

## **REPORT OF THE STANDARDS COMMITTEE**

### **Meetings held on 17 February 2006 and 21 April 2006, and Hearing Held on 10 March 2006**

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#### **Membership:**

Robert Rogers (Independent Member) (Chairman); Councillor John Edwards, Councillor John Stone; Richard Gething (Town and Parish Council Representative); John Hardwick (Town and Parish Council Representative); David Stevens (Independent Member).

#### **STANDARDS COMMITTEE HEARING ON 10 MARCH 2006**

1. The Standards Board for England (SBE) referred a complaint against Councillor Allan Lloyd of Kington Town Council for investigation under the provisions of the Local Authorities (Code of Conduct) (Local Determinations) Regulations 2003 (as amended). This was the third case to be investigated locally, and Kevin O'Keefe, Legal Practice Manager, conducted the investigation. The hearing took place on 10 March 2006. This was the fifth hearing that we have held.
2. We heard allegations that, on 15 August 2005, Councillor Lloyd had breached the Code of Conduct by failing to declare a prejudicial interest. We found that Councillor Lloyd had breached the Code of Conduct, and we heard of significant mitigating circumstances. In addition, we noted that Councillor Lloyd had undertaken training recently with the Herefordshire Association of Local Councils (HALC). We therefore decided to impose no sanction in this instance. In the circumstances we were surprised that application was made to appeal against our decision; but welcomed the decision of the President of the Adjudication Panel for England that there were no grounds for such an appeal.
3. At our meeting on 21 April 2006, and in line with our continued improvements to best practice, we have decided to prepare written guidance for those attending hearings so that they are aware of what to expect from the process at the earliest stage possible. We have also asked for a comprehensive internal procedure note to be produced, which takes account of all of the recent hearings guidance produced by the SBE, and of our own administrative arrangements. We shall consider drafts of both of these documents at our next meeting on 30 June 2006.

#### **APPLICATIONS FOR DISPENSATIONS RECEIVED FROM TOWN AND PARISH COUNCILLORS**

4. We have granted dispensations to:
  - four members of Holme Lacy Parish Council in relation to their roles as custodian trustees of Holme Lacy Village Hall;
  - four members of Kimbolton Parish Council in relation to their roles as members of Kimbolton Village Hall Committee;
  - seven members of Bridstow Parish Council in relation to Bridstow Village Hall;
  - all members of Kington Town Council in respect of the Kington Recreation Ground Trust. This is the first "block" dispensation we have granted, and it means that, for the duration of a four-year period, any newly appointed town councillor will automatically be afforded the dispensation without having to

apply to the Committee. This is because on acceptance of office, every town councillor automatically becomes a member of the Trust. We feel that it would be unacceptable to make a general rule of granting block dispensations, and that there is usually merit in naming individuals because it helps to maintain a “policing” control over a dispensation. We felt however, that there were exceptional circumstances for doing so in this particular instance, namely: 1. the block dispensation related entirely to the Kington Recreation Ground Trust and to no other matter; 2. the Town Council had provided documentary evidence to prove that all members without exception were trustees, and that this was the only mechanism for becoming a trustee; 3. there is a four-year time limit on the dispensation, and the Town Council will have to re-apply for it at the end of the period.

5. It is clear that dispensation matters can be complex, and we have agreed to produce a short guidance leaflet for town and parish councillors, outlining the broad principles of dispensations and the circumstances in which they might be required. We shall consult HALC on this guidance, and will consider the draft at our next meeting on 30 June 2006.

### **STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE**

6. The Office of the Deputy Prime Minister has issued a document “Standards of Conduct in English Local Government: The Future”, in response to recent reports and consultations from the Committee on Standards in Public Life, the ODPM Select Committee and the Standards Board for England. The Chairman of the SBE, David Prince, invited our Chairman to be a participant in a small discussion group to advise the Board on the practicalities of implementation. Our Chairman therefore sought the Committee’s views to that he could include them in his response to the group. Amongst other matters, the Committee commented that Standards Committees were in the best position to assess which complaints to the SBE might be vexatious or trivial, because they had the advantage of local knowledge. We also acknowledged that local investigations might have considerable resource implications due to the need to keep the investigation separate from the hearing, and suggested measures to prevent Local Authorities from becoming overstretched. We also welcomed a proposal to impose higher penalties to support the need to address the most serious cases, and recommended a minimum twelve-month period for suspensions. The Committee’s comments in full can be found at: <http://councillors.herefordshire.gov.uk/ieDocHome.asp> (refer to Standards Committee, 17 February 2006, Minute No. 54).
7. Arising from the discussion on this document, the Committee reviewed its membership, to ensure that it had the best practice in place when conducting hearings under circumstances where members were either absent, or exempt from participating due to a prejudicial interest. One of the issues we considered was whether to have additional parish and town council representatives, and/or ensure representation from each of the HALC area committees. We felt that it was right to continue obtaining nominations for parish and town council representatives from HALC regardless of area, because it was important to ensure we have the most experienced members. This also accords with SBE guidance. There are already means in place to co-opt additional independent or parish and town representatives if necessary. In view of this, and because our existing members have gained considerable knowledge and experience, we felt it was better to leave the dynamics of the Committee unaltered.

## **FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**

8. Some members of the Committee will be attending one or both days of the Fifth Annual Assembly of Standards Committees to be held on 16 and 17 October 2006 at the International Convention Centre in Birmingham. This year's theme is "Bridging the Gap: Towards Effective Local Regulation". We have found the Assembly extremely useful in terms of current awareness and training.

## **DETERMINATIONS BY THE STANDARDS BOARD FOR ENGLAND**

9. We have considered progress reports on current investigations by the Standards Board for England. We have requested details from the SBE in relation to the precise nature of allegations, with particular reference to "Conduct". This will help us to be more responsive to town and parish councillors' training needs, and to any particular trends. We will also be liaising with HALC to arrange some further joint training sessions for town and parish councillors.

## **LOCAL DETERMINATION: DEVELOPMENTS IN BEST PRACTICE**

10. The latest SBE bulletin contains further guidance on conducting local investigations and hearings, and we have reviewed both this, and our recent experiences of hearings. We do not agree with the Board's suggestion that an Investigation Report should be made public five clear days before a hearing, because we feel that the release of what might be seen as the case for the prosecution on its own would not be fair on the subject of the complaint, especially if it gave rise to media coverage before the hearing.

**ROBERT ROGERS  
CHAIRMAN  
STANDARDS COMMITTEE**

## **BACKGROUND PAPERS:**

- Agenda papers of the meetings held on 17 February and 21 April 2006, and the hearing held on 10 March 2006.