

MINUTES of the meeting of Standards Committee held at the Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 19th October, 2007 at 2.00 p.m.

Present: Robert Rogers (Independent Member)(Chairman)

Councillor Beris Williams

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Parish and Town Council Representative)

11. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Stone.

12. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Item	Interest
Mr. Richard Gething	Agenda Item 4 - APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS (Specifically Bridstow Parish Council)	Declared a prejudicial interest and left the meeting for the duration of this item.
Mr. Robert Rogers	Agenda Item 11 – APPLICATION FOR A DISPENSATION RECEIVED FROM A PARISH COUNCIL	Declared a prejudicial interest and left the meeting for the duration of this item.

13. MINUTES

RESOLVED (unanimously): that the minutes of the meeting held on 06 July 2007 be approved as a correct record and signed by the Chairman.

14. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

The Committee considered a report outlining five applications for dispensations which had been received from Parish and Town Councils.

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%.

Bridstow Parish Council: Following the May 2007 elections, one new parish councillor required a dispensation in relation to the Parish Council's role as custodian trustee of Bridstow Village Hall.

Colwall Parish Council: All fifteen members of the Parish Council required a dispensation in relation to the Parish Council's role as trustee of the Walwyn Meadow Trust. The dispensation would enable them to discuss maintenance and improvements matters pertaining to the Trust land.

Yarkhill Parish Council: Following the May 2007 elections, one new Parish Councillor required a dispensation in relation to his role as a trustee of Yarkhill Village Hall.

Brilley Parish Council: Following the May 2007 elections, one new Parish Councillor required a dispensation in relation to his role as a member of Brilley and Michaelchurch Village Hall Committee.

Ross-on-Wye Town Council: All five members of the Ross-on-Wye Town Council Planning Committee had requested a dispensation for a one-year period, in relation to a planning application at The King's Head, Ross-on-Wye. The Town Council owned the building adjacent to the development, and also the access to the site. The application would enable the Committee to discuss the application as a statutory consultee.

The Standards Committee granted a dispensation solely in respect of the Town Council's Planning Committee, in accordance with the Town Council's request. It acknowledged, however, that the full Town Council might wish to discuss the planning matter as well. If this were the case, then all town councillors involved would need to make a written request for a dispensation at a later date, naming all those involved. Having regard to the fact that the next Standards Committee meeting was not until 18 January 2008, members agreed to deal with such a request, should it become necessary, via email before the meeting.

RESOLVED: (unanimously) that:

(i) **the request for a dispensation received from Mr Clive Beddows of Bridstow Parish Council, in relation to Bridstow Village Hall, be granted until 19 October 2011;**

(ii) **the request for dispensations received from:**

Mrs N. Carless	Mr. N. Bowring
Mr. J. Mills	Mr. J. Cooney
Mr. P. Browning	Mrs. E. Hayes
Mrs. H. Stace	Dr. T. Hunt
Mr. S. Hockett	Mr. W. Leaper
Mr. N. Abbotts	Mr. J. Morris
Mr B. Ashton	Mrs G. Prideau-Jackson
Mr J. Beard	

In relation to the Walwyn Meadow Trust, be granted until 19 October 2011;

(iii) **the request for a dispensation received from Mr Robert Aspey of Yarkhill Parish Council, in relation to Yarkhill Village Hall, be granted until 19 October 2011;**

- (iv) **the request for a dispensation received from Mr Keith White of Brilley Parish Council, in relation to Brilley and Michaelchurch Village Hall Committee, be granted until 19 October 2011; and**
- (v) **the request for a dispensation received from Councillors Ravenscroft, Coleman, Lane, Dr. Roberts, and Edwards, in relation to a planning application for the King's Head, Ross-on-Wye, be granted until 19 October 2008, and if the full town council submits a further written request for a dispensation in relation to the same matter before the Standards Committee's next meeting on 18 January 2008, the Standards Committee will determine the request by email.**

15. THE COUNCIL'S PROTOCOLS AND CODES OF CONDUCT

The Head of Legal and Democratic Services, Mr. A. McLaughlin, presented a report in respect of the Council's various protocols and codes of conduct, which were the Standards Committee's responsibility. The documents required revision following the Council's adoption of the new Code of Conduct for Local Authorities on 27th July 2007. Members considered amendments to the following:

- The Code of Conduct for Members and Officers Dealing with Planning Matters;
- The Protocol on the Use of Council Resources;
- The Protocol for Member/Officer Relations.

Two of the documents – the Protocol on the Use of Council Resources, and the Protocol for Member/Officer Relations – were not affected by the Code, and the Committee agreed that any necessary minor amendments could be done by email after the meeting, and in time for Council on 02 November 2007.

Mr. McLaughlin explained in detail, the more significant changes that were required to the Planning Code of Conduct, to reflect the rights of councillors who have a personal and prejudicial interest, to represent their communities. The new Code enabled members to speak at planning meetings in the same way as any member of the public, and then they would be required to leave the meeting and not participate in the ensuing discussion or vote. Amendments to this would also be completed after the meeting and in time for Council.

Mr McLaughlin said that this change to the Code would have particular implications for members who were both local authority councillors, and town or parish councillors ("dual-hatted" members), because they would be considering planning applications at more than one stage in the process. They would need to be aware of the correct procedure to follow when representing their communities. Mr Richard Gething suggested that there was merit in including guidance on this in the Herefordshire Association of Local Councils (HALC) training, and Mr McLaughlin said that he would devise a short guidance leaflet in conjunction with HALC.

RESOLVED (unanimously) that:

- (i) **the Code of Conduct for Members and Officers Dealing with Planning Matters be revised to reflect the New Model Code of Conduct, adopted by the Council on 27th July 2007, and to reflect good practice in particular in respect of dual-hatted members;**

- (ii) **the Protocol on the Use of Council Resources, and the Protocol for Member/Officer Relations be revised in the light of the New Model Code of Conduct;**
- (iii) **all amendments be completed and agreed by the Committee by email after the meeting, and in time to make its recommendations to Council on 02 November, 2007; and**
- (iv) **the Head of Legal and Democratic Services, in conjunction with HALC, produces a guidance leaflet for parish and town councillors, on how the New Code will affect members involved in the Planning process, and HALC be requested to include any relevant details in its training programme.**

16. SPECIAL AUDIT INVESTIGATION AND FINANCIAL GOVERNANCE

The Head of Legal and Democratic Services presented the Director of Resources reports to the Corporate Management Board on a special audit investigation, and to Cabinet on financial governance in Information and Communication Technology (ICT) and Customer Services. He explained that the reports highlighted concerns about the Council's financial and contractual arrangements in the ICT Department, and that both the Corporate Management Board and Cabinet had recommended that an independent review be conducted. The Council had sought advice from the Local Government Association, and appointed Mr Ian Crookall, a former Chief Executive of Buckinghamshire County Council, to complete the review.

The Committee was of the opinion that there was nothing in the reports which fell within its remit, but that it was important to note the issues involved, and monitor some aspects highlighted in the reports, namely:

- Reputation (Paragraphs 42-46 of the report on Page 22 of the agenda);
- Financial and legal elements, and the Constitution (elements 6 and 7 on Page 26 of the agenda);
- Assuring that all Members receive complete advice from the Monitoring Officer and the Section 151 Officer (element 14 on Page 28).

RESOLVED (unanimously) that:

- (i) **the reports be noted;**
- (ii) **the Standards Committee continues to monitor the situation, and in particular, the aspects outlined above; and**
- (iii) **the Chairman writes to the Chief Executive (copied to the Chairman of the Audit and Corporate Governance Committee), outlining the Standards Committee's approach to the matter.**

17. TRAINING UPDATE

Mr Gething and Mr McLaughlin reported on joint training arrangements with HALC. The first session on the new Code of Conduct would take place on 01 November 2007, and more would be arranged for 2008, along with training on the local filter.

The Committee commented that it was important to provide repeat sessions for members who had not attended.

Mr McLaughlin reported that the Standards Board for England had released a training DVD entitled "The Code Uncovered", which used a fictional planning dispute to highlight changes to the Model Code of Conduct. Members agreed to watch it at the close of the meeting, and felt that it provided some helpful and clear examples of personal and prejudicial interests. The Head of Legal and Democratic Services said that he would look to incorporate it into future training sessions with the Council and HALC.

RESOLVED: (unanimously) that the report be noted.

18. SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee discussed the Annual Assembly of Standards Committees, held in Birmingham on 15 and 16 October, 2007. The Standards Committee had been well represented, both in terms of attendance and participation. The Chairman, and the Head of Legal and Democratic Services had led seminars at the conference.

Members felt that it had been an invaluable experience, providing a great deal of information on the local filter and issues relating to the new Code of Conduct. It was clear that the local filter would raise questions about how the Committee would in the future, and members would need to decide how best to deal effectively with the extra stages in the investigation process that would become its responsibility, and to consider the implications for resources.

The Committee had shared its annual report, chairing checklist, and hearing guide with other authorities, and these had been met with approval and numerous requests to take the documents away and replicate them.

RESOLVED (unanimously) that the report be noted.

19. STANDARDS BOARD FOR ENGLAND - BULLETIN 35

Members noted the contents of Bulletin 35 from the Standards Board for England.

RESOLVED: (unanimously) that the report be noted.

20. 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.

21. APPLICATION FOR A DISPENSATION RECEIVED FROM A PARISH COUNCIL

[Note: Members noted that the agenda item had been placed in the exempt section of the agenda in case any of the information should be excluded from the public under Section 100 (A) (4) of the Local Government Act 1972. On viewing the information, however, they decided that this was unnecessary, and consideration of the matter was conducted in public session.]

The Committee considered a report outlining an application for a dispensation which had been received from Stapleton Group 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%.

Three out of six members of Stapleton Group Parish Council had requested a dispensation for a one-year period, to enable them to discuss matters relating to an unadopted length of green lane in the parish. The Parish Council's quorum was three.

Two of the members had sought a dispensation on the basis that they had submitted public rights of way evidence forms to the Council in respect of the lane. The Committee noted that they had filled in the forms in their capacity as members of the public, however, and not as parish councillors. They agreed that this did not amount to a prejudicial interest, and so they were entitled to participate in any discussions about the matter.

The Committee considered that the third member might have a prejudicial interest on the basis there was an issue of land ownership to which the lane was a natural access. The likelihood of this being a prejudicial interest would diminish if there were other access points to the land, however. Members concluded that, even if the interest was prejudicial, a dispensation would still be unnecessary because there would still be sufficient parish councillors remaining in the meeting to be able to discuss the matter.

RESOLVED: (unanimously) that the request for a dispensation received from Stapleton Group Parish Council, in relation to an unadopted length of green lane in the parish, be not granted on the grounds that - on the basis of the information received - two members did not have a prejudicial interest, and so there were sufficient parish councillors to maintain a quorum.

The meeting ended at 3.47 p.m.

CHAIRMAN