

# AGENDA

## Standards Committee

Date: **Friday 14 October 2011**

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Time: **2.00 pm**

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

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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

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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](mailto:hdonaldson@herefordshire.gov.uk) in advance of the meeting.

# Agenda for the Meeting of the Standards Committee

<b>Membership</b>	<b>Olwyn Barnett (Local Authority Representative)</b> <b>Jake Bharier (Independent Member)</b> <b>Chris Chappell (Local Authority Representative)</b> <b>Isabel Fox (Independent Member)</b> <b>Richard Gething (Parish and Town Council Representative)</b> <b>Mary Morris (Parish and Town Council Representative) □</b> <b>David Stevens (Vice-Chairman) (Independent Member)</b>
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## GUIDANCE ON DECLARING PERSONAL AND PREJUDICIAL INTERESTS AT MEETINGS

### What is a personal interest?

You have a personal interest in a matter if that matter affects the well-being or financial position of you, your relatives or people with whom you have a close personal association more than it would affect the majority of other people in the ward(s) to which the matter relates.

A personal interest can affect you, your relatives or people with whom you have a close personal association positively or negatively. If you or they would stand to lose by the decision, you should also declare it.

You also have a personal interest in a matter if it relates to any interests, which you must register.

### What do I need to do if I have a personal interest?

You must declare it when you get to the item on the agenda headed "Declarations of Interest" or as soon as it becomes apparent to you. You may still speak and vote unless it is a prejudicial interest.

If a matter affects a body to which you have been appointed by the authority, or a body exercising functions of a public nature, you only need declare the interest if you are going to speak on the matter.

### What is a prejudicial interest?

You have a prejudicial interest in a matter if;

- a) a member of the public, who knows the relevant facts, would reasonably think your personal interest is so significant that it is likely to prejudice your judgment of the public interest; and
- b) the matter affects your financial interests or relates to a licensing or regulatory matter; and
- c) the interest does not fall within one of the exempt categories at paragraph 10(2)(c) of the Code of Conduct.

### What do I need to do if I have a prejudicial interest?

If you have a prejudicial interest you must withdraw from the meeting. However, under paragraph 12(2) of the Code of Conduct, if members of the public are allowed to make representations, give evidence or answer questions about that matter, you may also make representations as if you were a member of the public. However, you must withdraw from the meeting once you have made your representations and before any debate starts.

**AGENDA**

	<b>Pages</b>
<p><b>1. CHAIRMAN OF THE STANDARDS COMMITTEE</b></p> <p>To note the resignation on 31 July 2011 of Mr Robert Rogers as Chairman and Independent Member of the Standards Committee.</p>	
<p><b>2. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>3. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
<p><b>4. MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 24 June 2011.</p>	1 - 4
<p><b>5. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</b></p> <p>To consider applications for dispensations received from parish and town councils.</p> <p><b>Wards: County Wide</b></p>	5 - 14
<p><b>6. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK</b></p> <p>To consider the current proposals for standards and ethics contained in the Localism Bill, the outlook for standards and ethics in local government, and the future role of the Committee.</p> <p><b>Wards: County Wide</b></p>	15 - 18
<p><b>7. EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p>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.</p> <p><b>RECOMMENDATION:</b>      <b>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.</b></p> <p><b>7A    Information which is subject to an obligation of confidentiality.</b></p>	
<p><b>8. LOCAL FILTER CASES AND DETERMINATIONS</b></p> <p>To update the Committee on progress made with complaints about local authority, parish and town councillors.</p> <p><b>Wards: County Wide</b></p>	19 - 30

## **9. DATES OF FUTURE MEETINGS**

To note the following dates and times of future meetings:

- 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.

HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of the Standards Committee held at Room 22a, Brockington on Friday 24 June 2011 at 1.00 pm**

**Present:** Robert Rogers (Chairman) (Independent Member)  
Olwyn Barnett (Local Authority Representative)  
Jake Bharier (Independent Member)  
Chris Chappell (Local Authority Representative)  
Richard Gething (Parish and Town Council Representative)  
Mary Morris (Parish and Town Council Representative)  
David Stevens (Independent Member)

**In attendance:** Nicky Carless (Parish and Town Council Substitute), John Stone (Local Authority Substitute), John Hardwick (Local Authority Substitute)

**1. STANDARDS COMMITTEE CHAIRMAN AND VICE-CHAIRMAN**

The Committee noted that, at the Annual Council Meeting held on 27 May 2011, Mr Robert Rogers was elected Chairman of the Herefordshire Standards Committee for the ensuing municipal year. The appointment of Vice-Chairman fell within the remit of the Standards Committee, and it was agreed that Mr David Stevens be appointed Vice-Chairman.

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

**2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Isabel Fox (Independent Member).

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**4. MINUTES**

**RESOLVED (unanimously): that the minutes of the meeting held on 01 April 2011 be approved as a correct record and signed by the Chairman.**

**5. HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS**

Mr Richard Gething reported on the recent activities of the Herefordshire Association of Local Councils (HALC). Two recent chairmanship courses conducted by HALC had been well-attended, and a third was planned for August 2011. Training on the Members' Code of Conduct was programmed for 14 July 2011, and would include a presentation from the Council's Electoral Services Manager, Mr John Jones.

In response to a question, Mr Gething confirmed that ninety per cent of Parish and Town Councils were currently members of HALC, and that training was also available for non-members.

HALC would be considering any additional topics for training in the light of the Localism Bill, and whether it would be appropriate to make training a compulsory part of membership, given any increase in powers and responsibilities for parish and town councils which might be devolved through the Bill.

**RESOLVED: (unanimously) that the report be noted.**

**6. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS**

The Committee considered a report outlining a written application for a dispensation received from Kington Town 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 members of the Town Council had requested a dispensation in relation to the Kington Recreation Ground Trust, because all were automatically members of the Trust upon acceptance of office. In addition, the Town Council had requested that the dispensation be a “block” dispensation which would capture all current and future Town Councillors for a four-year period, thereby removing the requirement within that period to make a new application every time that there was a subsequent change to the Town Council’s membership.

The Assistant Director – Law, Governance and Resilience referred to Paragraph 17 (1) (b) of the Regulations, which outlined the requirement for a member to submit a request for a dispensation in writing. He advised that in this instance, the Town Clerk had made the application on behalf of all members, and that he had since been advised that all members must sign the application form individually to satisfy the terms of the Regulations. Any dispensation granted could only be done upon receipt of the signed application form, therefore.

In respect of the request for a “block” dispensation, the Assistant Director – Law Governance and Resilience advised that this would not be possible, because the application must be from individual members of the Council, rather than from the Town Council as a body or as a trustee of the Recreation Ground Trust. This would also apply to any subsequent new Town Councillors, who would need to apply separately.

**RESOLVED: (unanimously) that**

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

**Councillor Mrs E Banks  
Councillor Mr T Bounds  
Councillor Mrs R Bradbury  
Councillor Mrs C Kibblewhite  
Councillor Mrs J Gardner  
Councillor Mrs E Rolls  
Councillor Mrs J Reid  
Councillor Mr D East  
Councillor Mrs J Thomas  
Councillor Mrs S Williams  
Councillor Mr M Turner  
Councillor Mr B Widdowson  
Councillor Mrs C Forrester**

**Councillor Mr P Williams  
Councillor Mr H Jones**

**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 Kington Town Council involves the Kington Recreation Ground Trust;**

- (ii) that each dispensation granted in (i) above is conditional upon receipt by the Monitoring Officer of a copy of the letter of request dated 16<sup>th</sup> May 2011 from the Clerk to Kington Town Council countersigned by the relevant member; and**
- (iii) that the Clerk to Kington Town Council be advised of the need for any new members to apply for a dispensation.**

## **7. 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 role of the Committee. The Committee also considered Mr Jake Bharier's written paper on ways in which Herefordshire Council might respond to the Bill if enacted in its present form, including establishing what behaviour might be expected of members, how the Council might deal with any departures from the expected behaviour, and how these issues might relate to Parish and Town Councils.

During the discussion, the following key points were made:

- Members perceived that the Bill in its current form made clear distinctions between Local Authority Councillors, and those in Town and Parish Councils. Greater powers might be afforded to local authorities, whereas the way forward for town and parish councils was less straightforward.
- Members agreed that independence was an important element of dealing with any complaint about standards and ethics if credibility were to be maintained.
- The Monitoring Officer would require some form of support mechanism to assist him in his new role, as outlined in the Bill;
- The role of Group Leaders would be very important in implementing any new standards and ethics regime; equally, there might be additional risks for ungrouped members.

The Committee emphasised the need to establish whether the Council would wish for a voluntary Code of Conduct or a Standards Committee in the future. To this end, the Chairman said that he would request a meeting with the Group Leaders, to discuss the implications of the Localism Bill, and obtain their opinions about a future standards and ethics regime.

**RESOLVED: (unanimously) that**

- (i) the report be noted; and**
- (ii) the Chairman will meet with the Group Leaders of Herefordshire Council to discuss the implications of the Localism Bill, and obtain their opinions about a future standards and ethics regime, with a view to the Standards Committee bringing proposals to Council at the appropriate time.**

## **8. TRAINING FOR STANDARDS COMMITTEE MEMBERS**

The Committee considered its current training requirements. Members felt that previous training undertaken jointly with Worcester County Council had proved highly beneficial, and agreed that there was merit in sharing any training requirements with the Standards Committees of Worcester County Council and the Hereford and Worcester Fire and Rescue Authority, should the need for training arise.

**RESOLVED: (unanimously) that training enquiries from Standards Committee members be shared jointly with the Standards Committees of Worcester County Council and the Hereford and Worcester Fire and Rescue Authority as appropriate.**

## **9. 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 twenty-one in 2011.

In addition, the Committee agreed to close certain cases, or elements of cases, which related specifically to subject members who, following the May 2011 elections, were no longer councillors.

**RESOLVED: (unanimously) that**

- (i) the report be noted;**
- (ii) permission to close elements of cases SC0817 and SC0916 pertaining solely to the subject member, and case SC1117, be granted, and**
- (iii) a report be presented at the next meeting about further progress.**

The meeting ended at 2.39 pm

**CHAIRMAN**





<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>14 OCTOBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES OFFICER</b>

Classification: Open

## Purpose

1. To consider applications for dispensations received from Garway Parish Council and Colwall Parish Council.

## Recommendations

**THAT**

- (a) **the Standards Committee considers granting dispensations to members of Garway Parish Council and Colwall Parish Council, as named in the report;**

## Background

2. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
3. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002, amended by the Standards Committee (Further Provisions) (England) Order 2009, give Standards Committees the power to grant dispensations in circumstances where: the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate, **or** where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.
4. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.

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Further information on the subject of this report is available from Heather Donaldson, Democratic services Officer on (01432) 261829

5. The regulations also specify two circumstances where a dispensation may not be granted; first, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

## **Garway Parish Council**

6. Garway Parish Council has requested a block dispensation in relation to the following four members:

Councillor David Atkinson;  
Councillor Chris Strange;  
Councillor Malcolm Howard;  
Councillor Colin Robinson.

7. All are trustees of Garway Village Hall, and the dispensation is required to enable them to discuss village hall matters. The total membership of the Parish Council is six.

## **Colwall Parish Council**

8. Colwall Parish Council has requested a block dispensation in relation to the following twelve members:

Councillor Nicola Carless;  
Councillor Barry Ashton;  
Councillor John Morris;  
Councillor Nick Abbotts;  
Councillor Roland Traffod-Roberts;  
Councillor Neil Banning  
Councillor Jim Beard  
Councillor Michael Milne  
Councillor John Mills  
Councillor John Stock  
Councillor Gwyneth Rees  
Councillor John Andrews.

9. All are trustees of Walwyn Meadow Hall, and the dispensation is required to enable them to discuss matters relating to this. The total membership of the Parish Council is fifteen.

## **Financial Implications**

10. None.

## **Appendices**

Letters and application forms from Garway Parish Council and Colwall Parish Council.

**Application form for a Dispensation**  
under Section 81 of the Local Government Act 2000 in respect of a prejudicial interest

Name of council ..... GARWAY PARISH COUNCIL .....

1. Names of councillors (the number must be not fewer than half of the total):

DAVID REDMAN AND ATKINSON

CHRIS EVAN STRANGE

MALCOLM WILLIAM HOWARD

COLIN ROBINSON

2. What is the total membership of your council, committee or sub-committee for which dispensation is sought?

SIX

3. What is the quorum of the council, committee or sub-committee concerned? THREE

4. What is the matter for which dispensation is sought?

ALL TRUSTEES OF GARWAY VILLAGE ~~TRUSTEES~~ <sup>HALL</sup>

THE VILLAGE HALL IS A CHARITY.

5. For which type of meeting is dispensation sought? (full council, committee or sub-committee).

FULL COUNCIL

6. What is the nature of the prejudicial interest?

THE FOUR COUNCILLORS ARE TRUSTEES OF GARWAY VILLAGE HALL. CANNOT THEREFORE TAKE PART IN ANY DISCUSSION OVER FUNDING ~~FOR~~ MAINTENANCE OR REPAIRS. THE VILLAGE HALL COMMITTEE ARE ALSO APPLYING FOR GRANTS TO ENABLE HALL TO BE <sup>3</sup>USED AS A COMMUNITY HUB - THIS MAY REQUIRE DISCUSSION OR DECISIONS TO BE MADE BY PARISH COUNCIL.



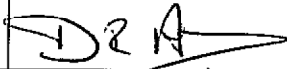
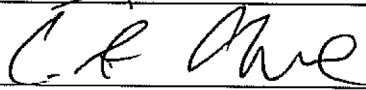
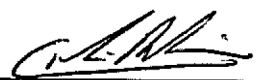
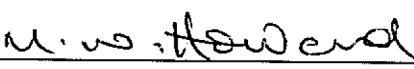
7. For how long is the dispensation needed? This must be no longer than four years, and must not exceed the term of office of the councillors concerned.

TERM OF OFFICE - MAY 2015

8. How is the business of the council being impeded in the absence of a dispensation (for example, a village hall matter where some members are exempt because they are village hall trustees)?

NO QUORUM - UNABLE TO ACT ON VILLAGE HALL MATTERS. ie. grants to HALL.

Signatures of those applying for dispensation:

NAME	SIGNATURE	DATE
DAVID ALLCINSON		4-7-11
CHRISTOPHER STRANG		4-7-11
COLIN ROBINSON		4-7-11
MALCOLM HOWARD		4-7-11

Please return this form to the monitoring officer at the address on page 2



**Application form for a Dispensation**  
under Section 81 of the Local Government Act 2000 in respect of a prejudicial interest



Name of council COLWALL PARISH COUNCIL

**1. Names of councillors (the number must be not fewer than half of the total):**

Nicola Corless, Barry Ashton, John Morris, Nick Abbotts,  
Roland Trafford-Roberts, Neil Bowring, Jim Beard, Michael Milne  
John Mills, John Stock, Gwyneth Rees, John Andrews

**2. What is the total membership of your council, committee or sub-committee for which dispensation is sought?**

15.

**3. What is the quorum of the council, committee or sub-committee concerned?**

5.

**4. What is the matter for which dispensation is sought?**

Matters relating to Walwyn Meadow, which the sole Trustees  
are the Councillors named

**5. For which type of meeting is dispensation sought? (full council, committee or sub-committee).**

Full Council and ~~Village Assets~~ ~~Committee~~ Committee

**6. What is the nature of the prejudicial interest?**

Councillors are sole trustees of Walwyn Meadow therefore  
have a prejudicial interest should matters need to be voted  
upon relative to Walwyn Meadows





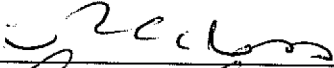
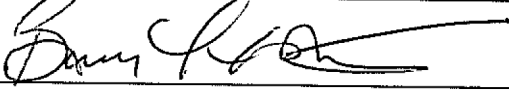
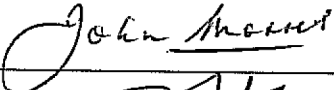
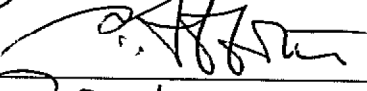
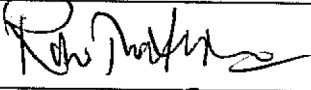
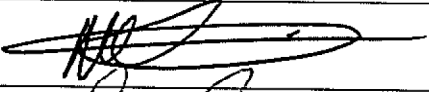
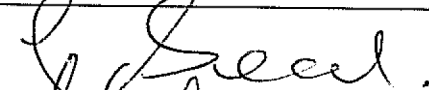
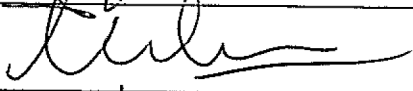
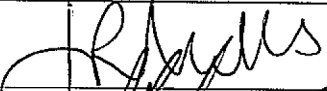

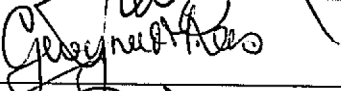

7. For how long is the dispensation needed? This must be no longer than four years, and must not exceed the term of office of the councillors concerned.

4 years

8. How is the business of the council being impeded in the absence of a dispensation (for example, a village hall matter where some members are exempt because they are village hall trustees)?

No matters can be voted upon. Whitwyn Meadows is an important recreational area for the village which falls under the Parish Council.

**Signatures of those applying for dispensation:**

NAME	SIGNATURE	DATE
NICOLA CARLESS		31/8/11
BARRY ASHTON		31/8/11
JOHN MORRIS		31/8/11
NICK ABBOTS		31/8/11
ROLAND TRARRAD-ROBERTS		31/8/11
NEIL BOWRING		31/8/11
JIM BEARD		31/8/11
MICHAEL MILNE		31/8/11
JOHN MILLS		31/8/11
JOHN STOLL		31/8/11
GWYNETH REE		31/8/11
JOHN ANDREWS		31/8/11

Please return this form to the monitoring officer at the address on page 2



<b>MEETING:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	<b>14 OCTOBER 2011</b>
<b>TITLE OF REPORT:</b>	<b>THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK</b>
<b>REPORT BY:</b>	<b>DEMOCRATIC SERVICES OFFICER</b>

Classification: Open

## Purpose

To consider the current proposals for standards and ethics contained in the Localism Bill, the present outlook for standards and ethics in local government and the future role of the Standards Committee.

## Recommendation

- THAT**
- (a) the Standards Committee forms a working group to put forward proposals for the future of standards and ethics in Herefordshire and the future role of the Standards Committee, having regard to the proposals contained in the Localism Bill and any amendments made by Parliament; and**
  - (b) the Standards Committee's proposals be reported to the Council's Group Leaders.**

## Key Points Summary

- The Decentralisation and Localism Bill includes proposals to “abolish the Standards Board regime”. As a result, it is likely that Standards for England will cease to investigate complaints in late 2011 or early 2012 and will be formally abolished during 2012.
- The Committee has previously considered some of the implications that the proposed arrangements will have on the way ethical standards will be maintained and complaints dealt with in the future.
- Until such time as the new legislation is passed, the statutory framework remains operative and complaints are still being dealt with by the Standards Committee in the same way. A report about the progress of these is set out for Members in the confidential section of the Agenda.
- The Bill was introduced to the House of Commons on 13 December 2010. It is currently at report stage in the House of Lords. This involves a line-by-line examination of the Bill with all of the Lords' proposed amendments, and the next sitting in connection with this is due to begin on 10 October 2011. The Bill's progress can be followed on Parliament's website, using the following link: <http://services.parliament.uk/bills/2010-11/localism.html>

- It is necessary to establish a working group to consider the Localism Bill in detail, and make proposals for a future local standards and ethics regime for Herefordshire.

## **Alternative Options**

- 1 There are none.

## **Reasons for Recommendations**

- 2 To prepare for any necessary changes to the ethical standards framework, to the local handling of standards complaints, and to the Standards Committee, taking account of the emerging information about the Localism Bill.

## **Introduction and Background**

3. The Government's aim is to have the new arrangements in place by late 2011 and the Council will therefore need to consider what arrangements, if any, it needs to put in place for an ethical framework and the way in which complaints about councillors are dealt with.

## **Key Considerations**

4. In summary the government's initial proposals in the Bill are:
  - to abolish Standards for England
  - to remove the First-tier Tribunal's (Local Government Standards in England) jurisdiction over member conduct.
  - to remove the current national Code of Conduct for councillors.
  - to make provision for councils to have a local code of conduct and a standards committee.
  - to create a criminal offence relating to failure to register or declare interests.
5. Transitional arrangements have been proposed for the time after the closure of Standards for England. The date on which these arrangements will take effect is not yet known, and they may change as more information emerges:
  - Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.
  - Any investigations being undertaken by Standards for England will transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation.
  - The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

- Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.
  - The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system.
  - The suspension sanction will be removed from standards committees for the transitional period. Hence the most a standards committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.
6. Mr Jake Bharier, Independent Member of the Herefordshire Standards Committee, submitted a paper to the Standards Committee on 24 June 2011 with some initial thoughts and suggestions for handling standards and ethics complaints post-Standards Board regime, and for possible avenues of consultation. The Chairman of the Standards Committee at that time, Mr Robert Rogers, subsequently presented the paper to the Council's Group Leaders and reported on the implications of the Localism Bill. The Group Leaders have requested that the Standards Committee puts forward proposals for the future of standards and ethics in Herefordshire and the future role of the Standards Committee.
7. Since the Standards Committee's previous meeting, numerous amendments relating to standards and ethics have been made to the Bill in the House of Lords, the most recent being on 14 September 2011. Included in the most recent amendments, are:
- More detail about the nature of interests, declaring interests, granting dispensations, and provisions for declaring interests when they relate to "sensitive" information;
  - Details of a mandatory code of conduct for relevant authorities which is consistent with the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – and which must include provisions on avoiding conflicts of interest, and the registration and declaration of financial and other interests, and which may include other provisions that are mandatory, and may include provisions that are optional.
  - Establishment of a standards committee to discharge certain functions, which must be chaired by a person who is not a member or officer of that or another relevant authority - and at least 25% of the members of the standards committee must also be independent of a relevant authority.
  - Further detail about establishing appeals panels to consider appeals by local authority members against decisions of Standards Committees.
8. The full list of amendments can be viewed on Parliament's website at:
- <http://www.publications.parliament.uk/pa/bills/lbill/2010-2012/0090/amend/ml090-ivr.htm>
9. It is important to note that the amendments are still open to debate in the House of Lords at the current stage ("Report" stage), and at the stage after that ("Third Reading" stage), and it is not known yet whether they will be accepted. After this, the Bill must return to the House of Commons for further consideration, and could go back and forth between both Houses several times in the process of reaching a final agreement.

10. In view of the request from the Group Leaders to receive proposals for the future of local standards and ethics, and the likely timing of the Localism Bill, the Standards Committee is asked to establish a working group, to keep track of the Bill's progress and to draw up the proposals. An additional Standards Committee has been scheduled to take place on Thursday 10 November 2011 at 2.00 p.m., in order to consider the working group's initial report.

## **Community Impact**

11. It is important to ensure that the community at large is aware that the statutory framework remains operative, and will be informed of any changes as they happen.

## **Financial Implications**

12. There are no further financial implications known at this stage.

## **Legal Implications**

13. Until such time as the relevant legislation is passed, the current statutory framework remains operative.

## **Risk Management**

14. There is a need to ensure that, until otherwise known, the statutory framework is adhered to. Ethical standards are important to the Council and, following the abolition of this framework, the effectiveness of the new statutory regime needs to be monitored.

## **Consultees**

15. There are none.

## **Appendices**

16. None.

## **Background Papers**

- Letter from Dr David Chilton to Standards Committee chairs dated 30 November 2010;
- DCLG information release dated December 2010 & Ministerial Statement dated 13 December, 2010.
- DCLG Publication entitled: "Localism Bill: the abolition of the Standards Board regime, clarification of the law on predetermination and the requirement to register and declare interests. Impact assessment" dated January 2011
- Localism Bill 2010-11, UK Parliament: <http://services.parliament.uk/bills/2010-11/localism.html>
- Hansard: <http://www.publications.parliament.uk/pa/ld201011/ldhansrd/text/110914-0002.htm#110914101001493>

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Further information on the subject of this report is available from  
Heather Donaldson, Democratic Services Officer on (01432) 261829

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