

# A G E N D A

## Standards Committee

Date: **Friday 30th June 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 (Independent Member) (Chairman)

Councillors John Edwards and John Stone

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Parish and Town Council Representative)

	<b>Pages</b>
<p>1. <b>APOLOGIES FOR ABSENCE</b></p> <p>To receive apologies for absence.</p>	1 - 4
<p>2. <b>DECLARATIONS OF INTEREST</b></p> <p>To receive any declarations of interest by members in respect of items on the agenda.</p>	
<p>3. <b>MINUTES</b></p> <p>To approve and sign the minutes of the meeting held on 21 April 2006.</p>	5 - 10
<p>4. <b>APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS</b></p> <p>To consider any applications for dispensations received from town or parish councils.</p> <p><b>Wards: County Wide</b></p>	11 - 12
<p>5. <b>DISPENSATIONS: DRAFT GUIDANCE FOR TOWN AND PARISH COUNCILS</b></p> <p>To produce guidance for Town and Parish Councils in respect of applications for dispensations.</p> <p><b>Wards: County Wide</b></p>	
<p>6. <b>HEARINGS: DRAFT GUIDANCE FOR PARTICIPANTS</b></p> <p>To produce guidance for participants in Standards Committee Hearings, in accordance with best practice.</p> <p><b>Wards: County Wide</b></p>	
<p>7. <b>HEARINGS: DRAFT INTERNAL PROCEDURE NOTE</b></p> <p>To consider and approve a draft internal procedure note in respect of the processes relating to Standards Committee Hearings. <b>Note: This document will be sent "to follow".</b></p> <p><b>Wards: County Wide</b></p>	

**8. WEST MERCIA INDEPENDENT MEMBERS' FORUM**

To receive an oral report in respect of the meeting held at Oswestry on 07 June 2006.

**Wards: County Wide**

**9. DATES OF FUTURE MEETINGS**

To note that the next meeting of the Standards Committee will be held at **3.45 p.m. on Friday 20 October 2006** in the **Council Chamber** at **Brockington**. Future meeting dates are as follows:

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

**10. 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 they are considered.**

**RECOMMENDATION:** that under section 100(A)(4) of the Local Government Act 1972, the public 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

**11. DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND**

13 - 16

To update the Committee about determinations by the Standards Board for England concerning the county.

**Wards: County Wide**

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

**12. APPLICATION FOR A DISPENSATION RECEIVED FROM A TOWN COUNCIL**

17 - 20

To consider an application for a dispensation received from Kington Town Council.

**Wards: County Wide**

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

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- Inspect minutes of the Council and all Committees and Sub-Committees and written statements of decisions taken by the Cabinet or individual Cabinet Members for up to six years following a meeting.
- 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.
- Access to a public register stating the names, addresses and wards of all Councillors with details of the membership of Cabinet and all Committees and Sub-Committees.
- Have a reasonable number of copies of agenda and reports (relating to items to be considered in public) made available to the public attending meetings of the Council, Cabinet, Committees and Sub-Committees.
- Have access to a list specifying those powers on which the Council have delegated decision making to their officers identifying the officers concerned by title.
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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 21 April, 2006 at 2.00 p.m.**

**Present:** Robert Rogers (Independent Member)(Chairman)

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

**61. APOLOGIES FOR ABSENCE**

There were no apologies for absence.

**62. DECLARATIONS OF INTEREST**

The following declarations of interest were made:

<b>Member</b>	<b>Item</b>	<b>Interest</b>
Councillor John Edwards	Agenda Item 10 (part of the item only) (Minute 70) – <b>(LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE)</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
Richard Gething	Agenda Item 4 (Minute 64) – <b>(APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS)</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
Robert Rogers	Agenda Item 10 (part of the item only) (Minute 70) – <b>(LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE)</b>	Declared a prejudicial interest and left the meeting for the duration of this item.
Robert Rogers	Agenda Item 11 (Minute 64)– <b>(APPLICATION FOR DISPENSATION RECEIVED FROM A TOWN COUNCIL)</b>	Declared a prejudicial interest and left the meeting for the duration of this item.

**63. MINUTES**

**RESOLVED:** (unanimously) that the minutes of the meeting held on 17 February 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).

**64. APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILS**

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

All seven of the current members of Bridstow Parish Council had requested a dispensation in relation to Bridstow Village Hall, on the basis that the Parish Council is the Custodian Trustee of the Hall.

**RESOLVED: (unanimously) that the request for dispensations received from:**

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

**be granted until 21 April 2010.**

**65. DRAFT DISPENSATIONS GUIDANCE**

Members considered the drafting of guidance for Town and Parish Councils in relation to dispensation matters. This issue had arisen at the Committee's meeting held on 17 February 2006 (Minute 53 refers), when Mr Richard Gething had reported that there was some confusion amongst councillors about when and how to apply for a dispensation.

Mr Gething reported that the Herefordshire Association of Local Councils (HALC) had recently considered dispensations guidance, and it had emerged that councillors' queries were becoming more frequent and complex.

The Committee felt that the existing guidance was vague and would benefit from clarification in keeping with its established policy of assisting town and parish councils, although this should not extend to offering advice or accepting liability for any aspect of guidance. The guidance would contain information on the duration of dispensations, circumstances under which they might be required, block dispensations, and the position of custodian and management trustees of village halls. Members stipulated that the guidance would cover no more than one sheet of A4, and would be produced in a list format. The Head of Legal and Democratic Services suggested that it should also be made available on Herefordshire Council's website.

Members added that it was important to involve HALC and the Head of Legal and Democratic Services in drafting to ensure that the information was relevant, that any legal aspects of guidance were sound, and that it covered all of the most frequently asked questions.

**RESOLVED: (unanimously) that**

- (i) by mid-June 2006, the Head of Legal and Democratic Services will draft guidance for Town and Parish Councils in respect of dispensation matters, in consultation with HALC;**
- (ii) the draft will be circulated to the Standards Committee before its next meeting;**
- (iii) the Standards Committee will consider the draft and finalise the guidance at its meeting to be held on 30 June 2006.**

## **66. STANDARDS COMMITTEE MEMBERSHIP**

The Committee reviewed its membership in the light of the publication of a document by the Office of the Deputy Prime Minister (ODPM) entitled: "Standards of Conduct in English Local Government: The Future". Amongst other things, the document had made suggestions, and asked for comment, on membership issues. At its meeting on 17 February 2006, the Committee had commented on various aspects of the document (Minute 54 refers), and had felt that the issue of membership required further review in relation to hearings, to ensure that it maintained the optimum balance in the event of absence and/or members being exempted from participating in the hearing due to prejudicial interests.

Having carefully considered all of the relevant issues, members felt that the Committee's current combination of two independent members, two town and parish council representatives, and two Herefordshire councillors had worked well to date, and should remain unaltered for the following reasons:

- The SBE guidance recommended that the relevant association of local councils should select town and parish council representatives (in Herefordshire's case, HALC). This was because associations tended to select the candidates with the greatest experience. Members felt that it was in the best interests of the Committee for HALC to continue to recommend representatives regardless of area, because it was more important to have experienced members than to have a balance of representatives from each of the three HALC areas. If an occasion arose when town and council representatives were conflicted out of a hearing because the subject of the hearing was from their area, it would be possible to co-opt other town and parish council representatives through HALC at short notice. Furthermore, the SBE guidance made provision for the Standards Committee to ask for representatives from associations outside Herefordshire, which meant that it would still be able to choose experienced town and parish council representation in extreme instances, for example, when all possible HALC representatives were exempted from participating in a hearing because of a prejudicial interest.
- The SBE guidance did not stipulate that a hearing panel must include a member of a local authority (Herefordshire Council). If the current Herefordshire councillors were exempted from a hearing, it would not, therefore, cause a procedural problem.
- The Committee had anticipated that the ODPM might recommend a majority of Independent members on Standards Committees/hearing panels. The ODPM had only suggested, however, that the Chair must always be independent, and it had made no further recommendations. In view of this,

members agreed that it should not increase its independent membership at this stage.

**RESOLVED: (unanimously) that the Standards Committee membership should remain unaltered at present.**

**67. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

The Committee Officer provided information in respect of bookings and accommodation for the Fifth Annual Assembly of Standards Committees to be held in Birmingham on 16-17 October 2006.

The Chairman reported that he had been asked to give one of the addresses on the first day of the Assembly.

**68. DATES OF FUTURE MEETINGS**

Members agreed to change the date of the next meeting to 2.00 p.m. on 30 June 2006. Future meeting dates were noted as follows:

- 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.

**69. 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.

Members acknowledged that town and parish clerks played a vital role in keeping their councillors up-to-date with training opportunities, particularly the large number who were co-opted between elections. Members stressed the importance of arranging further joint training with HALC. Mr. Richard Gething said that he would liaise with the HALC's Chief Executive to include joint training sessions in the 2006/07 winter training programme.

In addition, Mr Gething reported that HALC usually distributed a leaflet entitled "The Good Councillor" to new councillors. He agreed to look at its contents to see if it included information on declaring interests and other helpful matters. If not, the Committee would consider producing an induction leaflet at its next meeting on 30 June 2006.

**RESOLVED: (unanimously) that the report be noted, and Mr Richard Gething would liaise with HALC over training matters and the production of an induction leaflet for new councillors, and report to the Committee's next meeting on 30 June 2006.**

**70. LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE**

The Committee considered recent guidance from the Standards Board for England on local determinations, and reviewed its own practices and policies in the light of this information.

**RESOLVED: (unanimously) that:**

- (i) The Standards Committee does not agree with the Standards Board's (SBE) suggestion that that an Investigation Report should be made public five clear days before a hearing, because the Committee feels that the release of such information would be unfair on the subject of the complaint, especially if it gave rise to media coverage before the hearing;
- (ii) In respect of (i) above, the Head of Legal and Democratic Services would write to the SBE requesting clarification in view of the points made by the Committee;
- (iii) The transcript of any hearing shall be circulated to participants, including members of the Committee, for the correction solely of errors in transcription; and thereafter shall form the public record of the hearing;
- (iv) The transcript of the hearing held on 10 March 2006 (ref. Councillor Allan Lloyd of Kington Town Council) be agreed as a true and correct record, be made a public record and be distributed to all participants;
- (v) The Head of Legal and Democratic Services will produce guidance in respect of hearings, suitable for participants, to be considered on 30 June 2006;
- (vi) The Committee Clerk will produce an internal procedure note in respect of hearings, to include relevant SBE guidance, and all of the policies and practices agreed at Committee Meetings, to be considered on 30 June 2006; and
- (vii) During hearings:
  - The Legal Advisor should always sit next to the Chairman;
  - The top table should be sufficiently large for all members of the hearing panel and the Legal Advisor to sit together.

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

#### **71. APPLICATION FOR DISPENSATION RECEIVED FROM A TOWN COUNCIL**

Members noted that further information was still required from Kington Town Council before its request for a dispensation could be considered. They therefore agreed to defer the matter.

**RESOLVED: (unanimously) that consideration of Kington Town Council's request for a dispensation be deferred until such time as the necessary further information is received.**

The meeting ended at 3.51 p.m.

**CHAIRMAN**



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

1. To consider an application for dispensation received from Brilley 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. Two out of the five members of Brilley Parish Council have requested a dispensation in relation Brilley Village Hall. The two members are:

Mr R. Lloyd, Fernhall, Brilley  
Mr P. Bufton, Llanhedry, Brilley

8. The Clerk states that the Parish Council feels that the dispensation is necessary on the basis that, under the present circumstances, if one of the five councillors is not present at a meeting when village hall matters need to be discussed, the Parish Council will not be quorate.

### **RECOMMENDATION**

**THAT (a) the Committee considers granting the two members of Brilley Parish Council named in the report, a dispensation in respect of Brilley Village Hall.**

### **BACKGROUND PAPERS**

- Letter from the Clerk to Brilley Parish Council dated 11 June 2006;
- Letter from the Head of Legal and Democratic Services dated 13 June 2006.



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