

MINUTES of the meeting of the Standards Committee held at the Council Chamber, Brockington, 35 Hafod Road, Hereford on Friday, 2nd December, 2005 at 3.15 p.m.

Present: Robert Rogers (Independent Member)(Chairman)

Councillor John Edwards and Councillor John Stone
David Stevens (Independent Member)
Richard Gething (Parish and Town Council Representative)
John Hardwick (Parish and Town Council Representative)

In attendance: Councillor Mike Wilson

41. APOLOGIES FOR ABSENCE

There were no apologies for absence.

42. DECLARATIONS OF INTEREST

There were no declarations of interest.

43. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 07 October 2005 be approved as a correct record and signed by the Chairman.

44. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

Members considered a report in respect of a written application for a dispensation received from Much Cowarne Group Parish Council. They referred to the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002, which enabled them to grant dispensations in circumstances when the number of councillors that would be prohibited from participating in the business of the council (due to them having a prejudicial interest) would exceed 50%.

Four members of Much Cowarne Group Parish Council had requested a dispensation in relation to their role as trustees of Burley Gate Village Hall. Burley Gate Village Hall Committee had requested financial support from the Parish Council.

Arising from the discussion, and not specifically in relation to the application, the Committee considered the general question of whether Custodian Trustees, having no *de facto* management responsibilities for village halls, would be required to seek dispensations in the same manner as Management Trustees. Members agreed that they would, on the basis that many village hall committees were also charitable trusts, and Custodian Trustees and Management Trustees had equivalent responsibilities under the law.

RESOLVED: (unanimously) that the request for dispensations received from

Mr Martin Hoskins, Mr George Day, Ms Norma Duffy and Mr Rob Lett, of Much Cowarne Group Parish Council, be granted.

45. KINGTON TOWN COUNCIL

The Legal Practice Manager apprised the Committee of progress made with Kington Town Council's programme of support and training, following the issue of a Public Interest Report by the District Auditor in respect of the conduct of business by the town council. The Standards Committee had been monitoring the programme through a series of regular committee reports, and the Chairman and the former County Secretary and Solicitor had spent a day with the town council in April 2005.

In addition, the former County Secretary and Solicitor had sent copies of the relevant reports, minutes and correspondence to the Standards Board for England (SBE), following recommendations made by its Adjudication Panel for England in February 2005. No response had been received to date from the SBE about whether it required further information than that provided in the reports.

Mr Richard Gething reported that during the past six weeks, the Chief Executive of the Herefordshire Association of Local Councils (HALC) had conducted one-to-one training with every member of the town council. He said that he would forward the precise training dates to the Committee Officer for reference. The Committee asked him to pass on its thanks to Ms Lynda Wilcox of HALC for her work with the town council.

RESOLVED: (unanimously) that the report be noted.

46. WEST MERCIA INDEPENDENT MEMBERS' FORUM ON 03 FEBRUARY 2006

The Committee discussed the arrangements for the next West Mercia Independent Members' Forum, which would be held in the Council Chamber, Brockington at 2.00 p.m. on Friday 03 February 2006. The Forum was open to all independent members of standards committees in the region, including the fire and police authorities.

The main agenda item would be a discussion on holding local hearings, which would give members an opportunity to exchange information and experiences. As an introduction to the item, the Chairman would give a presentation on the Standards Committee's experiences of conducting local hearings, and the Legal Practice Manager would address the Forum on conducting local investigations.

RESOLVED: (unanimously) that the report be noted.

47. DATES OF NEXT AND FUTURE MEETINGS

The next meeting of the Standards Committee would be held on Friday 17 February 2005 at 2.00 p.m. The Committee agreed the following dates of future meetings:

- Friday 21 April 2006 at 2.00 p.m.
- Friday 07 July 2006 at 2.45 p.m.
- Friday 20 October 2006 at 2.45 p.m.
- Friday 12 January 2007 at 2.00 p.m.
- Friday 13 April 2007 at 2.00 p.m.

48. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

The Committee considered a report on the current investigations by the Standards

Board for England (SBE) in respect of complaints of alleged misconduct against certain councillors during 2005.

Members reviewed the recommendations made and sanctions imposed in respect of previous hearings. Richard Gething reported that, when the recommendation had been for councillors to undertake training, the Chief Executive of the Herefordshire Association of Local Councils had conducted it on a one-to-one basis where appropriate. The Committee felt that this was a commendable approach which would help councillors to become more effective. The chairman commented that, in circumstances when a councillor refused to undertake training, the Standards Committee and the SBE had no direct powers of enforcement. The SBE took the stance that it would cease to be involved in individual cases once they had been sent for determination and closure at local level (and would not, therefore, re-open a case once it had been determined). This would, however, be an aggravating factor if a councillor in this position then came before a hearing a second time.

The Committee noted that it did have powers to make the imposition/non-imposition of a penalty conditional on training, and agreed that it would consider this approach at future hearings when it recommended training.

RESOLVED: (unanimously) that the report be noted.

49. LOCAL INVESTIGATION

The Legal Practice Manager reported that the Standards Board for England had referred a complaint against a local councillor to the Council for investigation under the provisions of the Local Authority's (Code of Conduct)(Local Determinations) Regulations 2003 (as amended). He had written a statement on his findings, and had forwarded it to the councillor for signing.

RESOLVED: (unanimously) that the report be noted.

The meeting ended at 4.03 p.m.

CHAIRMAN