

## 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