

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 14 January 2011 at 2.00 pm

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

In attendance: Councillor Ursula Attfield (Substitute Local Authority Representative)
Mary Morris (Substitute Parish and Town Council Representative)

35. ASSISTANT DIRECTOR - LAW AND GOVERNANCE

The Chairman welcomed the newly-appointed Assistant Director (Law and Governance), and Monitoring Officer, Mr Chris Chapman, to the meeting.

36. APOLOGIES FOR ABSENCE

Apologies were received from Nicky Carless (Substitute Parish and Town Council Representative) and Isabel Fox (Independent Member).

37. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Item	Interest
Councillor John Stone	Agenda Item 7 – Local Filter Cases and Determinations	Personal – Remained in the meeting for the duration of this item.
Councillor Beris Williams	Agenda Item 4 – Applications for Dispensations Received from Parish and Town Councillors	Personal – Remained in the meeting for the duration of this item.

38. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 22 October 2010 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 a written application for a dispensation received from Dinedor Parish Council. Members referred to the Standards Committee (Further Provisions) (England) Regulations 2009, 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 members of the Parish Council had requested a dispensation in relation to Dinedor Village Hall, as follows:

- Mr Anthony Owen – a holding trustee in respect of Dinedor Village Hall and a member of the village hall management committee;
- Ms Barbara Ferris – a charity trustee in respect of Dinedor Village Hall and member of the village hall management committee; and
- Mr Duncan Green. The village hall management committee was required to appoint another holding trustee. The position had been advertised in the parish and to date, only Mr Green had expressed an interest. Mr Green, also a member of Dinedor Parish Council, was awaiting the outcome of the Standards Committee's decision before taking up the post, so that the parish council could continue to make decisions about village hall matters.

The total membership of the parish council was five. Without a dispensation, parish council members who were also village hall trustees would have to declare a prejudicial interest on village hall financial matters and leave the room during the discussion, thereby rendering the parish council inquorate and unable to make any necessary decisions.

The Assistant Director (Law and Governance) said that, to satisfy the terms of the regulations, the dispensation application forms should be signed by the individual councillors making the request. In this instance, the clerk had signed the application form, and therefore the application would have to be modified to indicate that the dispensation request had come from the named parish councillors.

Members suggested that the application form template could be made clearer to identify specifically who the signatories must be. The Democratic Services Officer said that she would modify the template to this effect for future use, and would request written confirmation from the relevant members of Dinedor Parish Council, that the application currently submitted by the Clerk had been done so on their behalf.

The Committee was minded to grant the dispensation as soon as the revised application was received, provided that it met all of the necessary legal requirements and the material circumstances remained the same. Members that felt that there was merit in allowing the dispensation until 05 May 2011, so that any future applications would coincide with the elections for Parish and Town Councillors to be held on that date.

RESOLVED: (unanimously) that

- (i) **Subject to receipt by the Monitoring Officer of written confirmation from each of the named councillors that the application and written explanation from the Parish Clerk to Dinedor Parish Council dated 11 November 2010 are correctly submitted on their behalf;**

- (ii) **Councillors Duncan Green, Anthony Owen and Barbara Ferris be permitted to participate in the consideration of matters relating to Dinedor Village Hall where their interest arises solely from their trusteeship;**

Provided that these dispensations shall continue until the local elections on 05 May 2011; and

- (iii) **Having regard to the fact that the number of members of the authority that are otherwise prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to so participate, the content of the application and to all the circumstances of the case, it is appropriate to grant these dispensations.**

40. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Committee considered a report in respect of the future of standards and ethics in local government, and the future role of the Committee, in the light of the proposals to abolish the standards regime outlined in the Decentralisation and Localism Bill. The report provided information on the relevant sections of the Bill, the views of the Committee on Standards in Public Life, and information from the Department for Communities and Local Government about the proposed transitional arrangements for handling complaints cases. During the ensuing discussion, members made the following principal points:

- **Consultation:** Initial responses from members of the Herefordshire Association of Local Councils (HALC) had indicated a strong wish to adopt a voluntary code of conduct after the existing Code was repealed. There was merit in a wider consultation to ascertain the opinions of all councillors and the general public in Herefordshire in respect of a voluntary code, and of how standards and ethics should be shaped locally. The Committee agreed that this would be done through consultation at annual parish meetings, and via a report to Council.
- **Parish and Town Councils:** Members recognised that, in respect of handling complaints, parish and town councils might be required to develop a separate system of regulation to local authorities in the future, based on factors such as the differences in their functions and powers, and those bodies which had jurisdiction over complaints. For example, the Local Government Ombudsman currently had powers to handle complains about local authority councillors, but not parish and town councillors. Such a situation would be detrimental to parish and town councils might struggle to address issues of governance, particularly if the only means of handling complaints came every few years via the ballot box. Lengthy periods without additional mechanisms for dealing with complaints might contribute to increased dysfunction. Complaints about issues such as bullying or racism would need to be dealt with immediately. The Committee agreed that it was imperative to develop a uniform and consistent approach to standards and ethics for all councillors.
- **Support for a Voluntary Code of Conduct:** Whilst recognising the merits of a voluntary code of conduct, members also observed that there would inevitably be councils, and even individuals within any one council, who would be unwilling to adopt a voluntary code. This raised questions about its validity, and the potential difficulties of enforcing it. The Committee also recognised the importance of consensus amongst all of the local authority political groups to ensure the success of a voluntary code.

- **Dispensations:** Clarity was required on how dispensations to town and parish councils would be granted following repeal of the Code and its supporting legislation. There appeared to be no other statutory areas in existence that would cover this function.
- **Planning Functions:** The Bill proposed that more planning functions would be devolved to parish and town councils. Members expressed concern that a significant proportion of complaints about parish and town councillors related to planning matters, and that, without appropriate support and training, this trend would worsen.
- **Future Role of Standards Committees:** There would be a future role for local Standards Committees in relation to the development and application of a voluntary code of conduct. The role of independent members would be an important part of this, particularly in providing assurances to the public. Although there were some similarities between the work of the Standards Committee and the Audit and Governance Committee, their remits were likely to remain substantially different, and so amalgamation of the two was not envisaged.

RESOLVED: (unanimously) that

- (i) **the report be noted;**
- (ii) **the Committee's discussions on the future of standards and ethics in local government and the role of the Standards Committee, be reported to a future Council meeting; and**
- (iii) **Mr R Gething and Mr J Hardwick be requested to obtain the assistance of HALC in consulting parish and town councillors and the public, through parish and town council meetings.**

41. LOCAL FILTER CASES AND DETERMINATIONS

The Committee reviewed progress made on complaints about local authority, parish and town councillors since the introduction of the local filter on 08 May 2008. To date, the assessment and review sub-committees had dealt with eighteen complaints in 2008, fifty in 2009, and thirty-one in 2010.

The Committee requested a monthly update on cases in order to remain apprised of the current situation in between meetings.

RESOLVED: (unanimously) that

- (i) **the report be noted; and**
- (ii) **the Committee Manager (Planning and Regulatory) will provide monthly updates to the Committee in respect of all complaints cases.**

The meeting ended at 3.41 pm

CHAIRMAN