

MINUTES of the meeting of the Standards Committee held at Brockington, 35 Hafod Road, Hereford on 13 February 2004 at 2.00 pm

Present: Robert Rogers (Independent Member) (Chairman)
Richard Gething (Town and Parish Council Representative)
David Stevens (Independent Member)
Councillors John Edwards, Peter Harling

The Chairman welcomed Mr David Stevens (Independent Member), to the meeting.

28. APOLOGIES FOR ABSENCE

Apologies for absence were received from Mr John Hardwick (Town and Parish Council Representative).

29. DECLARATIONS OF INTEREST

Councillor Edwards declared a Personal Interest in respect of Agenda Item 11 – Determination by the Standards Board for England – Notice of Decision from the Adjudication Panel.

30. MINUTES

A revised set of Minutes was tabled at the meeting.

RESOLVED: That the Minutes of the meeting held on 5 December 2003 be approved as a correct record and signed by the Chairman, subject to the deletion of the words “the Chairman of the Herefordshire Chamber of Commerce” in Minute 21.

31. APPOINTMENT OF NEW MEMBERS

The Chairman warmly welcomed the appointment of Mr David Stevens and Mr John Hardwick to the Standards Committee.

32. URGENT ITEM - THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Chairman decided that the following should be considered as an urgent item of business to enable a response to be made to The Committee on Standards in Public Life by its deadline of 16th April, 2004.

The County Secretary and Solicitor said that the Committee on Standards in Public Life (originally the Nolan Committee) had invited views on a number of 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?

Members agreed that these were all live issues in local government which had also arisen in its work, and that the Committee should submit evidence. Areas of particular concern were: the onerous nature of the requirements, which might deter candidates from standing for town and parish councils; the complexity of the procedures; and the fact that a full investigation could be set off by a relatively trivial complaint. The Committee agreed to seek the views of the Herefordshire Association of Local Councils should be sought on the town and parish council perspective, and that Herefordshire Councillors should also be consulted. The deadline for comments would be 31st March; thereafter, the County Secretary and Solicitor would prepare a response in consultation with the Chairman; it would be circulated to the Committee before being submitted.

RESOLVED: (Unanimously) That a response be made to the Committee on Standards in Public Life as outlined above.

33. USE OF COUNCIL RESOURCES

A report was presented by the County Secretary and Solicitor on a draft protocol on the use of Council Resources. She referred to the Model Code of Conduct's provision that members, when using council resources, must act in accordance with the Council's requirements and ensure that, except in certain specified circumstances, such resources were not used for political purposes. The Standards Board for England had strongly recommended that local authorities should have such protocols; the key principle was that public resources should not be used to further private interests or be improperly used for political purposes. The Council had considered a draft protocol on 25th April 2003 and had asked the Standards Committee to consider revising those aspects relating to the use of council computer equipment and the Council's e-mail address. A revised draft had been prepared, based on the policy used for employees and other users of the Council's network.

The Committee considered the main aims of the protocol and in particular the issues regarding use of the internet and e-mail, particularly:

- to inform councillors of the Council's policy on internet and e-mail usage to minimise the Council's exposure to technical and legal risk.
- to explain to councillors what can and cannot be done.
- to offset out the legal risks taken whilst using the Council's internet facilities.
- to ensure compliance with provisions of section 2 of the Local Government Act 1986 which prohibits local authorities from publishing political material.

The likely difficulties facing Members were explored, particularly the types of internet use and the way in which personal and Council use could be separated. It was felt that Members should confine their use of the Council's Internet Service Provider (ISP) and e-mail address to Council business only. Any personal use of Council provided equipment was felt to be acceptable as long as Members had separate ISP and e-mail facilities. The Committee agreed to a suggestion from the Chairman that there should be some redrafting of the Protocol to give clear guidance on the way that Members should ensure that business and personal use should be separated.

RESOLVED: (Unanimously) That the above course of action be taken.

34. DECLARATIONS OF INTEREST

The County Secretary and Solicitor presented a report on a recent Court of Appeal case on the meaning of "prejudicial interest". It had been held by the Court of Appeal that, where a person objecting to a planning application was also a member of the local authority whose planning committee was considering the application, he was properly to be regarded as having a prejudicial interest in the subject matter and as such was required to withdraw from the room where the meeting was taking place. Furthermore, he was precluded from attending the meeting solely in his private capacity to defend his own personal interests. Thus the Council concerned had been entitled to exclude him from the meeting. The case served to endorse previous guidance from the Committee regarding planning matters, advising that Councillors could not participate nor attend meetings considering their personal applications. The Committee agreed with a suggestion from the County Secretary and Solicitor that the Council's Planning Code of Conduct should be revisited in due course in the light of this judgement.

RESOLVED: (Unanimously) That the above course of action be taken.

35. APPLICATION FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

The Committee Manager (Statutory Corporate and Planning) presented the information report of the County Secretary and Solicitor and said that Dinedor Parish Council had indicated orally that it would not now need to seek a dispensation in respect of the Dinedor Village Hall Committee. It was agreed that the Parish Council should be asked to confirm this in writing.

36. TRAINING MATTERS

The Committee agreed that the joint training event with the Worcestershire County Council's Standards Committee and the Combined Fire Authority Standards Committee on Friday 6 February 2004 had proved to be of great benefit in helping to prepare it for dealing with complaints and other issues.

A joint training event with the Herefordshire Association of Local Councils, to which a member and an officer of the Standards Board for England would be invited, would take place in due course.

37. THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee noted the programme for the Third Annual assembly of Standards Committees to be held at ICC Birmingham on 13 – 14 September, 2004.

EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED: That under Section 100 (A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

SUMMARY OF THE PROCEEDINGS OF EXEMPT INFORMATION

38. DETERMINATION BY THE STANDARDS BOARD FOR ENGLAND

The Committee considered a report on Investigations by the Standards Board for England in the respect of complaints of alleged misconduct against certain Parish Councillors.

The meeting ended at 3.40 pm

CHAIRMAN