

**MINUTES of the meeting of Standards Committee held at
The Council Chamber, Brockington, 35 Hafod Road,
Hereford on Friday, 30th June, 2006 at 2.00 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)

72. APOLOGIES FOR ABSENCE

There were no apologies for absence.

73. DECLARATIONS OF INTEREST

The following declaration of interest was made:

Member	Item	Interest
Robert Rogers	Agenda Item 12 (APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN COUNCIL)	Declared a prejudicial interest and left the meeting for the duration of this item.

74. MINUTES

RESOLVED: (unanimously) that the minutes of the meeting held on 21 April 2006 be approved as a correct record and signed by the Chairman (Robert Rogers and David Stevens in this instance because both chaired part of the meeting).

75. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS

The Committee considered a report outlining an application for a dispensation received from Brilley 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%.

Two of the current five members of Brilley Parish Council had requested a dispensation in relation to Brilley Village Hall. Although the number of councillors requesting the dispensation did not exceed 50%, they had felt that the dispensation was necessary on the basis that, under the present circumstances, if an additional

one of the five councillors was not present at the meeting when village hall matters needed to be discussed, the Parish Council would not be quorate.

Members acknowledged that there was merit in supporting such requests from parish councils where there was genuine difficulty in transacting business due to the small number of councillors present.

RESOLVED: (unanimously) that the request for dispensation received from Mr R. Lloyd and Mr P. Bufton of Brilley Parish Council, be granted until 30 June 2010.

76. DISPENSATIONS: DRAFT GUIDANCE FOR TOWN AND PARISH COUNCILS

The Committee considered the first draft of a short guidance leaflet and application form for town and parish councillors, outlining the broad principles of dispensations and the circumstances in which they might be required.

Members noted that the Head of Legal and Democratic Services, Alan McLaughlin, had consulted the Herefordshire Association of Local Councils (HALC) about the draft and was awaiting a response. Mr. Richard Gething reported that HALC wanted the leaflet to provide more information, including a definition of "dispensation" and some examples. In addition, HALC had felt that the leaflet needed to focus more on how dispensations affected parishes rather than larger authorities.

In particular, members made the following points:

- Para 3 – this was unlikely to apply and should be removed, because to date, all applications for dispensations had related to ongoing prejudicial interests, and not ones that had would arise for one particular meeting only.
- Para 5 – The dispensation should have a "generic" form, thus eliminating the need to indicate the date of the meeting (particularly since this was often unknown).
- Para 6(i) – Members commented that they had gone against this principle in an earlier agenda item (Minute – refers), and it was not applicable, therefore.
- Para 7 – The suggestion of a one-year period was not backed by the Regulations, (which suggested a four-year period).
- The guidance also needed to reflect Para 3 (1) (B) and (C) of the Relevant Authorities (Standards Committees) (Dispensations) Regulations 2002 in more detail.

RESOLVED: (unanimously) that:

- (i) **the Head of Legal and Democratic Services be thanked for his work so far on the dispensations guidance leaflet;**
- (ii) **the guidance be revised as indicated in the above minute; and**
- (iii) **subject to formal comments from HALC, any revisions be agreed by correspondence, and the guidance be finalised before the Standards Committee meeting to be held on 20 October, 2006.**

77. HEARINGS: DRAFT GUIDANCE FOR PARTICIPANTS

Members noted that work was continuing on the written guidance for those attending hearings. The aim of the guidance was to make participants aware of what to expect from the process at the earliest stage possible.

RESOLVED: (unanimously) that the draft guidance for participants in hearings be considered in detail by the Standards Committee at its meeting to be held on 20 October 2006.

78. HEARINGS: DRAFT INTERNAL PROCEDURE NOTE

Ms Heather Donaldson, Democratic Services Officer, circulated a draft internal procedure note which took account of all the recent hearings guidance produced by the Standards Board for England, and of the Committee's own administrative arrangements. She added that the document required further work, particularly in relation to providing a timeline for events, and would be considered in detail at the next meeting.

RESOLVED: (unanimously) that the draft internal procedure note for hearings be considered in detail by the Standards Committee at its meeting to be held on 20 October 2006.

79. WEST MERCIA INDEPENDENT MEMBERS' FORUM

Mr. David Stevens reported on the meeting of the West Mercia Independent Members' Forum, held in Oswestry on 07 June 2006. The meeting had concentrated on members' varied experiences of hearings. The Head of Legal and Democratic Services had also attended the meeting, and he and Mr Stevens had made a significant contribution to the discussion. As a result, other Authorities would be using some of Herefordshire's guidance and forms at their hearings.

The Forum had also discussed moves to compile its own database of Independent Members, following confirmation from the Standards Board that it did not have such a database.

RESOLVED: (unanimously) that the report be noted.

80. DATES OF FUTURE MEETINGS

The next Standards Committee meeting would be held at 3.45 p.m. on 20 October 2006. Future meeting dates were noted as follows:

- Friday 12 January 2007 at 2.00 p.m.
- Friday 13 April 2007 at 2.00 p.m.

In addition, the Committee discussed the following other important dates:

- **HALC Training Events:** The Committee would be involved in joint training sessions with HALC in October/November 2006 and again early in 2007. The sessions would focus on raising awareness of ethics and standards issues.
- **Fifth Annual Assembly of Standards Committees:** Birmingham, 16-17 October 2006. Members would inform the Democratic Services Officer about their preferences for travelling to the event.

81. 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 2006. The report provided additional information on the precise

nature of allegations, with particular reference to the different matters that may be raised under the general heading of "Conduct".

Members noted that most complaints received by the Standards Board related to the planning process. They said that the information would help them to focus training and guidance in the right areas. Mr Richard Gething said that he would obtain HALC's 2005/06 training statistics in time for the Committee's next meeting, which would also help identify trends, and areas where training might be needed. The Chairman added that a councillor's training record had sometimes influenced decisions made at hearings, and those made by the Adjudication Panel for England; therefore it was necessary to emphasise to councillors the importance of training.

In addition, members noted the appeal decision by the Adjudication Panel for England (APE) in respect of a hearing held on 10 March 2006 (Ref. Councillor Allan Lloyd of Kington Town Council). The Committee's decision at that hearing had been strongly upheld by the President of the APE, who had decided that there were no grounds for appeal. The Democratic Services Officer would look into putting the appeal decision and covering letter from the APE onto the Council's website.

RESOLVED: (unanimously) that:

- (i) **the report be noted;**
- (ii) **HALC's 2005/06 training statistics be made available at the Committee's meeting to be held on 20 October 2006; and**
- (iii) **The APE appeal decision and covering letter in respect of the hearing held on 10 March 2006 (Councillor Allan Lloyd of Kington Town Council), be posted on the Council's website.**

82. APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN COUNCIL

(Pages 1 - 2)

(Note: The Chairman, Robert Rogers, declared a prejudicial interest in respect of this item, vacated the Chair and left the meeting. David Stevens took the Chair for the remainder of the meeting.)

The Committee considered a report outlining an application for a dispensation received from Kington Town 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%.

RESOLVED: (unanimously) that the request for dispensation received from:

**Mrs E. Banks
Mrs V. Carpenter
Mr D. East
Mrs E. Newman
Mr J. Ford
Mrs B. Trumper
Mr M. Turner**

**Mrs R. Bradbury
Mr H. Jones
Mr S. Reynolds
Mr B. Thomas
Mr T. Bounds
Mrs S. Reeves
Mr A. Lloyd**

be granted, subject to the following conditions.

- **The dispensation will run for a limited period of nine months from the date of Herefordshire Council's letter informing the Town Council of the grant of dispensation, and after that time it will expire; and**
- **The dispensation applies only to the matters stated in the Town Council's letter dated 18 January 2006, and to no other matters.**

The meeting ended at 3.00 p.m.

CHAIRMAN

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