

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

Present:

David Stevens	(Vice-Chairman in the Chair), Independent Member
Olwyn Barnett	Local Authority Representative
Jake Bharier	Independent Member
Chris Chappell	Local Authority Representative
Isabel Fox	Independent Member
Richard Gething	Parish and Town Council Representative
Mary Morris	Parish and Town Council Representative

In attendance: Councillors John Hardwick and John Stone (Substitute Local Authority Representatives)

10. CHAIRMAN OF THE STANDARDS COMMITTEE

The Vice-Chairman in the Chair, Mr David Stevens, reported that Mr Robert Rogers has resigned as Chairman and Independent Member of the Standards Committee on 31 July 2011. Mr Rogers had recently been appointed Clerk to the House of Commons and Chief Executive and Chairman of the Management Board, and inevitably this very senior appointment had made weekday visits to Hereford very difficult for him.

Mr Rogers had been a founder, Independent Member and Chairman of the Standards Committee since 2002. The Committee commented that it had appreciated his leadership, procedural advice and common sense solutions, as indeed had all Councillors who knew him. Members added that his impeccable demeanour and discretion had earned him their respect, and they wished him the best for the future.

11. APOLOGIES FOR ABSENCE

Apologies were received from Ms Nicky Carless, substitute parish and town council representative.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made.

13. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 24 June 2011 be approved as a correct record and signed by the Vice-Chairman in the Chair.

14. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

The Committee considered a report outlining written applications for dispensations received from Garway Parish Council and Colwall 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%.

Garway Parish Council

Four members of Garway Parish Council had requested a dispensation on the basis that they were trustees of Garway Village Hall, and the dispensation was therefore required to enable them to discuss village hall matters. The total membership of the Parish Council was six.

Colwall Parish Council

Colwall Parish Council had requested a dispensation in relation to twelve of its members on the basis that they were trustees of the Walwyn Meadow, and the dispensation was required to enable them to discuss matters relating to it. The total membership of the Parish Council was fifteen.

The Assistant Director – Law, Governance and Resilience advised that the Localism Bill, once enacted, might have an impact on how dispensations were handled. For the timebeing, however, it was necessary to rely on the current legislation governing dispensations when making a decision. The Committee agreed in respect of both applications to grant dispensations for a four year period, or until the mandatory Code of Member Conduct was revoked following the enactment of the Localism Bill.

RESOLVED: (unanimously) that

- (i) **a dispensation under Regulation 17 of the Standards Committee (further Provisions) (England) Regulations 2009 be granted to**

**Councillor David Atkinson
Councillor Chris Strange
Councillor Malcolm Howard
Councillor Colin Robinson**

(of Garway Parish Council), for the period of four years, or until the earlier revocation of the mandatory Code of Member Conduct, where the transaction of business of the Garway Parish Council involves Garway Village Hall; and

- (ii) **a dispensation under Regulation 17 of the Standards Committee (further Provisions) (England) Regulations 2009 be granted to**

**Councillor Nicola Carless
Councillor Barry Ashton
Councillor John Morris
Councillor Nick Abbotts
Councillor Roland Trafford-Roberts
Councillor Neil Banning
Councillor Jim Beard
Councillor Michael Milne
Councillor John Mills
Councillor John Stock
Councillor Gwyneth Rees**

Councillor John Andrews

(of Colwall Parish Council), for the period of four years, or until the earlier revocation of the mandatory code of member conduct, where the transaction of business of the Colwall Parish Council involves the Walwyn Meadow.

15. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Committee considered the progress of the Localism Bill and discussed recent developments in relation to the outlook for standards and ethics in local government, and the potential future roles of the Committee. The Bill was currently at report stage in the House of Lords, and was expected to be enacted before the end of 2011. Numerous amendments had been made to the Bill since the Committees' previous meeting, including the addition of more information about the nature and scope of interests, details of a possible new mandatory code of conduct, and the establishment of a Standards Committee to discharge certain functions. It was noted that the amendments were still open to debate, and that further changes to the Bill were still possible.

Members noted that the former Chairman of the Standards Committee, Mr Robert Rogers, had met with Group Leaders to report on the implications of the Localism Bill. The Group Leaders had requested that the Standards Committee put forward proposals for the future of standards and ethics in Herefordshire, and for the future role of the Standards Committee.

In view of the likely timing of the Localism Bill, the Committee agreed to establish a working group to keep track of the Bill and to draw up the proposals. To this end, the working group would meet on 21 October 2011. There would then be an additional Standards Committee programed for 10 November 2011 in order to consider the working group's initial report.

The Assistant Director – Law, Governance and Resilience, tabled a sample draft code of conduct provided by the Association of Council Secretaries and Solicitors (ACSeS), and said that he would welcome views on what form a new code of conduct might take, and on how the code might be enforced.

Mr Richard Gething reported on the National Association of Local Council's (NALC) views on the Bill. NALC's main concern was the scope for non-mandatory elements in the new code, which could result in a high volume of different parish and town council codes of conduct. NALC would instead be requesting a mandatory common code for all of its members, and it had also been in discussions with ACSeS about the sample draft code.

RESOLVED (unanimously): that

- (i) A Standards Working Group be formed, reporting to the Standards Committee and comprising Mr David Stevens (in the Chair), Mr Jake Bharier, Mr Richard Gething, and Councillor John Stone, to put forward proposals for the future of standards and ethics in Herefordshire, having regard to the proposals contained in the Localism Bill and any amendments made by Parliament; and**
- (ii) The Standards Committee's ultimate proposals be reported to the Council's Group Leaders.**

16. 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 item of business on the grounds that it involved 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 outweighed the public interest in disclosing the information

7A Information which is subject to an obligation of confidentiality.

17. 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 system on 08 May 2008. To date, the Assessment and Review Sub-Committees had dealt with eighteen complaints in 2008, fifty in 2009, thirty-one in 2010 and fifty-eight in 2011.

RESOLVED (unanimously): that

- (i) the report be noted; and
- (ii) a report about further progress be presented at the next meeting.

18. DATES OF FUTURE MEETINGS

The following dates of future meetings were noted:

- Thursday 10 November 2011 at 2.00 p.m.;
- Friday 13 January 2012 at 2.00 p.m.;
- Friday 20 April 2012 at 2.00 p.m.

The meeting ended at 3.20 pm

CHAIRMAN