

**MINUTES of the meeting of Standards Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 17th February, 2006 at 2.00 p.m.**

Present: Robert Rogers (Chairman) (Independent Member)

Councillor John Stone

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

In attendance: (none)

50. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor John Edwards and Mr. John Hardwick.

51. DECLARATIONS OF INTEREST

The following declarations of interest were made:

Member	Item	Interest
Robert Rogers	Agenda item 11 (Minute 60) – APPLICATION FOR DISPENSATION RECEIVED FROM A TOWN COUNCIL	Declared a prejudicial interest and left the meeting for the duration of this item.
Councillor John Stone	Agenda Item 4 (Minute 53) – APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS	Declared a personal interest and remained in the meeting for the duration of this item.

52. MINUTES

RESOLVED: (Unanimously) that the minutes of the meeting held on 02 December 2006 be approved as a correct record and signed by the Chairman, subject to the following amendment:

- In respect of Minute 45 (KINGTON TOWN COUNCIL), in the first sentence of the third paragraph, the words “had conducted” be replaced with “was planning”.

53. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS

The Committee considered a report outlining written applications for dispensations received from Holme Lacy Parish Council, Kington Town Council, and Kimbolton 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%.

Holme Lacy Parish Council: Four out of the seven current members of Holme Lacy Parish Council had requested a dispensation in relation to their roles as custodian trustees of Holme Lacy Village Hall. The dispensation would enable them to speak and vote on matters pertaining to the village hall.

Kington Town Council: Kington Town Council had requested a “block” dispensation in relation to councillors’ roles as members of the Kington Recreation Ground Trust, to enable them to discuss management issues and the purchase of items for the ground. All councillors were automatically members of the Trust on acceptance of office. Individual councillors were not trustees; rather, the Town Council as a corporate body was the Trustee. The Town Council had argued that there was merit in a block dispensation in this instance because it would eliminate the need to apply for a new dispensation every time a new councillor was elected, and would mean that the dispensation would instead only require renewal every four years.

The Legal Practice Manager reported that the Town Council had sent him a copy of the Foundation Deed of 1878, which had established the Kington Recreation Ground Trust and appointed a Board of Management, which had certain powers relating to the Grounds and a mechanism by which vacancies on the Board had been filled. In 1910, the Charity Commission had permitted the Trust, by means of an Instrument of Variation, to amend its constitution, and Kington Town Council (or the Kington Urban District Council as it had been known at the time) had substituted for the original Board of Management. This meant that, according to the documents supplied by the Town Council, every present-day Town Councillor was now a Trustee. Furthermore, he advised that the Variation Document of 1910, by specifically removing named individuals, had created no alternative mechanism other than if an individual was a Town Councillor, then they were automatically a Trustee.

The Committee agreed that it would not be acceptable to make a general rule of granting block dispensations, and that in most circumstances there was merit in naming individuals because it helped to maintain a “policing” control over a dispensation. Members felt however, that there were exceptional reasons for doing so in Kington Town Council’s particular instance, namely:

- The proposed block dispensation related entirely to the Kington Recreation Ground and to no other matter;
- The Town Council had provided documentary evidence to support the fact that all members without exception were automatically Trustees and there was no other mechanism for becoming a Trustee;
- In accordance with the Regulations, the block dispensation would apply for four years from the date of the Committee’s resolution and would be subject to re-application at the end of the period.

Kimbolton Parish Council: Four out of seven current members of Kimbolton Parish Council had requested a dispensation in relation to their role as members of Kimbolton Village Hall Committee. The dispensation would enable them to consider a request from the Village Hall Committee for a donation towards the cost of redecorating the Village Hall.

Richard Gething drew the Committee's attention to the fact that there was some confusion amongst Town and Parish Councils about the circumstances in which they would be required to apply for a dispensation, and about the distinction between Management and Custodian trustees and its significance in relation to dispensations. The Committee felt that it would be beneficial to issue a guidance leaflet on the subject.

RESOLVED: (unanimously) that:

- (i) **the request for dispensations received from Mrs Christina Harris, Mrs Belinda Gwynne, Mr Kevin Lofthouse and Mr Keith Bishop of Holme Lacy Parish Council be granted until 17 February 2010;**
- (ii) **a block dispensation be granted to Kington Town Council in respect of the Kington Recreation Ground Trust, until 17 February 2010, subject to the provisions listed above;**
- (iii) **the request for dispensations received from Mr J. Jones, Mr H. Beaumont, Mr D. Underwood and Miss C. Marston of Kimbolton Parish Council be granted until 17 February 2010; and**
- (iv) **the Standards Committee, the Legal Practice Manager and the Herefordshire Association of Local Councils work together to produce draft guidance to Town and Parish Councils on the subject of dispensations, to be considered at the Standards Committee Meeting to be held on 21 April 2006.**

54. STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

Members considered the document "Standards of Conduct in English Local Government: The future". The Office of the Deputy Prime Minister (ODPM) had issued the document in response to recent reports and consultations from the Committee on Standards in Public Life, the ODPM Select Committee and the Standards Board for England.

The Chairman reported that David Prince, the Chief Executive of the Standards Board for England, had invited him to a small discussion group on the document, and he asked the Committee for its views so that he could include them in his response to the group. He drew members' attention to the table on page 13 of the document, which summarised the headline issues on which changes were proposed. The proposals were categorised by whether they would be brought into effect by primary or secondary legislation. The Committee made the following key points:

Issues for Secondary Legislation:	Herefordshire Standards Committee Response:
All chairs of committees to be independent and committees to include independent members who reflect a balance of experience	The wording "who reflect a balance of experience" is too misleading and vague and should be deleted. Noted that the suggestion is not to have a majority of independent members. The reasoning behind this is said to be to ensure local ownership. It would be unusual and unlikely to appoint anyone from outside the authority's area
Monitoring/reporting requirements for	For a considerable time, the

Monitoring/reporting requirements for standards committees, so the Standards Board can check on progress	For a considerable time, the Herefordshire Standards Committee has been involved in decision-making within the conduct regime, and has gained significant experience in holding hearings. The Chairman would draw on this when contributing to the Standards Board Group.
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Issues for Primary Legislation:	Herefordshire Standards Committee Response:
Initial assessment of all allegations of misconduct to be undertaken by standards committees, rather than the Standards Board	Agreed. Standards Committees are in the best position to decipher which complaints might be vexatious or trivial, because they have the advantage of local knowledge. This also has implications for the Herefordshire Standards Committee's membership. For example, there might be merit in having three Parish and Town Council Representatives; one from each of the three HALC area committees. This would provide greater balance, particularly at hearings where a member is exempted from attending because of a prejudicial interest. If Standards Committees had increased involvement in the filtration process, there might be greater resource implications, and a possible need to create a divide between those involved in the initial assessment and the actual hearing. Again, it might be necessary to increase the Committee membership and operate a smaller panel for hearings. The Standards Committee will explore these issues at a future meeting.
Local monitoring officers to investigate most cases, and standards committees to determine most cases	Due to the need to keep the investigation (and therefore the investigator) separate from the hearing, there might be considerable resource implications over and above the net increase in work generated by the proposals. Members felt that there should be no bar to the initial assessor, and that the more detailed assessment could be done by the same person to avoid overstressing the local authority. In addition, paragraph 31 of the report suggests combining standards committees. Members felt this would be unworkable because it would take away local ownership and would increase the

	need for members to travel long distances.
The Board only to investigate the most serious cases. The Board's role to be redefined as supporting, monitoring and overseeing authorities' performance in dealing with allegations.	The SBE needs to take the lead on, and monitor, authorities' best practice in addition to the issues mentioned.
Intervention powers for the Board when they consider committees are not operating effectively.	More information is required on this proposal, and members would prefer to see the draft legislation before commenting. Members also question what actual powers the SBE would have if not defined through legislation.
New provisions providing powers for standards committees to impose higher penalties to support the need to address the most serious cases.	Members welcome this proposal and recommend a minimum twelve-month period for suspensions.

RESOLVED: (unanimously) that:

- (i) **the Chairman would present the Standards Committee's points to the Standards Board consultation group, as outlined in the above minute; and**
- (ii) **the Standards Committee would consider any potential membership issues at the Standards Committee Meeting to be held on 21 April 2006.**

55. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee considered attendance at the Fifth Annual Assembly of Standards Committees, to be held on 16 and 17 October 2006 at the International Convention Centre in Birmingham. This year's theme would be: "Bridging the Gap: Towards Effective Local Regulation".

Members agreed that there was significant merit in attending the Assembly because of the substantial training, information and updates that it provided. The Chairman reported that he would be unable to attend, and Councillor John Stone and Mr. Richard Gething both confirmed that they would attend for one day only. The Legal Practice Manager reported that the Hereford and Worcester Fire and Rescue Authority Standards Committee had agreed to finance attendance of some of its members, including Mr. David Stevens, who was a member of both Committees. He was of the opinion that, given the circumstances, Herefordshire Council would be willing to fund the necessary places.

RESOLVED: (unanimously) that, following confirmation of attendance from Councillor John Edwards and Mr. John Hardwick, the Committee Officer would book the necessary places for the Fifth Annual Assembly of Standards Committees.

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

The Chairman reported on the meeting of the West Mercia Independent Member's Forum held on 03 February 2006 and hosted by Herefordshire Council. He said that he had written to the Leader and the Chief Executive of the Council to thank them for their time and the use of the Council's resources. The main theme of the event had been sharing experiences of local hearings. It had emerged that Herefordshire Standards Committee was among the most experienced and prepared in respect of hearings, and members made some useful points about planning and structure. Both Mr. Richard Gething (as an independent member of the Hereford and Worcester Fire and Rescue Authority Standards Committee) and Mr. David Stevens had also attended the forum, and had found the meeting extremely productive and informative.

57. DATES OF FUTURE MEETINGS

The next meeting of the Standards Committee would be held on Friday 21 April 2006 at 2.00 p.m. Future meeting dates were noted as follows:

- Friday 07 July 2006 at 2.45 p.m.
- Friday 20 October 2006 at 3.45 p.m. (a later time than previously agreed)
- Friday 12 January 2007 at 2.00 p.m.
- Friday 13 April 2007 at 2.00 p.m.

58. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

The Committee considered a report on the current investigations by the Standards Board for England in respect of complaints of alleged misconduct against certain councillors during 2005.

Members felt that further detail was required from the Standards Board, under the heading "Nature of Allegation", so that they could pick up on any trends that might be emerging and tailor any recommended training to suit the needs of the Parish/Town Council. At present, the Standards Board simply stated "conduct" in many instances where a breach of the Code of Conduct had been cited, without providing any further elaboration.

RESOLVED: (unanimously) that the report be noted, and further information be requested from the Standards Board for England in respect of the nature of allegations, with particular reference to "conduct", to enable the Committee to be more responsive to training and trends.

Note: At this juncture, Mr Robert Rogers withdrew (see Minute 51 above). Mr David Stevens was called to the Chair and remained in the Chair for the remainder of the meeting.

59. ARRANGEMENTS FOR FORTHCOMING LOCAL DETERMINATION HEARING

The Legal Practice Manager provided updated information in respect of a complaint against a local councillor which the Standards Board for England had referred to the Council for investigation under the provisions of the Local Authorities' (Code of Conduct) (Local Determinations) Regulations 2003 (as amended). Whilst completing his investigation, he had received further information which might be used in mitigation, and this had caused a delay in producing his final report. This meant that the resulting local determination hearing would take place later than scheduled, and he would write to the Standards Board informing them of this and the genuine reasons for the delay.

RESOLVED: (unanimously) that the local determination Hearing in respect of Councillor Allan Lloyd of Kington Town Council, be scheduled for Friday 10 March 2006 at 3.00 p.m. in the Council Chamber, Brockington, 35 Hafod Road, Hereford.

60. APPLICATION FOR DISPENSATION RECEIVED FROM A TOWN COUNCIL

Members considered a request for a dispensation in respect of Kington Town Council.

RESOLVED (unanimously) that the request for a dispensation in respect of Kington Town Council be deferred to enable further information to be sought.

The meeting ended at 3.46 p.m.

CHAIRMAN