

**MINUTES of the meeting of Standards Committee held at  
The Council Chamber, Brockington, 35 Hafod Road,  
Hereford, HR1 1SH on Friday, 9th March, 2007 at 2.00 p.m.**

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

David Stevens (Independent Member)

Richard Gething (Parish and Town Council Representative)

John Hardwick (Parish and Town Council Representative)

**120. APOLOGIES FOR ABSENCE**

Apologies were received from Councillor John Edwards and Councillor John Stone.

**121. DECLARATIONS OF INTEREST**

Having given their apologies for the meeting, Councillor John Edwards and Councillor John Stone had also declared a prejudicial interest in SBE Complaint No. 15104.06. Neither member was present at any stage during the meeting.

**122. REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND**

The Committee agreed that consideration of the final investigation report in respect of SBE Complaint No. 15104.06 would not be open to the public and press.

**RESOLVED: (unanimously) that under Section 100 (A) (4) of the Local Government Act 1972, the public and press be excluded from the meeting during consideration of the final investigation report into SBE Complaint No. 15104.06, on the grounds that it involved the likely disclosure of exempt information as defined in Schedule 12 (A) of the Act (specifically that they were subject to an obligation of confidentiality).**

**123. REFERRAL TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND**

The Committee considered details of investigations, under Section 60 (2) of the Local Government Act 2000, into allegations against Councillor John Edwards.

**124. NOTICE OF FINDING**

Having considered the written evidence put forward in the investigation reports, the Committee Made its decision, which is summarised in the following Notice of Finding:

**HEREFORDSHIRE COUNCIL STANDARDS COMMITTEE**  
**Notice of Finding under Regulation 5 (9)(a) of the**  
***Local Authorities (Code of Conduct) (Local Determination) Regulations 2003***  
***(S.I., 2003, No. 1483)***

1. The Committee met on Friday 9th March 2007 to consider the Report of an Investigation relating to a complaint by Mr Edward Kelly against Councillor John Edwards (Complaint No. SBE 15104.06). Those present were: Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative) and Mr David Stevens (Independent Member).
2. Three Members of the Committee (Councillor John Edwards, Councillor John Stone and Mr John Hardwick) had declared prejudicial interests, did not attend the meeting, and took no part in any matter relating to the handling of the complaint.
3. The complainant alleged that, *by sitting as a member of the Polytunnel Review Working Group, Cllr Edwards has used his position as a member improperly to confer on or secure for himself or any other person an advantage or disadvantage; and brought his office into disrepute*, contrary to paragraphs 4 and 5 of the Model Code of Conduct, adopted by Herefordshire Council on 8th March 2002.
4. The complaint was referred by the Standards Board for England on 11th September 2006 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Bevan Brittan LLP, a firm of solicitors specialising in local government law. The conduct of the investigation was independent of the Monitoring Officer of Herefordshire Council and of any other Officer of the Council.
5. The Report of the Investigation finds that *“Cllr Edwards has not, either during his tenure on the Polytunnel Review Working Group or elsewhere, misused his position as a councillor to confer on or secure for himself, his family or his friend and as such has not brought his office or authority into disrepute. In the circumstances, there has been no failure by Cllr Edwards to comply with the relevant provisions of the Herefordshire District Council’s Code of Conduct”*.
6. We have carefully considered the detailed Report by Bevan Brittan and the 149 pages of supporting evidence. We are required by law to decide whether, on the evidence before us, we accept the finding by Bevan Brittan of “no failure” set out in paragraph 5 above. Any wider matters, such as aspects of planning policy, are not for us.
7. We consider that the meetings of the Polytunnel Review Working Group (“the Review Group”) did not relate to any registered interest of Councillor Edwards; and there is no evidence before us that any registrable interest had not been registered, nor any assertion that this was so.
8. Councillor Edwards was a member of the Review Group during its review of polytunnel policy in the first half of 2004. He attended 8 of the 9 meetings between 27th February 2004 and 7th June 2004. The Review Group then reported to the Environment Scrutiny Committee for the meeting of that

Committee on 23rd June 2004. It is therefore the case that, having conducted the study for which it was established, and having made its recommendation, the Review Group was, after 7th June 2004, no longer a means for any of its members to exercise influence on polytunnel policy. Even had this not been the case, Councillor Edwards was, by the operation of the Council's Constitution, removed from all committees and similar bodies when he was elected Chairman of the Council in May 2005. This was some three months before the approach by Mr Angus Davidson of Haygrove Tunnels to Councillor Edwards's son William Edwards.

9. We concur with Bevan Brittan's view that the issues discussed at meetings of the Group cannot be said to have impacted upon Councillor Edwards's well-being or financial position, because at that time there were no proposals to use land at Councillor Edwards's White House Farm for polytunnels; nor upon the position of his son William Edwards, who leased that land.
10. The evidence shows that there was no link of friendship, nor any possible shared potential advantage of any kind, between Councillor Edwards and Mr Angus Davidson, Managing Director of Haygrove Tunnels, during Councillor Edwards's participation in the Review Group. There is thus no basis for asserting that Councillor Edwards used his position to advance the interests of Mr Davidson's company.
11. In this context, we note that the complainant alleged both that Councillor Edwards was good friends with Mr Davidson and that they had holidayed together in Scotland. It is clear that both allegations are entirely baseless.
12. **We therefore concur with the finding (paragraph 5.1.23 of the Report) that Councillor Edwards did not use his position as a member improperly to confer or secure for himself, or any other person, an advantage or disadvantage.**
13. **It follows that there is no ground on which Councillor Edwards could be found to have brought his office or authority into disrepute.**
14. **We therefore find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*9<sup>th</sup> March 2007*