

# A G E N D A

## Standards Committee

Date: **Friday 21 April 2006**

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Time: **2.00 p.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

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 17 February 2006.	5 - 12
4. <b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS</b> To consider any applications for dispensations received from parish or town councils.  <b>Wards: County Wide</b>	13 - 14
5. <b>DRAFT DISPENSATIONS GUIDANCE</b> To consider issuing guidance to parish and town councils in respect of dispensation issues.  <b>Wards: County Wide</b>	
6. <b>STANDARDS COMMITTEE MEMBERSHIP</b> To review the membership of the Standards Committee.  <b>Wards: County Wide</b>	
7. <b>FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES</b> To receive an oral update on the Fifth Annual Assembly of Standards Committees to be held in Birmingham on 16-17 October 2006.	
8. <b>DATES OF FUTURE MEETINGS</b> To note that the next meeting of the Standards Committee will be held at <b>2.45 p.m. on Friday 07 July 2006</b> in the <b>Council Chamber at Brockington</b> . Future dates are listed below:	

- Friday 20 October 2006 at 3.45 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. LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE**

15 - 50

To consider recent guidance from the Standards Board for England on local determinations, and decide on any amendments to Committee Policy as a result.

**Wards: County Wide**

**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**

51 - 54

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).**

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- 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.
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# **COUNTY OF HEREFORDSHIRE DISTRICT COUNCIL**

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

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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 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:

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



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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<b>Issues for Primary Legislation:</b>	<b>Herefordshire Standards Committee Response:</b>
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**





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

1. To consider an application for a dispensation received from Bridstow Parish 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.

7. All seven members of Bridstow Parish Council have requested a dispensation in relation to Bridstow Village Hall. The seven members are:

Mr Richard Gething  
Mr Paul Stevens  
Mrs Shirley Preece  
Mr Simon Brewer  
Mrs Joan Robertshaw  
Mrs Margaret Lewis  
Mrs Valerie Davies

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

**RECOMMENDATION:**

**THAT the seven members of Bridstow Parish Council named in the report be granted a dispensation in respect of Bridstow Village Hall.**

**BACKGROUND PAPERS**

- Letter from the Clerk to Bridstow Parish Council dated 23 February 2006.

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