

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON** on **THURSDAY, 16TH SEPTEMBER 2004** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## **A G E N D A**

### **Contact**

### **APOLOGIES**

**1. ELECTION OF CHAIRMAN**

To elect a Chairman of the Committee for the remainder of the Municipal Year.

**2. MINUTES** (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 1st July 2004.

**3. CONSTITUTIONAL ISSUES** (Pages 7 - 8)

To receive a report by the Head of Administration on the effect of the decisions taken by the July Council meeting on the terms of reference and Chairmanship of the Committee.

**Ms C Deller  
388007**

**4. MODEL CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS**  
(Pages 9 - 12)

To consider a report by the Director of Central Services and Monitoring Officer regarding notifications received from the Standards Board for England on decisions made in respect of allegations of misconduct by Members serving on Huntingdonshire District and St Ives Town Councils.

**Ms C Deller  
388007**

**5. APPLICATIONS FOR DISPENSATIONS - COUNCILLORS ACTING AS TRUSTEES** (Pages 13 - 14)

To consider a report by the Director of Central Services and Monitoring Officer following a response received from the Charity Commission.

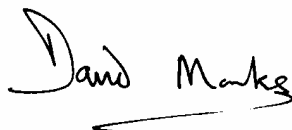
**Ms C Deller  
388007**

**6. TRAINING AND ADVICE** (Pages 15 - 16)

To consider a report by the Head of Administration on a forthcoming programme of training.

**Ms C Deller  
388007**

Dated this 8th day of September 2004



Chief Executive

**Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007 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 Committee.**

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

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.*

# Agenda Item 2

## 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 Thursday, 1 July 2004.

PRESENT: Councillors Mrs B E Boddington, P J Downes, Mrs K P Gregory, A Hansard, I R Muir and J Taylor.

Messrs D H Bristow, D L Hall, D MacPherson, and G Watkins

APOLOGIES: Apologies for absence from the meeting were received from Councillor J A P Eddy and Mr D Pattisson

### 1. ELECTION OF CHAIRMAN

Pending consideration of the business recorded in Minute No 6 post, it was

RESOLVED

that Councillor A Hansard be elected Chairman of the Committee for the duration of the meeting.

### 2. MINUTES

Subject to the replacement of the word "an" with "in" in the eighth line of paragraph four of Minute No. 23, the Minutes of the meeting of the Committee held on 24th March 2004 were approved as a correct record and signed by the Chairman.

### 3. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that the Item be deferred pending consideration of the business recorded in Minute No. 6 post.

### 4. APPOINTMENT OF INDEPENDENT MEMBERS AND TOWN AND PARISH COUNCIL REPRESENTATIVES

The Committee noted that the Council had agreed that Messrs D H Bristow, D L Hall and D Pattisson should serve as Independent Members of the Committee for a four year term of Office expiring in April 2007 and that Council also had endorsed the appointment of Messrs G Watkins and D MacPherson as representatives of the Town and Parish Councils in Huntingdonshire on the Committee for the ensuing Municipal Year.

## **5. GOVERNANCE ISSUES**

Further to Minute No. 23, Members considered a report by the Head of Administration (a copy of which is appended in the Minute Book) regarding proposed changes to the terms of reference of the Committee following an exercise undertaken to determine the appropriate location of governance and financial responsibilities within the Constitution.

Members were advised that were the proposal to be adopted, the Committee would no longer oversee the Council's constitutional arrangements and that any newly created Panel would be appointed in accordance with the principles of proportionality. Given the potential for the workload of the Committee to increase with the introduction of Regulations for the local investigation and determination of complaints for breach of the Members Code of Conduct and in view of recent legislative change which had highlighted the requirement for the creation of a separate body to deal with the issues of audit, governance and finance, the Committee

### **RECOMMENDED**

- (a) that a Corporate Governance Panel be established with the terms of reference listed in paragraph 4.1 of the report now submitted;
- (b) that the Panel comprise seven Members including a minimum of one and a maximum of three Members of the Cabinet;
- (c) that the terms of reference for 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 Council's 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 to insert a reference to the control of the Council's investments.

## **6. CHAIRMANSHIP OF THE COMMITTEE**

Further to Minute No. 23 and following a request by Council at its meeting on 7th April 2004, the Committee reconsidered a proposal to appoint an Independent Member to act as its Chairman in the light of information obtained from 23 other local authorities and presented in a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book).

Having considered the conclusions drawn from the response received from those authorities whose Standards Committees were chaired by an independent person in terms of reporting practices, payment of allowances and day to day arrangements for supporting the Committee, Members still were strongly of the view that the concept

of independence was essential to their work and that their previous recommendation in respect of Chairmanship of the Committee should be reaffirmed. Therefore, they

#### 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 2004/5;
- (b) that the Independent Remuneration Panel be requested to consider the payment of a separate co-optees allowance to the Independent Member who becomes 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 at Council meetings.

#### 7. APPOINTMENT OF VICE-CHAIRMAN

In the light of the resolution contained in Minute No 6 ante, it was

#### RESOLVED

that Councillor A Hansard be appointed Vice-Chairman of the Committee for the remainder of the Municipal Year.

#### 8. MODEL CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS

*(Councillors A Hansard and Mrs K P Gregory declared a personal and prejudicial interest respectively in the following item by virtue of their relationship to and involvement in the cases referred to in the Standards Board notifications and left the meeting for the duration of the discussion thereon).*

In the absence of the Vice-Chairman, Councillor Mrs B E Boddington was elected Chairman of the Committee for the duration of discussion on the following item.

#### **Councillor Mrs B E Boddington in the Chair**

By reference to a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee noted that the Standards Board for England had decided not to take any further action in relation to allegations made against one District Councillor for alleged election irregularities and in relation to allegations made against eight Members of the Development Control Panel and four Ramsey Town Councillors. The Committee noted, however, that the Board had referred to an Ethical Standards Officer a complaint made against a District Councillor in respect of use of PC and associated equipment issued for Council business use.

## **Councillor A Hansard in the Chair**

### **9. STANDARDS - CURRENT ISSUES**

A report by the Democratic Services Manager was submitted (a copy of which is appended in the Minute Book) updating the Committee on the current position with regard to the Local Authorities (Code of Conduct) (Local Determination) (Amendments) Regulations 2003 and seeking confirmation of those Members wishing to attend the third Annual Assembly of Standards Committees.

Whereupon, it was

RESOLVED

that Councillors Mrs B E Boddington and A Hansard, a representative of the Opposition Group and Messrs D Bristow and D MacPherson be nominated to attend the third Annual Assembly of Standards Committees Conference in Birmingham on 13th and 14th September 2004.

### **10. DATES OF FUTURE MEETINGS**

It was noted that the Committee had been scheduled to meet on 16th September and 9th December 2004 and 10th March 2005.

### **11. APPLICATIONS FOR DISPENSATION**

*(The Chairman announced that he proposed to admit the following item as a matter of urgency in accordance with Section 100 b (4)(b) of the Local Government Act 1972 in view of the requirement to deal expeditiously with an application received from St Ives Town Council so as not to prejudice the business of the Norris Museum and Library.)*

The Committee were acquainted, via a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) with an application received from St Ives Town Council for dispensations to allow sixteen Members of that Council 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.

The Committee was disappointed to hear that no reply had been received from the Local Government Association, the Charity Commission and the Office of the Deputy Prime Minister on the question as to whether it was prudent for all Members of a local Council to act as trustees to a community facility and Members requested the Monitoring Officer to take further steps to elicit a response.

Having regard to the advice of the Monitoring Officer, the Committee

RESOLVED

that dispensation to speak and to vote be granted to sixteen

Members of St Ives Town Council for the period ending 30th  
April 2008.

Chairman

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**STANDARDS COMMITTEE**

**16TH SEPTEMBER 2004**

## **CONSTITUTIONAL ISSUES**

**(Report by the Director of Central Services and Monitoring Officer)**

### **1. INTRODUCTION**

- 1.1 The purpose of this report is to advise Members of the decisions taken by the Council at their meeting held on 21st July 2004 in response to the Committee's recommendations in respect of the establishment of a Corporate Governance Panel and on the future chairmanship of the Committee.

### **2. NEW CORPORATE GOVERNANCE PANEL**

- 2.1 Members may recall that at its last meeting in July, the Committee recommended to the Council the establishment of a Corporate Governance Panel to deal with the issues of audit, governance and finance arising from the Local Government Act 2003 and new Accounts and Audit Regulations.

- 2.2 The opportunity also was taken to review the terms of reference of the Standards Committee and to consider whether some of the duties of that Committee might appropriately lie with the Corporate Governance Panel.

- 2.3 As a consequence, the Committee recommended to Council that their terms of reference be amended to omit those duties which did not relate to the Members Code of Conduct.

- 2.4 The Council endorsed the recommendations of the Cabinet and Standards Committee in respect of the establishment of the new Corporate Governance Panel and consequential amendments to the District Council's Constitution. For the benefit of Members, the Standards Committee now has the following functions and roles in respect of the District Council and its Members and Town and Parish Councils and their Members –

- ◆ to promote and maintain high standards of conduct by Members;
- ◆ to assist Members and co-opted Members to observe their authorities Codes of Conduct;
- ◆ to advise the Council on the adoption or revision of the Members' Code of Conduct and to monitor the operation of the Code;
- ◆ to advise, train or arrange to train Members and co-opted Members on matters relating to the code;
- ◆ to grant dispensations to Councillors and co-opted Members from the requirements relating to interests in the Members' Code of Conduct;

- ◆ to deal with reports from a case tribunal or interim case tribunal or any reports from the Monitoring Officer on any matter which is referred by an Ethical Standards Officer;
- ◆ to formulate and recommend to the Council for adoption a protocol for Member/Employee relations and to monitor the operation of the protocol; and
- ◆ to adopt a Code of Conduct for planning and to monitor the operation of the Code.

### **3. CHAIRMANSHIP OF THE COMMITTEE**

3.1 The following recommendations regarding the future Chairmanship of the Committee also were reconsidered by the Council meeting in July-

- (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 an Independent Member who becomes chairman of the Standards Committee; and
- (c) that the District Council's Constitution be amended to enable the Chairman of the Committee or in his/her absence the Vice-Chairman, irrespective of whether that person is an elected Member, to present the report of the Committee at Council meetings

3.2 The foregoing recommendations were approved by the Council.

### **4. CONCLUSION**

4.1 In noting the decisions taken by the Council at its meeting held on 21st July 2004, Members are requested to receive the amended terms of reference for the Committee.

### **BACKGROUND PAPERS**

Council Minutes 21st July 2004.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

STANDARDS COMMITTEE

16TH SEPTEMBER 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:-

- ◆ an allegation made by a District Councillor against a colleague District Councillor (Case 1); and
- ◆ allegations made by a resident of St. Ives against five Councillors serving on St. Ives Town Council (Case 2).

### **2. DETAILS OF CASE 1**

2.1 It had been alleged that a District Councillor had breached Clause 3 (a) of the Code of Conduct by disclosing information given to him in confidence, or information which was of a confidential nature without the consent of the person authorised to give it. The information was allegedly used in a letter distributed on the eve of the local elections in June. In the complainant's view this action represented a clear breach of the Code of Conduct and was an attempt to gain short-term political and electoral advantage.

2.2 On 12th August 2004, the Standards Board for England considered the allegation and decided that it should not be investigated.

2.3 In reaching this decision, the Standards Board advised that they had noted that the complainant had raised his concerns at the actions of his colleague District Councillor directly with the Chief Executive and the Audit Commission. The Audit Commission has intimated that they would raise the issue separately with the District Council in future reports.

2.4 The Standards Board also noted that, whilst it was made clear to the Councillor that the information was in draft form, there was no evidence to suggest that the report had been given to him in confidence nor was it made clear that it was confidential information. In the circumstances, the Board considered that the alleged conduct (even if it were found to have occurred) was not of such significance to justify investigation by an Ethical Standards Officer and any consequent action.

### **3. DETAILS OF CASE 2**

- 3.1 It had been alleged that five Members of St. Ives Town Council had breached the Code of Conduct in that they had unlawfully discriminated against the complainant, failed to treat her with respect, brought their office and that of the authority into disrepute, used their position to disadvantage the complainant, misused the resources of the authority and failed to report the misconduct of other Councillors.
- 3.2 The allegation concerned the Town Council's support for opening up a passageway adjacent to where the complainant lived as a full public right of way. In the complainant's view this step would lead to an increase in vandalism and anti-social behaviour along the route. It was suggested that Members of the Local Civic Society had been "rail-roaded" into support for the proposals and that there had been no consultation with local residents. It was also alleged that the Councillors had lied about various issues associated with establishing the right of way at a meeting of the Town Council on 14th July 2004.
- 3.3 On 27th August 2004, the Standards Board for England considered the allegations and decided that the case should not be investigated.
- 3.4 In drawing this conclusion, the Board noted that the Town Council had no decision-making power in respect of public rights of way and was only a consultee in a process managed by Cambridgeshire County Council. Any perceived deficiencies in this process was the responsibility of the County Council and the Town Council had a right as a statutory consultee to express an opinion on the proposal. It was considered that the complaint was based on an objection to a policy decision taken by the Town Council and that residents ultimately had re-dress via the electoral process for any perceived error of policy and direction by Town Councillors.
- 3.5 Given the circumstances, it was considered that the alleged conduct (even if it were found to have occurred) would not have involved any failure to comply with the Town Council's code of conduct.

### **4. COMPLAINANTS TO BE INFORMED OF RIGHT TO REVIEW**

- 4.1 The Committee might be interested to note that following an amendment by the Government to primary legislation (Section 112) of the Local Government Act 2003, complainants and other interested parties are now entitled to contest a decision made by the Standards Board for England. Previously the Board had no powers in this respect and its decisions could not be reviewed other than by judicial review. Now complainants are informed both of their right to request a review of a referrals decision and when a decision is taken not to refer a matter for investigation. The time limit for requesting a review is four weeks from the date of the original decision letter. An independent person from within the Standards Board will undertake that review within two weeks of a written request to that effect.

### **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 against one District Councillor and five Members of St. Ives Town Council.

## **BACKGROUND PAPERS**

Letters received from the Standards Board for England dated 16th and 31st August 2004.

**Contact Officer: Christine Deller, Democratic Services Manager -  
Tel: (01480) 388007.**

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## APPLICATIONS FOR DISPENSATIONS – COUNCILLORS ACTING AS TRUSTEES

### 1. INTRODUCTION

- 1.1 Members may recall that at their meeting held on 10th September 2003, and following their consideration of an application for dispensation from a parish council, the Committee questioned whether it was prudent for all Members of a local council to act as trustees to a community facility on the basis that it might be in the better interests of the parish if other individuals unrelated to the local council were invited to act as trustees. While recognising that this was a constitutional issue for local councils to address, the Committee requested that representations be made to the Charity Commission, the relevant Government Office and the Local Government Association in this respect.
- 1.2 Letters were duly sent by the Monitoring Officer to the Charity Commission, the Office of the Deputy Prime Minister and the Local Government Association. As no replies had been received despite reminders sent in April 2004 the Committee, at their last meeting, requested the Monitoring Officer to take further steps to elicit responses and to draw the attention of the organisations to Members' concerns.

### 2. REPLY FROM THE CHARITY COMMISSION

- 2.1 A reply to the Committee's concerns has been received from the Charity Commission.
- 2.2 The Commission confirmed that they are familiar with circumstances when local authorities act as sole trustee for charities or have Members or their nominees as individual trustees for charities and the inevitable conflicts of interest which may arise from this relationship. Guidance to charities on how to manage conflicts of interest is available. This refers to situations where there are conflicts of loyalties where trustees are nominated or appointed by a local authority or where a local authority is a sole corporate trustee. Further guidance relating specifically to local authorities acting in some capacity as a charity trustee is also publicly available.
- 2.3 To quote from the letter from the Charity Commission – "we do recognise the difficulties that can arise, particularly when a local authority is a sole trustee or majority of trustees are Members of a local authority. Our advice on managing the conflict of interest from the charity perspective is for people to declare or keep a register of conflicts and to absent themselves from any decision when the conflict is live. Clearly when this involves the sole corporate trustee or the majority of trustees, the problem is having sufficient non-conflicted trustees to make the decision. Where this impasse occurs or is likely

to occur on a regular basis then we recommend that a charity should review whether its trustee arrangements are suitable. We can assist by making a scheme to establish new trustee arrangements which avoid the conflict or make it more manageable, for example by appointing individuals unrelated to the local authority to act as trustees.”

- 2.4 “It is of course possible for a charity to continue with the conflicted situation by declaring the conflict but allowing trustees to continue making decisions on the basis that the trustee or trustees are nonetheless clear that they are acting in the interests of the charity. There are benefits to having a local authority as a sole trustee and many charities do operate perfectly well on this basis where the distinct roles are recognised. However, there are risks when the roles as trustee and as local authority are confused, including issues regarding ownership of land etc. There is also a risk that where decisions are not demonstrably made in the interests of the charity, any agreements or contracts entered into may be set aside and a trustee or trustees may be found to be in breach of trust if they have not in fact acted in the best interests of the charity. We may also then use our powers to ensure that there are sufficient non-conflicted trustees for the charity to continue to operate”.
- 2.5 In terms of applications for dispensation which the Committee is required to consider, the Commission, whilst acknowledging the local authority decision-making process, has suggested, in response to the concern expressed, that Members may wish to advise local councils in Huntingdonshire of the Commission’s recommendation for changing the trustee body to avoid continuing conflicts where they might interfere with the smooth running of a charity.

### **3. CONCLUSION**

- 3.1 The Committee is requested to note the content of the response received from the Charity Commission and to consider whether, in the light of guidance available from the Commission, town and parish councils in Huntingdonshire should be invited to ask the Commission to review the Constitution of any local charitable trusts to which it refers.

### **BACKGROUND PAPERS**

Letter received from the Charity Commission for England and Wales dated 27th August 2004.

**Contact Officer: Christine Deller, Democratic Services Manager**  
**☎ 01480 388007**



**STANDARDS COMMITTEE**

**16TH SEPTEMBER 2004**

**TRAINING AND ADVICE  
(Report by the Head of Administration)**

**1. INTRODUCTION**

- 1.1 The Standards Committee has a key role in improving and promoting a local government environment which reflects the highest ethical standards. In that context it needs to offer guidance and advice to Town and Parish Councils in Huntingdonshire particularly with regard to compliance with the requirements of the Model Code of Conduct.
- 1.2 This report describes the training activity planned by the Monitoring Officer over the next few weeks.

**2. UPCOMING ARRANGEMENTS**

- 2.1 Newly elected Parish Councillors and Co-opted Members have been invited to participate in a session on the ethical framework, standards and the Code of Conduct on Wednesday, 22nd September 2004 at Pathfinder House commencing at 7.30pm. The invitation also has been extended to existing Parish Councillors who would welcome a reminder of the requirements of the model code.
- 2.2 At the request of St Ives Town and Sawtry Parish Councils, a further session will be held for Members of those Councils on Thursday, 30th September 2004 at 7.00pm at Pathfinder House.
- 2.3 The first liaison meeting between the District Council and the Cambridgeshire Association of Local Councils is to take place on 28th September 2004. The liaison meeting will receive a presentation by the Monitoring Officer on the registration of interests and dispensations.
- 2.4 Members will recall that in February, South Cambridgeshire District Council hosted a training event on the Local Determination Regulations for Members serving on District Council Standards Committees. In view of the success of the day and the need to prepare new Members for Panel hearings, South Cambridgeshire has decided to host a further training day to which Members of the District Council's Standards Committee have been invited to attend. The event, to be led by the Head of Legal Services of South Cambridgeshire, will be held at the offices of South Cambridgeshire District Council on Monday, 20th September 2004 between 10pm and 4pm.
- 2.5 This event may be timely in that the local government press is indicating that the Regulations, which would enable Councils to investigate serious complaints, could come into effect within the next two months.

### **3. CONCLUSION**

- 3.1 Members are requested to note arrangements made to fulfil the Committee's obligations in terms of training and advice on issues relating to the local framework and code of conduct and to indicate their interest or otherwise in attending the training event offered by South Cambridgeshire District Council.

### **BACKGROUND PAPERS**

Letter to Town and Parish Councils dated 8th July 2004.

**Contact Officer: Christine Deller, Democratic Services Manager**  
**☎ (01480) 388007**