

**MINUTES of the meeting of Standards Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday, 2nd July, 2004 at 3.00 p.m.**

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

**1. APOLOGIES FOR ABSENCE**

The Chairman warmly welcomed Mr John Hardwick (Parish Council Representative) to the meeting.

No apologies were received.

**2. DECLARATIONS OF INTEREST**

There were no declarations of interest made.

**3. MINUTES**

**RESOLVED:** That the minutes of the meeting held on 13 February 2004 be approved as a correct record and signed by the Chairman.

**4. PROTOCOL ON THE USE OF COUNCIL RESOURCES**

The County Secretary and Solicitor presented 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 examine further the use of Council computer equipment. A revised draft had been prepared, based on the policy which had been developed for employees and other users of the Council's network.

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

- 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; and
- 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 distinctions between Council and personal use. It was felt that it might be unreasonable for Members to be prevented from using the facilities for limited political use. Technology had moved on significantly since the 1986 Act and there had been a huge increase in the use of PCs in everyday life. The Act was not precise as to the extent to which political use should be prohibited. The Chairman suggested that in view of the questions that Members still had about the issues, the advice of the Standards Board for England should be sought before final proposals were put to the Council. The Committee concurred with this view.

**RESOLVED: (Unanimously) That the views of the Standards Board for England be sought on the proposed protocol with a view to a final draft being prepared at the next meeting on 15 October for submission to Council on 12 November, 2004.**

#### 5. PLANNING CODE OF CONDUCT - REVISIONS

The County Secretary and Solicitor presented a report about a review of the Planning Code of Conduct following recent case law. She said that that in March Council had considered 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 had 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 had 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 could not, simply by declaring he attended in his private capacity, divest himself of his official capacity as a Councillor. He was still to be regarded as conducting the business of his office and only by resigning could he shed that role.

The House of Lords had since confirmed that judgement; and it also appeared from the law on the use of agents that a Councillor cannot do by an agent something which he or she cannot do in person. This implied that an agent could not speak or attend a meeting on behalf of the Councillor in circumstances where the Councillor has an interest. The Chairman suggested that further clarification should be sought from the Standards Board for England about this and related issues. The Committee agreed with this course of action with a view to putting an amendment to the Planning Code of Conduct to the Council on 12 November 2004.

**RESOLVED: (Unanimously) That clarification be sought from Standards Board for England with a view to finalising the proposed revisions at the next meeting of the Committee and submitting them to the Council on 12 November 2004.**

#### 6. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

The Committee Manager (Statutory and Planning) reported that no applications had been received since the last meeting.

**7. DETERMINATIONS 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 4.10 p.m.

**CHAIRMAN**

