

**MINUTES of the meeting of Standards Committee held at :
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 20th October, 2006 at 3.45 p.m.**

Present: Robert Rogers (Independent Member)(Chairman)

Councillor John Edwards and Councillor John Stone
David Stevens (Independent Member)
Richard Gething (Parish and Town Council Representative)
John Hardwick (Parish and Town Council Representative)

83. APOLOGIES FOR ABSENCE

(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)

There were no apologies for absence.

84. DECLARATIONS OF INTEREST

(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)

There were no declarations of interest received.

85. MINUTES

(Note: The Chairman, Mr Robert Rogers, had been unavoidably delayed and was not present at the meeting for this item. Mr David Stevens took the Chair in his absence.)

RESOLVED: (unanimously) that the minutes of the meeting held on 30 June 2006 be approved as a correct record and signed by the Chairman (Robert Rogers and David Stevens both signed in this instance, because both chaired part of the meeting).

86. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS

The Committee considered a report outlining an application for a dispensation received from Yarkhill Parish Council.

Members referred to the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, 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%.

The application was from two out of the six members of Yarkhill Parish Council, in relation to Yarkhill Village Hall, and therefore amounted to less than 50% of the Parish Council membership. Members commented that there were many similar examples in Herefordshire of smaller parish councils which might have less than 50% of its members exempted from a particular discussion. In theory, this meant that they would not be in a position to have a dispensation granted. The fact remained, however, that they might still struggle to be quorate if one or two additional members were also absent.

The Committee felt that the wording “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” was ambiguous. In relation to Yarkhill Parish Council, the Committee questioned the exact meanings of “entitled” and “required”, and whether either word was a reference to a quorum.

Members decided to grant the dispensation to both applicants, and seek clarification from the Standards Board for England (SBE) about the meaning of the Regulations. If, upon receipt of clarification, the Parish Council’s position was any different to that agreed, the Committee would inform the Parish Council.

RESOLVED: (unanimously) that:

- (i) the request for dispensation received from Mr J. Rawsthorne and Mr J.T. Godsall of Yarkhill Parish Council be granted;**
- (ii) the Head of Legal and Democratic Services seek clarification from the SBE in respect of Paragraph 3.1 (i) of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002; and**
- (iii) if, upon receipt of clarification, any changes are required to the dispensation granted to Yarkhill Parish Council, the Committee will inform the Parish Council.**

87. DISPENSATIONS - DRAFT GUIDANCE FOR TOWN AND PARISH COUNCILS

Mr Alan McLaughlin, Head of Legal and Democratic Services, outlined amendments to the draft Dispensations Guidance for Town and Parish Councils, and Mr Richard Gething submitted amendments suggested by the Herefordshire Association of Local Councils (HALC). Having considered all relevant aspects, the Committee agreed on the final draft.

RESOLVED: (unanimously) that the Dispensations Guidance for Town and Parish Councils be finalised and prepared for use as soon as possible.

88. HEARINGS: DRAFT GUIDANCE FOR PARTICIPANTS

The Chairman circulated a draft document which aimed to assist participants in hearings in becoming familiar with the hearing process at the earliest stage possible. The guidance covered frequently asked questions and addressed some of the common misconceptions. The Committee felt that the document required an additional paragraph explaining the difference between a witness called to give evidence about the facts of a particular case, and a witness called to give evidence of mitigating factors. Members agreed the following additional paragraph to be inserted after the eleventh paragraph in the document:

“If you are called as a witness in mitigation, following the finding of fact by the Committee or Sub-Committee, you may present special factors that you wish the Committee or Sub-Committee to take into account in reaching its decision on the penalty or sanction to be imposed. Please note that you will not be able to review or comment on findings already made by the Committee or Sub-Committee.”

RESOLVED: (unanimously) that the Brief for Those Attending a Standards Committee Hearing be approved, subject to an additional paragraph as above, and be distributed to participants before a hearing as well as being distributed at the hearing itself.

89. ANNUAL REPORT 2005/06

Members considered a draft Standards Committee Annual Report, and suggested the following:

- The finalised report be produced as a “stand alone” colour booklet for circulation to other Authorities, Standards Committees, Town and Parish Councils, the Standards Board and other interested organisations;
- Some members provided updated information in respect of their personal details;
- The report would cover the period up to the end of 2006, rather than following the Municipal year;
- Additional sections would be inserted on Devolution, including its potential impact on resources and training, and on HALC (in consultation with Mr Gething).

RESOLVED: (unanimously) that the Standards Committee Annual report be amended as agreed in the above minute, and the new draft be considered at the Committee’s next meeting on 12 January 2007.

90. HEREFORDSHIRE CORPORATE GOVERNANCE CODE

Members commented on the Council’s Code of Corporate Governance, which followed joint guidance produced by CIPFA and SOLACE. They suggested amendments to Paragraph 42, such as expanding the information to include more details about the Council’s ethical framework, and the roles of the Monitoring Officer and the Standards Committee. They felt that the document should also make specific reference to the various codes that the Standards Committee had developed and continued to monitor, such as the Code of Conduct, and protocols relating to the use of Council resources, and to Planning matters.

Mr A. McLaughlin reported that he would also make any further revisions to the document that he considered necessary from a legal viewpoint.

RESOLVED: (unanimously) that the Council’s Code of Corporate Governance be revised, including the amendments suggested above, in consultation with the Chairman of the Standards Committee and the Head of Legal and Democratic Services.

91. STANDARDS BOARD FOR ENGLAND BULLETIN 30

Members considered the Standards Board for England Bulletin 30, with particular reference to protocols on dealing with the Media, and the SBE’s proposed approach to monitoring local investigations.

Mr Robert Blower, Head of Communications, was present during the discussion. He reported that revisions to the Council's own protocols on dealing with the media were under way. The new protocols would include much of the SBE's guidance on the basis that it was comprehensive, clear and easy to follow.

Members did not agree with the SBE's suggestion that, in the event of a serious problem with the outcome of a Standards Committee hearing, the SBE would contact the Council's Chief Executive in the first instance. They felt that that this proposal detracted from the Committee's autonomy, and that members would prefer to be the first point of contact in the event of a problem.

RESOLVED: (unanimously) that:

- (i) **The Council's protocols on dealing with the media be revised to include the SBE guidance; and**
- (ii) **Mr A. McLaughlin would convey the Standards Committee's opinion on referring problems with hearings to the Chief Executive, to Paul Hoey, Head of Policy and Guidance at the SBE.**

92. "A QUESTION OF STANDARDS"

The Committee noted a paper produced by the Cornerstone Group (of Members of Parliament), and the SBE's detailed response to it.

RESOLVED: (unanimously) that the report be noted.

93. STANDARDS BOARD FOR ENGLAND ANNUAL REVIEW: "DEVOLUTION"

The Committee considered the Standards Board for England Annual Review, which centred on the continued move to a system of local assessment of complaints, and the SBE's adoption of the role of strategic regulator within this framework. As part of this devolution, the SBE proposed to issue a simpler, clearer and locally owned Code of Conduct. It anticipated that the Code would be issued in time for May 2007, and that the consultation would begin shortly.

RESOLVED: (unanimously) that the report be noted.

94. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Various members reported on the Annual Assembly of Standards Committees, which took place at the International Conference Centre in Birmingham on 16 and 17 October 2006. Mr Gething and Councillor Stone had attended this event for one day, and Mr Stevens, Mr Hardwick and Councillor Edwards had attended for both days. Over 700 delegates participated in specialist discussion groups and listened to addresses from key speakers on standards and ethics issues. Members felt that the conference had proved to be an invaluable resource for training and information, and was an essential forum for exchanging ideas highlighting important issues. The recurrent theme was devolution, and the implications that this would have for resources. Members also gained the insight, from discussions with members from other areas, that the Herefordshire Standards Committee was extremely well supported by the Council, had gained significant experience in conducting hearings, and was at the cutting edge of ethics and standards.

RESOLVED: (unanimously) that the report be noted.

95. TRAINING EVENTS

Mr A McLaughlin reported that there would be a joint training session with HALC on 29 November 2006, on the Code of Conduct. Members expressed an interest in attending informally. Mr McLaughlin was also liaising with Mr Simon Mallinson, Head of Legal and Democratic Services at Worcester County Council, to provide joint training for Standards Committee Members in Herefordshire and Worcestershire, and on the Combined Fire and Rescue Authority and the West Mercia Police Authority.

Mr Gething produced statistics on training from HALC, and said that he would put these into a clearer format in time for the next meeting.

RESOLVED: (unanimously) that the report be noted.

96. DATES OF FUTURE MEETINGS

The next Standards Committee meeting would be held at 2.00 p.m. on Friday 12 January 2007 in the Council Chamber at Brockington. Future meeting dates were noted as follows:

- Friday 13 April 2007 at 2.00 p.m.

In addition, members also approved the following meeting dates:

- 06 July 2007 at 2.00 p.m.
- 19 October 2007 at 2.00 p.m.
- 18 January 2008 at 2.00 p.m.
- 25 April 2008 at 2.00 p.m.

97. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

(Note: Councillor Edwards was not present during the discussion on this item, having left the meeting to attend another engagement).

The Committee considered a report on the current investigations by the Standards Board for England in respect of complaints of alleged misconduct against certain councillors during 2006.

Arising from this discussion, members also looked at how hearing and meeting information was displayed in the Council's website, and felt that a more consistent approach was needed. They also looked at how standards and ethics issues were displayed on the home page, and expressed the view that there was great merit in providing more detail, and that accessibility to a greater range of external links and information was required.

RESOLVED (unanimously) that:

- (i) the report be noted; and**
- (ii) the Head of Legal and Democratic Services and the Democratic Services Officer explore ways to improve and update the Council's website in relating to standards and ethics issues.**

The meeting ended at 5.35 p.m.

CHAIRMAN