

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 2 July 2010 at 2.30 pm

Present: David Stevens (Independent Member) (Vice-Chairman in the Chair)
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)

[Note: due to the absence of the Chairman, Robert Rogers, it was agreed that the second part of Agenda Item 5 be brought forward to the start of the meeting to enable the appointment of a Vice-Chairman who would then take the meeting]

11. APPOINTMENT OF VICE-CHAIRMAN

The Committee noted that Council had agreed on 28 May 2010 that the position of Vice-Chairman of the Standards Committee be created, and that the appointment would be delegated to the Committee. The move to appoint a Vice-Chairman for the first time in the Committee's history was a response to the its increased level of activity. As well as acting in the Chairman's absence at meetings, the Vice-Chairman would assist in matters which required the Chairman's input in the absence of the Chairman

RESOLVED: (unanimously) that David Stevens be appointed Vice-Chairman for the ensuing municipal year.

12. STANDARDS COMMITTEE CHAIRMAN

The Committee noted that, at the Annual Council Meeting held on 28 May 2010, Robert Rogers was elected Chairman of the Standards Committee for the ensuing municipal year.

13. APOLOGIES FOR ABSENCE

Apologies were received from Robert Rogers (Independent Member and Chairman), Beris Williams (Local Authority Representative), Nicky Carless (Substitute Parish and Town Council Representative) and Mary Morris (Substitute Parish and Town Council Representative)

14. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Agenda Item	Type of Interest
Richard Gething	6 – Dispensations	Declared a prejudicial interest and left the meeting for the duration of this item
John Stone	10 – Appeal to the First-Tier Tribunal	Declared a personal interest and remained in the meeting for the duration of this item

15. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 16 April 2010 be approved as a correct record and signed by the Chairman.

16. CONSTITUTIONAL MATTERS

Members considered a report in respect of relevant constitutional matters which had been agreed by Council at its annual meeting on 28 May 2010. One action which Council had delegated to the Standards Committee – to appoint a Vice Chairman of the Committee - had been brought forward and resolved earlier on the agenda. In addition, the Committee noted the following actions agreed by Council:

- The Constitution would provide for Consideration and Hearing Sub-Committees in addition to the existing Assessment and Review Sub-Committees, comprising at least three members (to including and Independent Member in the chair, and for parish and town council matters, one Parish and Town Council Representative);
- The Council would continue to receive formal reports from the Standards Committee at all its meetings, as appropriate.

Members agreed that each of its guidance leaflets, produced jointly with the Herefordshire Association of Local Councils (HALC), should be reviewed to reflect any changes brought about by the new Constitution.

RESOLVED: (unanimously) that:

- (i) **the report be noted; and**
- (ii) **a review of all joint Standards Committee/HALC guidance leaflets be undertaken to reflect any changes brought about by the new Constitution.**

17. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

The Committee considered a report outlining a written application for a dispensation received from Bridstow 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%.

All seven members of the Parish Council had requested a dispensation in relation to Bridstow Village Hall. The Parish Council was Custodian Trustee of the Village Hall rendering all members automatically trustees on acceptance of office as a parish councillor. The dispensation would enable member to discuss village hall matters. The Members were:

Richard Gething;
Shirley Preece;
Simon Brewer;
Margaret Lewis;
Valerie Davies;
Russell B Hamilton; and

Jenny Colin.

Members felt that there was merit in allowing the dispensation until 05 May 2011 so that the next application would coincide with the elections for Parish and Town Councillors to be held on that date.

RESOLVED: (unanimously) that

- (i) **a dispensation be granted to Bridstow Parish Council for the members named above, in respect of Bridstow Village Hall, until 05 May 2011.**

18. BLOGGING AND SOCIAL NETWORKING

The Committee considered proposed guidance for all local authority, parish and town council members in respect of blogging, social networking and other forms of communication. Standards for England had initially issued guidance on its website, and the guidance proposed for Herefordshire essentially mirrored this, with some amendments in accordance with local procedures, and with additional advice for members who found themselves the subject of adverse comments in publications. The Committee felt that the guidance was essential to ensure that members were compliant with the Code of Conduct when using electronic forms of communication, particularly given the rapid and widespread distribution of this medium.

Members approved the guidance with some minor amendments.

RESOLVED: (unanimously) that:

- (i) **It be recommended to Council that the guidance for blogging and social networking (with the Committee's suggested amendments) be adopted; and**
- (ii) **The guidance be distributed to all local authority, parish and town councillors in Herefordshire.**

19. GUIDE TO STANDARDS PROCESSES

The Committee agreed a guide to Standards Committee processes in respect of complaints received about councillors in relation to the Code of Conduct. The aim of the guide was to help members of the public better understand the processes and the timescales involved. The guide would be made publicly available, and it would also appear on the Council's website. Given the proposed changes to the Standards regime announced by the government it was decided not to recommend the inclusion of this guide in the Council's constitution at this time. It was noted that the Constitutional Review Working Group had also agreed this approach.

RESOLVED: (unanimously) that:

- (i) **the Government's proposals in relation to the wider Standards framework be noted and in the light of these, detailed Standards procedure rules be not included in the Council's constitution at this stage;**

- (ii) **subject to the Committee's minor amendments, an agreed version of the guide to Standards processes and the Standards framework be made publically available, placed on the Council's website and distributed to all Herefordshire Councillors, and the Herefordshire Association of Local Councils.**

20. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Assistant Chief Executive (Legal and Democratic) reported on changes to Standards for England and the local Standards framework, through the proposed Decentralisation and Localism Bill due to be published later in 2010. Standards for England had ceased some of its activities and had cancelled this year's Annual Assembly of Standards Committees in response to the news. To date, no further information was available on any proposals, and the local filter would continue to operate as before. The present message, therefore, was very much "business as usual" until any new measures were introduced by Central Government.

RESOLVED: (unanimously) that the report be noted.

21. DECISION OF THE FIRST TIER TRIBUNAL

The Committee noted that the First Tier Tribunal, in an appeal panel on 21 May 2010, upheld the decisions of the Standards Committee Hearing in the case of Councillor Frank Myers of Walford Parish Council. The Tribunal's decision was publicly available under case reference APE 0491. Further progress through the appeals system would be monitored and members would be notified immediately.

RESOLVED: (unanimously) that the report be noted.

22. LOCAL FILTER CASES AND DETERMINATIONS

Members reviewed progress made on complaints about local authority, town and parish 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 so far in 2010, eighteen.

RESOLVED: (unanimously) that:

- (i) **the report be noted; and**
- (ii) **a further report be presented at the next Standards Committee meeting outlining progress made with cases.**

23. PROGRESS REPORT ON A STANDARDS FOR ENGLAND INVESTIGATION

The Assistant Chief Executive (Legal and Democratic) apprised members of progress made with a Standards for England Direction issued in respect of a particular parish or town council.

RESOLVED: (unanimously) that:

- (i) **the report be noted; and**
- (ii) **a further progress report be considered at the next Standards Committee meeting, giving timelines wherever possible.**