

A G E N D A

Standards Committee

Date: **Friday, 02 December, 2005**

Time: **3.15 p.m.**

Place: **Council Chamber, Brockington, 35
Hafod Road, Hereford**

Notes: Please note the **time, date** and **venue** of
the meeting.

For any further information please contact:

**County of Herefordshire
District Council**

AGENDA

for the Meeting of the Standards Committee

To: Robert Rogers (Chairman)(Independent Member)

Councillors John Edwards and John Stone

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Town and Parish Council Representative)

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>3. MINUTES</p> <p>To approve and sign the minutes of the meeting held on 07 October 2005.</p>	1 - 6
<p>4. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</p> <p>To consider any applications for dispensations received from parish or town councils.</p> <p>Wards: County Wide</p>	7 - 8
<p>5. KINGTON TOWN COUNCIL</p> <p>To consider an oral progress report in the light of recommendations made by the Adjudication Panel for England.</p> <p>Wards: County Wide</p>	
<p>6. WEST MERCIA INDEPENDENT MEMBERS' FORUM ON 03 FEBRUARY 2006</p> <p>To receive an oral update on the arrangements for the next Forum.</p>	
<p>7. DATES OF NEXT AND FUTURE MEETINGS</p> <p>To note that the next meeting of the Standards Committee will be held at 2.00 p.m. on Friday 17 February 2005 in the Council Chamber at Brockington. To agree the dates for future meetings. The following are suggestions:</p> <ul style="list-style-type: none"> • 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.

EXCLUSION OF THE PUBLIC AND PRESS

In the opinion of the Proper Officer, the following items will not be, or are likely not to be, open to the public and press at the time they are considered.

RECOMMENDATION: that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below.

8. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

9 - 12

To update the Committee about determinations by the Standards Board for England in 2005 concerning the County.

Wards: County Wide

This item discloses information relating to the financial or business affairs of a particular person (other than the Authority).

9. LOCAL INVESTIGATION

To receive an oral report about a case recently referred to the Council by the Standards Board for England.

Wards: County Wide

This item discloses information relating to the financial or business affairs of a particular person (other than the Authority).

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

MINUTES of the meeting of Standards Committee held at Committee Room 1, Town Hall, Hereford on Friday 07 October, 2005 at 2.00 p.m.

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

In attendance: (none)

25. APOLOGIES FOR ABSENCE

There were no apologies for absence.

26. DECLARATIONS OF INTEREST

There were no declarations of interest.

27. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 26 July 2005 be approved as a correct record and signed by the Chairman.

28. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Shane Smith, Parish Council Liaison Officer, and Sarah Warren, Personal Secretary to the County Secretary and Solicitor, to the meeting.

The Chairman reported that a member of the Comprehensive Performance Assessment (CPA) Team had interviewed him about the work of the Standards Committee, as part of an assessment of the Council's overall ethical structure and practice. The Chairman had explained how the Committee was at the "cutting edge" of Standards Committees, having conducted four hearings to date, and through its involvement with the Herefordshire Association of Local Councils and the Parish Council training programme. It had also made its mark on the national scene through its evidence to the Committee on Standards in Public Life, and its good relationship with the Standards Board for England.

29. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILLORS

Note: During part of the consideration of this item, the public and press were excluded from the meeting on the grounds that the discussion disclosed information relating to the financial or business affairs of a particular person (other than the Authority).

The Committee considered a report outlining written applications for dispensations

received from Garway Parish Council and Sutton Parish Council. Members 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 of the five current members of Garway Parish Council had requested a dispensation in relation to their commoners' rights on Garway Common. The Parish Council had been registered as owner of the common since 1965, and it continued to manage the common. It had obtained consents to build a children's playground, maintain and mow the sports field and deal with issues relating to commoners. The dispensation was necessary to enable the Parish Council to continue its role in managing the common, and to discuss an initiative to develop a new village hall.

Four out of the seven current members of Sutton Parish Council had requested a dispensation in relation to a community initiative to develop a new school and community centre in Sutton-St-Nicholas, so that they would be able to discuss the project at Parish Council meetings. In addition to the Parish Council raising funds for the community centre, Mr Richard Andrews owned the land on which the proposed new community centre would be built, Mr Max Jenman was Chairman of the Village Hall Committee, Ms Anne Burke was a member of the Village Hall Committee and Mr A. Walmsley was Chairman of the School Governors.

RESOLVED (unanimously) that:

- (i) **the request for dispensations received from Mr David Redmand Atkinson, Mr Anthony Robert Phillips, Mr Mark Hedley Jones and Ms Jane Caroline Trew of Garway Parish Council be granted;**
- (ii) **the request for dispensations received from Mr Max Jenman, Ms Anne Burke and Mr A. Walmsley of Sutton Parish Council be granted; and**
- (iii) **the request for a dispensation received from Mr Richard Andrews of Sutton Parish Council be not granted due to his position as landowner.**

30. CODE OF CONDUCT FOR MEMBERS AND OFFICERS DEALING WITH PLANNING MATTERS

Members reviewed Paragraphs 38 and 39 of the "Herefordshire Council Code of Conduct for Members and Officers Dealing with Planning Matters" (Appendix 13 of the Constitution), which deals with applications in which a Member of the Council has an interest.

The County Secretary and Solicitor stated that advice in these paragraphs was clear in that members who have a prejudicial interest must take no part in the determination of the application, although they can appoint an agent to speak on their behalf at the Committee. She said that the advice was not clear, however, on whether or not this ability to appoint an agent also applied to applications submitted by a relative or partner.

The Committee noted the advice from the Standards Board about this issue, given in February 2005, and the fact that on the basis of that advice, clause 39 was left as originally drafted, allowing members to appoint an agent.

Recently, the issue had arisen in connection with an application by a son of one of

the Herefordshire Councillors for a planning permission. The Committee felt 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;
- The need to provide an alternative member to provide information and advice if the local member were conflicted out;
- 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, if the member had a prejudicial interest, this would deprive the town/parish council of important advice and assistance.

RESOLVED (unanimously) that it be recommended 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.

31. CO-OPTED MEMBERS

The County Secretary and Solicitor reported on the arrangements to ensure compliance with the Code of Conduct by co-opted members of Herefordshire Council. The Council had appointed co-opted members to several scrutiny committees and the Standards Committee, and all had recently been reminded of the need to keep their Register of Interests up-to-date, and of the requirements of the Code. Co-opted members (including Standards Committee Members) had also been invited to participate in the Council's training for Councillors in relation to the Code of Conduct, and the first event was due to be held on 14 October 2005.

32. INDEPENDENT MEMBERS' FORUM

Mr David Stevens reported on the meeting of the West Mercia Independent Members' Forum which was held in Worcester on 18 August 2005. The Forum comprised Standards Committees from Shropshire, Herefordshire and Worcestershire. The Standards Board for England had encouraged the development of regional forums to support independent members of Standards Committees with their roles and responsibilities. Both the Chairman and Mr Stevens were of the opinion that the Herefordshire Standards Committee had a balanced membership which worked well together, and was extremely well supported by the Council's staff and resources. They said that it was clear, however, that many independent members from other areas felt isolated and lacking in support and information, and the Forum would provide a valuable floor for discussion and training.

The next meeting would be hosted by Herefordshire Council at Brockington on 03

February 2006.

33. PARISH AND TOWN COUNCILS - CHAIRMEN AND CLERKS' TRAINING EVENT

Mr Richard Gething reported on a recent informal briefing for parish council chairmen and clerks, hosted by HALC. 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 detailed the roles of the Standards Committee, the Monitoring Officer, the Parish Council Liaison Officer and HALC.

34. QUALITY PARISH AND TOWN COUNCILS

The Chairman welcomed Mr Shane Smith, Parish Council Liaison Officer, to the meeting. Mr Smith explained that he was the central point of contact for parish and town councils wishing to access information and services from the Council, and for members of the public wishing to find out more about their local councils. He presented a report on the Quality Parish and Town Councils Scheme, which was designed to demonstrate the effectiveness of parish and town councils and provide a standard of excellence. The report outlined the criteria used to measure Quality Status. He added that it was sometimes difficult for rural parishes to work towards Quality Status simply because of their small numbers. He added that the Clerk's qualification was one of the most challenging aspects because of the length of time it took to complete it.

35. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee reviewed the Fourth Annual Assembly of Standards Committees held on 05 and 06 September 2005 at the International Conference Centre in Birmingham. Most members and the County Secretary and Solicitor had attended the event which had focused on developing participants' skills in dealing with investigations and local hearings. Members had spoken to David Prince, the Chief Executive of the Standards Board for England, and he had been receptive to their ideas on developing techniques and skills for Standards Committees, whose experiences varied widely. He also said that he would explore the idea of an induction course for new Standards Committee members.

The Assembly had proved to be a valuable forum for exchanging information, and members felt that such events helped to raise overall performance and standards. The Chairman reported that the Fifth Annual Assembly would be held in Birmingham on 16 and 17 October 2006. He suggested that the Committee would consider its arrangements for attending nearer the time.

36. TRAINING PROVIDED BY THE HEREFORDSHIRE ASSOCIATION OF LOCAL COUNCILS

The County Secretary and Solicitor provided information on the wide range of training courses made available to town and parish councillors by the Herefordshire Association of Local Councils (HALC). The report also provided a schedule showing attendance in 2004/05 by individual councils and in particular information on the progress made by Bromyard and Winslow Town Council in respect of its training programme following a hearing held on 26 May 2005.

The Committee would continue to develop its support role with HALC, and monitor the training programme. It would obtain the attendance figures for 2005/06 when available in order to assess any particular risk and make relevant comparisons.

37. DATES OF NEXT AND FUTURE MEETINGS

The next meeting of the Standards Committee would be held on Friday 02 December, 2005 at 2.00 p.m. in the Council Chamber, Brockington.

38. 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. The figures showed a significant improvement in the time taken to refer investigations to the Standards Committee.

RESOLVED (unanimously) that the Chairman would write to the Chief Executive of the Standards Board for England, expressing the Committee's satisfaction with the current turnaround times for investigations into complaints.

39. REVIEW OF STANDARDS COMMITTEE HEARINGS

Members reflected on the arrangements for hearing two complaints against local parish and town councillors referred by the Standards Board 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. The hearings involved Councillor John Lane of Bromyard and Winslow Town Council and Councillor Albert Hussey of Kington Town Council, and both took place on 26 July 2005.

40. MONITORING OFFICER

Members of the Committee expressed their 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. They expressed grateful thanks to her for her sound guidance, support and hard work and wished her every future success.

The meeting ended at 3.56 p.m.

CHAIRMAN

DISPENSATIONS TO TOWN AND PARISH COUNCILS**Report By: Legal Practice Manager****Purpose**

1. To consider an application for dispensation received from Much Cowarne Group Parish Council.

Financial Implications

2. None

Background

3. Under the Code of Conduct, town and parish councillors are prohibited from participating in matters in which they have a prejudicial interest. In the normal course of events this would not prejudice the proper working of their councils. There are instances, however, when the number of councillors who would be prohibited from participating will impede the transaction of business.
4. The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 gives Standards Committees the power to grant dispensations in circumstances where the number of councillors that are prohibited from participating in the business of the council exceeds 50% of those who are entitled or required to participate.
5. In each case, the councillor must request the dispensation in writing, setting out why the dispensation is desirable. The Standards Committee must then decide whether, in all the circumstances, it is appropriate to grant the dispensation.
6. The 2002 regulations also specify two circumstances where a dispensation may not be granted; first, in respect of participation in business conducted more than 4 years after the date on which the dispensation was granted; and, secondly in relation to prejudicial interests concerning attendance at a scrutiny committee meeting which is scrutinising the activity of any other committee to which the member belongs, or for executive members in relation to their own portfolios.

7. Four members of Much Cowarne Parish Council have requested a dispensation in relation to their role as trustees of Burley Gate Village Hall, so that they can discuss a request from Burley Gate Village Hall for financial support from the parish council. The four members are:
- Martin Hoskins, Court Farm, Moreton Jeffries, Herefordshire
 - George Day, Starpit Cottage, Much Cowarne, Bromyard
 - Norma Duffy, North Lodge, Mill Lane, Much Cowarne, Bromyard
 - Rob Lett, Capon Cottage, Much Cowarne, Bromyard.

RECOMMENDATION

THAT the four members of Much Cowarne Group Parish Council named in the report be granted a dispensation in respect of Burley Gate Village Hall.

BACKGROUND PAPERS

- Letter from the Clerk to Much Cowarne Group Parish Council dated 28 October 2005.

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