

# A G E N D A

## Standards Committee

Date: **Friday 17 February 2006**

---

Time: **2.00 p.m.**

---

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

---

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

*For any further information please contact:*

*Heather Donaldson on 01432 261829 or  
email [hdonaldson@herefordshire.gov.uk](mailto:hdonaldson@herefordshire.gov.uk)*

---

**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 (Parish and Town Council Representative)

	Pages
1. <b>APOLOGIES FOR ABSENCE</b> To receive apologies for absence.	
2. <b>DECLARATIONS OF INTEREST</b> To receive any declarations of interest by Members in respect of items on the Agenda.	
3. <b>MINUTES</b> To approve and sign the minutes of the meeting held on 02 December 2005.	5 - 8
4. <b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM PARISH AND TOWN COUNCILS</b> To consider any applications for dispensations received from parish or town councils.  <b>Wards: County Wide</b>	9 - 12
5. <b>STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE</b> To seek the Committee's views on the Office of the Deputy Prime Minister's response to recent reports and consultations from the Committee on Standards in Public Life, the ODPM Select Committee and the Standards Board for England.  <b>Wards: County Wide</b> <i>Note: Please bring with you your copy of "Standards of Conduct in English Local Government: The Future" which was circulated to you in December 2005.</i>	
6. <b>FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES</b> To consider attendance at this year's conference entitled "Bridging the Gap: Towards Effective Local Regulation", which will be held on 16 and 17 October 2006 at the International Convention Centre in Birmingham.	
7. <b>WEST MERCIA INDEPENDENT MEMBERS' FORUM ON 03 FEBRUARY 2006</b> To receive an oral report on the meeting, which was hosted by Herefordshire Council.  <b>Wards: County Wide</b>	

## 8. DATES OF FUTURE MEETINGS

To note that the next meeting of the Standards Committee will be held at 2.00 p.m. on Friday 21 April 2006 in the Council Chamber at Brockington. Future dates are listed below:

- 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 that they are considered.

**RECOMMENDATION:** that under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in Schedule 12 (A) of the Act as indicated below.

## 9. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND

To update the Committee about determinations by the Standards Board for England concerning the County. **This report will be sent "To Follow"**.

**Wards: County Wide**

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

## 10. ARRANGEMENTS FOR FORTHCOMING LOCAL DETERMINATION HEARING

To discuss the date and administrative arrangements for a local determination hearing.

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

## 11. APPLICATION FOR DISPENSATION RECEIVED FROM A TOWN COUNCIL

To consider an application for a dispensation received from Kington Town Council.

**Wards: Kington Town**

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

# **Your Rights to Information and Attendance at Meetings**

## **YOU HAVE A RIGHT TO:-**

- Attend all Council, Cabinet, Committee and Sub-Committee meetings unless the business to be transacted would disclose 'confidential' or 'exempt information'.
- Inspect agenda and public reports at least three clear days before the date of the meeting.
- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- Inspect background papers used in the preparation of public reports for a period of up to four years from the date of the meeting. A list of the background papers to a report is given at the end of each report. A background paper is a document on which the officer has relied in writing the report and which otherwise is not available to the public.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
- Copy any of the documents mentioned above to which you have a right of access, subject to a reasonable charge.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, its Committees and Sub-Committees and to inspect and copy documents.
- Access to this summary of your rights as members of the public to attend meetings of the Council, Cabinet, Committees and Sub-Committees and to inspect and copy documents.

### **Please Note:**

Agenda and individual reports can be made available in large print. Please contact the officer named on the front cover of this agenda **in advance** of the meeting who will be pleased to deal with your request.

The meeting venue is accessible for visitors in wheelchairs.

A public telephone is available in the reception area.

## **Public Transport Links**

- Public transport access can be gained to Brockington via bus route 75.
- The service runs every half hour from the 'Hopper' bus station at the Tesco store in Bewell Street (next to the roundabout junction of Blueschool Street / Victoria Street / Edgar Street).
- The nearest bus-stop to Brockington is located in Old Eign Hill near to its junction with Hafod Road. The return journey can be made from the same bus stop.

If you have any questions about this agenda, how the Council works or would like more information or wish to exercise your rights to access the information described above, you may do so either by telephoning officer named on the front cover of this agenda or by visiting in person during office hours (8.45 a.m. - 5.00 p.m. Monday - Thursday and 8.45 a.m. - 4.45 p.m. Friday) at the Council Offices, Brockington, 35 Hafod Road, Hereford.

# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

**BROCKINGTON, 35 HAFOD ROAD, HEREFORD.**

## **FIRE AND EMERGENCY EVACUATION PROCEDURE**

In the event of a fire or emergency the alarm bell will ring continuously.

You should vacate the building in an orderly manner through the nearest available fire exit.

You should then proceed to Assembly Point J which is located at the southern entrance to the car park. A check will be undertaken to ensure that those recorded as present have vacated the building following which further instructions will be given.

Please do not allow any items of clothing, etc. to obstruct any of the exits.

Do not delay your vacation of the building by stopping or returning to collect coats or other personal belongings.





COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**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**



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

1. To consider two applications for dispensation received from Holme Lacy Parish Council and Kington Town 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 give 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.

**HOLME LACY PARISH COUNCIL**

7. Four members of Holme Lacy Parish Council have requested a dispensation in relation Holme Lacy Village Hall. The four members are:

Mrs Christina Harris  
Mrs Belinda Gwynne  
Mr Kevin Lofthouse  
Mr Keith Bishop

8. The Clerk states that the Parish Council is custodian trustee of the village hall, and the dispensation request is on this basis.

**KINGTON TOWN COUNCIL**

8. Kington Town Council has requested a “block” dispensation in relation to its councillors’ roles as members of the Kington Recreation Ground Trust (a registered charity). All town councillors are automatically members of the Trust on acceptance of office. Individual councillors are not trustees; rather, the Town Council as a corporate body is the trustee.

9. A dispensation is currently in place for certain named councillors to enable them to discuss the purchase or donation of items for the recreation ground. In addition, issues relating to the management of this facility frequently arise on the agenda. The Town Council has asked the Standards Committee to consider whether it is possible to grant a block dispensation to prevent the need to request a new dispensation every time there is a change of councillor. If the Standards Committee agrees that a block dispensation cannot be granted, the Town Council requests that a dispensation be granted for the following named councillors:

Mrs E. Banks	Mrs R. Bradbury
Mrs V. Carpenter	Mr H. Jones
Mr D. East	Mr S. Reynolds
Mrs E. Newman	Mr B. Thomas
Mr J. Ford	Mr T. Bounds
Mrs B. Trumper	Mrs S. Reeves
Mr M. Turner	Mr A. Lloyd

10. There is also the question of whether a dispensation is necessary at all because individual councillors are not trustees.

## RECOMMENDATION

- THAT**
- (a) the four members of Holme Lacy Parish Council named in the report be granted a dispensation in respect of Holme Lacy Village Hall;**
  - (b) the Standards Committee considers whether members of Kington Town Council require a dispensation in relation to their roles as members of the Kington Recreation Ground Trust;**
  - (c) if the Committee decides that a dispensation is necessary, it considers whether it is possible to grant a block dispensation to Kington Town Council, or whether instead, the fourteen members of Kington Town Council named in the report be granted a dispensation in respect of the Kington Recreation Ground Trust.**

## BACKGROUND PAPERS

- Letter from the Clerk to Holme Lacy Parish Council dated 19 December 2005;
- Letter from the Clerk to Kington Town Council dated 18 January 2006.





Document is Restricted

