

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 9 DECEMBER 2004** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 16th September 2004.

2. LOCAL INVESTIGATION REGULATIONS (Pages 5 - 8)

To advise the Committee of the introduction of Regulations to enable local authority Monitoring Officers to carry out investigations into alleged breaches by Members of their Code of Conduct. A report by the Director of Central Services and Monitoring Officer is enclosed.

**Christine Deller -
388007**

3. 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 Southoe and Midloe Parish and Ramsey Town Councils.

**Christine Deller -
388007**

4. PREJUDICIAL INTERESTS: APPLICATION FOR DISPENSATION
(Pages 13 - 14)

To consider a report by the Director of Central Services and Monitoring Officer regarding an application received for dispensation from Colne Parish Council.

**Christine Deller -
388007**

5. STANDARDS - CURRENT ISSUES (Pages 15 - 18)

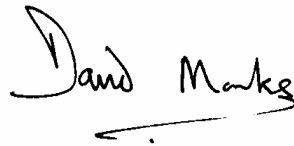
To consider a report by the Democratic Services Manager regarding issues of interest to the Committee.

**Christine Deller -
388007**

6. NEXT MEETING

To remind Members that the next meeting of the Committee will take place at 4.00pm on 10th March 2005.

Dated this 1 day of December 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 (*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 1

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, 16 September 2004.

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

Messrs D H Bristow, D L Hall and D MacPherson.

APOLOGIES: Apologies for absence were submitted on behalf of Councillors J A P Eddy and J Taylor and Messrs D Pattison and G Watkins.

12. ELECTION OF CHAIRMAN

RESOLVED

that Mr D H Bristow be elected Chairman of the Committee for the remainder of the Municipal Year.

Mr D H Bristow in the Chair.

13. MINUTES

The Minutes of the meeting of the Committee held on 1st July 2004 were approved as a correct record and signed by the Chairman.

14. CONSTITUTIONAL ISSUES

Members received and noted a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding those decisions taken by the Council at their meeting held on 21st July 2004 which had implications for the Standards Committee.

Following the establishment of the new Corporate Governance Panel, the Committee noted amendments to its terms of reference and, in particular, the omission of those duties which did not relate to the Member's Code of Conduct. In addition, the Monitoring Officer reported that the District Council's Independent Remuneration Panel would meet on 4th November 2004 to consider a number of issues relating to members allowances including the payment of a separate co-optees allowance to an Independent Member who becomes Chairman of the Standards Committee.

15. MODEL CODE OF CONDUCT: STANDARDS BOARD NOTIFICATIONS

(Councillor P J Downes declared a personal and prejudicial interest in the following item by virtue of his involvement in one of the cases referred to in the Standards Board notifications and left the meeting

for the duration of the discussion thereon.)

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 and five Councillors serving on St Ives Town Council.

Referring to Section 112 of the Local Government Act 2003 and the new entitlement for complainants and other interested parties to contest a decision made by the Standards Board for England, the Monitoring Officer reported that the complainant in the case of the District Councillor had appealed against the decision taken by the Ethical Standards Officer of the Standards Board and that the case was currently under review.

Notwithstanding the outcome, the Committee were pleased to note that the case appeared to have been dealt with promptly which had suggested an improvement in the processes for the investigation of complaints by the Standards Board for England.

16. APPLICATIONS FOR DISPENSATIONS - COUNCILLORS ACTING AS TRUSTEES

Further to Minute No. 13 of their meeting held on 10th September 2003, the Committee considered a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding responses received to representations made to the Charity Commission, Office of the Deputy Prime Minister and Local Government Association in respect of the circumstances which might arise for those Members of local councils required to act as trustees of community facilities.

It was reported that details of the responses received had suggested that the Committee had raised an issue which potentially could have implications for local councils nationally and which would be pursued separately by the Charity Commission and Local Government Association. As the Charity Commission had offered to assist local councils in Huntingdonshire to establish new trustee arrangements to manage conflicts of interest should they arise, it was

RESOLVED

that the Director of Central Services and Monitoring Officer be requested to advise Town and Parish Councils in Huntingdonshire of the guidance available to them from the Charity Commission and the offer by the Commission to review the constitutions of any local charitable trusts in their parishes.

17. TRAINING AND ADVICE

A report by the Head of Administration was submitted (a copy of which is appended in the Minute Book) describing the training activity to be organised by the Monitoring Officer during September, 2004.

Having indicated their availability to attend the various training events planned, the Chairman and Members reported on their attendance at the Standards Committees Conference held in Birmingham on 13th and 14th September 2004. Having acknowledged press reports indicating that the Local Determination Regulations could come into effect shortly, the Committee

RESOLVED

that 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 be noted.

Chairman

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LOCAL INVESTIGATION REGULATIONS
(Report by the Director of Central Services and Monitoring Officer)

1. INTRODUCTION

- 1.1 At their meeting held on 24th March 2004 (Minute No. 24 refers), the Committee responded to the content of two consultation papers published 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. The consultation papers related to arrangements by which local authority Monitoring Officers might investigate allegations of misconduct by Members referred to them by the Standards Board for England.

2. NEW ETHICAL FRAMEWORK REGULATIONS

- 2.1 The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and the Standards Board for England (Functions) Order 2004 were laid before Parliament on 14th October and came into force on 4th November 2004.
- 2.2 In brief, the Regulations provide for local authority Monitoring Officers to carry out investigations into alleged breaches by Members of their Code of Conduct which have been referred to them by an Ethical Standards Officer prior to his or her having carried out or concluded an investigation. The Regulations also enable local authority Standards Committees to make determinations following Monitoring Officers reports on the investigation of such breaches. The order clarifies that the Standards Board may issue advice to Monitoring Officers and local Standards Committees.
- 2.3 The Standards Board for England has published statutory guidance on the Regulations for Monitoring Officers and Standards Committees and a copy is enclosed for Members of the Committee only.

3. GUIDANCE FOR MONITORING OFFICERS AND STANDARDS COMMITTEES – NOTES

- 3.1 The statutory guidance includes information on some of the factors Ethical Standards Officers will consider when deciding whether to refer the matter to a Monitoring Officer. Standards Committees are most likely to hear allegations of an entirely local nature, or which do not appear to need the heavier penalties available only to The Adjudication Panel for England.
- 3.2 At the end of the Monitoring Officer's investigation, the Standards Committee will still determine whether or not the Code of Conduct has been breached and what action to take, although the Regulations have extended the flexibility of the sanctions available to Standards Committees. They also enable Standards Committees to combine different sanctions to fit the circumstances of a case. For example, a Standards Committee can suspend a Member for up to three months or until such time as the Member undertakes training or conciliation specified by the Standards Committee.

- 3.3 Under the Regulations, an Ethical Standards Officer can decide that some form of action other than investigation or determination is required at a local level. This is most likely to happen in situations which have broad relevance for the ethical governance of an authority. The Ethical Standards Officer may, for example, direct the Monitoring Officer to make recommendations to the relevant Standards Committee about wider issues for the authority raised by the case, or ensure that the parties concerned attempt some form of reconciliation through a formal dispute resolution process or otherwise.
- 3.4 In previous guidance the Board has recommended that Monitoring Officers should act as main advisers to Standards Committees on cases referred for local determination. However, the Board believes that a Monitoring Officer should not conduct an investigation and advise the Committee on the same case. Under Section 113 of the Local Government Act 2003, Monitoring Officers can delegate investigations to their deputy or to any other person they wish to conduct a local investigation. Irrespective of who undertakes an investigation, the Officer concerned will be required to produce a report setting out his conclusions as to the facts of the matter and whether or not a Councillor has failed to comply with the Code of Conduct. One area of concern to any Investigating Officer will be the risk of a defamation claim from the Councillor or any other person mentioned in the report. Whilst the likelihood of such a claim is low, it would be prudent to ask the Council's insurers to indemnify against the risk of the legal costs of defending any such claim and any damages which might be awarded.
- 3.5 It is the intention of the Board to publish a separate guide to assist Monitoring Officers in conducting investigations. However, Members may recall that the Committee has previously authorised the Director of Central Services and Monitoring Officer, after consultation with the Chairman, to administer the pre-hearing process and to appoint Member to hearings as necessary. As an Ethical Standards Officer can from now refer an allegation for local investigation, it may be appropriate in advance of publication of the guidance from the Board to also authorise the Director of Central Services and Monitoring Officer, after consultation with the Chairman of the Committee, to take the necessary action to undertake investigations into allegations of misconduct referred to him by the Board should these arise in the interim.

4. CONCLUSION

- 4.1 (a) The Committee are requested to note –
- ◆ the coming into force of the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004;
 - ◆ the publication of guidance on local investigations by the Standards Board for England; and
 - ◆ the advice which urges Standards Committees to take into account the guidance issued by the Board, to become familiar with the Regulations and to have effective procedures in place for conducting local investigations and determinations; and

- (b) in the event of the reference by an Ethical Standards Officer of an allegation of misconduct for local investigation the Committee is required to –
- ◆ authorise the Director of Central Services and Monitoring Officer, after consultation with the Chairman of the Committee to undertake locally the investigation of allegations of misconduct by Councillors; and
 - ◆ request the Council's insurers to consider the degree of risk involved from any potential claim for defamation against investigating officers.

BACKGROUND PAPERS

The Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004.

Guidance issued by the Standards Board for England on Local Investigations.

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

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**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 Councillors serving on Southoe and Midloe Parish Council against colleague Parish Councillors (Cases 1 and 2);
- ◆ an allegation made by a Ramsey Town Councillor against a colleague Town Councillor who is also a District Councillor (Case 3); and
- ◆ allegations made by a resident of Ramsey against current and former Ramsey Town Councillors (Case 4).

2. DETAILS OF CASES 1 AND 2

2.1 Members may recall that at their meeting on 17th December 2003, the Monitoring Officer reported that the Standards Board for England had referred to an Ethical Standards Officer a complaint made against the (then) Chairman and one other Member of Southoe and Midloe Parish Council. The background to both cases concerned highways issues and the proposed solutions to the problems caused to villagers in Southoe and Midloe by the A1 trunk road and alleged failures by both Councillors to comply with the Code of Conduct in respect of the declaration of personal and prejudicial interests. The Monitoring Officer undertook to advise the Committee of the outcome of the investigation when this became known.

2.2 Under Section 63 of the Local Government Act 2000, the details of the investigation undertaken by the Ethical Standards Officer must not be disclosed. However a summary of the findings and reasoning for the decision will be posted on the Board's website. The Monitoring Officer is, however able to disclose that in both cases the Ethical Standards Officer has decided that no further action need be taken in respect of the matters that were the subject of the investigation.

3. DETAILS OF CASE 3

3.1 It had been alleged by a Ramsey Town Councillor that a colleague Town Councillor had participated in discussions on a planning application of another Town Councillor at meetings of the Council. In commenting but not voting on the application, it was suggested that the Town Councillor had prejudiced the decision-making process on the application in view of his membership of the District Council's Development Control Panel.

- 3.2 On 16th November 2004 the Standards Board for England considered the allegation and decided that it should not be investigated.
- 3.3 In reaching this decision, the Board advised that the Councillor's membership of both the Town Council and the Development Control Panel at District level did not in itself preclude him from taking part in decisions relating to planning at Town Council level. Although it was noted that the Town Councillor had not voted on the application, the information provided to the Board was insufficient to determine whether he had a personal or prejudicial interest in the matter. Unless further information was submitted by the complainant, the Board advised that they could take no further action in the case.
- 3.4 The complainant, in this case, is entitled to request a review of the decision.

4. DETAILS OF CASE 4

- 4.1 A series of allegations has been made by a resident of Ramsey against former and current Councillors serving on Ramsey Town Council. The complainant had suggested that the Councillors had variously been disrespectful, acted in a discriminatory manner, compromised the impartiality of the Town Clerk, used their positions improperly for political advantage, misused Council resources, failed to declare interests, improperly influenced others, failed to register financial and other interests including gifts and hospitality and failed to report alleged breaches of the Code of Conduct by colleague Town Councillors.
- 4.2 On 16th November 2004, the Standards Board for England considered the allegations and decided in all cases not to investigate further.
- 4.3 In all the circumstances referred to, the explanatory information submitted by the complainant was not sufficient to support nor confirm the alleged actions. The insufficiency of the information led the Standards Board to conclude that on the basis of the material provided the alleged conduct would not have involved any failure to comply with the authority's code of conduct. Therefore, none of the allegations made by the complainant against the current and former Councillors are to be pursued.
- 4.4 The complainant is entitled to request a review of these decisions.

5. REFERRAL CRITERIA RE-ASSESSED

- 5.1 The Committee might be interested to note that following concerns expressed at the time being taken by the Standards Board to process cases, a more rigorous referral process has been introduced which will focus on those serious allegations of misconduct with the potential to damage the reputation of local government. In future, in order for an allegation to be considered for investigation, it must comply with four basic rules:-

- ◆ it must be made in writing;
- ◆ it must concern the conduct of an elected, co-opted or Independent Member of a relevant authority;
- ◆ be about something that happened after the Code of Conduct came into effect; and
- ◆ be about something covered by the Code of Conduct.

5.2 If the allegation meets all of these rules, it must then satisfy one of the following criteria to be referred for investigation:-

- ◆ it is serious enough, if proven, to justify the range of sanctions available to The Adjudication Panel for England or local Standards Committee;
- ◆ it is part of the continuing pattern of less serious misconduct which is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it short of investigation.

5.3 An allegation is unlikely to be referred for investigation if:-

- ◆ it is believed to be malicious, relatively minor or “tit for tat”;
- ◆ the same, or a substantially similar complaint has been the subject of an investigation or enquiry and there is nothing further to be gained by seeking the sanctions available to The Adjudication Panel for England or the local Standards Committee;
- ◆ the complaint concerns acts carried out in the Members private life which are unlikely to affect his or her fitness for public office;
- ◆ it appears that the grievance is really about dissatisfaction with a Council decision; or
- ◆ there is insufficient information currently available to justify a decision to refer the matter for investigation.

6. CONCLUSION

6.1 The Committee is invited to note:-

- (a) that the Standards Board for England has agreed not to take any further action in relation to allegations in respect of current and former Councillors serving on Southoe and Midloe Parish and Ramsey Town/Huntingdonshire District Councils; and
- (b) the information on a new referral process introduced by the Standards Board for England.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated November 2004.

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

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**PREJUDICIAL INTERESTS: APPLICATION FOR DISPENSATION
(Report by the Director of Central Services and Monitoring Officer)**

1. INTRODUCTION

- 1.1 An application has been received from Colne Parish Council requesting the Standards Committee to grant dispensations to enable their Councillors to speak and vote on matters relating to the Village Hall and Playing Fields in their Parish.

2. LEGISLATIVE BACKGROUND

- 2.1 The Committee are reminded that 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 business of the Authority would, otherwise be impeded because –

- (i) the number of members of the Authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
- (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 ie. 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 grant dispensations and their extent, ie. whether it is appropriate that the dispensation allows 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.

3. APPLICATION RECEIVED

- 3.1 Colne Parish Council owns the Village Hall and Playing Fields. The nine members of the Parish Council are also trustees to both facilities and four Members serve in their own right on the Village Hall Management Committee. The Parish Council has applied for dispensation to enable their Members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Parish 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 2.1 (i) ante.
- 4.3 Should the Committee look favourably on these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote for the period ending 30th April 2007 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 Parish Clerk to Colne Parish Council.

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

CURRENT ISSUES
(Report by the Democratic Services Manager)

1. INTRODUCTION

1.1 The purpose of this report is to advise the Committee –

- ◆ of the response of Town and Parish Councils in Huntingdonshire to the training offered by the Monitoring Officer in September on the ethical framework and the code of conduct;
- ◆ the recommendations of the Members' Independent Remuneration Panel;
- ◆ the publication of the latest issue of Standards Committee News by the Standards Board; and
- ◆ the launch of a review of the Code of Conduct by the Standards Board for England.

2. TRAINING – TOWN AND PARISH COUNCILS

2.1 The Monitoring Officer reported to the last meeting on the training activity which had been offered to newly elected Parish Councillors and co-opted Members on the ethical framework and Code of Conduct during September.

2.2 Two sessions were held on 22nd and 30th September 2004. The second was arranged specifically for Members of St. Ives Town and Sawtry Parish Councils.

2.3 Whilst both events were well received by those present, overall attendance was disappointing with only representatives from Buckden, Earith, Hemingford Grey, Hemingford Abbots, Huntingdon Town, Little Paxton, Ramsey Town and Somersham Parish Councils attending the first and nine Councillors from St. Ives Town and Sawtry Parish Councils present at the second event. The Chairman of the Committee, Derek Bristow and Doug Hall, Independent Member attended both sessions.

3. MEMBERS' INDEPENDENT REMUNERATION PANEL

3.1 At the last meeting, the Monitoring Officer reported that the District Council's Independent Remuneration Panel was to meet on 4th November 2004 to consider, amongst other issues, the question of the payment of a separate (enhanced) co-optees allowance to an Independent Member who may become Chairman of the Standards Committee.

3.2 Mindful of the Allowances Regulations and having regard to advice received from the Standards Board for England, the Independent Remuneration Panel has recommended to the Council that an Independent Chairman of the Standards Committee should be paid a co-optees allowance equivalent to the amount which would be paid

were an elected Member Chairman of the Committee – currently £2,250. The co-optees allowance will be payable in each Municipal Year for chairmanship of the Committee, including the presentation of the Committee's Report to Council, and for attendance at conferences and training courses. The Council, at its meeting on 8th December 2004, will be recommended to approve the payment of this allowance.

4. STANDARDS COMMITTEE NEWS

4.1 The Standards Board for England recently published the latest issue of Standards Committee News. This relatively new initiative contains useful information for Members of Standards Committees and can be accessed via the website of the Standards Board for England at www.standardsboard.co.uk publications.

4.2 The Committee may be aware that new guidance recently has been published by the Board to help Members consider whether they need to declare personal and prejudicial interests if they are involved in lobby or campaign groups or are Members of more than one relevant authority – so called “dual-hated” Members. A copy of the latest guidance in booklet form is enclosed for members of the Committee only.

5. REVIEW OF THE CODES OF CONDUCT

5.1 Those Members who attended the third annual assembly of Standards Committees in Birmingham in September will be aware that the Standards Board for England announced their intention to commence a consultation process on reviewing the Members' Code of Conduct. Brief details have now emerged as to how the consultation is to be conducted.

5.2 The review of the Code of Conduct will be launched early in the New Year when all Councils will received a consultation paper from the Board setting out the key issues. The issues will address those questions which have arisen in discussions with Monitoring Officers and Members on ways to improve the code. Among the questions which will be posed are –

- ◆ to what extent should the Code of Conduct apply in a private capacity?
- ◆ should the Code of Conduct continue to include a whistleblowing provision?
- ◆ how can the Code of Conduct strike a balance between Members representing their communities and protecting the integrity of decision-making?
- ◆ should Members be allowed the same rights as the public when making representations on issues in which they have a prejudicial interest? and
- ◆ Should there be a public interest defence to the disclosure of confidential information?

5.3 The consultation is expected to close in the Spring to enable the Board to make recommendations for change on the Codes of Conduct to the Government thereafter. Should the Committee be required to respond to the consultation in advance of its next scheduled meeting on 10th March 2005, the Monitoring Officer will consider the convening of a special meeting of the Committee for that purpose.

6. CONCLUSION

6.1 The Committee is requested to note the contents of the report.

BACKGROUND PAPERS

Standards Committee News 03.

Report of the Independent Remuneration Panel – November 2004.

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

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