

A G E N D A

Standards Committee

Date: **Tuesday, 26th July, 2005**

Time: **9.00 a.m.**

Place: **The Council Chamber, Town Hall,
St Owen's Street, Hereford**

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

To: Robert Rogers (Independent Member) (Chairman)
Councillors: John Edwards and John Stone
Town and Parish Council Representatives: Richard Gething and John Hardwick
Independent Member: David Stevens

	Pages
<p>1. APOLOGIES FOR ABSENCE</p> <p>To receive apologies for absence.</p>	
<p>2. MINUTES</p> <p>To approve and sign the minutes of the meeting held on 8 July 2005.</p>	1 - 2
<p>3. DECLARATIONS OF INTEREST</p> <p>To receive any declarations of interest by Members in respect of items on the Agenda.</p>	
<p>4. CASE SUMMARY - COUNCILLOR JOHN LANE OF BROMYARD AND WINSLOW TOWN COUNCIL</p> <p>To receive a summary of the case.</p>	3 - 4
<p>5. HEARING INTO REPORT OF AN INVESTIGATION UNDER SECTION 66 AND SECTION 82 A OF THE LOCAL GOVERNMENT ACT 2000 AS AMENDED</p> <p>To consider an investigation under Section 66 and 82A of the Local Government Act 2000 by Marie Rosenthal, Monitoring Officer, into an allegation concerning Councillor John Lane, a member of Bromyard and Winslow Town Council, with supporting documents [documents 1-9 enclosed separately]</p> <p>Note - In the opinion of the Proper Officer, it may be necessary to exclude the public and the press for part of the above item at the time it is considered if it becomes necessary to disclose information relating to the financial or business affairs of a particular person (other than the Council). If this becomes necessary, the Committee will be recommended under Section 100(a)(4) of the Local Government Act 1972 to exclude the public from that part of the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(a) of the Act</p>	

and confidential information as defined in the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and 2004.

6. CASE SUMMARY - COUNCILLOR ALBERT HUSSEY OF KINGTON TOWN COUNCIL 5 - 6

To consider a summary of the case.

7. HEARING INTO REPORT OF AN INVESTIGATION UNDER SECTION 66 AND SECTION 82 A OF THE LOCAL GOVERNMENT ACT 2000 AS AMENDED

To consider an investigation under Section 113 of the Local Government Act 2003 and Section 82a of the Local Government Act 2000.

To consider an investigation under Section 66 and 82A of the Local Government Act 2000 by Marie Rosenthal, Monitoring Officer, into an allegation concerning Councillor Albert Hussey, a member of Kington Town Council, with supporting documents [documents 1 - 13 enclosed separately]

Note - In the opinion of the Proper Officer, it may be necessary to exclude the public and the press for part of the above item at the time it is considered if it becomes necessary to disclose information relating to the financial or business affairs of a particular person (other than the Council). If this becomes necessary, the Committee will be recommended under Section 100(a)(4) of the Local Government Act 1972 to exclude the public from that part of the meeting on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(a) of the Act and confidential information as defined in the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and 2004.

COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL

**MINUTES of the meeting of Standards Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 8th July, 2005 at 9.00 a.m.**

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

11. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor John Stone.

12. MINUTES

RESOLVED (unanimously) that the minutes of the meeting held on 17 June 2005 be approved as a correct record and signed by the Chairman, subject to the replacement of "Dinedor Parish Council" with "Mathon Parish Council" in Minute 5.

13. DECLARATIONS OF INTEREST

The were no declarations of interest made

14. LOCAL INVESTIGATION CONCERNING COUNCILLOR M HUSSEY OF KINGTON TOWN COUNCIL

The County Secretary and Solicitor presented of an investigation into an allegation that there had been a breach of the Code of Conduct by Councillor M Hussy of Kington Town Council. The Committee formally noted the legal advice set out in the report.

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

The County Secretary and Solicitor presented a report of an investigation into an allegation that there had been a breach of the Code of Conduct by Councillor John Lane of Bromyard and Winslow Town Council. The Committee formally noted the legal advice set out in the report.

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 involve the likely disclosure of information relating to the financial or business affairs of a particular person (other than the Authority)

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

The Committee considered the report of the County Secretary and Solicitor as Monitoring Officer in respect of the first local investigation to be dealt with by the Council in accordance with the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003 (as amended). The investigation was made into an allegation that there had been a breach of the Code of Conduct by Councillor John Lane of Bromyard and Winslow Town Council.

RESOLVED: (unanimously) that a hearing of the Standards Committee be held on Tuesday 26 July 2005 to consider the matter further

17. LOCAL INVESTIGATION CONCERNING COUNCILLOR M HUSSEY OF KINGTON TOWN COUNCIL

The Committee considered the report of the County Secretary and Solicitor as Monitoring Officer. The Legal Practice Manager as investigating officer set out the findings from the investigation.

RESOLVED: (unanimously) that

(a) there be a finding of acceptance in relation to the Monitoring officer's finding that there had been no failure to comply with the Code of Conduct in relation to the allegations that

- **there had been a failure to declare an interest in certain land at Kington within the register of interests of the Kington Town Council; and**
- **there had been a failure to declare an interest in respect of a parcel of land which he owned at meetings on 7 February 2005 and 21 February 2005**

and

(a) the necessary statutory notices be given

and

(b) a hearing of the Standards Committee be held on Tuesday 26 July 2005 to consider the remaining matters further.

The meeting ended at 9.45 a.m.

CHAIRMAN

HEREFORDSHIRE COUNCIL STANDARDS COMMITTEE

STANDARDS BOARD FOR ENGLAND

REFERRAL UNDER THE LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

PRE-HEARING PROCESS SUMMARY

Name of Authority:	Bromyard & Winslow Town Council
Member who the allegation has been made about:	Councillor John Lane
Name of person(s) who made the original allegation:	Councillor N Cronin
Case reference numbers:	SBE 10938.05
Chair of the Standards Committee Hearing:	Robert Rogers
Monitoring Officer:	Marie Rosenthal
Investigating Officer:	Louise Whitesman
Clerk for the Hearing:	Pete Martens
Date pre-hearing summary produced:	14 July 2005
Date, time and place of the hearing:	Tuesday 26 July 2005 at 9.00am at Hereford Town Hall, St Owen's Street, Hereford
Summary of the Allegation:	It is alleged that Councillor Lane breached the Code of Conduct by: <ul style="list-style-type: none"> • on 18 April 2005 by failing to register a personal interest.
Code of Conduct:	Failure to comply with paragraph 8 of the Code of Conduct.
Findings of Fact in the Monitoring Officer's report that are agreed:	To be determined.
Findings of Fact in the Monitoring Officer's report that are not agreed:	To be determined.
Attendance or Representations:	Member; Councillor John Lane Monitoring Officer representative; Louise Whitesman
Witnesses:	To be identified.

Outline of the proposed procedure:

- Introduction by the Chair
- Preliminary Issues
- Findings of Fact Stage
- Determination on whether there was a failure to follow the Code of Conduct
- Consideration of Penalty if required
- Recommendations to Bromyard & Winslow Town Council if required
- Written Decision

HEREFORDSHIRE COUNCIL STANDARDS COMMITTEE

STANDARDS BOARD FOR ENGLAND

REFERRAL UNDER THE LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

PRE-HEARING PROCESS SUMMARY

Name of Authority:	Kington Town Council
Member who the allegation has been made about:	Councillor Albert Hussey
Name of person(s) who made the original allegation:	Mr Barrington Thomas Trumper
Case reference numbers:	SBE 10294.05
Chair of the Standards Committee Hearing:	Robert Rogers
Monitoring Officer:	Marie Rosenthal
Investigating Officer:	Kevin O'Keefe
Clerk for the Hearing:	Pete Martens
Date pre-hearing summary produced:	14 July 2005
Date, time and place of the hearing:	Tuesday 26 July 2005 not before 11.30am at Hereford Town Hall, St Owen's Street, Hereford
Summary of the Allegation:	<p>It is alleged that Councillor Hussey breached the Code of Conduct by:</p> <ul style="list-style-type: none"> • on 17 May 2004 failing to declare a personal interest; and • inappropriately seeking to influence the Town Council's consideration of a matter.
Code of Conduct:	Failure to comply with paragraph 8 and 10 (b) of the Code of Conduct.
Findings of Fact in the Monitoring Officer's report that are agreed:	To be determined.
Findings of Fact in the Monitoring Officer's report that are not agreed:	To be determined.
Attendance or Representations:	Member; Councillor Albert Hussey Monitoring Officer representative; Kevin O'Keefe
Witnesses:	To be identified.

Outline of the proposed procedure:

- Introduction by the Chair
- Preliminary Issues
- Findings of Fact Stage
- Determination on whether there was a failure to follow the Code of Conduct
- Consideration of Penalty if required
- Recommendations to Kington Town Council if required
- Written Decision