

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 1 JULY 2004** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. ELECTION OF CHAIRMAN

To elect a Chairman for the meeting pending consideration of Agenda Item No. 6.

2. MINUTES OF PREVIOUS MEETING (Pages 1 - 6)

3. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Committee.

4. INDEPENDENT MEMBERS AND TOWN AND PARISH COUNCIL REPRESENTATIVES

To note that following the decision of the Committee at their last meeting, the Council has agreed that Messrs D H Bristow, D L Hall and D Pattison should serve as Independent Members on the Committee for a four year term of office expiring in April 2007 and that Messrs G Watkins and D MacPherson be appointed as representatives of the Town and Parish Councils in Huntingdonshire on the Committee for the ensuing Municipal Year.

5. GOVERNANCE ISSUES (Pages 7 - 10)

Further to Minute No. 23, to consider a report by the Head of Administration regarding proposed changes to the Terms of Reference of the Committee.

**R Reeves
388003**

6. CHAIRMANSHIP OF THE COMMITTEE (Pages 11 - 16)

Further to Minute No 23 and the Council's resolution at their meeting on 7th April 2004, to consider a report by the Director of Central Services and Monitoring Officer on the potential for electing an Independent Member to Chair the Committee.

**C Deller
388007**

7. MODEL CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS (Pages 17 - 20)

To consider a report by the Director of Central Services and Monitoring Officer regarding notifications received from the Standards Board for

**C Deller
388007**

England of decisions made in respect of allegations of misconduct by Members serving on Huntingdonshire District and Ramsey Town Councils.

8. STANDARDS - CURRENT ISSUES (Pages 21 - 22)

To consider a report by the Democratic Services Manager regarding issues of interest to the Committee

**C Deller
388007**

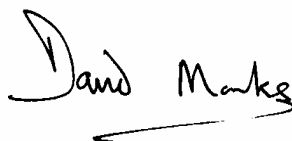
9. DATES OF FUTURE MEETINGS

To note that the Committee will meet again on 16th September and 9th December 2004 and 10th March 2005.

10. APPLICATIONS FOR DISPENSATION (Pages 23 - 24)

To consider a report by the Director of Central Services and Monitoring Officer regarding an application for dispensation submitted by the Clerk of St Ives Town Council.

Dated this 23 day of June 2004



Chief Executive

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007 or if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Group.

[Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk](http://www.huntingdonshire.gov.uk) (*under Democratic Services/Modern.Gov*).

[If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.](#)

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the base of the flagpole in the car park at the front of Pathfinder House.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Wednesday, 24 March 2004.

PRESENT: Councillor P J Brant - Chairman

Councillors Mrs B E Boddington, J D Fell, A Hansard, C W Looker and J Taylor
Messrs D L Hall and G Watkins.

IN ATTENDANCE Councillors P J Downes and K Reynolds

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor J A P Eddy and Messrs D H Bristow, D MacPherson and D Pattison

22. MINUTES

The Minutes of the meeting of the Committee held on 17th December 2003 were approved as a correct record and signed by the Chairman.

23. REVIEW OF COUNCIL CONSTITUTION

By reference to a report by the Head of Administration (a copy of which is appended in the Minute Book) the Committee undertook the annual review of the Constitution. The Committee were advised that the Cabinet and all Panels had been offered the opportunity to comment collectively on those aspects of the Constitution which affected their terms of reference, that Members also had been invited to submit comments individually and that Chief Officers and Heads of Service similarly had been requested to highlight issues which had arisen based on practical experience of the operation of the Constitution since its original inception in May 2002 and subsequent review in May 2003.

With the consent of the Chairman, Councillors P J Downes and K Reynolds addressed the meeting in support of representations made individually by them and by the Overview and Scrutiny Panels on issues affecting the Constitution and particularly having regard to the operation of the Overview and Scrutiny Panels.

In the first instance, the Committee noted that a series of minor changes would be required to the Constitution to correct minor typographical errors and to update the text –

- ◆ following further implementation of the Local Government Act 2000 in respect of decision taking by Executive Councillors;
- ◆ to take account of the decision of the Employment Panel in respect of the re-designation of Chief Officers;

- ◆ to clarify the procedures set out in Section 10A of the Council procedure rules in respect of petitions;
- ◆ to apply the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 which had extended the categories of exempt information to enable the Committee to consider allegations relating to a breach of the Code of Conduct in private session; and
- ◆ to reflect the adoption of various codes and protocols and a revised Members Allowances Scheme during the course of the year.

Members also acknowledged the possibility of future changes to the terms of reference of the Committee following an exercise being undertaken to determine the appropriate location of governance and financial responsibilities within the Constitution. A suggestion regarding the introduction of job descriptions for Councillors as part of the continuing development of support to Members also was noted. In terms of the suggestion that declarations of interest be recorded at the commencement of a meeting rather than an advance of individual items, the Committee were of the view that this could be dealt with as an administrative procedure in consultation with the Chairman of the respective Panels/Committee.

Regarding the proposed fundamental changes to the Constitution and in light of the report of the CPA Peer Challenge Team, the Committee discussed at length a suggestion that an independent Member should be appointed to act as its Chairman. Whilst not objecting to the proposal in principle and although acknowledging the perceptions such an appointment would give, Members envisaged some difficulties in practice if the Committee were to continue to operate in the same way as other Panels/Committees appointed by the Council. Therefore, in recommending that an Independent Member be invited to Chair the Committee, Members requested that Officers report to their next meeting on the entitlement of the appointment to payment as Chairman under the Members Allowances Scheme and the practices of other local authorities in terms of attendance and the reporting, of the deliberations of the Committee to Council.

Following further detailed discussion on the other issues highlighted in the report by the Head of Administration, the Committee

RECOMMENDED

- (a) that, on the understanding that an individual is willing to undertake the position, an Independent Member be invited to Chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05;
- (b) that Independent Members be appointed to serve on the Committee for a term of four years from the date of their appointment;
- (c) that, in the event of an Independent Member failing to attend a meeting or function associated with the

Committee for a period of nine months, he or she be automatically disqualified from membership of Committee;

- (d) that, with regard to Rule 11.9 of the Council Procedure Rules – Rules of Debate, the mover of an amendment to a Motion be entitled to a right of reply immediately prior to the right of reply of the mover of the original Motion.
- (e) that, with regard to Rule 12 of the Council Procedure Rules relating to the Annual State of the District debate, arrangements be made to publicise future debates on the same basis as those made to advertise casual vacancies on the Council;
- (f) that the Overview and Scrutiny Panels be invited to undertake a review of their methods of operation to overcome their request for the creation of a third Panel and to report back on the outcome to a future meeting of the Committee;
- (g) that no changes be made to the role of the Overview and Scrutiny Panels in relation to the development of the Councils budget and policy framework nor to the Overview and Scrutiny Procedure Rules other than to remind the Chairmen of the Overview and Scrutiny Panels of the opportunity provided by the Rules to invite Members of the public to speak at meetings under the existing constitutional arrangements;
- (h) that a scheme be introduced for the appointment of named substitute Members to attend meetings of the Overview and Scrutiny Panels in accordance with the procedures set out in Appendix A to the report now submitted;
- (i) that the revised Codes of Financial Management and of Procurement be adopted as set out in Appendices B and C of the report now submitted;
- (j) that paragraph 4(b) of the Officer Employment Procedure Rules be amended to require the Appointments Panel appointed by the Council to include the relevant Executive Councillor in relation to the post to be filled as opposed to a named Member of the Cabinet;
- (k) that, subject to amendment of paragraph 4 of the procedure to allow the questioner 2 minutes to put a question and a further 1 minute for a supplementary, a scheme for public question time be introduced at the commencement of the Council meeting in accordance with the procedure set out in Appendix D of the report now submitted;
- (l) that the Director of Central Services be authorised to

vary the Constitution as recommended in paragraph (a)-(k) above with a view to implementation with effect from 23rd June 2004.

24. LOCAL INVESTIGATION AND DETERMINATION OF MISCONDUCT ALLEGATIONS - CONSULTATION

By way of a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book), the Committee was acquainted with the content of two consultation papers published separately by the Office of the Deputy Prime Minister and Standards Board for England on a proposed framework for the local investigation and determination of complaints.

Members were reminded that local authorities had been awaiting the issue of guidance and regulations relating to the treatment of complaints or allegations which might be referred by an Ethical Standards Officer for investigation and settlement locally. The consultation papers now issued related to the arrangements by which local authority Monitoring Officers might investigate allegations of misconduct by Members referred to them.

In general, the Committee welcomed the acknowledgment by the Government of the scope for some alleged breaches of the Code to be dealt with locally and was of the opinion that the guidance offered by the Standards Board for England and the amendment Regulations issued by the ODPM in this respect would prove valuable. Accordingly, therefore, and subject to the correction of some minor typographical errors in question 7 from the Standards Board and question 1 from the Office of the Deputy Prime Minister, the Committee

RESOLVED

that the suggested responses to specific questions raised by the Office of the Deputy Prime Minister and Standards Board for England in consultation papers on a proposed framework for the local investigation and determination of complaints be approved.

25. APPLICATION FOR DISPENSATIONS

With the assistance of a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee were acquainted with applications received from Ellington and Upwood and the Raveleys Parish Councils requesting the Committee to grant dispensations to allow Members of those Councils to discuss and vote on matters relating to particular circumstances in their parishes.

Having been acquainted with the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and been satisfied that approval was required to prevent the transaction of parish council business from being impeded, the Committee

RESOLVED

that dispensations to speak and vote on matters relating to Ellington Village Hall and Charitable Trusts in Upwood and the Raveleys be granted to Ellington and Upwood and the Raveleys Parish Councils for the period to 30th April 2007.

26. STANDARDS - CURRENT ISSUES

A report by the Democratic Services Manager was submitted (copy of which is appended in the Minute Book) which updated Members on the appointment of Mr David Prince as new Chief Executive to the Standards Board for England, training undertaken on local government determination hearings hosted by South Cambridgeshire District Council, the current position with regard provision of draft regulations under the Local Authorities (Code of Conduct) (Local Determinations) (Amendment) Regulations 2003 and information on the third Annual Assembly of Standards Committees to be held in Birmingham on 13th and 14th September 2004.

Having noted that the third Annual Assembly of Standards Committees would offer the opportunity for Members to discuss issues relating to the practical application of the Code of Conduct, its areas of difficulty and suggested improvements, and that the Monitoring Officer would confirm attendance at the Conference at the next meeting of the Committee on 1st July 2004, it was

RESOLVED

that the Democratic Services Manager be authorised to reserve places at the third Annual Assembly of Standards Committees Conference to be held in Birmingham on 13th and 14th September 2004 for the Chairman and Vice-Chairman, a representative of the Opposition Group on the Committee, an Independent Member and a town and parish council representative.

Chairman

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STANDARDS COMMITTEE

1ST JULY 2004

GOVERNANCE ISSUES (Report by the Head of Administration)

1. INTRODUCTION

- 1.1 The Council's Constitution makes provision for an annual review of its content which is in the course of being finalised for the current year. The report to the Standards Committee meeting held on 24th March (paragraph 4.9) made reference to the need to determine an appropriate forum for certain governance and financial responsibilities. This is dealt with in this report.

2. CONSTITUTIONAL BACKGROUND

- 2.1 The legislation which determines the Constitution divides the Council's functions into two distinct elements – executive (which is the responsibility of the Cabinet) and non-executive. With the exception of those matters reserved to the Council by legislation, the Council can delegate decision making to a committee, panel etc. However, such powers cannot be delegated to the Cabinet (which may deal with executive powers only), nor to the Overview and Scrutiny Panels whose terms of reference are prescribed by legislation.
- 2.2 In the absence of a suitable alternative forum, certain non-executive functions therefore have been included within the terms of reference of the Standards Committee. Members will be aware that the workload of that Committee may increase shortly with the implementation of Regulations for the local investigation and determination of complaints for breach of the Members Code of Conduct. The possibility of the Committee also being chaired by an independent person as opposed to a district councillor also suggests that some of the duties within the Committee's terms of reference might more appropriately be located elsewhere.

3. RECENT DEVELOPMENTS

- 3.1 Legislative change in recent months has meant that decisions on certain Council Tax issues previously reserved to the Council can now be delegated. In addition the issue of new Accounts and Audit Regulations has placed certain responsibilities on Members and has brought forward the date when the financial accounts must be completed and approved. These can be summarised as follows:-

- ◆ the Local Government Act 2003 enables the Council to delegate the annual resolution to formally approve the Council Tax base for the following year;
- ◆ the date for approval of the accounts has been brought forward by the Accounts and Audit Regulations progressively by one

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month each year to 30th June by 2006. Approval of the accounts can be undertaken either by the Council or delegated to a committee or panel;

- ◆ the Regulations introduce a requirement for Members to consider any matter brought to the attention of the Council by the external auditors; and
- ◆ the Regulations also require the Council to be responsible for ensuring that financial management is adequate and effective and that there is a sound system of internal control.

3.2 A change to the Functions and Responsibilities Regulations has also resulted in decisions relating to the formulation of a plan or strategy for the Council's investments not being the responsibility of the executive.

4. A NEW PANEL

4.1 Having regard to the changes referred to, the Council is invited to consider the establishment of a new Corporate Governance Panel comprising 7 Members with the following non-executive terms of reference –

- ◆ ensuring that the financial management of the Council is adequate and effective;
- ◆ ensuring that the Council has a sound system of internal control which facilitates the effective exercise of the Council's functions including arrangements for the management of risk;
- ◆ considering the Council's Code of Corporate Governance and approving the annual statement in that respect;
- ◆ approving and modifying the terms of reference and strategy for internal audit;
- ◆ commenting on the annual internal and external audit plans;
- ◆ receiving half-yearly and end of year reports on progress in delivering the annual internal audit plan;
- ◆ receiving and considering the external auditor's annual management letter;
- ◆ approving the Council's statement of accounts;
- ◆ consideration of any matters arising from the audit of accounts;
- ◆ approval of the Council Tax base;
- ◆ determination of the Council's complaints procedure, monitoring compliance with the procedure, compensatory payments to complainants and formulation of recommendations to the Cabinet or Council on any action to be taken as a consequence;
- ◆ considering reports by the Local Government Ombudsman, approval of compensatory payments to complainants and the formulation of recommendations to the Cabinet or Council on any remedial action to be taken as a consequence;
- ◆ adoption and monitoring of a policy and procedure for disclosure of information under the Public Interests Disclosure Act 1999 (whistleblowing);
- ◆ oversight of the Council's Constitutional arrangements and advising the Council of any changes that may be desirable.

4.2 Corresponding changes will need to be made to the terms of reference of the Standards Committee which currently include several of the functions referred to above. If a Panel is to be established, it is likely that it would need to meet on three occasions each year at key dates

in the financial calendar, and otherwise as required. It is also suggested that in terms of Panel membership, it should be a requirement for it to include a minimum of one but no more than three Members of the Cabinet.

5. CONCLUSION AND RECOMMENDATIONS

5.1 The current constitutional review and recent legislative change have highlighted the need for the creation of an additional panel to deal with the non-executive issues of audit, governance and finance which cannot conveniently be delegated elsewhere within the Council's structure.

5.2 It is therefore


RECOMMENDED

- (a) that a Corporate Governance Panel be established with the terms of reference listed in paragraph 4.1 above;
- (b) that the Panel comprise 7 Members including a minimum of one and a maximum of three Members of the Cabinet;
- (c) that the terms of reference of the Standards Committee be amended to omit those other duties allocated to it which do not relate to the Members Code of Conduct as listed on page 28 of the constitution; and
- (d) that Article 4 of the constitution relating to the full Council be amended to delete the reference in paragraph 1(b) in relation to the Council Tax Base and the insertion of a reference to the control of the Council's investments.

BACKGROUND PAPERS

The Council's Constitution.

Contact Officer: Mr R Reeves, Head of Administration

 01480 388003

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CHAIRMANSHIP OF THE COMMITTEE
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 During the annual review of the Constitution undertaken by the Committee at its last meeting in March (Minute No.23 refers), Members discussed at length a suggestion that an Independent Member be appointed to act as Chairman to the Committee. In the event, the Committee recommended to Council on April 7th 2004 **“that on the understanding that an individual is willing to undertake the position, an Independent Member be invited to Chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05”**.
- 1.2 Whilst indicating their support for such an appointment, Members did envisage some difficulties in practice if the Committee were to continue to operate in the same way as other Panels/Committees appointed by the Council. Therefore, Members requested Officers to report to their next meeting on various issues associated with the appointment of an Independent Member to Chair the Committee such as entitlement to allowances and reporting procedures.
- 1.3 The Council at its meeting on 7th April 2004 referred the recommendation in respect of the Committees Chairmanship (as set out in paragraph 1.1) back to the Standards Committee for further consideration.

2. BACKGROUND

- 2.1 The first meeting of the Standards Committee in Huntingdonshire took place in July 2000. Since its inception, the Committee has been chaired by a Member of the majority party group. Since May 2003 the Committee has included 3 Independent Members. It is the view of the Standards Board that Independent Members bring a fresh perspective to the work of Standards Committees and by extension, to the Authorities themselves. Appointing Independent Members to Standards Committees is a way of involving citizens with a commitment to public service in the promotion of high standards of conduct among elected representatives. Appointing an Independent Member as Chairman of the Committee would send a strong message to the public that the District Council values impartiality and fairness.
- 2.2 The CPA Peer Challenge Team in their report of November 2003 reflecting on the Council's Constitutional arrangements, commented – “that it was inappropriate that the Council's Standards Committee should be chaired by a Councillor rather than an Independent Member and, with the changes to the Independent Membership, the Council might usefully revisit this issue”.
- 2.3 The Committee may recall that it has already resolved that in the event of cases being referred for determination locally, an Independent Member shall Chair the hearings.

- 2.4 The role of Independent Members has developed since the inception of Standards Committees and networks have been set up nationwide to support Members in terms of shared experiences, common issues, and training etc. The Standards Board for England also has supported the Groups established. In addition to guidance offered by the Monitoring Officer, external training is also now available to help Independent Members keep abreast of new and emerging issues and broaden understanding of the role and responsibilities of Standards Committees. A survey of some twenty-four Authorities classified as “Excellent” or “Good” in CPA inspections to date has shown that the majority of Standards Committees are chaired by an Independent Member.

3. ARRANGEMENTS IN OTHER AUTHORITIES

- 3.1 In response to the request for comparative information on arrangements made in other authorities, a questionnaire was sent by the Director of Central Services to twenty-three authorities which had attained either an “Excellent” or a “Good” rating in their own CPA inspection and whose Standards Committees are Chaired by an independent person. Twenty responses have been received and of these two have clarified that their Committees are chaired by elected Members but in the event of referral of an allegation of misconduct for determination locally, the Committee/or Sub Committee tasked with the investigation would be chaired by an Independent Member. In another case, the Committee is chaired by a politically Independent Member of the Council. A copy of the questionnaire is appended hereto.

- 3.2 In terms of the remainder of the responses (17) –

Question 2 – No Authority had experienced any difficulties in persuading an independent person to Chair their Standards Committee.

Questions 3 and 4 – There is no specific requirement in the Constitution of 13 Authorities for the Standards Committee to be chaired by an independent person. However in 10 of those cases the Constitution provided for the Committee to be chaired by someone else if an independent person declined to serve in that capacity.

Question 5 – The majority of replies indicated that the Standards Committee had been chaired by Independent Members for three or more years.

Question 6 – Of the 17 replies, in practice, in only 6 Authorities does the Independent Chairman of the Standards Committee present the Committees report/Minutes to full Council. The Constitution of one other Authority provides for this procedure although it does not operate in practice.

Question 7 – In terms of alternative arrangements for the presentation of Reports/Minutes to Council, in 4 Authorities they are presented by the Vice-Chairmen and in 4 cases by an elected Councillor/fellow Member of the Standards Committee. In 2 cases either the Vice-Chairman or an ordinary Elected Member is able to perform the presentation of the item. In addition, 2 authorities do not present

Reports/Minutes to Council and one has not had the occasion to refer any resolutions to Council for approval.

Question 8 – Arrangements are in place in 12 Authorities to provide for the payment of a special responsibility allowance to their Independent Chairman and in one Authority an enhanced co-optees allowance is made available.

Question 9 – Only two problems were highlighted by the Authorities canvassed. In one case an Independent Member lived some distance away from the Authority of which he is Chairman of the Standards Committee which had caused difficulty in attending meetings. The other problem related to attendance at Council meetings. The Authority in question had provided for the Independent Chairman to attend Council meetings in its Constitution but the individual had rarely attended.

4. CONCLUSIONS

- 4.1 Several conclusions can be drawn from the response received which may address the concerns expressed by Members when this issue was considered at the last meeting.
- 4.2 Currently the Chairman has the task of presenting the report of the meeting(s) of the Committee to the Council. Although the Committee meets quarterly and therefore reports to Council on four occasions during the Municipal Year, there is an expectation that the Chairman should attend all ordinary Council meetings (5) in the event that questions are asked of him/her. Should the Committee be minded to recommend the appointment of an Independent Member to act as Chairman, consideration would need to be given to whether the Constitution requires amendment to reflect that the Chairman of the Committee, irrespective of whether that person is an elected Member, should assume responsibility for the presentation of reports to Council meetings or whether the Vice-Chairman/other elected Member on the Committee should be accorded that responsibility in the absence of the Chairman.
- 4.3 In terms of the payment of a special responsibility allowance to an Independent Member and whilst it appears that several authorities pay such allowances, the Local Authorities (Members' Allowances) (England) Regulations 2003 only provide for payments to be made to "Members of an Authority". Technically, therefore it appears that the only method of payment which lawfully could be made to an Independent Member would be via a separate co-optee's allowance for each Municipal Year in respect of Chairmanship of the Committee and attendance at conferences and meetings. Currently the Independent Members on the Committee and the Town and Parish Council representatives are entitled to receive £200 per annum
- 4.4 A Members' Allowances Scheme is part of the District Council's Constitution. The scheme is approved by the Council following advice received from an Independent Remuneration Panel. Councils are required to convene their Members' Allowance Panel before proposing any changes to their Allowances Scheme and have regard to the Panels' recommendations before approving any new or amended scheme. In Agenda Item No 5 the Committee is asked to consider the establishment of a new Governance Panel and

consequential amendments to its own terms of reference. Given the possibility that the new Panel will be Chaired by an elected Member with an entitlement to a special responsibility allowance for which currently no provision is made, it is proposed that the question of a separate co-optee's allowance for an Independent Chairman of the Standards Committee and the special responsibility allowance for the Chairman of the new Governance Panel should be referred for consideration to the Independent Remuneration Panel.

- 4.5 In practice, there is no reason why arrangements for giving advice to the Chairman on a regular basis and prior to the Committee and Council meetings cannot be made as and when required.

5. RECOMMENDATION

- 5.1 Having regard to the resolution of the Council following its meeting held on 7th April 2004, the Committee is requested to consider whether to reaffirm its previous resolution (Minute No 23 refers) and to recommend to full Council -

- (a) that on the understanding that an individual is willing to undertake the position, an Independent Member be invited to Chair the Standards Committee with effect from the commencement of the Municipal Year 2004/05;
- (b) that the Independent Remuneration Panel be requested to consider the payment of a separate co-optee's allowance to the Independent Chairman of the Standards Committee; and
- (c) that the District Council's Constitution be amended to reflect that the Chairman of the Committee, or in his absence the Vice-Chairman, irrespective of whether that person is an elected Member should present the report of the Committee to the Council.

BACKGROUND DOCUMENTS

Minutes of the Standards Committee and Council held on 24th March and 7th April 2004 respectively.

Local Authorities (Members' Allowances) (England) Regulations 2003.
Responses received to questionnaire received from twenty Local Authorities.

Contact: Christine Deller, Democratic Services Manager
☎ 01480 388007

QUESTIONNAIRE — STANDARDS COMMITTEE : CHAIR

(please circle your response)

Responding Council

1. Composition of Standards Committee —

No. of elected Councillors
No. of co-opted independent persons
No. of Parish representatives
Total Committee membership

2. Have you experienced any difficulties in persuading an Independent person to chair your Council's Standards Committee?

Yes / No

3. Does your Council's Constitution require the Standards Committee to be chaired by an Independent person?

Yes / No

4. Does your Council's Constitution enable the Standards Committee to be chaired by someone else if an Independent person declines to serve in that capacity?

Yes / No

5. For how many years has your Council's Standards Committee been chaired by an Independent person?

1 year
2 years
3 years
3years +

6. Does the Independent Chairman of your Council's Standards Committee present the Committee's Reports/Minutes to full Council?

Yes / No

7. If the Independent Chairman of your Council's Standards Committee does not present the Committee's Reports/Minutes to full Council, are they presented by -

The Committee's Vice-Chairman

Yes / No

An Elected Councillor/Member of the Standards Committee

Yes / No

8. Does the Independent Chairman of your Council's Standards Committee receive a Special Responsibility Allowance?

Yes / No

9. Have any particular problems been experienced as a result of the Standards Committee being chaired by someone other than an Elected Member?

Yes / No

10. Would you like a copy of a summary of responses to this questionnaire?

Yes / No

STANDARDS COMMITTEE

1ST JULY 2004

MODEL CODE OF CONDUCT: STANDARDS BOARD NOTIFICATIONS (Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decisions in respect of :-

- ◆ allegations made by a resident of Ramsey against eight District Councillors serving on the Development Control Panel and four Ramsey Town Councillors (Case One); and
- ◆ two separate allegations made by a District Councillor against a colleague District Councillor (Cases Two and Three).

2. DETAILS OF CASE ONE

2.1 It had been alleged by the complainant that at a meeting of the District Council's Development Control Panel on 15th March 2004, District Councillors spoke against the recommendation of a Development Control Officer in respect of a planning application situated within the ward of Ramsey even though they were not residents of the town suggesting that it was improper conduct and part of a wider conspiracy. Other allegations relating to disreputable behaviour, the non declaration of a personal friendship, inappropriate conduct relating to speakers at the Panel meeting and the sharing of information contained on the agenda with a third party also were made.

2.2 On 13th May 2004 the Standards Board for England considered the allegations and decided not to refer the cases to an Ethical Standards Officer (ESO) for investigation.

2.3 In general terms, the Board stated that the alleged conduct in each case would not have involved any failure to comply with the Authority's Code of Conduct. In the various other circumstances referred to and given the insufficiency of information provided, the Board also concluded that the alleged conduct (even if it were found to have occurred) would not have involved any failure to comply with the Code.

2.4 Various allegations made against four Ramsey Town Councillors also related to the determination of the same planning application for development on the High Street at Ramsey. Again, explanatory information submitted in support of the allegations was limited but irrespectively the Standards Board for England considered that the alleged conduct in each case (even if it were found to have occurred) would not have involved any failure to comply under the Authority's Code of Conduct.

2.5 Therefore none of the allegations made by the complainant against the District and Town Councillors in this case was pursued.

3. DETAILS OF CASE TWO

- 3.1 It had been alleged that a District Councillor had utilised computer equipment supplied to him for Council business for other inappropriate purposes which had caused offence to a fellow District Councillor. The case has been referred to an Ethical Standards Officer for investigation.
- 3.2 Members may recall that at the conclusion of the investigation, the Ethical Standards Officer may come to one of four findings:-
- i) that there is no evidence that the Member has broken any part of their local Code of Conduct;
 - ii) that no further action needs to be taken in relation to the matter investigated;
 - iii) that the matter should be referred to the Monitoring Officer of the relevant authority; or
 - iv) that the matter should be referred to the Adjudication Panel for England.
- 3.3 As part of the investigative process, the Monitoring Officer will be contacted by the Ethical Standards Officer and a report on the outcome will be submitted to a future meeting.

4. DETAILS OF CASE THREE

- 4.1 A District Councillor alleged that at the local elections held on 1st May 2003 for St Neots Town Council and Huntingdonshire District Council a District Councillor contravened the Representation of the People Act 2000 in voting by proxy on behalf of more than two electors who were non-family members. Following an extensive police investigation and after St Neots Town Council ballot papers had been released by Court Order, the Councillor accepted a police caution. The complainant believed that the police did not investigate the District Council elections and alleged that, if such an investigation had been conducted, misdemeanours would have been found. The complainant believed that the Councillor concerned had brought both Councils into disrepute by not apologising to either St Neots Town Council or Huntingdonshire District Council.
- 4.2 On 14th June 2003, the Standards Board for England considered the allegations received and concluded that the complaint should not be investigated further. It was the view of the Board that the Councillor concerned did not act deliberately when voting by proxy on behalf of three individuals at the St Neots Town Council elections. Furthermore, there was no indication that a similar breach had occurred in the District Council elections. Although it was regrettable that the Councillor had failed to apologise to St Neots Town Council the Board, in acknowledging that a police caution had been accepted, was of the view that the alleged conduct was not of such significance of itself to justify investigation by an Ethical Standards Officer and any subsequent action. Although reaching this conclusion, the Board neither condoned nor approved of the alleged misconduct.

5. CONCLUSION

- 5.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to

allegations made against one District Councillor for alleged election irregularities and against Members of the District Council's Development Control Panel and four members of Ramsey Town Council but has referred to an Ethical Standards Officer a complaint made against a District Councillor in respect of use of a PC and associated equipment issued to him for Council business use.

Background Papers

Letters received from the Standards Board for England dated 14th and 17th May and 14th June 2004.

Contact Officer:

Christine Deller, Democratic Services Manager, 01480 388007.

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**STANDARDS – CURRENT ISSUES
(Report by the Democratic Services Manager)**

1. INTRODUCTION

1.1 This report is intended to

- ◆ update the Committee on the current position with regard to the Local Authorities (Code of Conduct) (Local Determinations) (Amendments) Regulations 2003; and
- ◆ confirm attendance at the Third Annual Assembly of Standards Committees.

2. LOCAL AUTHORITY (CODE OF CONDUCT) (LOCAL DETERMINATIONS) (AMENDMENTS) REGULATIONS 2003

2.1 The Office of the Deputy Prime Minister (ODPM) intends to publish Regulations to enable Monitoring Officers to undertake investigations into allegations of misconduct locally referred to them by Ethical Standards Officers from the Standards Board for England. When introduced, the arrangements will mean that investigations can be carried out at the level most appropriate to the alleged misconduct and speed up the investigative process overall.

2.2 At their last meeting, the Committee approved responses to specific questions raised by the ODPM and Standards Board in consultation papers on a proposed framework for the local investigation and determination of complaints. Consultation on both papers ended in May. Responses received to the guidance and Regulations are currently being assessed and discussions taking place between the ODPM and the Standards Board. It is the intention that the guidance will be made available once the final Regulations are in place. There is no indication as yet when the Regulations themselves will be published although the Standards Board have indicated that they will continue to pursue the ODPM to introduce the Regulations as soon as possible.

2.3 The Board consider the introduction of the Regulations to be crucial in their attempt to focus attention on the most serious allegations concerning behaviour that has the potential to damage the reputation of local government.

3. THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

3.1 The third Annual Assembly of Standards Committee Conferences is to take place at the International Conference Centre (ICC), Birmingham between 13th and 14th September 2004. The conference provides an opportunity for Monitoring Officers, Members of Standards Committees and other local government professionals to discuss key issues and on this occasion the conference will address the practical application of the Code of Conduct, its areas of difficulty and how it can be improved and will debate the role of the Code in the wider ethical framework.

- 3.2 Sir Alistair Graham, newly appointed Chair of the Committee on Standards in Public Life, is to speak at the Conference. His keynote address will be one of his first public commitments since his appointment in May 2004 and will reflect on evidence given to the Committee as part of its current inquiry concerning the operation of the ethical framework and the Committee's role in ensuring high standards of conduct in the public sector.
- 3.3 Other key speakers confirmed so far include the Rt. Hon. Nick Raynesford MP, Minister for Local Government and the Regions and Sir Brian Briscoe Chief Executive for the Local Government Association.
- 3.4 At their last meeting, the Committee requested that places at the conference be reserved for the Chairman and Vice Chairman of the Committee, a representative of the Opposition Group, an Independent Member and a Town and Parish Council representative with a view to confirming attendance following the meeting of the Committee on 1st July 2004.

4. CONCLUSION

- 4.1 The Committee is requested to note
- ◆ the current position with regard to the Local Authorities (Code of Conduct) (Local Determinations) (Amendments) Regulations 2003; and
 - ◆ confirm the attendance of Members of the Committee at the Third Annual Assembly of Standards Committees Conferences 2004.

Background Papers

Bulletin Number 19 – Standards Board for England
Crack the Code – Flyer detailing the content of the Third Annual Assembly of Standards Committees.

Contact Officer:

Christine Deller, Democratic Services Manager – 01480 388007

ADDENDUM TO AGENDA

STANDARDS COMMITTEE

1ST JULY 2004

APPLICATION FOR DISPENSATION (Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

At their meeting on 26th March 2003, the Committee granted dispensation to sixteen Members of St Ives Town Council to enable them to speak and vote at meetings of the Town Council or at any of its Committees on matters relating to the Norris Library and Museum Charity on which they act as trustees. Dispensations were granted for the period ended 30th April 2004 as elections to the Town Council were anticipated to take place in May.

- 1.2 Subsequently, the period over which the dispensations applied was extended by the Standards Committee to 4th June 2004 because of the later than scheduled ordinary local government elections on June 10th, 2004.
- 1.3 Having been reminded of the expiry of the dispensations, a letter has been received from the Clerk to St Ives Town Council requesting the Standards Committee to consider granting dispensations to the newly elected Councillors on St Ives Town Council.

2. BACKGROUND

To assist Members – the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of the business of the authority would, on each occasion when dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –

- (i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate;
 - (ii) the authority is not able to comply with any duty which applies to it under Section 15 (4) of the Local Government and Housing Act 1989.
- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for principal councils, i.e. not Town/Parish Councils to allocate seats on Committees, etc proportionately according to the representation of political groups in full Council.
- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to determine dispensations and their extent, i.e. whether it is appropriate that the dispensations allow the Members to either speak and not

vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded and a register is kept for this purpose.

3. APPLICATION RECEIVED

- 3.1 By virtue of their membership of St Ives Town Council, sixteen Councillors act as Trustees of the Norris Library and Museum Charity. A request for dispensations has been submitted to enable Town Councillors to speak and vote at meetings of the Town Council or at any of its Committees or meetings on matters relating to the library and museum.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Town Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.(i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting dispensations to speak and to vote for the period ending 30th April 2008 after which time applications for the newly elected Councillors would need to be submitted.

BACKGROUND PAPERS

The Parish Council's (Model Code of Conduct) Order 2001

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002

Letter received from the Town Clerk to St Ives Town Council dated 18th June 2004

CONTACT OFFICER: Christine Deller, Democratic Services Manager
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