

AGENDA

Standards Committee

Date: **Friday 1 April 2011**

Time: **2.00 pm**

Place: **The Council Chamber, Brockington, 35 Hafod Road,
Hereford**

Notes: Please note the **time, date** and **venue** of the meeting.

For any further information please contact:

Heather Donaldson, Democratic Services Officer

Tel: 01432 261829

Email: hdonaldson@herefordshire.gov.uk

If you would like help to understand this document, or would like it in another format or language, please call Heather Donaldson, Democratic Services Officer on 01432 261829 or e-mail hdonaldson@herefordshire.gov.uk in advance of the meeting.

Agenda for the Meeting of the Standards Committee

Membership

Chairman	Robert Rogers	Independent Member
Vice-Chairman	David Stevens	Independent Member
	Jake Bharier	Independent Member
	Isabel Fox	Independent Member
	Richard Gething	Parish and Town Council Representative
	John Hardwick	Parish and Town Council Representative
	John Stone	Local Authority Representative
	Beris Williams	Local Authority Representative

GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

The Council's Members' Code of Conduct requires Councillors to declare against an Agenda item(s) the nature of an interest and whether the interest is personal or prejudicial. Councillors have to decide first whether or not they have a personal interest in the matter under discussion. They will then have to decide whether that personal interest is also prejudicial.

A personal interest is an interest that affects the Councillor more than most other people in the area. People in the area include those who live, work or have property in the area of the Council. Councillors will also have a personal interest if their partner, relative or a close friend, or an organisation that they or the member works for, is affected more than other people in the area. If they do have a personal interest, they must declare it but can stay and take part and vote in the meeting.

Whether an interest is prejudicial is a matter of judgement for each Councillor. What Councillors have to do is ask themselves whether a member of the public – if he or she knew all the facts – would think that the Councillor's interest was so important that their decision would be affected by it. If a Councillor has a prejudicial interest then they must declare what that interest is. A Councillor who has declared a prejudicial interest at a meeting may nevertheless be able to address that meeting, but only in circumstances where an ordinary member of the public would be also allowed to speak. In such circumstances, the Councillor concerned will have the same opportunity to address the meeting and on the same terms. However, a Councillor exercising their ability to speak in these circumstances must leave the meeting immediately after they have spoken.

AGENDA

		Pages
1.	APOLOGIES FOR ABSENCE To receive apologies for absence.	
2.	DECLARATIONS OF INTEREST To receive any declarations of interest by members in respect of items on the agenda.	
3.	MINUTES To approve and sign the minutes of the meeting held on 14 January 2011.	5 - 8
4.	APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS To consider applications for dispensations received from parish and town councils. Wards: County Wide <i>[Note: At the time that this agenda went to print, no applications had been received. If any applications are received in time for the meeting, a report will be tabled when this item is considered]</i>	
5.	THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK To discuss any developments in relation to the outlook for standards and ethics in local government, and the future role of the committee.	
6.	EXCLUSION OF THE PUBLIC AND PRESS In the opinion of the Proper Officer, the following item will not be, or is likely not to be, open to the public and press at the time it is considered. RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information. 7A Information which is subject to an obligation of confidentiality.	
7.	LOCAL FILTER CASES AND DETERMINATIONS To update the Committee on progress made with complaints about local authority, parish and town councillors.	9 - 30

Your Rights to Information and Attendance at Meetings

YOU HAVE A RIGHT TO:-

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

Please Note:

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

Public Transport Links

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

BROCKINGTON, 35 HAFOD ROAD, HEREFORD.

FIRE AND EMERGENCY EVACUATION PROCEDURE

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.

HEREFORDSHIRE COUNCIL

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 complaints 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

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

Document is Restricted

