

MINUTES of the meeting of the Standards Committee held at Room 22a, Brockington on Friday 24 June 2011 at 1.00 pm

Present: Robert Rogers (Chairman) (Independent Member)
Olwyn Barnett (Local Authority Representative)
Jake Bharier (Independent Member)
Chris Chappell (Local Authority Representative)
Richard Gething (Parish and Town Council Representative)
Mary Morris (Parish and Town Council Representative)
David Stevens (Independent Member)

In attendance: Nicky Carless (Parish and Town Council Substitute), John Stone (Local Authority Substitute), John Hardwick (Local Authority Substitute)

1. STANDARDS COMMITTEE CHAIRMAN AND VICE-CHAIRMAN

The Committee noted that, at the Annual Council Meeting held on 27 May 2011, Mr Robert Rogers was elected Chairman of the Herefordshire Standards Committee for the ensuing municipal year. The appointment of Vice-Chairman fell within the remit of the Standards Committee, and it was agreed that Mr David Stevens be appointed Vice-Chairman.

RESOLVED (unanimously): that Mr David Stevens be appointed Vice-chairman for the ensuing municipal year.

2. APOLOGIES FOR ABSENCE

Apologies for absence were received from Isabel Fox (Independent Member).

3. DECLARATIONS OF INTEREST

There were no declarations of interest made.

4. MINUTES

RESOLVED (unanimously): that the minutes of the meeting held on 01 April 2011 be approved as a correct record and signed by the Chairman.

5. HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS

Mr Richard Gething reported on the recent activities of the Herefordshire Association of Local Councils (HALC). Two recent chairmanship courses conducted by HALC had been well-attended, and a third was planned for August 2011. Training on the Members' Code of Conduct was programmed for 14 July 2011, and would include a presentation from the Council's Electoral Services Manager, Mr John Jones.

In response to a question, Mr Gething confirmed that ninety per cent of Parish and Town Councils were currently members of HALC, and that training was also available for non-members.

HALC would be considering any additional topics for training in the light of the Localism Bill, and whether it would be appropriate to make training a compulsory part of membership, given any increase in powers and responsibilities for parish and town councils which might be devolved through the Bill.

RESOLVED: (unanimously) that the report be noted.

6. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

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%.

All members of the Town Council had requested a dispensation in relation to the Kington Recreation Ground Trust, because all were automatically members of the Trust upon acceptance of office. In addition, the Town Council had requested that the dispensation be a “block” dispensation which would capture all current and future Town Councillors for a four-year period, thereby removing the requirement within that period to make a new application every time that there was a subsequent change to the Town Council’s membership.

The Assistant Director – Law, Governance and Resilience referred to Paragraph 17 (1) (b) of the Regulations, which outlined the requirement for a member to submit a request for a dispensation in writing. He advised that in this instance, the Town Clerk had made the application on behalf of all members, and that he had since been advised that all members must sign the application form individually to satisfy the terms of the Regulations. Any dispensation granted could only be done upon receipt of the signed application form, therefore.

In respect of the request for a “block” dispensation, the Assistant Director – Law Governance and Resilience advised that this would not be possible, because the application must be from individual members of the Council, rather than from the Town Council as a body or as a trustee of the Recreation Ground Trust. This would also apply to any subsequent new Town Councillors, who would need to apply separately.

RESOLVED: (unanimously) that

- (i) **a dispensation under Regulation 17 of the Standards Committee (further Provisions) (England) Regulations 2009 be granted to**

**Councillor Mrs E Banks
Councillor Mr T Bounds
Councillor Mrs R Bradbury
Councillor Mrs C Kibblewhite
Councillor Mrs J Gardner
Councillor Mrs E Rolls
Councillor Mrs J Reid
Councillor Mr D East
Councillor Mrs J Thomas
Councillor Mrs S Williams
Councillor Mr M Turner
Councillor Mr B Widdowson
Councillor Mrs C Forrester**

**Councillor Mr P Williams
Councillor Mr H Jones**

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 Kington Town Council involves the Kington Recreation Ground Trust;

- (ii) that each dispensation granted in (i) above is conditional upon receipt by the Monitoring Officer of a copy of the letter of request dated 16th May 2011 from the Clerk to Kington Town Council countersigned by the relevant member; and**
- (iii) that the Clerk to Kington Town Council be advised of the need for any new members to apply for a dispensation.**

7. THE FUTURE OF THE LOCAL GOVERNMENT STANDARDS FRAMEWORK

The Committee considered the progress of the Localism Bill, and discussed recent developments in relation to the outlook for standards and ethics in local government, and the potential future role of the Committee. The Committee also considered Mr Jake Bharier's written paper on ways in which Herefordshire Council might respond to the Bill if enacted in its present form, including establishing what behaviour might be expected of members, how the Council might deal with any departures from the expected behaviour, and how these issues might relate to Parish and Town Councils.

During the discussion, the following key points were made:

- Members perceived that the Bill in its current form made clear distinctions between Local Authority Councillors, and those in Town and Parish Councils. Greater powers might be afforded to local authorities, whereas the way forward for town and parish councils was less straightforward.
- Members agreed that independence was an important element of dealing with any complaint about standards and ethics if credibility were to be maintained.
- The Monitoring Officer would require some form of support mechanism to assist him in his new role, as outlined in the Bill;
- The role of Group Leaders would be very important in implementing any new standards and ethics regime; equally, there might be additional risks for ungrouped members.

The Committee emphasised the need to establish whether the Council would wish for a voluntary Code of Conduct or a Standards Committee in the future. To this end, the Chairman said that he would request a meeting with the Group Leaders, to discuss the implications of the Localism Bill, and obtain their opinions about a future standards and ethics regime.

RESOLVED: (unanimously) that

- (i) the report be noted; and**
- (ii) the Chairman will meet with the Group Leaders of Herefordshire Council to discuss the implications of the Localism Bill, and obtain their opinions about a future standards and ethics regime, with a view to the Standards Committee bringing proposals to Council at the appropriate time.**

8. TRAINING FOR STANDARDS COMMITTEE MEMBERS

The Committee considered its current training requirements. Members felt that previous training undertaken jointly with Worcester County Council had proved highly beneficial, and agreed that there was merit in sharing any training requirements with the Standards Committees of Worcester County Council and the Hereford and Worcester Fire and Rescue Authority, should the need for training arise.

RESOLVED: (unanimously) that training enquiries from Standards Committee members be shared jointly with the Standards Committees of Worcester County Council and the Hereford and Worcester Fire and Rescue Authority as appropriate.

9. LOCAL FILTER CASES AND DETERMINATIONS

The Committee reviewed progress made on 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 eighteen complaints in 2008, fifty in 2009, thirty-one in 2010, and twenty-one in 2011.

In addition, the Committee agreed to close certain cases, or elements of cases, which related specifically to subject members who, following the May 2011 elections, were no longer councillors.

RESOLVED: (unanimously) that

- (i) the report be noted;**
- (ii) permission to close elements of cases SC0817 and SC0916 pertaining solely to the subject member, and case SC1117, be granted, and**
- (iii) a report be presented at the next meeting about further progress.**

The meeting ended at 2.39 pm

CHAIRMAN