

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 13 February 2004

Membership:

Robert Rogers (Independent Member) (Chairman); Richard Gething, John Hardwick (Town and Parish Council Representatives); David Stevens (Independent Member); Councillor John Edwards, Councillor Peter Harling

NEW MEMBERS

1. We warmly welcome Mr David Stevens (Independent Member) and Mr John Hardwick (Town and Parish Council Representative) who have been appointed as the two new Members of the Committee.

THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

2. The Committee on Standards in Public Life (originally the Nolan Committee) has invited views on standards issues including:
 - a. should the Local Government Model Code of Conduct apply to all tiers of local government?
 - b. should there be a general requirement in Codes of Conduct to register membership of any society which though not a charity or directed to charitable purposes might be perceived to constitute a conflict of interest?; and
 - c. are the requirements in the various Codes of Conduct proportionate or a disincentive to public service?
3. These are all live issues in local government which have also arisen in our work, and we intend to submit evidence upon them to the Committee. We are seeking the views of the Herefordshire Association of Local Councils on the town and parish council perspective. I would also be grateful for any views which Herefordshire Councillors wish to express.

PROTOCOL – USE OF COUNCIL RESOURCES

4. We have continued to work on the protocol on the use of Council resources. This has proved to be a complex issue; we hope to bring a draft protocol to the next Council.

PREJUDICIAL INTERESTS IN PLANNING APPLICATIONS

5. We have considered the implications of a recent Court of Appeal case. The case involved a County Councillor who lived near the site of a quarry for which planning permission had been sought. He was not a member of the Council's Planning Committee, but had wanted to attend the meeting and speak against the application. However, he had been prevented from doing so because he had an interest which was prejudicial.
6. The Court of Appeal held that the Councillor was correctly excluded; where a person objecting to a planning application is also a member of the Council whose Planning Committee is considering the application, a Councillor is properly regarded as having a prejudicial interest and should be required to withdraw from the room where the meeting is taking place. Significantly in this case, the Court held that the Councillor was also precluded from attending the meeting solely in his private capacity to defend his own personal interests. The Court took the view that a member of an authority attending a Council meeting cannot, simply by declaring he attends in his private capacity, divest himself of his official capacity as a Councillor. He is still to be

regarded as conducting the business of his office and only by resigning can he shed that role.

7. In its judgement the Court of Appeal has interpreted the Model Code more strictly than is reflected in this Council's code of conduct in planning matters. We will examine the implications and make any necessary recommendations.

TRAINING

8. On 6th February 2004 all members of the Committee, together with members of the Standards Committees of Worcestershire County Council and the Combined Fire Authority, took part in a training day. This concentrated on the practical implications of holding local hearings to determine complaints referred back from the Standards Board for England, and was felt by all concerned to be valuable preparation for what will be a significant development.
9. We plan a joint training event with the Herefordshire Association of Local Councils, to which a member and an officer of the Standards Board for England will be invited.

INVESTIGATIONS BY THE STANDARDS BOARD FOR ENGLAND

10. We have considered a report on the results of investigations by the Standards Board for England into complaints against Town and Parish Councillors. Our concerns about some aspects of the process will be relevant to our evidence to the Committee on Standards in Public Life.

ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE

BACKGROUND PAPERS

- Agenda papers of the meeting of the Standards Committee held on 13 February 2004