

STANDARDS COMMITTEE ANNUAL REPORT 2003-04**Report By: County Secretary and Solicitor****Wards Affected**

County-Wide

Purpose

1. To consider the work undertaken by the Standards Committee in 2003-04 with a view to the possible publication of an annual report, as follows:

Background

2. The Standards Committee was established under section 53 of the Local Government Act 2000, which required the Council to adopt a code of conduct to replace its existing one, and to incorporate all the mandatory provisions of the Model Code of Conduct issued by the Secretary of State. We first met on 8th February 2002, and agreed to adopt the Model Code of Conduct with no amendments (save to include a gender neutral approach), and to recommend to Town and Parish Councils that they also adopted it. Council approved this decision on 8th March 2002.
3. Our functions are: to promote and maintain high standards of conduct by the members and co-opted members of Herefordshire Council; to assist members and co-opted members to observe their code of conduct; to advise on the adoption and revision of codes of conduct; and to advise, train, or arrange to train members and co-opted members on matters relating to the code of conduct. We carry out the same functions in respect of Town and Parish Councils for which the Council is the responsible authority. We also have the duty of carrying out local hearings and determinations of complaints referred to us by the Standards Board for England.
4. Our current members are:
 - **Robert Rogers (Independent Member) (Chair):** Mr. Rogers has been in the service of the House of Commons since 1972 and is one of the Principal Clerks. During his time at the House he has been involved in every area of its work including postings as Clerk of the Select Committee on Defence, Clerk of Private Members' Bills and Clerk of the Select Committee on European Legislation. He is married with two grown-up daughters and has lived in the County since 1977. He is also a member (and has been Chair and Vice-Chair) of the Standards Committee of the Combined Fire Authority.

- **Councillor Peter Harling:** Councillor Harling has been a local authority Councillor for forty-four years, formerly with Ledbury Urban District Council, Malvern Hills District Council and Hereford and Worcester County Council. He is currently Chairman of Herefordshire Council. He is also a member of Ledbury Town Council, the Herefordshire Society, is on the Board of Malvern Hills Conservators, and is a Director of St Michael's Hospice, Bartestree. He is retired, having worked in the Motor Industry for thirty-eight years. He lives in Ledbury and is married to Sue, with two grown up daughters and two granddaughters.
- **Councillor John Edwards:** Councillor Edwards is Vice-Chairman of Herefordshire Council. He helped to found How Caple, Sollers Hope and Yatton Group Parish Council in 1974, and has been a member ever since. He has been a churchwarden for forty-four years, was County Chairman of the Young Farmers Club in the fifties, and represented local farmers at National level. He is a farmer and landowner in How Caple, and is married with a grown up daughter and two sons, and six grandchildren.
- **David Stevens (Independent Member):** Mr Stevens is the Chairman of Herefordshire Young Enterprise and West Mercia Crimestoppers, and formerly Chairman of the Area Council of the Herefordshire Chamber of Commerce, and an independent member of the West Mercia Police Authority. He worked for many years with Bulmers' Export Department. He lives in Hereford city, and is married with three grown up children.
- **Richard Gething (Parish Council Representative):** Mr Gething is Chairman of the Herefordshire Association of Local Councils, Bridstow Parish Council and the Local Access Forum, and Vice-Chairman of the Herefordshire Rural Police Community Consultation Group. He is a retired Army Officer, and currently Co-Director of a management consultancy company (public and private sector). He is married with two grown up sons and lives in Glewstone.
- **John Hardwick (Parish Council Representative):** Mr Hardwick farms in the Fownhope area and for many years has been involved in service to the local community. He is currently Vice-Chairman of the Herefordshire Association of Local Councils Executive Committee, and was formerly the Chairman of Fownhope Parish Council.

STANDARDS COMMITTEE WORK PROGRAMME FOR 2003-04

5. We list below the main features of our work over the past year. Where required, our decisions have been ratified by the full Council.

20 JUNE 2003:

- **Constitutional Review:** Before the existence of the Standards Committee, advice and support on standards matters was available from an independent Standards Commission, consisting of the Lord-Lieutenant, the Bishop of Hereford, and the Hon. Recorder of Hereford (Lord Carlile of Berriew QC). The role of the Standards Commission disappeared with the making of the regulations under the Local Government Act 2000; thereafter, complaints were either to be dealt with by the Standards Board for England or by the Standards Committee. The Council's constitution was amended accordingly.

- **Elections 2003:** We assisted Town and Parish Councils with a training programme in partnership with the University of Gloucester and the Herefordshire Association of Local Councils, to help them explore the details and implications of the Model Code of Conduct.
- **Local Determination of Complaints:** The Local Authority (Code of Conduct) (Local Determination) Regulations 2003 came into force in June 2003. This gave the Standards Committee powers to determine complaints of alleged misconduct referred by the Standards Board for England, and we examined the implications of this in terms of workload and staffing, the size of the Standards Committee, and legal protection for Committee members. Members were indemnified certain costs and expenses if these were incurred as a direct and necessary result of the Regulations. We also agreed to add one independent member and one Town/Parish Councillor to our existing membership, in preparation for a potentially increased workload attributable to local hearings.

10 OCTOBER 2003:

- **Appointment of New Members:** We sought through the press and local radio to encourage a good range of candidates to apply for the second Independent Member place, and HALC made arrangements to nominate a Parish/Town Council Representative.
- **Elections 2003:** Further training was arranged for Town and Parish Councillors following the elections, concentrating on arrangements for determining complaints locally, and elucidating the code of Conduct through case studies. We ensured that the small number of Town and Parish Councillors who had not signed up to the Code or completed the register of interests did so without further delay.
- **Joint Meeting of Standards Committees:** We made arrangements for a joint meeting with the Standards Committees of the Hereford and Worcester Combined Fire authority and Worcestershire County Council to discuss how to deal with local complaints.
- **Local Procedure of the Determination of Complaints:** We adopted the model procedure for hearings and pre-hearings.

5 DECEMBER 2003

- **Appointment of New Members:** Mr David Stevens was appointed as an Independent Member, and Mr John Hardwick was appointed as a Town/Parish Council Representative.
- **Draft Protocols: Member-Officer Relations, Use of Members' Support Services, Internet, External Email Services and other Facilities:** We were asked to consult on the detailed terms of the above protocols. We sought the views of the Group Leaders and the Chief Executive's Management Team, and submitted a revised protocol for Member-Officer Relations, which was adopted. We conducted further research in respect of the protocol on Use of Members' Support Services, Internet, External Email Services and other Facilities - in particular, drawing on best practice from other authorities with a view to submitting a revised protocol later.

3 FEBRUARY 2004

Training: We held a joint training day in Worcester with the Standards Committees of Worcestershire County Council and of the Herefordshire and Worcestershire Combined Fire Authority. Legal and standards practitioners gave presentations. The occasion focused on the procedure for local determinations, with a useful mock hearing, and was also an opportunity for us to ensure that we were fully up to date with other developments nationwide.

13 FEBRUARY 2004

- **New Members:** Mr David Stevens and Mr John Hardwick attended their first meeting.
 - **The Committee on Standards in Public Life (originally the Nolan Committee):** The Committee on Standards in Public Life sought views from the Standards Committees for their inquiry on standards regimes. After consulting HALC and Herefordshire Councillors on the issues involved, we submitted written evidence to the Committee. It may be viewed in full on the Council website at www.herefordshire.gov.uk (quick link to Committee Meetings/Standards Committee/13th February 2004).
 - **Draft Protocol: Use of Members' Support Services, Internet, External Email Services and other Facilities:** The issues involved in devising this protocol were proving to be complex, and work was continuing.
 - **Prejudicial Interests in Planning Applications:** The implications of a recent Court of Appeal case were examined in relation to the declaration of an interest in a planning matter. It emerged that the Court of Appeal had interpreted the Model Code more strictly than was reflected in Herefordshire Council's Code of Conduct in Planning Matters. We made recommendations to alter the Council's Constitution accordingly.
6. During 2003-04, we have also continued to monitor investigations by the Standards Board for England of complaints against Town and Parish Councillors. We have dealt regularly with requests from Town and Parish Councils dispensations (that is, for cases when the number of Councillors who have declared an interest would impede the transaction of business (s.97)(1) of the Local Government Act 2000 refers).

CURRENT ISSUES

7. We have continued to make progress on issues carried over from 2003-04. The "Protocol on the use of Member's Support Services, Internet, External Email Service and Other Facilities" is now the "Protocol on the Use of Council Resources". We are holding discussions with the Standards Board for England over the use of Council resources in respect of this and, once the outstanding problems are resolved, the Committee will consult all Councillors on the final draft before bringing it to Council.
8. We will also shortly be submitting a revised Planning Code of Conduct to Council in respect of declaring interests at planning meetings.

9. Perhaps the most significant development so far in 2004 has been the first referral by the Standards Board for England of a complaint for local hearing and adjudication. We are now arranging a Hearing Panel to take place early in 2005. It is difficult to know how many referrals we will receive in the forthcoming year and the impact they might have on staffing and resources. We will continue to monitor the situation and report to Council as necessary.

CONCLUSION

10. This report reflects a busy year for the Committee. We have sought to ensure that Herefordshire demonstrates best practice and is at the forefront of developments nationally. Codes of conduct, and the regulation of standards issues, are now part of public life. There is no doubt that they play an important part in enhancing and maintaining public confidence. The credibility of the system in local government, as elsewhere, depends upon it being open, fair and proportionate. These principles are at the heart of our approach.

RECOMMENDATION

THAT the report be noted.