

**MINUTES of the meeting of Standards Committee held at Committee Room 1, Shire Hall, Hereford on Friday, 11th May, 2007 at 4.30 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)

**135. APOLOGIES FOR ABSENCE**

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

**136. 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 Nos. 17223.07 to 17229.07. Neither member was present at any stage during the meeting.

**137. REFERRALS TO THE STANDARDS COMMITTEE FROM THE STANDARDS BOARD FOR ENGLAND**

The Committee agreed that consideration of the final investigation reports in respect of SBE Complaint Nos 17223.07 to 17229.07 would not be open to the public and press.

**RECOMMENDATION:** 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 reports into SBE Complaint Numbers 17223.07 to 17229.07, on the grounds they 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).

**138. 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 the following Councillors:

- Councillor Mrs. P Andrews – SBE 17223.07
- Councillor Mrs. M. Bew – SBE 17224.07
- Councillor C. Chappell – SBE 17225.07
- Councillor Mrs. M. Lloyd-Hayes – SBE 17226.07
- Councillor R. Preece – SBE 17227.07
- Councillor W. Walling – SBE 17228.07
- Councillor A. Williams – SBE 17229.07

The investigations had been carried out by Mr. Kevin O'Keefe, Legal Practice Manager.

### 139. NOTICES OF FINDING

Having considered the written evidence put forward in the investigation reports, the Committee made its decisions, which are summarised in the following Notices 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint (SBE 17223.07) by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Mrs Paulina Andrews, a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Mrs Andrews should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

In support of this allegation, the complainant drew upon reports from *The Hereford Times* to show that Councillor Mrs. Andrews had been involved in lobbying for the skateboard project "for some considerable time".

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that "the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Mrs Andrews needing to declare a personal interest or indeed any interest in the agenda item

mentioned". The Investigating Officer found nothing to demonstrate the accuracy of the press reports relied upon by the complainant.

The Committee considered in detail the Report by the Investigating Officer and the 91 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.
- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13th December 2006. Councillor Mrs Andrews did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based partly on the fact that Councillor Mrs Andrews was a member of both Hereford City Council and Herefordshire Council. Councillor Mrs Andrews had not recorded in the Herefordshire Council Register of Members' Interests the fact that she was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 The complainant has also relied upon reports in *The Hereford Times* to the effect that Councillor Mrs Andrews had lobbied for the skateboard park and that this generated a prejudicial interest. Councillor Mrs Andrews states that neither she, nor her family and friends, have any interest in skateboarding and that she knows no skateboarders..
- 8 We note that in the related case SBE17226.07 these same newspaper reports were said by Councillor Anna Toon, the Chair of "Wheeled Sports 4 Hereford", the beneficiaries of the construction of any proposed skateboard park, to be wholly inaccurate "and could have had .a prejudicial effect on Wheeled Sports 4 Hereford as they did not reflect a fair and accurate statement of their then position".

- 9 In the circumstances we do not regard these press reports as demonstrating even a personal interest on the part of Councillor Mrs Andrews. It follows that, if no personal interest existed, then the question of a personal interest so strong that it became a prejudicial interest (as alleged by the complainant) does not arise.
- 10 **We therefore concur with the finding of the Investigating Officer that Councillor Mrs Andrews had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 11 **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

### 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Mrs Mary Bew (Complaint No. SBE 17224.07), a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Mrs Bew should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that “the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Mrs Bew needing to declare a personal interest or indeed any interest in the agenda item mentioned”.

The Committee considered in detail the Report by the Investigating Officer and the 90 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council’s Clerk on discussions which had taken place with the organisation “Wheeled Sports 4 Hereford”. These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.
- 3 Herefordshire Council’s Central Area Planning Sub-Committee met on 13th December 2006. Councillor Mrs Bew did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based on the fact that Councillor Mrs Bew was a member of both Hereford City Council and Herefordshire Council. Councillor Mrs Bew had not recorded in the Herefordshire Council Register of Members’ Interests the fact that she was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land for a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity (“Wheeled Sports 4 Hereford”) and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 **We therefore concur with the finding of the Investigating Officer that Councillor Mrs Bew had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 8 **We accordingly find that there was no failure to follow the Code of Conduct.**

## 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Christopher Chappell (Complaint No. SBE 17225.07), a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Chappell should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that "the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Chappell needing to declare a personal interest or indeed any interest in the agenda item mentioned".

The Committee considered in detail the Report by the Investigating Officer and the 92 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on

discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.

- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13th December 2006. Councillor Chappell did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based on the fact that Councillor Chappell was a member of both Hereford City Council and Herefordshire Council. Councillor Chappell had not recorded in the Herefordshire Council Register of Members' Interests the fact that he was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 **We therefore concur with the finding of the Investigating Officer that Councillor Chappell had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 8 **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

## 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint (SBE 17226.07) by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Mrs Marcelle Lloyd-Hayes, a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Mrs Lloyd Hayes should have declared a prejudicial interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

In support of this allegation, the complainant drew upon reports from *The Hereford Times* to show that Councillor Mrs Lloyd-Hayes had been involved in lobbying for the skateboard park "for some considerable time".

The complainant has asserted that failure to declare a prejudicial interest in these circumstances is a breach of paragraphs 8 and 10(1) of the Code of Conduct, adopted by Herefordshire Council on 8<sup>th</sup> March 2002.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer noted Councillor Mrs. Lloyd-Hayes's "proactive interest in youth culture and supporting youth initiatives" and that she "had offered generic support to any project including the skate board park if it benefited the youngsters of the community". Because of her general support for youth projects she declared a personal interest at the meeting. The Investigating Officer examined the matter against the background of the press reports, but could find nothing to suggest that Councillor Mrs. Lloyd-Hayes should have declared a prejudicial interest.

The Committee considered in detail the Report by the Investigating Officer and the 94 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.



- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.
- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13th December 2006. Councillor Mrs Lloyd-Hayes declared a personal interest in connection with agenda item number 6, the planning application for houses at Holmer. She remained in the Chamber for both the debate and the vote on that item.
- 4 The complaint is based partly on the fact that Councillor Mrs Lloyd-Hayes was a member of both Hereford City Council and Herefordshire Council. Councillor Mrs Lloyd-Hayes had not recorded in the Herefordshire Council Register of Members' Interests the fact that she was a member of Hereford City Council.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
7. The complainant has also relied upon reports in *The Hereford Times* to the effect that Councillor Mrs Lloyd-Hayes had been "involved in lobbying for the [skateboard park] project for some time".
8. In her statement Councillor Lloyd-Hayes says that:-

"In one of the reports, I gave general support (the press report of 14 February 2005) for any youth initiative including Wheeled Sports 4 Hereford. I have a passion for youth activities and projects within the City. I work one day a week for "Close House" which is a volunteer youth organisation. I like to encourage young people to take up positive activities and indeed I encourage young people to attend choir/music groups and have actively supported youth centres when they existed."
9. For this reason Councillor Lloyd-Hayes declared a personal interest in the agenda item relating to Holmer Road on the meeting of 13<sup>th</sup> December 2006.
- 10 The complainant contends that Councillor Mrs Lloyd-Hayes's lobbying for the project generated a prejudicial interest. The statement of Councillor Mrs Anna Toon (the Chair of Wheeled Sports 4 Hereford) says that "Councillor Mrs. Lloyd-Hayes is not, and never has been, involved with Wheeled Sports 4 Hereford. She was not authorised to make any comments on behalf of the organisation and indeed when I first saw the press reports I was somewhat concerned that these comments had been attributed to Councillor Lloyd-Hayes who was not authorised to make them. In fact, the press reports could have had a prejudicial effect on Wheeled Sports 4 Hereford as they did not reflect a fair and accurate account of their then position."

11. The statement of Councillor Mrs. Lloyd-Hayes says that the report of 1<sup>st</sup> November 2006 “wrongly attributed words to me in connection with Wheeled Sports 4 Hereford. I complained to the newspaper reporter that he had misquoted what I had said. I also complained to the editor. What I had said to them was that I gave general support for youth projects...I have no interest in skateboarding, only a general interest in youth activities. For these reasons, I declared a personal interest in connection with agenda item 6” [the residential development at Holmer
12. For a personal interest to constitute a prejudicial interest it must be one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it would be likely to prejudice the member’s judgment of the public interest. There is no evidence to suggest that Councillor Lloyd-Hayes had an interest of this kind..
13. Even if Councillor Mrs Lloyd-Hayes had been involved in the specifics of the skateboarding proposal at City Council level, it is clear from the Standards Board for England guidance on “dual-hatted” members (those who are members of authorities at two different levels of local government) and our own Herefordshire Planning Protocol that, provided that she had expressed no *definitive view* on the merits of this particular aspect of the planning application, she could in any event have participated in proceedings upon it at Herefordshire Council. But this situation did not in fact arise.
14. **We therefore concur with the finding of the Investigating Officer that Councillor Mrs Lloyd-Hayes had no prejudicial interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
15. **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

#### 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Robert Preece (Complaint No. SBE 17227.07), a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Preece should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26<sup>th</sup> February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that "the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Preece needing to declare a personal interest or indeed any interest in the agenda item mentioned".

The Committee considered in detail the Report by the Investigating Officer and the 90 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20<sup>th</sup> June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.
- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13<sup>th</sup> December 2006. Councillor Preece did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based on the fact that Councillor Preece was a member of both Hereford City Council and Herefordshire Council. Councillor Preece had not recorded in the Herefordshire Council Register of Members' Interests the fact that he was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.

- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 **We therefore concur with the finding of the Investigating Officer that Councillor Preece had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 8 **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

#### 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor William Walling (Complaint No. SBE 17228.07), a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Walling should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried

out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that "the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Walling needing to declare a personal interest or indeed any interest in the agenda item mentioned".

The Committee considered in detail the Report by the Investigating Officer and the 92 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.
- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13th December 2006. Councillor Walling did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based on the fact that Councillor Walling was a member of both Hereford City Council and Herefordshire Council. As he was required to do by the Code of Conduct, Councillor Walling had recorded in the Herefordshire Council Register of Members' Interests the fact that he was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 **We therefore concur with the finding of the Investigating Officer that Councillor Walling had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 8 **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

## 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., 2003/1483)**

The Committee met on Friday 11th May 2007 to consider the Report of an Investigation relating to a complaint by Mr Mike Wilson (a Herefordshire Councillor at the time of making the complaint) against Councillor Alan Williams (Complaint No. SBE 17229.07), a member of Herefordshire Council and also of Hereford City Council.

The members of the Committee were Mr Robert Rogers (Independent Chair), Mr Richard Gething (Town and Parish Council Representative), Mr John Hardwick (Town and Parish Council Representative) and Mr David Stevens (Independent Member).

The complainant had alleged that, at a meeting of Herefordshire Council's Central Area Planning Sub-Committee on 13<sup>th</sup> December 2006, Councillor Williams should have declared a personal interest in respect of the Sub-Committee's consideration of a planning application to build a number of houses at Holmer, Hereford, and a linked agreement to provide planning gain for the County, which included a developer contribution to a skateboard park nearby.

The complainant had asserted that failure to declare an interest of which notice should be given under paragraph 14 and 15 of the Code of Conduct adopted by Herefordshire Council on 8<sup>th</sup> March 2002 contravened paragraph 8 (1) of that Code.

The complaint was referred to the Monitoring Officer by the Standards Board for England on 26th February 2007 for local investigation and determination. The investigation (under s60(2) of the Local Government Act 2000) was carried out by Kevin O'Keefe, solicitor, the Legal Practice Manager and Deputy Monitoring Officer of Herefordshire Council.

The Report of the Investigating Officer found that "the City Council is a publicly elected body whose membership is not secret. I cannot see that mere membership of the City Council would give rise to Councillor Williams needing to declare a personal interest or indeed any interest in the agenda item mentioned".

The Committee considered in detail the Report by the Investigating Officer and the 92 pages of supporting evidence. The Committee found as follows:

- 1 We are required by law to decide whether, on the evidence before us, we accept the finding by the Investigating Officer of no failure to comply with the relevant provisions of the Code of Conduct.
- 2 We note that an item on the agenda of a meeting of the Hereford City Council of 20th June 2006 related to the proposed skateboard park at Holmer Road. This item was for information, being an update from the Council's Clerk on

discussions which had taken place with the organisation "Wheeled Sports 4 Hereford". These were inconclusive at that time and no decision was taken. The minutes record that no member spoke.

- 3 Herefordshire Council's Central Area Planning Sub-Committee met on 13th December 2006. Councillor Williams did not declare either a personal or prejudicial interest in connection with agenda item number 6, the planning application for houses at Holmer.
- 4 The complaint is based on the fact that Councillor Williams was a member of both Hereford City Council and Herefordshire Council. Councillor Williams had not recorded in the Herefordshire Council Register of Members' Interests the fact that he was a member of Hereford City Council. However, there is a clear distinction between the requirement to register concurrent membership of another Council and having a personal interest in an agenda item which must be declared at a meeting.
- 5 Hereford City Council was prepared to lease the land at a peppercorn rent donated by Herefordshire Council for the skateboard project which became part of the planning proposal considered at the meeting on 13<sup>th</sup> December 2006, but this did not of itself give rise to a personal interest on the part of a member of that Council which should have been declared at the outset of that meeting.
- 6 The planning application was not made by the City Council but by a housing developer. The proposed skateboard park would be organised by a registered charity ("Wheeled Sports 4 Hereford") and neither the City Council, nor any of its members, stood to benefit in any way from the construction of the proposed skateboard park or the planning gain offered by the developer in connection with the grant of planning permission.
- 7 **We therefore concur with the finding of the Investigating Officer that Councillor Williams had no personal interest to declare in agenda item 6 (Residential Development at Holmer) at the Central Area Planning Sub-Committee on 13th December 2006.**
- 8 **We accordingly find that there was no failure to follow the Code of Conduct.**

*Robert Rogers, Chairman*

*May 2007*

The meeting ended at 6.19 p.m.

**CHAIRMAN**