

A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 8 SEPTEMBER 2005** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

APOLOGIES

1. MINUTES (Pages 1 - 12)

**Ms C Deller
388007**

To approve as a correct record the Minutes of the meeting held on 6th June and 25th August 2005.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda item. Please see Notes 1 and 2 below.

3. CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS (Pages 13 - 16)

**Ms C Deller
388007**

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 a District Councillor and by Members serving on Farcet, Earith and Southoe & Midloe Parish Councils.

4. A CODE FOR THE FUTURE - CONSULTATION PAPER ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS - AN INITIAL RESPONSE (Pages 17 - 18)

**Ms C Deller
388007**

To note a report by the Director of Central Services and Monitoring Officer regarding an early indication of the responses received to the Code of Conduction consultation.

5. CURRENT ISSUES (Pages 19 - 22)

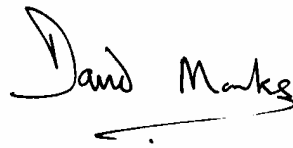
**Ms C Deller
388007**

To note a report by the Director of Central Services and Monitoring Officer regarding issues of interest to the Committee.

6. NEXT MEETING

To note that the next meeting of the Committee will be held on Thursday, 8th December 2005 at 4.00 pm.

Dated this 31st day of August 2005



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, a partner, relatives or close friends;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £5,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov. 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 (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 Monday, 6 June 2005.

PRESENT: Councillors Mrs B E Boddington, P J Downes, J A P Eddy, Mrs K P Gregory, T D Sanderson and J Taylor.

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

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor I R Muir.

1. ELECTION OF CHAIRMAN

RESOLVED

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

2. MINUTES

The Minutes of the meeting of the Committee held on 10th March 2005 were approved as a correct record and signed by the Chairman.

3. MEMBERS' INTERESTS

Councillors P J Downes, J A P Eddy and J Taylor declared a personal interest in Minute No. 9 poste by virtue of their acquaintance with persons referred to in the report of the Investigating Officer.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor T D Sanderson be appointed Vice-Chairman of the Committee for the ensuing Municipal Year.

The Chairman wished to place on record his appreciation for the assistance given to him by the former Vice-Chairman, Councillor A Hansard during his first year as Chairman of the Committee.

5. A CODE FOR THE FUTURE - CONSULTATION PAPER ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS

(Councillor J A P Eddy declared a personal interest in the following item by virtue of his membership of Cambridgeshire County Council having previously responded to the Consultation Paper on behalf of that authority).

Further to Minute No. 25, 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 the response received from all District Council Members following a request from the Committee for comments on questions raised by a Consultation Paper published by the Standards Board for England on the review of the effectiveness of the Code of Conduct for Members.

In noting that there had been little interest in the consultation, the Committee proceeded to discuss suggested responses to questions directed towards 29 key areas identified by the Board. In terms of the suggested response to questions 1 and 2 relating to the “general principles” and in the light of recent experience, Members considered that training on the Code of Conduct and ethical framework should be made compulsory for all newly elected Councillors and a breach of the Code if not undertaken within a prescribed period after election to office. Having regard to questions 7 and 8 on “disrepute and private conduct”, reference was made to a recent case whereby a Councillor continued to hold office whilst exercising a right of appeal despite having been convicted of an offence and imprisoned. The Committee questioned whether a Member was fit and able to fulfil his/her duties to their ward and authority if they were imprisoned.

Subject to the incorporation of these comments in the response to the Board, the Committee

RESOLVED

that the suggested responses to the Consultation Paper – A Code For The Future as contained in the report by the Director of Central Services and Monitoring Officer now submitted be approved for submission to the Standards Board for England.

6. ETHICAL STANDARDS - IN YOUR HANDS

Following on from Minute No. 28 of the meeting of the Committee held on 10th March 2005, Members considered a report by the Director of Central Services and Monitoring Officer and

RESOLVED

that the Chairman and Vice-Chairman, Councillor J Taylor, Mr G Watkins and one other Member of the Committee be authorised to attend the fourth annual assembly of Standards Committees Conference to be held in Birmingham on 5th and 6th September 2005.

7. APPLICATION FOR DISPENSATION

The Director of Central Services and Monitoring Officer reported that the requirement for the Committee to consider an application for dispensation from a Parish Council in the District ultimately was found not to be necessary.

8. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the press and public be excluded from the meeting because the business to be transacted contains exempt information relating to the personal circumstances of particular persons.

9. OLDHURST PARISH COUNCIL - ALLEGED BREACH OF CODE OF CONDUCT

A report by the Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Annex to the Minute Book) to which was attached a copy of the final report by the Investigating Officer in response to the allegations made against two Councillors serving on Oldhurst Parish Council.

Having regard to the advice of the Director of Central Services and Monitoring Officer, the Committee

RESOLVED

that the report now submitted be received and the Director of Central Services and Monitoring Officer be authorised to make necessary arrangements to convene a Determination Hearing in accordance with the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

Chairman

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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, 25 August 2005.

PRESENT: Councillor D H Bristow – Chairman.
Councillor T D Sanderson and Messrs D L Hall and D MacPherson.

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor Mrs B E Boddington.

10. PRELIMINARY PROCEDURAL ISSUES

The Chairman confirmed that the meeting was quorate.

No declarations of interest were received.

11. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003

The Committee noted the procedure for the hearing of cases under the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003.

12. OLDHURST PARISH COUNCIL - ALLEGED BREACH OF CODE OF CONDUCT

(a) Parish Councillor G J Bull

(In attendance were Parish Councillor G J Bull and Mrs Bull, Mr R C Lapwood, Clerk to Oldhurst Parish Council and Ms C Deller, Investigating Officer.)

The Chairman introduced Members of the Committee and stated the purpose of the proceedings to be heard. No representations were received from Councillor Bull to exclude the public from the meeting. He then invited the Investigating Officer to present her report. In presenting her report, the Investigating Officer called Mr R C Lapwood as a witness in connection with the references in her report relating to the issue of a copy of the Parish Council's Code of Conduct to Councillor Bull and whether training in the Code had been offered to him. Councillor Bull then asked Mr Lapwood if he recalled a telephone conversation in February, 2005 when he had requested a copy of the Code.

At the invitation of the Chairman, Councillor Bull addressed the Committee.

Following questioning by Members of the Committee, and in determining that they had sufficient information on which to make a finding, the Committee left the room.

At the conclusion of their deliberations the Chairman announced that the Committee was satisfied that Parish Councillor G J Bull had failed to disclose a personal interest and to withdraw from a meeting of Oldhurst Parish Council when a matter in which he had a prejudicial interest was discussed contrary to Paragraphs 9 and 10 (a) of the Parish Council's Code of Conduct.

The Chairman then sought the views of the Investigating Officer and Councillor Bull as to whether any action should be taken and, if so, what form it should take.

The Committee then left the room.

On their return the Chairman announced the decision of the Committee details of which are attached at Appendix A hereto.

(b) **Parish Councillor Mrs C Bussetil**

(In attendance were Parish Councillor Mrs C Bussetil and Mr S Bussetil, Mr R C Lapwood, Clerk to Oldhurst Parish Council and Ms C Deller, Investigating Officer.)

The Chairman introduced Members of the Committee and stated the purpose of the proceedings to be heard. No representations were received from Councillor Mrs Bussetil or Mr Bussetil to exclude the public from the meeting. He then invited the Investigating Officer to present her report. In presenting her report the Investigating Officer called Mr R C Lapwood as a witness in connection with the references in her report relating to signing/availability of the Parish Council's Code of Conduct, training in the provisions of the Code, whether she had declared a personal interest at the meeting of the Parish Council held on 6th January 2005 and on arrangements for the distribution of information on the Code to Parish Councillors.

At the invitation of the Chairman, Councillor Mrs Bussetil and Mr Bussetil addressed the Committee.

Following questions by Members of the Committee and in determining that they had sufficient information in which to reach a finding, the Committee left the room.

At the conclusion of their deliberations the Chairman announced that the Committee were satisfied that Parish Councillor Mrs C Bussetil had failed to disclose a personal interest and to withdraw from a meeting of Oldhurst Parish Council when a matter in which she had a prejudicial interest was discussed contrary to Paragraph 9 and 10 (a) of the Parish Council's Code of Conduct.

The Chairman then sought the views of the Investigating Officer and Councillor Mrs Bussetil as to whether any action should be taken and, if so, what form it should take.

The Committee, then left the room.

On their return the Chairman announced the decision of the Committee details of which are attached at Appendix B hereto.

Councillor and Mr Bussetil left the room.

The Committee considered whether any further recommendations should be made arising from their preceding deliberations. Following discussion it was

RESOLVED

that Oldhurst Parish Council be invited to commend to all its Parish Councillors and its Clerk that they participate in training on the local government ethical framework, including the Code of Conduct.

Chairman

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HUNTINGDONSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE DECISION

NAME OF AUTHORITY: HUNTINGDONSHIRE DISTRICT COUNCIL	
Name of Member who the allegation has been made about	Councillor G J Bull
Name of person who made the original allegation	Councillor R D Hutchcraft
Case Reference No. Standards Board for England	SBE 9683.05
Name of Chairman of Hearing	Mr D H Bristow
Names of Standards Committee members who took part in the hearing	Councillor T D Sanderson and Messrs D L Hall and D MacPherson
Name of Monitoring Officer	Mr P Watkins
Name of the Ethical Standards Officer who referred the matter	Mr N Marcar
Name of Investigating Officer	Ms C Deller
Name of Clerk to the Hearing	Mr A Roberts
Date, time, place of hearing	Thursday 25th August 2005 at 10.00 am, Meeting Room 1, Pathfinder House, St. Mary's Street, Huntingdon
Summary of the allegation and relevant section(s) of the Code of Conduct	That Councillor G J Bull failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which he had a prejudicial interest was discussed and voted on contrary to paragraphs 9 and 10(a) of the Parish Council's Code of Conduct
Summary of the evidence considered and representations made	<p>Report by the Investigating Officer.</p> <p>Correspondence received from Councillors Bull and Hutchcraft.</p> <p>Notes of interviews undertaken with the parties concerned (as amended and agreed by the Councillor) and Parish Clerk.</p> <p>Presentation by the Investigating Officer</p> <p>Presentation by Councillor G J Bull assisted by Mrs Bull</p> <p>Responses by Mr R C Lapwood to questions by the Investigating Officer and Councillor G J Bull</p>

Findings of fact	As set out in the report of the Investigating Officer. There were no major areas of disagreement of fact.
Finding as to whether or not the member failed to follow the Code of Conduct	The Committee was satisfied that Councillor G J Bull failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which he had a prejudicial interest was discussed contrary to paragraphs 9 and 10 (a) of the Parish Council's Code of Conduct.
Penalties applied	The Committee order that Councillor G J Bull should submit to Oldhurst Parish Council a written apology in a form to be agreed by the Monitoring Officer on behalf of the committee and that he participate in training specified by the Monitoring Officer on ethical standards in local government and, in particular, on the Councillors' Code of Conduct for Parish Councils.
Further recommendation	The Committee also recommended that appropriate training is provided for all Oldhurst Parish Councillors and the Clerk to the Parish Council
Names of Witness	Mr R C Lapwood, Clerk to Oldhurst Parish Council
Right to appeal	The President of the Adjudication Panel The Adjudication Panel for England 23 Victoria Avenue Harrogate HG1 5RD Tel: 01423 538783 Fax: 01423 525164 E-mail: enquiries@adjudicationpanel.co.uk Website: www.adjudicationpanel.co.uk 21 days

HUNTINGDONSHIRE DISTRICT COUNCIL

STANDARDS COMMITTEE DECISION

NAME OF AUTHORITY: HUNTINGDONSHIRE DISTRICT COUNCIL	
Name of Member who the allegation has been made about	Councillor Mrs C Bussetil
Name of person who made the original allegation	Councillor R D Hutchcraft
Case Reference No. Standards Board for England	SBE 9684.05
Name of Chairman of Hearing	Mr D H Bristow
Names of Standards Committee members who took part in the hearing	Councillor T D Sanderson and Messrs D L Hall and D MacPherson
Name of Monitoring Officer	Mr P Watkins
Name of the Ethical Standards Officer who referred the matter	Mr N Marcar
Name of Investigating Officer	Ms C Deller
Name of Clerk to the Hearing	Mr A Roberts
Date, time, place of hearing	Thursday 25th August 2005 at 10.00 am, Meeting Room 1, Pathfinder House, St. Mary's Street, Huntingdon
Summary of the allegation and relevant section(s) of the Code of Conduct	That Councillor Mrs C Bussetil failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which she had a prejudicial interest was discussed and voted on contrary to paragraphs 9 and 10(a) of the Parish Council's Code of Conduct
Summary of the evidence considered and representations made	<p>Report by the Investigating Officer.</p> <p>Correspondence received from Councillors Mrs Bussetil and Hutchcraft.</p> <p>Notes of interviews undertaken with the parties concerned (as amended and agreed by the Councillor) and Parish Clerk.</p> <p>Presentation by the Investigating Officer</p> <p>Presentation by Councillor Mrs C Bussetil assisted by Mr Bussetil</p> <p>Responses by Mr R C Lapwood to questions by the Investigating Officer and Councillor Mrs Bussetil</p>

Findings of fact	As set out in the report of the Investigating Officer. There were no major areas of disagreement of fact.
Finding as to whether or not the member failed to follow the Code of Conduct	The Committee was satisfied that Councillor Mrs C Bussetil failed to disclose a personal interest and failed to withdraw from a meeting of Oldhurst Parish Council when a matter in which she had a prejudicial interest was discussed contrary to paragraphs 9 and 10 (a) of the Parish Council's Code of Conduct.
Penalties applied	The Committee order that Councillor Mrs C Bussetil should submit to Oldhurst Parish Council a written apology in a form to be agreed by the Monitoring Officer on behalf of the committee and that she participate in training specified by the Monitoring Officer on ethical standards in local government and, in particular, on the Councillors' Code of Conduct for Parish Councils.
Further recommendation	The Committee also recommended that appropriate training is provided for all Oldhurst Parish Councillors and the Clerk to the Parish Council
Names of Witness	Mr R C Lapwood, Clerk to Oldhurst Parish Council
Right to appeal	The President of the Adjudication Panel The Adjudication Panel for England 23 Victoria Avenue Harrogate HG1 5RD Tel: 01423 538783 Fax: 01423 525164 E-mail: enquiries@adjudicationpanel.co.uk Website: www.adjudicationpanel.co.uk 21 days

**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 against a District Councillor (Case 1); and
- ◆ allegations made against Councillors serving on Farcet, Earith and Southoe & Midloe Parish Councils (Cases 2 – 4).

2. DETAILS OF CASE 1

2.1 It had been alleged that a District Councillor had used a Council computer to publish critical comments about another Member on the internet in November 2003 thus failing to treat that Member with respect, unlawfully discriminating against her, misusing the Authority's resources for political purposes and bringing his office into disrepute.

2.2 The Ethical Standards Officer (ESO) considered that although the Councillor did post politically motivated comments on the internet this was not done in his official capacity and therefore did not amount to unlawful discrimination. The ESO considered that the Councillor's comments were political banter and did not in the circumstances bring his office into disrepute nor fail to treat the Member with respect. However, the ESO considered that the Council did not allow access to the internet for non-work related reasons and the misuse of Council equipment to make these comments was a failure by the Councillor to comply with Code of Conduct. As the Councillor realised that his behaviour was inappropriate and as he no longer took part in it, the ESO found that no further action needed to be taken.

3. DETAILS OF CASE 2

3.1 The background to Case 2 concerned highways issues and the proposed solution to problems caused to villagers in Southoe & Midloe by the A1 trunk road. Two allegations were pursued by the Board against two Members of Southoe & Midloe Parish Council. The allegations concerned the failure to declare an interest and withdraw from a meeting of the Parish Council in September 2003 when the Council discussed possible new road schemes to allow safe access to Southoe village from the A1. It was alleged that the Chairman of the Parish Council had an interest because he lived near one of the suggested schemes and might benefit from the sale of land to developers if a new road was built. It was also alleged that the Chairman held meetings with officials about the road schemes without reporting the outcome of those meetings to the Council.

Furthermore it was suggested that Chairman improperly tried to secure an advantage for himself by persuading Councillors and members of the public to support a particular road scheme. Finally it was alleged that the Chairman tried to pressurise another Councillor to declare a prejudicial interest and to withdraw from a meeting about the road schemes.

- 3.2 The ESO concluded that the Chairman did not have a personal interest in the question of which road scheme the Council should support. In reaching this conclusion, he noted that the options only were being discussed in principle and no funding had been agreed for any new road scheme. The ESO also concluded that the Chairman did not use his position as a Member improperly to secure an advantage for himself or to act in a way that brought his office or authority into disrepute.
- 3.3 In terms of the allegation made against another Parish Councillor – this concerned a failure to declare a personal and prejudicial interest in discussions also about access roads to the A1 from the village. Allegedly the Councillor had an interest because her family owned land adjacent to the A1. The ESO considered that although the Councillor did not try to conceal her family's ownership of the land, she did fail to declare a personal interest at a meeting of the Parish Council in July 2003. The ESO did not however consider that that interest was prejudicial and found no further action needed to be taken.

4. DETAILS OF CASE 3

- 4.1 The Monitoring Officer has been advised of the Board's decision to refer for further investigation to an ESO an allegation relating to a Councillor serving on Earith Parish Council. The complaint involves the consideration of a planning application by the Parish Council. The ESO will determine whether the matter should be handled locally or centrally. Currently this allegation has not been referred to the Monitoring Officer for investigation. A report on the outcome will be submitted to a future meeting.

5. DETAILS OF CASE 4

- 5.1 The Standards Board has found that no further action requires to be taken in a case involving a Member of Farcet Parish Council who referred himself to the Board because he believed that he failed, in error, to declare a personal and prejudicial interest at a meeting of the Parish Council.

6. CONCLUSION

- 6.1 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 a District Councillor and Members of Farcet and Southoe & Midloe Parish Council but has referred to an ESO the complaint made against a Member of Earith Parish Council.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated 14th April and 9th August 2005.

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

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**A CODE FOR THE FUTURE – CONSULTATION PAPER ON THE REVIEW
OF THE CODE OF CONDUCT FOR MEMBERS – INITIAL RESPONSE
(Report by the Director of Central Services and Monitoring Officer)**

1. INTRODUCTION

- 1.1 At the Special Meeting in June, the Committee approved a response on behalf of the District Council to the consultation paper – “A Code for the Future” published by the Standards Board for England.
- 1.2 Over 1,000 individuals, authorities and other organisations responded to the Board’s consultation on the review of the Code which formally closed on 17th June 2005. Responses analysed so far indicate a general agreement with the principles behind many areas of the Code of Conduct but respondents have highlighted a number of provisions that could be added, amended or deleted altogether. The majority of respondents believed that the ten general principles of public life should be added as preamble to the Code and would also welcome a specific provision on bullying.
- 1.3 Although analysis still is ongoing, the following areas have emerged as leading issues.

2. Private Lives and Private Conduct

- 2.1 The contentious question of whether aspects of a members private life should continue to be subject to the Code of Conduct attracted a varied response. Those in favour of the status quo argued that public figures have a position of trust and responsibility that should be met with high standards of behaviour at all times. Those in favour of relaxing the provisions covering a members private behaviour contend that private life should not be brought into the political arena. A number of respondents have observed that private conduct should not be regulated unless it has an impact on a Members ability to perform their official duties.

3. WHISLEBLOWING

- 3.1 The majority of respondents were in favour of retaining the “Whistleblowing” clause requiring Members to report suspected breaches of the code of conduct by fellow Members. But a significant minority believed that the provision should be removed as it simply prompts petty, malicious complaints and that the Board should rely on the integrity of Members to report serious abuses should they become aware of them. A number of respondents commented on how the requirement to report fellow Members to the Board can cause ill feeling especially in smaller communities.

4. CONFIDENTIALITY

- 4.1 The issue of releasing confidential information has provoked a wide range of views. The majority of respondents agreed with the Board’s view that disclosing information which is not legally classified as confidential should not be a breach of the Code of Conduct. There

has also been broad support for considering the public interest aspect of any disclosure.

5. PERSONAL AND PREJUDICIAL INTERESTS

- 5.1 Unsurprisingly, the issue of declaring interests has prompted a lot of comment. The majority of respondents believe that the personal interest test should be narrowed so that Members need not declare interests shared by a substantial number of other inhabitants in an authority's area. A majority of respondents also think that less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups.

6. CONCLUSION

- 6.1 It is the intention of the Board to make recommendations on the Code of Conduct to the Government in the Autumn. It is likely therefore that the recommendations will be available to report to the next meeting of the Committee in December.

BACKGROUND PAPERS

Bulletin No.24 – Standards Board for England

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

CURRENT ISSUES

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

1. INTRODUCTION

1.1 In the light of the Committee's first determination hearing, the purpose of this report is to advise Members of –

- ◆ recent referral statistics – including those involving local investigations;
- ◆ further guidance relating to the conduct of local investigations; and
- ◆ to consider the requirements for training of town and parish councils in future and in particular for the clerk and Members of Oldhurst Parish Council.

2. REFERRAL STATISTICS

2.1 The Standards Board for England received 306 allegations in April and 328 allegations in May giving a running total of 634 so far for the current year. The referral statistics for that period are reflected pictorially in the Appendix.

2.2 Ethical Standards Officers referred 142 cases to Monitoring Officers for local investigation between November 2004, when referrals began and the end of May 2005 – equivalent to 30% of cases referred for investigation over that time. Twenty-five reports have already been received from Monitoring Officers and there have been six Standards Committee decisions on cases investigated locally. The average time taken to complete a case is three months, although it is accepted that the sample for this figure is currently quite small.

3. CONDUCTING LOCAL INVESTIGATIONS

3.1 At the meeting of the Committee in March, the Monitoring Officer reported the judgement issued in Dawkins vs Bolsover District Council whereby the Court quashed the decision of the District Council's Standards Committee because the delay of over seven months between receipt of the Ethical Standards Officer's report by the Monitoring Officer and the Standards Committee hearing represented a substantial failure to comply with Regulation 6(2) (b) of the Local Authorities (Code of Conduct) Local Determination) Regulations 2003, which set a three month deadline for hearings.

3.2 The case established the principle that authorities need to make every effort to hold a hearing within three months of receiving the case from an Ethical Standards Officer. However, the Committee may be interested to note recent guidance received from the Standards Board on possible exceptions to this rule.

3.3 Paragraph 6 (2) (b) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 state that a hearing must be held within three months of the reference of the Ethical Standards Officer.

Authorities are encouraged to ensure that hearings are held as soon as possible and within this time limit imposed by legislation. The Standards Committee does have jurisdiction to delay the hearing if something unexpected or unforeseen occurs which prevents it from meeting the time limit, but it is not sufficient that a subject member may not have any objections to the hearing being held outside the three month period.

3.4 The Standards Board have indicated the type of events that may be considered unexpected or unforeseen, although it is by no means exhaustive –

- ◆ illness of the subject member or any of the Standards Committee Members;
- ◆ bereavement suffered by the subject member or any of the Standard Committee Members;
- ◆ other important engagements which cannot be altered, such as hospital appointments and jury service; and
- ◆ the subject member being called to work out of the country for a long period of time.

4. LOCAL INVESTIGATION DVD

4.1 The Committee might like to know that work has started on the production of a DVD to promote best practice in local investigations and hearings. This will be of particular value to Monitoring Officers and Standards Committee Members and will include film scenarios illustrating some of the common areas of difficulty and recommended solutions. The DVD should be available by the end of September and in which case could be presented to the next meeting of the Committee in December.

5. TRAINING

5.1 During the course of the recent Determination Hearing it became apparent that the Clerk and Members of the Parish Council in question would benefit from additional training on the Code of Conduct and Ethical Standards. Given the evidence presented to the Committee, Members may also wish to consider the wider issue of communications with Parish Councils specifically to improve understanding of the ethical standards regime. The Chairman might wish to comment.

6. CONCLUSION

6.1 The Committee is invited to note the information presented in paragraphs 2, 3 and 4 of this report and to consider the training issues arising from the Determination Hearing held recently.

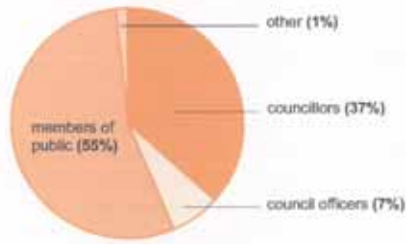
BACKGROUND PAPERS

Bulletin No. 25 – Standards Board for England

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

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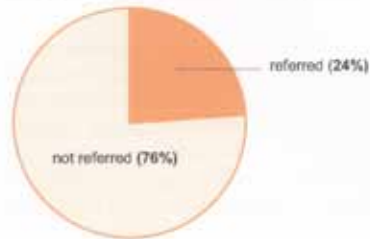
Source of allegations received



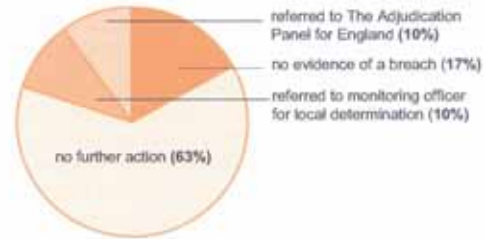
Nature of allegations referred for investigation



Allegations referred for investigation



Final findings



Authority of subject member in allegations referred for investigation

