

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 17 April 2009 at 2.00 pm

Present: Robert Rogers (Independent Member) (Chairman)
Richard Gething (Parish and Town Council Representative)
David Stevens (Independent Member)
John Stone (Local Authority Representative)
Beris Williams (Local Authority Representative)

89. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isabel Fox and John Hardwick.

90. DECLARATIONS OF INTEREST

There were no declarations of interest made.

91. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 16 January 2009 be approved as a correct record and signed by the Chairman, subject to the deletion of the word “further” in the second paragraph of Minute 86 (PUBLISHING THE DECISIONS OF ASSESSMENT AND REVIEW SUB-COMMITTEES).

92. STANDARDS BOARD FOR ENGLAND / HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS JOINT PILOT PROJECT

Mr R Gething reported progress on the Standards Board for England's (SBE) pilot project to produce a model for compacts between Associations of Local Councils, the Society of Local Council Clerks, Monitoring Officers and Standards Committees. The project assessed activities such as joint training, informal meetings between Standards Committees to ensure agreement on application of the Code of Conduct, and the production of joint guidance leaflets.

The pilot project would shortly be drawing to a close, and the Herefordshire Association of Local Councils (HALC) had produced a draft report for the National Association of Local Councils, and a compact which explained how the Standards Committee interacted with HALC. Mr Gething reported that the project had been extremely successful, and had highlighted the exemplary working relationship between the Committee and HALC. The SBE had employed consultants to conduct a review of the project, and they would engage Committee members, HALC, and some of the participating parish and town councils in their research.

The Committee would update its existing leaflets for parish and town councils which were produced jointly with HALC, and agreed to the production of two new ones as a result of the pilot project, which would help to explain the Council's planning process, and the Code of Conduct and the role of the Standards Committee since the introduction of the local filter.

RESOLVED: (unanimously) that

- (i) **the report be noted;**
- (ii) **the Committee will review its existing leaflets for parish and town councils, and approve two new leaflets in respect of planning, and the Code of Conduct and role of the Standards Committee; and**
- (iii) **all work in relation to the leaflets be undertaken and finalised by email.**

93. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

There were no applications for dispensations received.

94. PRE-ELECTION PERIOD AND GUIDANCE FOR THE 2009 EUROPEAN ELECTIONS

The Assistant Chief Executive (Legal and Democratic) apprised the Committee of the statutory requirements relating to Council publicity in the "Pre-Election Period" – the period between the notice of election being issued and the date of the election. The Committee considered a proposed guidance note for members and officers, and made two amendments.

RESOLVED: (unanimously) that

- (i) **the report be noted; and**
- (ii) **the following amendments be made to the paragraphs indicated in the proposed guidance:**

1. Introduction: The last paragraph, first sentence be amended to read "The Standards Committee, in the first instance, can enforce these rules if they involve a breach of the Code of Conduct by a Member."

4. Publicity and Events: The seventh paragraph, second sentence be amended to read: "If they break the Code, they can be reported in writing to the Standards Committee, which may consider the complaint, may order an investigation and has the power to suspend a Councillor for up to 6 months."

95. STANDARDS COMMITTEE ANNUAL REPORT 2008

The Chairman reported that he would compile information for the Standards Committee Annual Report for 2008, with assistance from the Democratic Services Officer. The Democratic Services Officer would email to the Committee a selection of pictures of Herefordshire villages for the cover, and would obtain updated and new biographies as appropriate.

RESOLVED: (unanimously) that progress with the Annual Report for 2008 be noted, and the necessary work be undertaken in order to finalise the report as a matter of priority.

96. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Democratic Services Officer reported on the eighth Annual Assembly of Standards Committees, which would be held on Monday 12 and Tuesday 13 October 2009 at the International Convention Centre in Birmingham.

The programme would look in depth at standards in action, and would give delegates the opportunity to share good practice, and discuss their experiences of managing the practicalities of local assessment.

Three members agreed to represent the Standards Committee, and the Democratic Services Officer said that she would also offer the opportunity of attending to those absent from the meeting. In addition, the Committee requested that the Hereford and Worcester Fire and Rescue Authority be asked to meet the costs of members which were common to both Standards Committees.

RESOLVED: (unanimously) that

- (i) Councillor John Stone, David Stevens, Richard Gething attend the Eighth Annual Assembly of Standards Committees in Birmingham on 12 and 13 October 2008, and members absent from the meeting be given the opportunity of attending; 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**

97. STANDARDS BOARD FOR ENGLAND BULLETIN 42

Members considered the latest bulletin from the Standards Board for England. In particular, they noted that Monitoring Officers would be required to provide an annual return for the first time, and they requested an opportunity to view the information submitted before the deadline, and make contributions as appropriate.

In respect of the indemnification of members, the Legal Practice Manager said that he would ask the Chief Executive to confirm by letter that Independent Members and Town and Parish Council Representatives of the Standards Committee were included in the Council's indemnification arrangements.

RESOLVED: (unanimously) that

- (i) the report be noted;**
- (ii) the Standards Committee be given the opportunity to contribute to the Annual Return to the Standards Board for England; and**
- (iii) the Chief Executive be requested to confirm by letter that Independent Members and Town and Parish Council Representatives of the Standards Committee were included in the Council's indemnification arrangements.**

98. DATE OF NEXT MEETING

Friday 10 July 2009 at 2. 00 p.m. in the Council Chamber at Brockington.

[Note: subsequent to the meeting, the Chairman agreed to move the time of the next meeting to 3.30 p.m. in order to enable joint Standards Committee training to take place in Worcester on the morning of 10 July 2009]

EXCLUSION OF THE PUBLIC AND PRESS

RESOLVED: (unanimously) that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that they involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

99. EXPERIENCE OF LOCAL FILTER CASES, AND DETERMINATIONS SO FAR

The Committee reviewed progress made with complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. They discussed the handling of specific cases with a view to establishing best practice.

Arising from the discussion, the following principal points were made:

- The Democratic Services Officer would ensure that all members had an up-to-date folder containing all the guidance from the Standards Board for England, and the Council's constitution.
- Members considered that Investigating Officers should have powers to impose deadlines on all parties involved in an investigation, in respect of the receipt of any information requested. Failure to provide the information by the deadline would result in the Investigating Officer's final report being produced without it.
- If a complaint was received about a matter which pre-dated the introduction of the local filter on 08 May 2008, it would be necessary to ensure that the complaint had not been dealt with before, under the old legislation.

RESOLVED: (unanimously) that the report be noted, and the procedures outlined in the bullet points of the above minute be adopted.

100. MEMBERSHIP OF THE STANDARDS COMMITTEE

The Chairman reported on the interview process for recruiting an additional Independent Member. The additional member had been agreed at the Committee's last meeting, in order to reduce the possibility of statutorily required independent chairs being conflicted out of the various stages of the local filter process. The interviews had taken place on 06 March 2009, and the panel had consisted of Robert Rogers (Chairman), Councillor John Stone, John Hardwick, and Colonel Tony Ward OBE (Independent Member of the West Mercia Police Authority, and a member of that Authority's Standards Committee) as an external member. The panel had been unanimous in recommending the appointment of Mr Jake Bharier.

At its meeting on 16 January 2009, the Standards Committee agreed to request two nominations each from the Herefordshire Association of Local Councils and from Herefordshire Council, in respect of members who would substitute for the Standards Committee's existing representatives. The reason for this process was to provide an increased pool of members to deal with the local filter process, which had demonstrated a significant increase in workload, particularly at

assessment and review. The Committee noted that to date, the Leader had nominated Councillor Josie Pemberton, and that one further Councillor would be nominated. The Herefordshire Association of Local Councils would also provide nominations for two further parish and town council representatives.

RESOLVED: (unanimously) that it be recommended to Council that

- (i) Mr Jake Bharier be appointed as an Independent Member of the Standards Committee; and**
- (ii) The Standards Committee approves and trains Councillor J Pemberton, and one further local authority representative, and two additional named parish and town council representatives, who will substitute for the Standards Committee's existing representatives when required.**

The meeting ended at 3.20 pm

CHAIRMAN