

**MINUTES of the meeting of Standards Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 10th March, 2006 at 3.00 p.m.**

Present: Robert Rogers (Independent Member)(Chairman)

Councillor John Stone
David Stevens (Independent Member)
Richard Gething (Parish and Town Council Representative)
John Hardwick (Parish and Town Council Representative)

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillor John Edwards.

2. DECLARATIONS OF INTEREST

Robert Rogers declared a prejudicial interest in Agenda Items 3 (CASE SUMMARY – COUNCILLOR ALLAN LLOYD OF KINGTON TOWN COUNCIL), and 4 (HEARING INTO REPORT OF AN INVESTIGATION UNDER SECTION 66 AND SECTION 82 OF THE LOCAL GOVERNMENT ACT 2000 AS AMENDED), and left the meeting for the duration of these items.

3. CASE SUMMARY - COUNCILLOR ALLAN LLOYD OF KINGTON TOWN COUNCIL

The Committee received a case summary in respect of Councillor Allan Lloyd of Kington Town Council.

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

The Committee considered details of an investigation into an allegation against Councillor Allan Lloyd under Sections 66 and 82A of the Local Government Act 2000 as amended. The investigation had been carried out by Kevin O'Keefe, Legal Practice Manager of Herefordshire Council.

5. DECISION

Having considered the written evidence put forward and all the evidence presented to it at the hearing, the Committee made its decision which is summarised in the following Decision Notice:

SBE CASE NUMBER(S)	SBE13138.05
MEMBER	Councillor Allan Lloyd
AUTHORITY	Kington Town Council

SUMMARY OF ALLEGATION	It is alleged that Councillor Lloyd breached the Code of Conduct on 15 August 2005 by failing to declare a prejudicial interest.
DATE OF STANDARDS COMMITTEE HEARING	Friday 10 March 2006
STANDARDS COMMITTEE PANEL MEMBERS	Mr Richard Gething (Parish Council Representative), Mr John Hardwick (Parish Council Representative), Mr David Stevens (Independent Member)(Chairman), Councillor John Stone (Herefordshire Council)

DECISION

We have carefully considered the evidence and submissions presented before us today. We find that on 15 August 2005, Councillor Allan Lloyd breached paragraph 10 of the Town Council's Code of Conduct which requires that a Councillor with a prejudicial interest in a matter who attends a meeting of the council at which the matter is considered must (a) withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at the meeting, unless he has obtained a dispensation from the Standards Committee of the responsible authority; and (b) not seek improperly to influence a decision about that matter.

We have accepted Councillor Lloyd's public apology and take note of the very strong mitigating circumstances presented to us.

In these circumstances we do not impose any penalty.

In light of the fact that Councillor Lloyd has recently undergone relevant training, we feel that no further recommendation is required.

Our Decision Notice will be made available today and will be posted on the Herefordshire Council's website. Our full decision will be published as soon as possible.

David Stevens

**Standards Committee
Herefordshire Council
Brockington
35 Hafod Road, Hereford
Date: 10 March 2006
Ref: MR/CSS/SBE0502**

AJUDICATION PANEL FOR ENGLAND - DECISION TO REFUSE PERMISSION TO APPEAL

The attached document relates to this hearing, and outlines the decision made by the Adjudication Panel for England.

The meeting ended at 5.20 p.m.

CHAIRMAN

DECISION NOTICE – SHORT WRITTEN DECISION

The details given below represent a short written decision, as made by the Standards Committee. It is a brief summary of the outcome of today's hearing. A full written decision, providing more detail in respect of the outcome of the hearing, will be issued as soon as practicable.

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Herefordshire Council
Brockington
35 Hafod Road, Hereford
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Ref: MR/CSS/SBE0502

THE
A D J U D I C A T I O N P A N E L
FOR ENGLAND

Our ref: APE 0359

Direct Line: 01423 532961
Email: karren.carter@adjudicationpanel.co.uk

21 April 2006

Mr Kevin O'Keefe
Monitoring Officer
Herefordshire District Council
35 Hafod Road
Hereford
HR1 1SH



Dear Mr O'Keefe

RE: APPLICATION TO APPEAL AGAINST DECISION OF HEREFORDSHIRE DISTRICT COUNCIL STANDARDS COMMITTEE

The President has received an application from Councillor Allan Lloyd to appeal against the decision of the above named Standard's Committee.

Pursuant to section 9(5) of the Local Authorities (Code of Conduct)(Local Determination) Regulations 2003 the President has not granted permission to appeal. The reasons for the President's decision are outlined on the attached document.

I would be most grateful if you could ensure that a copy is passed to the Chair of your Standards Committee.

Yours sincerely

K. Carter

Karren Carter
For the President

APE 0359: Decision to refuse permission to appeal against a decision of the Standards Committee of Herefordshire District Council

1. Councillor Allan Lloyd a Member of Kington Town Council has sought permission to appeal against a decision of the above Standards Committee that he failed to follow the provisions of the Code of Conduct, which applied, to the Town Council.
2. The grounds of appeal relate largely to the procedures followed prior to and at the hearing by the Standards Committee and particularly the way witnesses were dealt with. I cannot see how the Standards Committee would have been helped by, or should have acceded to requests to hear, evidence from the complainants' witnesses as to whether he had a prejudicial interest. Quite clearly Councillor Lloyd had such an interest: he was the father of a director of the Company who had made the relevant planning application. That key fact does not appear to be in dispute and witnesses could not be expected to provide any evidence to the contrary. His appeal against the finding that he failed to comply with the provisions of the Code of Conduct has no prospect of success.
3. Although, in his application for permission to appeal, the Applicant indicated that he also wanted to appeal against the sanction imposed by the Standards Committee, there was in fact no sanction imposed. The Committee decided that in the light of the public apology given by Councillor Lloyd and the strong mitigating factors, no penalty should be imposed. I can see no purpose in giving permission for an appeal to proceed against a decision to take no action against him.
4. As the appeal has no prospect of success I am denying permission for it to proceed.

David J. Laverick

DAVID LAVERICK
President

21 April 2006