

# AGENDA

## Standards Committee

Date: **Friday 15 June 2012**

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Time: **10.00 am**

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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**

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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

## Membership:

<b>Chairman</b>	<b>David Stevens</b>	Independent Member
<b>Vice-Chairman</b>	<b>Jake Bharier</b>	Independent Member
	<b>Olwyn Barnett</b>	Local Authority Representative
	<b>Chris Chappell</b>	Local Authority Representative
	<b>Richard Gething</b>	Parish and Town Council Representative
	<b>Mary Morris</b>	Parish and Town Council Representative

## 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. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
<p><b>3. MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 20 April 2012.</p>	1 - 4
<p><b>4. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK</b></p> <p>To consider progress made with the implementation of a new regime of member conduct in preparation for changes brought about by the Localism Act 2011. This will be reported verbally at the meeting.</p>	
<p><b>5. 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>6. 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>	5 - 16



HEREFORDSHIRE COUNCIL

**MINUTES of the meeting of Standards Committee held at The Assembly Hall, Town Hall, St Owen St, Hereford on Friday 20 April 2012 at 10.00 am**

**Present:** David Stevens (Independent Member) (Chairman)  
 Jake Bharier (Independent Member) (Vice Chairman)  
 Olwyn Barnett (Local Authority Representative)  
 Richard Gething (Parish and Town Council Representative)

**In Attendance:** John Hardwick and John Stone (Local Authority Substitutes)

[Note: the meeting venue was initially listed as the Council Chamber, Brockington, Hereford, and this was subsequently changed to the Assembly Hall at the Town Hall, Hereford due to a double-booking of the venue. The Chairman formally opened the meeting and then adjourned for five minutes, in order to confirm with all of the appropriate officers that there were no members of the public or press either at Brockington, or en route from Brockington to the Town Hall. The meeting was re-convened at 10.05 am, after confirmation had been obtained by telephone. ]

**30. RESIGNATION OF A STANDARDS COMMITTEE MEMBER**

The Committee noted the resignation of Isabel Fox, an Independent Member of the Standards Committee. Mrs Fox had resigned due to a move to Oxfordshire. The Committee expressed its thanks for her excellent contribution and support since her appointment in October 2008, and wished her every success in the future.

**31. APOLOGIES FOR ABSENCE**

Apologies were received from Nicky Carless (Parish and Town Council Substitute), Chris Chappell (Local Authority Representative), and Mary Morris (Parish and Town Council Representative).

**32. DECLARATIONS OF INTEREST**

Richard Gething declared a personal and prejudicial interest in Agenda Item 5 (DISPENSATIONS), on the grounds that he was one of the members of Bridstow Parish Council seeking a dispensation. He left the meeting for the duration of this item.

**33. MINUTES**

**RESOLVED: (unanimously) that the minutes of the meeting held on 13 January 2012 be approved and signed as a correct record.**

**34. DISPENSATIONS**

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%.

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

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 time being, however, it was necessary to rely on the current legislation governing dispensations when making a decision. The Committee agreed for a four year period, or until the mandatory Code of Member Conduct was revoked following the enactment of the Localism Bill 2011.

**RESOLVED: (unanimously) that a dispensation under Regulation 17 of the Standards Committee (further Provisions) (England) Regulations 2009 be granted to:**

**Councillor Jenny Colin  
Councillor Sally Northcott  
Councillor Richard Gething  
Councillor Simon Brewer  
Councillor Clive Beddows  
Councillor Shirley Preece**

**(of Bridstow 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 Bridstow Parish Council involves Bridstow Village Hall.**

### **35. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK**

The Committee considered the notes of the Standards Working Group meeting held on 6 March 2012, and discussed progress made by Central Government in relation to a new regime of member conduct which would take effect from 1 July 2012, following the abolition of the statutory Code of Conduct and penalties through the Localism Act 2011. The following principal points were made during the discussion:

- The Localism Act, although effectively now in force, still required statutory regulations in order to implement any changes to the current Standards Regime. In view of this, the Standards Committee would retain its powers until 1 July 2012. Certain parts of the Act had been carried out – for example, the abolition of Standards for England had happened on 31 March 2012.
- After 1 July 2012, it was likely that local authorities would be expected to adopt their own codes of member conduct, and procedures for handling complaints and dealing with applications for dispensations. There was still no further information on any sanctions which might be available under a code of member conduct, and no further detail available on pecuniary and non-pecuniary interests. It was likely that local authorities would be able to stipulate what interests members were required to declare, aside from a code set of pecuniary interests prescribed by Central Government
- All local authorities would be required to appoint Independent Persons to assist the Monitoring Officer with handling complaints about councillors under the new regime. Due to the wording of the Localism Act, it was possible that existing Independent Members would be disqualified from applying for the post of Independent Person, although it was anticipated that there would be transitory provisions to keep the existing Independent Members in place *pro tem*.
- There was still no consensus between the Local Government Association, the Department for Communities and Local Government and the Association of

Council Secretaries and Solicitors in respect of the format of a new code of conduct. In addition, it was likely that the National Association of Local Councils might also produce a suggested code. This meant that local authorities nationally were still awaiting further guidance and were unable to finalise a code for adoption by their members.

- The Assistant Director – Law Governance and Resilience would seek advice and consider whether the Council was yet in a position to recruit Independent Persons, and would begin the process of recruiting one out of the three proposed by the Standards Working Group, once confirmation was received.

**RESOLVED (unanimously): that**

**(i) the report be noted;**

**(ii) the Standards Working Group will convene a meeting as soon as the necessary commencement regulations in respect of the Localism Act 2011 were available, in order to take appropriate measures to produce a code of conduct and a procedure to be adopted by Council; and**

**(iii) the Assistant Director – Law Governance and Resilience, be requested to take whatever steps are necessary and appropriate to recruit an Independent Person to the new Standards Panel.**

**(iv) the Assistant Director – Law, Governance and Resilience be requested to inform parish and town councils of any new regulations and commencement orders as soon as they are received.**

### **36. 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.**

### **37. LOCAL FILTER CASES AND DETERMINATIONS**

The Committee reviewed progress made with 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 18 complaints in 2008, 50 in 2009, 31 in 2010, 64 in 2011 and 7 in 2012.

The Committee considered a number of related cases, all from a single authority, which had been the subject of mediation and governance training at the direction of Standards for England. The officer discharging the functions on behalf of Standards for England had completed her final report, and the Committee agreed to close the cases.

The Committee also considered decision notices received from Standards for England in respect of a number of cases that had been referred to them for investigation.

Standards for England had decided that no further action was required on all of these cases. The Committee noted the decisions, and agreed that the cases were now closed.

**RESOLVED (unanimously): that**

- (i) the report be noted, and a report about further progress be presented at the next meeting; and**
- (ii) cases 0905-0911 inclusive, 0913, 0914, 0917-0929 inclusive, 0931, 0934, 0936, 0937, 0939 and 0940, all the subject of a direction from Standards for England for mediation and governance training which had now been completed, be closed; and**
- (iii) cases 1127, 1128, 1132, 1134, 1135, 1136, 1138 and 1140, all returned from Standards for England with a decision of no further action, be closed.**

The meeting ended at 10.57 am

**CHAIRMAN**



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