATIONS OF INTEREST**

The following declaration of interest was made:

<b>Member</b>	<b>Item</b>	<b>Interest</b>
Mr. Robert Rogers	Agenda Item 10 – <b>APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN OR PARISH COUNCIL</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

### **4. MINUTES**

**RESOLVED (unanimously)** that the minutes of the meetings held on 09 March, 13 April and 11 May 2007, be approved as a correct record and signed by the Chairman.

## 5. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS

The Committee considered a report outlining applications for dispensations received from Bartestree and Lugwardine Parish Council, and from Holme Lacy 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%.

### **Bartestree and Lugwardine Parish Council**

All eleven of the current members of Bartestree and Lugwardine Parish Council had requested a dispensation in relation to Bartestree Village Hall, on the basis that they are all members of the Village Hall Committee.

### **Holme Lacy Parish Council**

Five out of the seven members of Home Lacy Parish Council had requested a dispensation in relation to Holme Lacy Village Hall, on the basis that they are all village hall trustees.

In addition, the Committee noted that, in respect of dispensations granted before the May 2007 elections, the dispensations were still relevant and applicable until their expiry date. In most cases, the dispensations only applied to named individuals, however, and not to Parish or Town Councils in general. It was the responsibility of each Parish and Town Council to identify any new councillors to whom a dispensation might apply, and to seek any necessary dispensations as a matter of urgency. The Head of Legal and Democratic Services said that he would write to all Parish and Town Councils, reminding them of the requirement.

### **RESOLVED: (unanimously)**

that (i) **the request for a dispensation received from Bartestree and Lugwardine Parish Council in respect of:**

<b>Mr. Mike Wilson</b>	<b>Mr. Ray Lawley</b>
<b>Mr. Alan Wood</b>	<b>Mr. Nigel Shore</b>
<b>Mr. Nigel Alexander</b>	<b>Mr. Paul Wargent</b>
<b>Mr. Geoff Davies</b>	<b>Ms. Kathleen Watkins</b>
<b>Mr. Mike Greenfield</b>	<b>Mr. Ron Williams</b>
<b>Ms. Julie Jones</b>	

**be granted until 06 July 2011;**

(ii) **the request for a dispensation received from Holme Lacy Parish Council in respect of:**

**Ms. Belinda Gwynne**  
**Mr. Kevin Lofthouse**  
**Mr. Keith Bishop**  
**Mr. Trevor Williams**  
Mr. Gordon Lawson

be granted until 06 July 2011; and

- (iii) **The Head of Legal and Democratic Services will write to all Town and Parish Councils, reminding them of the post-election procedure in relation to dispensations.**

## 6. MODEL CODE OF CONDUCT

The Head of Legal and Democratic Services presented his report in respect of the new Model Code of Conduct, applicable to all members and co-opted members of local authorities, and which local authorities were required to adopt by October 2007. The new Model Code had been designed to give greater clarity, direction, and ease of use. It combined all four previous Codes, relating to different types of Authority, into one consolidated, universal Code.

Members considered the new Code, also referring to the Standards Board for England's guide for members, and the Code of Recommended Practice on Local Authority Publicity, and a draft Code for Parish and Town Councils.

In particular, the Head of Legal and Democratic Services' Report sought the Committee's views on the following:

- The adoption of the Code of Conduct by Parish and Town Councils;
- Proposed additions to the mandatory Code;
- Recommendations to Council on 27 July 2007, to adopt the new Code.

During the discussion on the Code, the following principal points were made:

- Training for members, supported by the Standards Committee, would take place in September 2007, and additional sessions would be run for the Herefordshire Association of Local Councils (HALC). The Head of Legal and Democratic Services would notify members of available dates shortly;
- Mr. Richard Gething referred to Paragraph 12 (2) of the Code, which was an optional provision for Parish and Town Councils. He reported that HALC's recommendation to its members was to adopt the paragraph because it would provide clearer guidance on conduct.
- The Committee agreed that Table 1 on page 7 of "The Code of Conduct Guide for Members – May 2007" be adopted as a preamble to the Code. The table listed the ten general principles of public life, and although they did not form a statutory obligation in themselves, they defined the general standards that members should uphold, and would help to inform conduct. Members also felt that there was merit in including them in the Parish and Town Councils' Code.
- Members agreed that the Code of Recommended Practice on Local Authority Publicity be appended to the Code as a useful reference.
- Members felt that the Standards Board's guidance on the definition of "bullying" was inadequate. Part of the difficulty was that the term covered a wide spectrum, and was also dependent upon people's perception of whether they were being bullied. They noted that more guidance on this was likely to emerge once the new Code was in place.

- The Standards Board would issue further guidance on the new confidentiality provisions, particularly in relation to the nature of the 'Public Interest' test that should be satisfied before disclosure. The emphasis would be on the need to raise concern through the proper channels before members released confidential information, and to avoid incidences of deliberate leaks. The Committee felt strongly that this aspect should be included in members' training on the new Code, with examples to illustrate how it would work in practice.
- The Head of Legal and Democratic Services commented that the new Code sought to improve the description of "common-law bias". The Committee acknowledged the particular importance of this in high-profile areas such as Planning. Members' training would cover this issue, and would also seek to clarify the difference between those interests which should be declared, and those which are merely political interests and therefore indicative of members using their democratic opportunities.
- The Committee acknowledged that the new Code of Conduct would have an impact on other codes and protocols which were its responsibility. It agreed to review these at its next meeting to ensure that they were up-to-date and compatible with the new Code of Conduct. The Head of Legal and Democratic Services said that any necessary changes would be put to the Constitutional Review Working Group and then to Council in November 2007.
- The Chairman said that there was merit in compiling a summary document of the Constitution to be used as a quick reference.

**RESOLVED: (unanimously)**

- That**
- (i) **Council be recommended to adopt the Model Code of Conduct as set out in the Local Authorities (Model Code of Conduct) Order 2007 ("the Code") (Appendix 2) together with a preamble incorporating the ten principles governing the conduct of Members, in place of its existing Code;**
  - (ii) **Council be recommended to include the following optional provisions of the revised Code of Conduct:**
    - (a) **inclusion of paragraph 6 (c) relating to the Code of Publicity;**
    - (b) **inclusion of paragraph 10 (2) (c) (i) (ii) and 11 relating to executive arrangements and scrutiny;**
    - (c) **Inclusion of paragraph 12 (2) enabling Members who have a prejudicial interest to make representations to meetings as a member of the public;**
  - (iii) **All Members and Co-opted Members of Herefordshire Council be encouraged to attend appropriate training sessions on the new Code which are likely to take place shortly in 2007;**

- (iv) **At its meeting to be held on 19 October 2007, the Standards Committee reviews all codes and protocols within its remit to ensure that they are up-to-date and compliant with the new Code of Conduct.**

## **7. STANDARDS BOARD FOR ENGLAND - BULLETIN 33**

Members noted the contents of the most recent bulletin from the Standards Board for England (SBE), and made the following comments:

- They noted the SBE's recent appointment of Sara Goodwin as Head of Legal Services. The Head of Legal and Democratic Services reported that she had established a telephone support line for Monitoring Officers, an initiative which he welcomed.
- Mr. Gething and Mr. Stevens reported on the recent Standards Board Roadshow event held in Birmingham, where they had represented the Standards Committee. The roadshow had outlined issues of local ownership and responsibility, and had also briefed delegates on the new Code of Conduct. They had expressed the Committee's long-held view to the SBE, that the level of sanctions should be increased in respect of hearings, and this suggestion had been received positively.

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

## **8. DATES OF FUTURE MEETINGS**

The next Standards Committee meeting would be held at 2.00 p.m. on Friday 18 January 2008 in the Council Chamber at Brockington. The meeting after that would be held on 25 April 2008.

## **9. 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 2007.

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

## **10. APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN OR PARISH COUNCIL**

*[Note: The Chairman, Robert Rogers, declared an interest and left the meeting for the duration of this item. David Stevens took the Chair for the remainder of the meeting]*

The Committee considered a report outlining an application for a dispensation received from Kington Town Council. The Committee had granted a dispensation previously for the same matter, and that had now expired. The Town Council had requested additional time in which to resolve the matter.

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%

**RESOLVED: (unanimously) that the request for a dispensation received from:**

**Mr. A. Lloyd  
Mr. D. East  
Mr D. Cresswell  
Ms. E. Newman  
Ms. B. Trumper  
Mr. M. Turner**

**Mr. H. Jones  
Mr. S. Reynolds  
Mr. T. Bounds  
Mr. B. Thomas  
Mr. D. Holmes  
Mr. P. Williams**

**Of Kington Town Council be granted until 30 April 2008.**

The meeting ended at 1.33 p.m.

**CHAIRMAN**