

# A G E N D A

## Standards Committee

Date: **Friday, 8th July, 2005**

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Time: **9.00 a.m.**

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

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

*For any further information please contact:*

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**County of Herefordshire  
District Council**



# AGENDA

## for the Meeting of the Standards Committee

	Pages
<p><b>1. APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	
<p><b>2. MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 17 June 2005.</p>	1 - 4
<p><b>3. DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p><b>4. LOCAL INVESTIGATION CONCERNING COUNCILLOR M HUSSEY OF KINGTON TOWN COUNCIL</b></p> <p>To consider the Report of the investigation carried out in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended) into an allegation that there has been a breach of the Code of Conduct.</p> <p><b>Ward: Kington Town</b></p>	5 - 8
<p><b>5. LOCAL INVESTIGATION CONCERNING COUNCILLOR JOHN LANE OF BROMYARD AND WINSLOW TOWN COUNCIL</b></p> <p>To consider the Report of the investigation carried out in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended) into an allegation that there has been a breach of the Code of Conduct.</p> <p><b>Ward: Bromyard</b></p>	9 - 12
<p><b>EXCLUSION OF THE PUBLIC AND PRESS</b></p> <p>the opinion of the Proper Officer, the next item will not be, or is likely not to be, open to the public and press at the time it is considered.</p> <p><b>RECOMMENDATION:</b> 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.</p>	
<p><b>6. LOCAL INVESTIGATION CONCERNING COUNCILLOR M HUSSEY OF KINGTON TOWN COUNCIL</b></p> <p>To consider the Report of the investigation into an allegation that there has been a breach of the Code of Conduct</p>	

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

**7. LOCAL INVESTIGATION CONCERNING COUNCILLOR JOHN LANE OF BROMYARD AND WINSLOW TOWN COUNCIL**

To consider the Report of the investigation into an allegation that there has been a breach of the Code of Conduct

***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  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford on Friday, 17th June, 2005 at 2.00 p.m.**

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

**In attendance:** Councillor W.J.S. Thomas

**1. WELCOME TO COUNCILLOR JOHN STONE**

On behalf of the Committee the Chairman extended a warm welcome to Councillor John Stone to his first meeting.

**2. APOLOGIES FOR ABSENCE**

Mr John Hardwick.

**3. DECLARATIONS OF INTEREST**

There were no declarations of interest.

**4. MINUTES**

**RESOLVED (unanimously) that the minutes of the meeting held on 1 April 2005 be approved as a correct record, subject to some minor amendments, and signed by the Chairman.**

**5. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS**

The Committee considered the report of the County Secretary and Solicitor on applications for dispensations from Bartestree with Lugwardine Group Parish Council and from Mathon Parish Council. Bartestree with Lugwardine had requested a dispensation for Councillor N. Alexander instead of former Councillor T. Rowberry as a Trustee of Bartestree Village Hall, a registered charity. Mathon had submitted a request for Councillors S Harte, S Thetford, R Thomas and N Walker to be granted a dispensation as Trustees on Mathon Village Hall Management Committee, a registered charity. Both applications fulfilled the criteria for a dispensation to be granted.

**RESOLVED (unanimously) That the above Councillors from Bartestree with Lugwardine Group Parish Council and from Dinedor Parish Council be granted dispensations as requested.**

**6. PROTOCOL ON THE USE OF COUNCIL RESOURCES BY MEMBERS**

The Committee gave further consideration to the Draft Protocol on the use of Council resources by Members. The Chairman said that it had been made as user friendly as possible but at the same time was aimed at offering sound guidance for Members. Reference to ICT issues had been deleted because this area was already covered by other Council guidance. Some minor amendments were made.

**RESOLVED: (unanimously) that the Draft Protocol be subject to any further amendment from Members of the Committee, following which the views of Councillor Mrs J French, Cabinet Member (Corporate and Customer Services and Human Resources) and thereafter all Members be sought, before submission to Council.**

**7. REVIEW OF ROLES AND RESPONSIBILITIES OF COUNCILLORS**

The Committee considered the report of the County Secretary and Solicitor about a possible review of the roles and responsibilities of Members. It was noted that the current Corporate Performance Assessment (CPA) would be gathering evidence that the roles and responsibilities of Officers and Members for taking decisions were clear and that the decision making process was transparent and resulted in relevant actions. The Committee felt that this was an area that could be reviewed in the future if the Council introduced any changes but did not feel that it was a matter for the Committee to initiate.

The County Secretary and Solicitor said that it was likely that the Committee would be examined as part of the CPA and the Chairman commented that it was essential that he met the assessors.

**RESOLVED: (unanimously) that the report be noted and that the matter be considered further after the views of the Group Leaders and the Corporate Review Working Group were known.**

**8. ANNUAL REPORT 2004/05**

Consideration was given to the contents of the Annual Report of the Committee for 2004/2005

**RESOLVED: (unanimously) that subject to some minor amendments the Annual Report 2004/2005 be approved for publication.**

**RESOLVED: (unanimously) that under section 100(A) 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 involved the likely disclosure of information relating to the financial or business affairs of a particular person (other than the Authority)**

**9. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND 2004**

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. It was noted that the number of cases outstanding had reduced significantly and that the SBE was making good progress in dealing with the backlog.

The County Secretary and Solicitor said that she would provide the Committee with the details of case reference No. 11076.05 which the SBE had decided did not require investigation.

**RESOLVED (unanimously) that the report be noted.**

**10. REFERRALS FROM THE STANDARDS BOARD FOR ENGLAND**

The County Secretary and Solicitor said that the Standards Board for England had referred two complaints against local councillors to the Council for investigation. The investigating officers were in the process of finalising their review of the complaints before preparing their reports for consideration by the Committee. Because of the timescales involved, the Committee agreed that a special meeting should be held to consider the findings, followed by a hearing if it was considered to be necessary.

**RESOLVED: (unanimously) that a special meeting of the Committee be held on Friday 8th July and if necessary a hearing on 26th July to consider these cases.**

The meeting ended at 3.23 p.m.

**CHAIRMAN**





**4 LOCAL INVESTIGATION CONCERNING COUNCILLOR  
M HUSSEY OF KINGTON TOWN COUNCIL****Report By: County Secretary and Solicitor****Wards Affected**

Kington

**Purpose**

1. To consider the Report of the investigation into an allegation that there has been a breach of the Code of Conduct and to decide whether to
  - Make a finding of acceptance that there has been no failure; or
  - that the matter should be considered at a hearing of the Standards Committee. The hearing must be held within 3 months of issuing the final report.

**Background**

2. The Local Government Act 2000 enables Ethical Standards Officers to refer allegations that a councillor has breached the Code of Conduct to the local Monitoring Officer for investigation.
3. The Monitoring Officer (or their nominee) must then notify the member who is the subject of the allegation, the person who made the complaint, and the clerk of the relevant town or parish council and arrange for the matter to be the subject of a local investigation.
4. An investigation has been carried out into this matter in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 2004.

**Finding of No Failure**

5. Under the Regulations, if the investigation reveals that there has not been a failure to comply with the Code of Conduct (a "finding of no failure") the Standards Committee must consider that report and make one of the following findings.
  - A finding of acceptance (that it accepts the Monitoring Officer's finding of no failure); or
  - that the matter should be considered at a hearing of the Standards Committee (where the Committee decides there is a case to answer).
6. If a finding of acceptance is made, a written notice must be given to the councillor, the Ethical Standards Officer, the complainant and arrange for a notice to be published in at least one local newspaper. (This notice shall not be published without the councillor's consent.)

**Finding of Failure**

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Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

7. Where the Monitoring Officer conducts an investigation and concludes that there has been a failure to comply with the Code of Conduct, the Standards Committee shall convene a hearing which must be held within 3 months of issuing the final report.

### **Report of the Investigation**

8. The Committee will find at Item 6 of the Agenda the Monitoring Officer's confidential report into this allegation.

### **RECOMMENDATION**

**THAT the Standards Committee**

**(1) consider the Monitoring Officer's confidential report at Agenda Item No 6 ; and**

**(2) either**

**(a) where the Report contains a finding that there has been no failure to comply with the Code of Conduct that the Standards Committee accepts the Monitoring Officer's finding of no failure (a finding of acceptance); and that written notice of this finding be given to**

- the councillor who is the subject of the finding of no failure;**
- the Ethical Standards Officer concerned;**
- the parish council concerned;**
- the person who made the allegation that gave rise to the investigation; and**
- subject to the consent of the councillor concerned, that a notice be published in at least one newspaper circulating in Herefordshire stating that the Standards Committee has found that there has not been a failure on the part of the councillor concerned to comply with the Code of Conduct of Bromyard Town Council.**

**OR**

**(b) where the Report contains a finding that there has been no failure to comply with the Code of Conduct, consider that there is a case to answer and that the matter needs to be considered at a hearing of the Standards Committee on a date to be agreed.**

**(3) Where the report makes a finding of a failure to comply with the Code of Conduct agree to consider the matter at a**

**hearing of the Standards Committee on a date to be agreed.**

**BACKGROUND PAPERS**

- None

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Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200



## **5 LOCAL INVESTIGATION CONCERNING COUNCILLOR JOHN LANE OF BROMYARD AND WINSLOW TOWN COUNCIL**

**Report By: County Secretary and Solicitor**

### **Wards Affected**

Bromyard

### **Purpose**

1. To consider the Report of the investigation into an allegation that there has been a breach of the Code of Conduct and to decide:
  - where the Report makes a finding of no failure to comply with the Code of Conduct to make one of the following findings :
    - a. acceptance of the finding that there has been no failure; or
    - b. that the matter should be considered at a hearing of the Standards Committee. The hearing must be held within 3 months of issuing the final report
  - where the Report makes a finding that there has been a failure to comply with the Code of Conduct, to conduct a hearing in relation to the allegation that the member failed to comply

### **Background**

2. The Local Government Act 2000 enables Ethical Standards Officers to refer allegations that a councillor has breached the Code of Conduct to the local Monitoring Officer for investigation.
3. The Monitoring Officer (or their nominee) must then notify the member who is the subject of the allegation, the person who made the complaint, and the clerk of the relevant town or parish council advising that the matter is now the subject for local investigation.
4. An investigation has been carried out into this matter in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended).
5. Under the Regulations, if the report makes a finding that there has not been a failure to comply with the Code of Conduct (a "finding of no failure") the Standards Committee must consider that report and make one of the following findings.
  - A finding of acceptance (that it accepts the Monitoring Officer's finding of no failure); or

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Further information on the subject of this report is available from  
Marie Rosenthal, County Secretary and Solicitor on (01432) 260200

- that the matter should be considered at a hearing of the Standards Committee (where the Committee decides there is a case to answer).
6. If a finding of acceptance is made, a written notice must be given to the Standards Committee, the member who is the subject of the allegation, the Ethical Standards Officer, the complainant and any Parish Council concerned and arrange for a notice to be published in at least one local newspaper. (This notice shall not be published if the councillor concerned so requests.)
7. Where the Monitoring Officer conducts an investigation and the Report concludes that there has been a failure to comply with the Code of Conduct, the Standards Committee shall convene a hearing in relation to the allegation that the member failed to comply with the Code of Conduct which must be held within 3 months of the date of the final report.

### **Report of the Investigation**

8. The Committee will find at Agenda item 7 the Monitoring Officer's confidential report into this allegation.

### **RECOMMENDATION**

**THAT the Standards Committee**

- (1) consider the Monitoring Officer's report at Agenda item 7; and**
- (2) either**
  - (a) where the Report contains a finding that there has been no failure to comply with the Code of Conduct that the Standards Committee accepts the Monitoring Officer's finding of no failure (a finding of acceptance); and that written notice of this finding be given to**
    - **the councillor who is the subject of the finding of no failure;**
    - **the Ethical Standards Officer concerned;**
    - **the parish council concerned;**
    - **the person who made the allegation that gave rise to the investigation; and**
    - **subject to the consent of the councillor concerned, that a notice be published in at least one newspaper circulating in Herefordshire stating that the Standards Committee has found that there has not been a failure on the part of the councillor concerned to comply with the Code of Conduct of Bromyard Town Council.**

OR

- (b) where the Report contains a finding that there has been no failure to comply with the Code of Conduct, consider that there is a case to answer and that the matter needs to be considered at a hearing of the Standards Committee on a date to be agreed.
- (3) Where the report makes a finding of a failure to comply with the Code of Conduct agree to consider the matter at a hearing of the Standards Committee on a date to be agreed.

**BACKGROUND PAPERS**

- None

