

REPORT OF THE STANDARDS COMMITTEE

Meetings held on 26 July and 7 October 2005

Membership:

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member),

STANDARDS COMMITTEE HEARINGS ON 26 JULY 2005

1. The Standards Board for England referred two complaints against local parish and town councillors to the Council for investigation under the provisions of the Local Authority's (Code of Conduct)(Local Determinations) Regulations 2003 (as amended). These were the first two cases to be investigated locally (by officers from the County Secretary and Solicitor's department), under the greater powers granted to Local Authorities. Both hearings took place on 26 July 2005.
2. We heard allegations against Councillor John Lane of Bromyard and Winslow Town Council, that on 18 April 2005, he breached the Code of Conduct by failing to register a personal interest. We imposed no sanction in this instance, having found that the advice he was given at the time was unclear. We agreed to monitor Bromyard and Winslow Town Council's training programme.
3. We heard allegations against Councillor Albert Hussey of Kington Town Council, that on 17 May 2004, he failed to declare a personal interest, and inappropriately sought to influence the Town Council's consideration of a matter. We found that he had breached the Code on both counts; and we imposed a sanction of censure, and required Councillor Hussey to undertake appropriate training with the Herefordshire Association of Local Councils (HALC).
4. At our meeting on 7 October, we considered a report updating us on the progress made with training, and we were glad to learn that members from both Town Councils have attended training. Together with HALC, we are continuing to develop our support role in relation to this.
5. In line with our usual practice, we have reviewed the conduct of the hearings and have identified minor improvements in their procedure and administration.

COMPREHENSIVE PERFORMANCE ASSESSMENT

6. A member of the CPA Team interviewed the Chairman about the role of the Standards Committee, as part of the wider assessment of the Council's ethical structure and practice. It was an opportunity to explain how the Committee is at the cutting edge of Standards Committees, with its growing experience in hearings and investigations, and its active role both locally and nationally.

APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS

7. We have granted dispensations to four members of Garway Parish Council in relation to their commoners' rights on Garway Common; and to three members of Sutton Parish Council in respect of a school and community hall project in Sutton-St-Nicholas.

CODE OF CONDUCT FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

8. We have given consideration to paragraphs 38 and 39 of the Planning Code of Conduct (Appendix 13 of the Constitution), which deal with applications in which a Member of the Council has an interest. The advice in these paragraphs is clear in that members who have a prejudicial interest must take no part in the determination of the application, although they may appoint an agent to speak on their behalf at the Committee. The advice is not clear, however, on whether or not this ability to appoint an agent also applies to applications submitted by a relative or partner.
9. We took advice from the Standards Board about this issue in February 2005, and on the basis of that advice, paragraph 39 was left as originally drafted, allowing members to appoint an agent. Recently, the issue has arisen in connection with an application by a son of one of the Herefordshire Councillors for a planning permission, and we feel that the Code would benefit from revision in order to address the following:
 - To clarify that the affected relative or partner may speak at committee meetings or appoint an agent to speak for them;
 - To provide information as to which member, if any, the relative or partner can approach for advice and support, especially when the “conflicted” member is also their local member;
 - To recognise the role of the town and parish council in the planning process. It is the local member’s role to provide advice to their local town/parish councils, and again, if the member has a prejudicial interest, this does deprive the town/parish council of important advice and assistance.

RECOMMENDATION TO COUNCIL: That two additional clauses be included in the Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters (Appendix 13 of the Council’s Constitution) as follows:

40. **If an application is submitted by a relative or partner (as defined in the Code of Conduct for Members) of a Member of the Herefordshire Council, the applicant may speak at committee meetings (subject to Standing Order 5.11 – Public Speaking at Meetings of Planning Committees and Area Planning Committees) or appoint an agent to speak on his or her behalf.**
41. **The Chairman of the Planning Committee which will determine the planning application in which a Member of the Council has an interest will also appoint another Member of the Council to provide procedural and other advice and information to the applicant, and to the town or parish council concerned.**

CO-OPTED MEMBERS

10. We have noted the arrangements to ensure compliance with the Code of Conduct by co-opted members of Herefordshire Council. The Council has appointed co-opted members to several scrutiny committees and the Standards Committee, and all have recently been reminded of the need to keep their Register of Interests up-to-date, and of the requirements of the Code. They have also been invited to participate in the Council’s training for Councillors in relation to the Code of Conduct, and some attended the first training event on 14 October 2005.

INDEPENDENT MEMBERS' FORUM

11. The Standards Board for England has encouraged the development of regional forums to support independent members of Standards Committees with their roles and responsibilities. The West Mercia region has a forum comprising Standards Committees from Shropshire, Herefordshire and Worcestershire, and our independent members attended a meeting in Worcester on 18 August 2005. We feel that our Standards Committee has a balanced membership which works well together, and we are extremely well supported by Herefordshire Council in staff and resources. It is clear however, that many independent members from other areas feel isolated and lacking in support and information, and in this the Forum has a valuable role to play. We have offered to host the next meeting, which will be held at Brockington on Friday 3 February 2006.

PARISH AND TOWN COUNCILS – CHAIRMEN AND CLERKS' TRAINING EVENT

12. Richard Gething reported on a recent informal briefing for parish council chairmen and clerks, hosted by HALC, and in which the Committee Chairman and the Monitoring Officer took part. Those attending discussed chairing skills, and the Code of Conduct, and in particular issues relating to prejudicial and personal interests. HALC had also launched an information leaflet for parish and town councils, which details the roles of the Standards Committee, the Monitoring Officer, the Parish Council Liaison Officer and HALC.

QUALITY PARISH AND TOWN COUNCILS

13. Shane Smith, Parish Council Liaison Officer, briefed us on his role and the Quality Parish and Town Council Scheme in Herefordshire

ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

14. We attended the Fourth Annual Assembly of Standards Committees held on 5/6 September 2005 at the International Conference Centre in Birmingham. We took an active part in the seminars and workshops, and after the Assembly suggested to David Prince, Chief Executive of the SBE, that the focus of the next Assembly should be on developing techniques and skills of Standards Committees, whose experiences vary widely. We also suggested that the conference papers should be distributed to delegates well in advance to allow more time for discussion. He was receptive to our ideas, and will explore the idea of an induction course for new Standards Committee members.

DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

15. We have considered progress reports on current investigations by the Standards Board for England.

MONITORING OFFICER

16. We expressed our good wishes to Marie Rosenthal, who was relinquishing her role as County Secretary and Solicitor and Monitoring Officer to take up a Directorship at Swindon Borough Council. We are extremely grateful to her for her sound guidance and support since the Committee was established, and for the enormous amount of work that she has put into making it a success. Her commitment and enthusiasm have served the County very well.

**ROBERT ROGERS
CHAIRMAN
STANDARDS COMMITTEE**

BACKGROUND PAPERS:

- Agenda papers of the hearing of the Standards Committee held on 26 July 2005, and of the meeting held on 7 October 2005