

MINUTES of the meeting of Standards Committee held at The Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday 16 April 2010 at 2.00 pm

Present:

Robert Rogers	(Chairman) (Independent Member)
Isabel Fox	(Independent Member)
Richard Gething	(Parish and Town Council Representative)
John Hardwick	(Parish and Town Council Representative)
David Stevens	(Independent Member)
John Stone	(Local Authority Representative)
Beris Williams	(Local Authority Representative)

In attendance: **Nicky Carless (Parish and Town Council Substitute Representative)**
Mary Morris (Parish and Town Council Substitute Representative)

1. APOLOGIES FOR ABSENCE

Apologies were received from Mr Jake Bharier.

2. DECLARATIONS OF INTEREST

None.

3. MINUTES

In respect of Minute 6 (STANDARDS COMMITTEE WEBSITE), the Committee noted that the item was deferred to a future meeting to enable a comprehensive report to be produced on matters relating to the Constitution and the Modern.Gov system on the website, in addition to the Standards Committee web pages.

RESOLVED: (unanimously) that the minutes of the meeting held on 08 January 2010 be approved as a correct record and signed by the Chairman.

4. APPLICATIONS FOR DISPENSATIONS

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%.

Kington Town Council had requested a "block" dispensation in relation to councillors' roles as members of the Kington Recreation Ground Trust, to enable them to discuss management issues and the purchase of items for the ground. All councillors were automatically members of the Trust on acceptance of office. Individual councillors were not trustees; rather, the Town Council as a corporate body was the Trustee. The Committee had granted a similar dispensation on 17 February 2006, and this had now expired. The Town Council's current request was for a dispensation on identical terms to the previous one.

The Committee agreed that it would not be acceptable to make a general rule of granting block dispensations, although there were exceptional reasons for doing so in Kington Town Council's particular instance, namely:

- The proposed block dispensation related entirely to the Kington Recreation Ground and to no other matter;
- The Town Council had provided documentary evidence to support the fact that all members without exception were automatically Trustees and there was no other mechanism for becoming a Trustee;
- In accordance with the Regulations, the block dispensation would apply for a set period and would be subject to re-application and review at the end of the period.

Members felt that there was merit in allowing the dispensation for a twelve-month period so that the next application would coincide with the elections for Parish and Town Councillors in May 2011.

In addition, members suggested that the Herefordshire Association of Local Councils (HALC) be requested to ensure that all of its member councils are reminded at the beginning of each year to renew any expired dispensations, and to include information on dispensations in its induction courses for new councillors.

RESOLVED: (unanimously) that

- (i) **a block dispensation be granted to Kington Town Council in respect of the Kington Recreation Ground Trust, until 16 April 2011; and**
- (ii) **the Monitoring Officer be instructed to review the relationship of this request with the current governance review of Kington Town Council.**

5. THE CONSTITUTION

The Assistant Chief Executive (Legal and Democratic) reported on proposed amendments to the constitution which would further support the role and remit of the Standards Committee, namely:

- **Appointment of Vice-Chairman:** As a measure to address the Committee's increased level of activity, members agreed that there was merit in appointing an independent member as Vice-Chairman, to act in the absence of the chairman and assist in matters which required detailed work.
- **Establishment of additional sub-committees:** In addition to the existing assessment sub-committee, it was proposed to establish sub-committees for reviews, consideration of investigation reports, and hearings. This would afford the committee greater flexibility and fewer opportunities for conflicts of interest at the various complaint stages. Every sub-committee would comprise three members, with an independent member in the Chair, and for parish and town council matters, at least one parish and town council representative.
- **Provisional monthly meeting dates:** It was agreed that, given the significant quantity of sub-committee meetings taking place, and the pressures of members' diary commitments, provisional monthly meetings would be listed in the corporate diary, for use as necessary.
- **Reports to Council:** The new constitution required a report from each committee to Annual Council only, instead of a report to every meeting. Members felt that it was appropriate for the Standards Committee to continue to report to every

Council meeting, however, given the unique role of the committee in promoting and upholding standards and ethics, and because regular reporting was an established area of good practice which had furthered a strong relationship with the Council.

- **Questions to Council:** The Committee supported proposal to ensure that its Chairman was notified appropriately of any relevant question to Council which might require a response in relation to standards and ethics matters. Furthermore, agreement would be sought about who would respond to the question, and the appropriate level of involvement in the drafting and approval of answers, including supplementary questions.
- **Procedure Rules:** Members welcomed a proposal to include additional information in the Constitution about the Committee's processes, and the different stages of the standards framework. This would help members of the public to understand the processes better, and engage with it more effectively.

The Chairman confirmed that he would attend the Constitutional Review Working Group on 30 April 2010 to present the Committee's views on these matters.

RESOLVED: (unanimously) that:

it be recommended to the Constitutional Review Working Group and Council that:

- (i) the office of Vice-Chairman of the Standards Committee be formally established;**
- (ii) the Constitution provides for review, consideration and hearing sub-committees to be established by selection of three members of the Committee (including one independent member in the Chair, and for parish and town matters, one parish and town council representative);**
- (iii) provisional monthly meetings be listed in the corporate diary for use by Standards sub-committees as required; and**

that the Standards Committee:

- (iv) notes the revised procedure for dealing with questions to Council from members of the public or members of the Council;**
- (v) notes the proposals for procedure rules to be included in the constitution; and**
- (vi) delegates authority to the Monitoring Officer and the Chairman to finalise the submission to the Constitutional Review Working Group for consideration.**

6. STANDARDS FOR ENGLAND BULLETIN 47

Members noted the contents of the latest bulletin from Standards for England. In particular, they noted the abolition of the Adjudication Panel for England, with the post-hearing appeal process instead being dealt with by the First Tier Tribunal Service. The Council website and relevant joint Standards Committee/Herefordshire Association of Local Councils publications would be amended to reflect the change.

In addition, the Assistant Chief Executive (Legal and Democratic) said that she would email to the committee details of costs which might be awarded to or claimed by any party in respect of the post-hearing appeal process.

RESOLVED: (unanimously) that:

- (i) the report be noted; and**
- (ii) the Council website and relevant joint Standards Committee/Herefordshire Association of Local Councils publications be amended to reflect changes to the post-hearing appeal process.**

7. BLOGGING AND SOCIAL NETWORKING

The Committee considered the "Blogging Quick Guide" which was available on the Standards for England (SfE) website. It provided advice to members using social networking sites as a means of interacting with their constituents. It outlined the appropriate use of such sites, and highlighted the potential difficulties caused by the speed and wide catchment of this form of communication, which enabled members' statements to be viewed almost instantaneously, and made retraction particularly difficult. It also raised issues about whether a member was perceived as acting in an official or private capacity when using such sites.

The Committee felt that there was merit in producing an A4 sheet of guidance for all local authority, town and parish council members, which outlined the SfE guidance and gave additional advice to members who were the subject of defamation through any form of communication. The Herefordshire Association of Local Councils would be informed of the guidance and asked to circulate it to its members.

RESOLVED: (unanimously) that:

- (i) the Assistant Chief Executive (Legal and Democratic) be requested to produce an A4 short guide on blogging and social networking for all local authority, town and parish council members; and**
- (ii) the Herefordshire Association of Local Councils be notified about the SfE guidance and requested to circulate it to its members.**

8. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Assistant Chief Executive (Legal and Democratic) presented a report in respect of the Annual Assembly of Standards Committees, to be held at the International Conference Centre in Birmingham on 18 and 19 October 2010. Feedback from members who had attended the event in the past had always been positive in terms of information gained, networking opportunities and raising the Herefordshire Standards Committee's profile.

The Committee noted that there had been significant pressures on the members' services budget during 2009/10, and noted the requirement for all of the Council's directorates to stay within budget in the current financial year, and meet corporate efficiency target in the Council's medium term financial plan.

It was agreed that places for three members would be booked, and that the Hereford and Worcester Fire and Rescue Authority be requested to fund places for joint Standards Committee Members. The Democratic Services Officer would establish which members wished to attend, including those members who were not present at the meeting.

RESOLVED: (unanimously) that:

- (i) three members of the Standards Committee attend the Annual Assembly of Standards Committees in October 2010; and**
- (ii) Hereford and Worcester Fire and Rescue authority be requested to fund the attendance of joint Standards Committee members.**

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 items of business on the grounds that they involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act.

9. LOCAL FILTER CASES AND DETERMINATIONS

Members reviewed progress made on complaints about local authority, town and parish councillors since the introduction of the local filter on 08 May 2008. To date, the assessment and review sub-committees had dealt with seventy-one complaints. The Assistant Chief Executive (Legal and Democratic) referred to the significant workload involved in progressing complaints cases, and she anticipated that this would intensify in the lead-up to the local elections in 2011. During the discussion, the following key points were made:

- To assist in managing the local filter, a small budget had been allocated specifically for additional legal support, should it be required. The Assistant Chief Executive (Legal and Democratic) also circulated the first draft of a manual which explained the administrative systems and processes which were necessary to ensure good management of the local filter by officers.
- It was agreed that room 18a at Brockington was unsuitable for hearings due to the lack of room for movement throughout its length. Only the Council Chamber and Room 22a at Brockington, or the Shire Hall would be used in future.
- The Chairman thanked members of the Committee for their dedication and commitment in dealing with a substantial amount of assessments, reviews, and considerations of late.

RESOLVED: (unanimously) that:

- (i) the report be noted;**
- (ii) a further report be made to the Committee's next meeting on progress made with cases;**
- (iii) the list of suitable rooms for hearings be noted for future use.**

10. PROGRESS REPORT ON A STANDARDS FOR ENGLAND DIRECTION

The Assistant Chief Executive (Legal and Democratic) apprised members of progress made with a Standards for England Direction issued in respect of a particular parish or town council.

RESOLVED: (unanimously) that:

- (i) the report be noted; and**
- (ii) the costs of undertaking the direction be logged wherever possible.**

The meeting ended at 3.40 pm

CHAIRMAN