

**MINUTES of the meeting of Standards Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 18th April, 2008 at 2.00 p.m.**

Present: Robert Rogers (Independent Member)(Chairman)

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

36. APOLOGIES FOR ABSENCE

There were no apologies for absence received.

37. DECLARATIONS OF INTEREST

The Chairman, Mr Robert Rogers, declared a prejudicial interest in Agenda Item 14 (Minute 49 below refers - Application for a Dispensation Received from a Town Council) and left the meeting for the duration of this item.

38. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 18 January 2008 be approved as a correct record and signed by the Chairman.

39. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

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

Six out of ten members of Lyonshall Parish Council had requested a dispensation for the maximum period permissible, in relation to a housing needs survey which had been conducted in and around the village, and proposals which might arise from the survey in respect of developments containing elements of affordable housing. Five of the members lived near to possible "exception sites" for development, and the sixth was the Managing Director of a local company owning several of these sites. The dispensation would enable the Parish Council to discuss matters relating to the housing needs survey and any potential developments.

RESOLVED: (unanimously) that the request for a dispensation received from Messrs Geoffrey Mitchell, John Parker, Ray Richards, Paul Avery, Graham Rutherford and Malcolm Thompson of Lyonshall Parish Council, in relation to a housing needs survey and potential affordable housing developments in Lyonshall, be granted until 18 April 2012.

40. EMPLOYEE CODE OF CONDUCT AND MEMBERS/OFFICERS PROTOCOL

The Committee considered the report of the Head of Legal and Democratic Services in respect of a proposed new Protocol for Officer/Councillor Relations and an Officers' Code of Conduct, which formed Appendices 12 (Annex 1) and 14 of the Council's Constitution respectively.

Members felt that the Officer Code of Conduct fell outside the Committee's remit because, with one exception relating to political activity by officers in politically restricted posts, the Committee dealt exclusively with conduct relating to elected and co-opted councillors. In addition, Members felt that further background information was required in order to consider properly the Protocol for Officer/Councillor Relations, so that they were fully aware of the history surrounding the proposed changes. They requested supporting documentation illustrating what changes had been made so that they could make appropriate comparisons, explicit reasons why revisions to the documents had become necessary, and precision about which elements of the Codes and Protocols were the Committee's responsibility (and which were not).

In view of the fact that Council would be considering the documents in the near future, the Committee agreed to receive the additional information and make its comments by email so that they would be in time for the next stage of the process. Members agreed that, because the public would not be party to their consideration of the documents by email, the outcome of their correspondence would be reported at the next Standards Committee meeting and published on the Council's website.

RESOLVED: (unanimously) that

- (i) consideration of the report be deferred to obtain further information;**
- (ii) upon receipt of the required information, the Committee considers its response by email to ensure that it is taken into consideration at Annual Council on 16 May 2008, and this response be published on the Council's website and reported at the Standards Committee meeting to be held on 04 July 2008.**

41. TRAINING UPDATE, AND STANDARDS BOARD FOR ENGLAND PILOT PROJECT

The Legal Practice Manager reported on progress made with arrangements for joint training with the Standards Committees of Worcestershire and Shropshire, and the Hereford and Worcester Fire and Rescue Authority and the West Mercia Police Authority. The training would focus on the new Code of Conduct and local assessment, and would take place in September/October 2008. The Standards Board for England would be producing guidance and materials on these subjects in due course, and the timing of the training programme would allow the materials to be incorporated.

As part of the preparation for local assessment, the Head of Legal and Democratic Services had participated in an online pilot project run by the Standards Board for England regarding the provision of data. From 08 May 2008 onwards, the Standards Board would require Monitoring Officers to provide information on a regular basis in respect of local assessment, using an online form. He had given feedback on this to the Standards Board.

Mr Richard Gething provided a list of delegates who had attended the Herefordshire Association of Local Councils (HALC) training session in October 2007 in respect of the new Code of Conduct. He said that he would have more up-to-date training information shortly, and would forward it to the Head of Legal and Democratic Services. He said that HALC would attempt to include all parish and town councillors who had not attended to ensure that they were sufficiently equipped for their roles. HALC's Chief Executive was currently arranging additional Code of Conduct training sessions for 2008/09, and the programme for this would be presented to the next Standards Committee meeting in July 2008. The Legal Practice Manager reported that the Council also kept records of the specific training sessions that its councillors had attended. He said that, following the May 2007 elections, all councillors, whether new or experienced, had received Code of Conduct training. There were also measures in place to provide bespoke training for any councillors who were appointed mid-term following a by-election. The Committee emphasised the need to keep comprehensive training records to ensure that all councillors were given every opportunity to attend courses.

RESOLVED: (unanimously) that

- (i) the report be noted;**
- (ii) the Head of Legal and Democratic Services continue to liaise with Shropshire County Council in order to form partnership arrangements/a joint committee to fulfill the requirements of local assessment; and**
- (iii) updated information on HALC's training to date, and its programme of courses 2008/09 be considered at the Committee's next meeting on 04 July 2008.**

42. LOCAL ASSESSMENT

The Legal Practice Manager reported that the Standards Committee Regulations 2008 (Statutory Instrument 2008 No. 1085), supporting local assessment had been laid before Parliament on 17 April 2008, and he tabled the Regulations at the meeting. Furthermore, the Standards Board for England (SBE) had confirmed that local assessment would be effective from 08 May 2008, and guidance and a toolkit of resources would appear on the SBE website shortly. The Committee observed that the Regulations had provided an increase in the maximum term of suspension which Standards Committees could impose on councillors at hearings, specifically from three months to six months. The Committee felt that a twelve month suspension period would remain a more realistic sanction for those councils which only met bi-monthly or quarterly, but in all other respects, the Regulations had reflected the observations that the Committee had made in respect of the Department of Communities and Local Government's consultation early in 2008.

The Committee also considered a recruitment pack for Independent Members to Standards Committees, which had been produced by Newark and Sherwood District Council. They agreed that the pack was a thorough and comprehensive piece of work which could be adapted to suit the requirements of Herefordshire. The

Chairman said that he would discuss the recruitment of one additional independent member with the Head of Legal and Democratic Services, with a view to engaging in the process as a matter of urgency.

Mr Gething felt that there was merit in finding suitable additional candidates for parish and town council representatives through HALC, who would be in a position to serve as co-opted members should the need arise. It would also be necessary to devise induction training for these candidates so that they were aware of all the issues surrounding local assessment and the hearings process.

RESOLVED: (unanimously) that

- (i) **the Chairman, the Head of Legal and Democratic Services and the Democratic Services Officer liaise with a view to devising a recruitment pack and advertising for an additional Independent Member for the Standards Committee as a matter of urgency; and**
- (ii) **HALC be requested to consider suitable candidates to be co-opted as parish and town council representatives for the local assessment process, and appropriate training be devised for them jointly by HALC and the Standards Committee.**

43. STANDARDS COMMITTEE ANNUAL REPORT

The Committee considered a revised draft of its annual report for 2007, and made some minor amendments to the wording. In addition to the amendments, there was still a small amount of work to be done on Members' biographies, and some photographs required updating.

Arising from the discussion, Members also requested an update on progress made with revisions to the Council's Code of Corporate Governance. Ms Samantha Jones, Corporate Lawyer, was present at the meeting, and reported that she had been tasked with compiling a definitive Code from a series of amendments that had been made, including those of the Standards Committee. In addition, the Code required significant revisions following new guidance issued by the Audit Commission, and its format would be completely re-structured. She said that she would circulate a draft to the Committee as soon as it was available.

RESOLVED: (unanimously) that

- (i) **the Democratic Services Officer make all the necessary amendments to the Standards Committee Annual Report for 2007, and subject to approval of the final draft by the Chairman, arrange for it to be designed, printed and distributed; and**
- (ii) **the Corporate Lawyer circulate a draft of the revised Code of Corporate Governance as soon as it is available.**

44. SEVENTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered information in respect of the Seventh Annual Assembly of Standards Committees, which would be held at the International Conference Centre in Birmingham on 13 and 14 October, 2008. The conference theme this year would be: "Delivering the Goods: Local Standards in Action", and would focus on meeting the challenges of the new local standards framework.

Members agreed that the conference would be of enormous benefit because of the invaluable training opportunities that it presented, and especially in the light of the imminent local assessment regime. Five members expressed a wish to represent the Standards Committee, and it was agreed that the Hereford and Worcester Fire and Rescue Authority be requested to meet the costs of those members who were common to both committees.

The Chairman noted that he had been asked by the Association of Independent Members of Standards Committees to speak at a fringe event with the Chairman of the Committee on Standards in Public Life, and expressed his regrets that official duties would prevent both his accepting the invitation, and attending the Assembly.

RESOLVED: (unanimously) that

- (i) **Councillor John Stone, Councillor Beris Williams, David Stevens, Richard Gething and John Hardwick attend the Seventh Annual Assembly of Standards Committees in Birmingham on 13 and 14 October 2008; and**
- (ii) **the Hereford and Worcester Fire and Rescue Authority be requested to meet the costs of those members who were common to both committees.**

45. STANDARDS BOARD FOR ENGLAND BULLETIN 37

Members noted the contents of Bulletin 37 from the Standards Board for England.

RESOLVED: (unanimously) that the report be noted.

46. STANDARDS BOARD FOR ENGLAND/NATIONAL ASSOCIATION OF LOCAL COUNCILS PILOT PROJECT

Mr Gething reported on a pilot project which was being conducted by the Standards Board for England (SBE), on joint agreements between Associations of Local Councils and Standards Committees. The project would attract a small grant of £250.00 per day, and it was anticipated that it would require twelve days' work spread over approximately six months. The Herefordshire Association of Local Councils (HALC) was one of six Associations that had been asked to complete the pilot, the others being Lincoln, Cornwall, Hampshire, Cheshire and Northamptonshire. The SBE had chosen a diverse mix of urban and rural areas for the pilot, and had selected Herefordshire in particular as an exemplar of excellent working relationships with both its local Monitoring Officer and Standards Committee.

The project aimed to produce a model for compacts between local Associations, Monitoring Officers and Standards Committees, by monitoring the following activities:

- Informal meetings between the Standards Committee and the Local Association to ensure that there was agreement over the Code of Conduct;
- The production of joint guidance leaflets;
- A minimum of two joint training events per year;
- The Monitoring Officer and Committee Members attending a minimum of six parish/town council meetings between June and December 2008;
- Collecting supporting evidence of the extent of Code of Conduct training amongst parish/town councils.

Members commented that the only activity currently not undertaken by the Standards Committee was attendance at parish/town council meetings. Mr David Stevens reported that he had previously attended some meetings as a casual observer, and he suggested that it would be preferable for the members of the Standards Committee to adopt a different approach to this, making it clear who they were and why they were attending, thus ensuring complete transparency. The Committee emphasised the importance of explaining in advance to parish and town councils that the Standards Committee would undertake a round of selected visits, to avoid any anxiety or misunderstandings. The main purpose of the visits would be for members to answer any questions about its work and the local filter. Mr Gething said that he would ask HALC to include an article about it in its next circular.

In the past, informal meetings with HALC had usually been attended by the Chairman and the Head of Legal and Democratic Services, and members felt that there was merit in involving all of the Standards Committee in future meetings, and making it a regular booking before each main Standards Committee meeting.

Members agreed to consider producing a guidance leaflet on Planning issues as a joint project.

Mr Gething said that he would report on progress made with the pilot project at the Committee's next meeting. The Committee asked Mr. Gething to convey its thanks and congratulations to HALC for being instrumental in the project.

RESOLVED: (unanimously) that:

- (i) **the SBE/HALC Pilot Project be welcomed and supported;**
- (ii) **all members of the Standards Committee be involved in informal briefings with HALC;**
- (iii) **HALC be requested to include an article about visits by Standards Committee members in its next circular;**
- (iv) **as part of the pilot project, a joint Standards Committee/HALC guidance leaflet be produced in respect of Planning matters; and**
- (v) **a progress report be considered by the Standards Committee at its next meeting on 04 July 2008.**

47. DATES OF FUTURE MEETINGS

Members noted the following dates of future meetings:

- 04 July 2008
- 17 October 2008
- 16 January 2009
- 17 April 2009

In addition, the Democratic Services Officer reported that the following were provisional dates to be used if required under the new local assessment regime:

- 06 June 2008
- 08 August 2008
- 12 September 2008
- 14 November 2008

- 12 December 2008
- 13 February 2009
- 13 March 2009
- 15 May 2009

48. 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 2008.

RESOLVED: (unanimously) that the report be noted.

49. APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN COUNCIL

[Note: The Chairman, Mr Robert Rogers, declared a prejudicial interest in respect of this item, vacated the Chair and left the meeting. Mr 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 for the same matter at its meeting on 30 June 2007, and this request, although a new dispensation, would have the effect of extending the previous one.

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%.

Members expressed concern that the matter had not yet been resolved, and taking into consideration all of the circumstances surrounding the application, felt that a dispensation of four months was adequate.

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

Mr P. Williams	Mr H. Jones
Mr D. Cresswell	Mr S. Reynolds
Mrs E. Newman	Mr B. Thomas
Mrs B. Trumper	Mr T. Bounds
Mr M. Turner	Mr A. Lloyd

be granted, subject to the following conditions.

- **The dispensation will run for a limited period of four months from the date of Herefordshire Council's letter informing the Town Council of the grant of dispensation, and after that time it will expire; and**
- **The dispensation applies only to the matters stated in the Town Council's application dated 14 April 2008, and to no other matters.**

The meeting ended at 3.17 p.m.

CHAIRMAN