

Minutes of the meeting of Standards Panel held at Committee Room 1, Shire Hall on Tuesday 16 October 2018 at 2.00 pm

Present: Councillor ACR Chappell (Chairperson)
Councillor EE Chowns
Councillor RM Wilson (HALC rep)

Officers: Claire Ward and Annie Brookes

1. ELECTION OF CHAIRPERSON

Councillor ACR Chappell was elected as chairperson for the meeting.

2. DECLARATION OF INTERESTS

Councillor RM Wilson declared that he had been in attendance at the planning meeting mentioned in the complaint. Councillor Wilson stated that he was present at the meeting as a member of the public so that he remained up to date with current planning legislation and could not recall the specific events at the meeting.

Councillor EE Chowns declared that the subject member had at one point delivered leaflets for Cllr Chowns as part of her election campaign but stated that this would not influence her considerations and decision.

3. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that under section 100(A)(4) of the Local Government Act 1972, the public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Schedule 12(A) of the Act, as indicated below and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Exempt information - Information which is likely to reveal the identity of an individual.

4. APPEAL OF A MONITORING OFFICER RESOLUTION BY A SUBJECT MEMBER

Summary of exempt proceedings.

Following a full discussion of the complaint which included information provided via confidential papers and verbally from the subject member and the complainant.

The panel commented that Councillor Kenyon was not the only councillor on the planning and regulatory committee who may have had a close personal association with the person concerned. Councillor Kenyon's association only came to light because of his open behaviour in discussing their shared charitable interests. The panel stressed

that there was no “inappropriate contact” but felt that the term within the planning code did need to be clearly defined for the benefit of all councillors. The panel also felt that the term “close personal association” contained within the code of conduct also needed to be clearly defined, again for the benefit of all councillors.

The panel made the following recommendations on the issues raised in this complaint.:

RESOLVED

THAT

- **Guidance as to what close personal association (contained within the Herefordshire Council Code of Conduct) needs to be provided by officers so that all councillors were aware**
- **Guidance as to what inappropriate contact (contained within the Herefordshire Council planning code) to be provided by officers so that all councillors were aware.**
- **it is made clear to anyone subject to a code of conduct complaint, what the process is, rules, and possible outcomes.**
- **officers make improvements in the process for collecting evidence on complaints.**
- **the chairperson for this panel write to all Herefordshire Council chairpersons and in particular to the chairperson of Planning and Regulatory Committee drawing attention to the need to declare interests where appropriate.**

DECISION

The panel upheld the decision of the deputy monitoring officer and found that Councillor J Kenyon, Herefordshire Council, had breached standard B1 in the code of conduct in failing to declare and resolve his interests in accordance with the law and provisions of this code of conduct.

REASONS

The reasons were based on the fact that Cllr Kenyon:

- had described the person as a friend; and
- was involved in the charities he supported when mayor

The sanction of this panel is that Councillor Kenyon receive advice from the monitoring officer to improve understanding of when interests can arise and when to declare them.

5. HOW TO UNDERTAKE AN ANNUAL SAMPLE REVIEW OF DECISIONS MADE BY THE MONITORING OFFICER

The monitoring officer presented the report and highlighted that the annual sampling would form part of the annual code of conduct report to audit and governance committee.

The chairperson invited Councillor EJP Harvey to speak as the member of audit and governance committee who had made the suggested sampling process contained within appendix 1 of the panel’s papers.

It was resolved that the sampling would consist of complaints received between 30 April 2017 and 30 September 2018:

- **which had resulted in dissatisfaction from the subject member or the complainant.**
- **all complaints handled solely by the monitoring officer without any view from the independent person.**
- **a cluster of complaints which relate either to an individual or an individual parish council.**
- **all complaints which have been made against members of the cabinet or those acting in support to the cabinet.**
- **all complaints that have been rejected as out of the scope of the complaints procedure**
- **a random sample of the categories of complaints listed in paragraph 6 of the report. The officers were asked to effect a randomised sample using a random number table.**

It was noted that this would mean that Standards Panel convened to sample complaints would be an all day meeting.

The panel requested that in future a breakdown of the complaints by category be provided in order to aid with the choosing of the sample complaints. It was noted that this selection may result in a number of complaints and that a pragmatic approach will be taken to possibly reduce the numbers by two thirds for example. This will be a matter for the panel undertaking the sampling.

The meeting ended at 15:59

Chairman