

REPORT OF THE STANDARDS COMMITTEE

Meeting held on 2nd July, 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 welcomed Mr John Hardwick (Town and Parish Council Representative) to his first meeting.

PROTOCOL ON THE USE OF COUNCIL RESOURCES

2. We have continued to work on the proposed Protocol on the use of Council resources, including personal computers, access to the internet and e-mail. We are seeking the views of the Standards Board for England, and will also consult further with the Council's Members Development Group, with a view to submitting a final draft to the Council meeting on 12 November 2004.

PROPOSED REVISIONS TO THE PLANNING CODE OF CONDUCT

1. At the March Council meeting we reported on the implications of a Court of Appeal case for Members who have a prejudicial interest in a matter which is being determined by a Planning Committee. The case involved a County Councillor living near the site of a quarry for which planning permission had been sought. He was not a member of the Council's Planning Committee; wanted to attend the meeting and speak against the application; but could not because he had a prejudicial interest. He contended that he could attend as a member of the public, but 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.
3. The House of Lords has since confirmed that judgement; and it appears from the law on the use of agents (that you cannot do by an agent something which you cannot do in person) that an agent could not speak or attend a meeting on behalf of the Councillor in these circumstances. We are seeking clarification from the Standards Board of England about this and related issues.
4. On the basis of these judgements, we plan to put an amendment to the Planning Code of Conduct to the Council on 12 November 2004.

INVESTIGATIONS BY THE STANDARDS BOARD FOR ENGLAND

5. We have considered a report on the results of investigations by the Standards Board for England (SBE) into complaints against Town and Parish Councillors.
6. At the March meeting we reported that the Committee on Standards in Public Life (originally the Nolan Committee) is reviewing the effect of various Codes of Conduct, including those applying to local government, partly to assess whether they are proportionate and appropriate. We invited the views of Herefordshire Councillors and, on the town and parish council perspective, those of the Herefordshire Association of

Local Councils and have submitted evidence to the Committee on Standards in Public Life. The text of our submission may be found on the Council website at www.herefordshire.gov.uk (quick link to Committee meetings/Standards Committee/13 February 2004)

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS

- Agenda papers of the meeting of the Standards Committee held on 2 July 2004