

## **REPORT OF THE STANDARDS COMMITTEE**

### **Meeting held on 12 January 2007**

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**Membership:**

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member).

#### **APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS**

1. We have sought advice from the Standards Board for England (SBE) in respect of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, and in particular, the wording of paragraph 3(1)(a)(i) which, in the light of a number of dispensation applications we have considered recently, we think is ambiguous. Did it mean 50% of those who were entitled to take part in a meeting – in other words, half of the total membership, or was the meaning changed by the next phrase “or required” where it could refer either to the quorum or to members who were needed for particular business reasons? The SBE agrees with us that the wording of the Regulations is ambiguous, but suggests that we should make our own interpretation on the basis that any reasonable interpretation is unlikely to be challenged. We are minded to adopt a more generous interpretation as we are concerned that the business of Town and Parish Councils might otherwise be unnecessarily obstructed.
2. We have granted a dispensation to three members of Welsh Newton and Llanrothal Parish Council in relation to their roles as members of Welsh Newton Village Hall Committee. The Parish Council’s situation is exactly that described in the above paragraphs, because the application affects less than 50% of its membership. Because the full membership is only seven, it was clear that a decision not to grant a dispensation might affect the Parish Council’s ability to deal with village hall matters.

#### **HEARINGS: DRAFT PROCEDURE GUIDES**

3. We noted the implications of the judgment of Mr Justice Collins in the Mayor of London’s High Court appeal. The ruling provides a more restrictive view of when the Code of Conduct may apply to the actions of a member, narrowing the definition of when he or she is considered to be acting in a public capacity. The judgment is reflected in Clause 134 of the Local Government and Public Involvement in Health Bill at present before Parliament
4. We have finalised our guidance for those attending Standards Committee hearings, and are in a position to start using this before and during hearings, to make participants aware of what to expect from the hearing process. We also considered a second draft of a procedure note for officers, and will finalise this shortly. The two documents together provide comprehensive guidance for everyone involved.

**STANDARDS COMMITTEE ANNUAL REPORT 2006**

5. We have finalised our Annual Report. The next stage will be to publish it as a free-standing and distinctive document for Councillors, and for wider issue to stakeholders and other interested organisations.

**HEREFORDSHIRE CODE OF CORPORATE GOVERNANCE**

6. We are awaiting further amendments to the Council's Corporate Governance Code, following the comments we made at our October 2006 meeting. Once they are completed, we will make our final amendments by email, so that the Code can be adopted well before our next meeting.

**PURDAH PERIOD AND GUIDANCE IN RESPECT OF 2007 ELECTIONS**

7. We have considered the Head of Legal and Democratic Services' guidance on the statutory requirements relating to council publicity in the run-up to the 2007 elections (the purdah period). The purdah period begins on 27 March 2007, and during this time, greater care and sensitivity is needed to ensure that the Council's publicity is, and is seen to be, politically neutral. The guidance is governed by section 2 of the Local Government Act 1986, and the Secretary of State's Code of Recommended Practice (in particular Paragraph 4.1). The Guidance is available on the Council's website. You can locate it by accessing the "Committee Meetings" quick link on the homepage, and going to the "Standards Committee" page, where it is included as part of the agenda for 12 January 2007.
8. We decided to produce a separate A4 guidance leaflet for town and parish councils.

**TRAINING**

9. We will be holding a joint training session for Standards Committee members from Herefordshire and Worcestershire, and also the Fire and Rescue, and Police Authorities. The subject will be the new Code of Conduct, due to be published some time this year, and we are hoping to hold the training in September. We will follow this up with our own training for Herefordshire Town and Parish Councillors.
10. The Standards Committee will contribute to the induction literature and the induction training programme, following the 2007 elections.
11. The joint training session with HALC, Herefordshire Council and the Standards Committee on 29 November 2006 was extremely well received. The Head of Legal and Democratic Services spoke about the Code of Conduct and the interpretation of interests, and we are hoping to hold similar events after the new Code of Conduct is in force.

**REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND**

12. We have noted the progress made with an investigation into Complaint No. 15104.06, referred to the Standards Committee from the SBE.

**STANDARDS COMMITTEE ON THE COUNCIL'S WEBSITE**

13. Before our meeting, the Chairman met Ms E. Pawley, the Council's Knowledge Manager and Ms R. Dickens, Knowledge and Content Coordinator, to discuss creating a section on standards and ethics on the Council's website. Ms Pawley and Ms Dickens have devised some creative ways of presenting information to the public and raising the profile of this key issue, and new standards and ethics pages should be appearing on the website in the near future.

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**

**BACKGROUND PAPERS:**

- Agenda papers of the meeting held on 12 January 2007.