

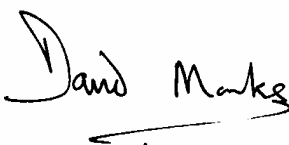
A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 8 DECEMBER 2005** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

APOLOGIES

- | | Contact
(01480) |
|--|----------------------------|
| 1. MINUTES (Pages 1 - 4) | C Deller
388007 |
| To approve as a correct record the Minutes of the meeting held on 8 th September 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 5 - 6) | 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 and Town Councillor and by Members serving on Great and Little Gidding Parish Council. | |
| 4. AN APPROACH TO TRAINING - DISCUSSION PAPER (Pages 7 - 14) | C Deller
388007 |
| Further to Minute No. 17 of the meeting held on 8th September 2005 to consider a report by the Director of Central Services and Monitoring Officer. | |
| 5. CURRENT ISSUES (Pages 15 - 20) | 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 9 th March 2006 at 4pm. | |

Dated this 30th day of November 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 Panel.

Specific enquires with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

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.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 8 September 2005.

PRESENT: Mr D H Bristow - Chairman
Councillors Mrs B E Boddington,
Mrs K P Gregory, and I R Muir.
Messrs D L Hall, D McPherson and
G Watkins

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors P J Downes, J A P Eddy and T D Sanderson.

13. MINUTES

The Minutes of the meetings of the Committee held on 6th June and 25th August 2005 were approved as a correct record and signed by the Chairman.

14. MEMBERS' INTERESTS

Councillor Mrs K P Gregory and Mr G Watkins declared a personal and prejudicial interest in Minute No.15 post by virtue of their involvement respectively in case nos 1 and 4 referred to in the Standards Board notifications.

15. CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS

(In view of their personal and prejudicial interests in the following item, Councillors Mrs K P Gregory and Mr G Watkins left the meeting for the duration of the discussion thereon.)

By way of a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee noted details of allegations referred to the Standards Board for England and the conclusions of the Board in each case.

The Committee were informed that the Board had decided not to take any further action in relation to allegations against a District Councillor and Members of Farcet and Southoe and Midloe Parish Councils but that a complaint made against a Member of Earith Parish Council had been referred to an Ethical Standards Officer. Having regard to the latter, the Monitoring Officer undertook to advise the Committee if the allegation relating to Earith Parish Council was to be referred for local investigation.

16. A CODE FOR THE FUTURE - CONSULTATION PAPER ON THE REVIEW OF THE CODE OF CONDUCT FOR MEMBERS - AN INITIAL RESPONSE

Further to Minute No.5 of the meeting held on 6th June 2005, the Committee 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 the key issues which had emerged thus far in response to consultation on the review of the Code of Conduct for Members by the Standards Board for England.

In acknowledging that the Board were to make recommendations on the Code of Conduct to the Government in the Autumn, the Director of Central Services and the Monitoring Officer gave a short summary of the proposed content of those representations having attended the Standards Committees Conference the previous week.

The Committee noted the Board's recommendations that-

- ◆ there should be greater support for the Councillor's role as an advocate for their community;
- ◆ a reduction in the number of personal interests which need to be declared; and
- ◆ greater local discretion to grant dispensations.

The Committee further noted that reference had been made in the Board's recommendations to bullying, disclosure of information, behaviour outside of official duties, the misuse of resources, the abolition of the duty to report breaches, the need to discourage vexacious complaints and protect against intimidation. The Board had further suggested that the types of interests which needed to be registered should remain unchanged.

Members were pleased that the Board had pursued several issues commented upon in the Committee's response to the consultation and commended the decision to retain the requirement that all allegations should be referred in the first instance to the Board to be processed nationally.

17. CURRENT ISSUES

A report by the Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) which updated Members on recent referral statistics, provided further guidance on the conduct of local investigations and announced the availability in the Autumn of a DVD on local investigations.

Following the recent determination hearing, the Monitoring Officer announced his intention to provide training for the Members and Parish Clerk at Oldhurst Parish Council and to write to all Chairmen and Clerks of Town and Parish Councils to ask that they act as advocates in their Parishes and remind their Members of important key messages in relation to the Code of Conduct and this area of governance.

In terms of the approach to training generally, a wide ranging discussion ensued during which a number of suggestions were made, while acknowledging the resource implications of this approach, the Committee

RESOLVED

that the Director of Central Services and Monitoring Officer be requested to report further to a future meeting on the

training of Councillors in ethical standards and the Codes of Conduct.

18. NEXT MEETING

It was noted that the next meeting of the Committee would be held on Thursday 8th December 2005.

Chairman

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**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 decision in respect of –

- ◆ an allegation made against a District and Town Councillor (Case 1); and
- ◆ allegations made against Councillors serving on Great and Little Gidding Parish Council (Case 2).

2. DETAILS OF CASE 1

2.1 It had been alleged that a District Councillor had acted improperly in using his position of Councillor to benefit neighbours in their capacity as objectors to a planning application submitted by the complainant. It appeared to the complainant that the neighbours were well acquainted with the Councillor in question who is a Member of both the Planning Committee on Huntingdon Town Council and the District Council's Development Control Panel. Furthermore, it had been alleged that the Councillor attended the meeting of the Planning Committee at the Town Council and made representations on behalf of the objectors.

2.2 The case concerned the Councillor's involvement in advising objectors to a planning application. Even if the allegation was proven, the Ethical Standards Officer (ESO) considered that it would not amount to improper use of the Councillor's position as a Planning Committee member. Although the complainant had contended that the Councillor was "well acquainted" with the neighbours, it does not follow that the Councillor had a personal or prejudicial interest in the matter in the sense that would apply if he was a "friend" of the neighbours. Although the Councillor is a member of the Town Council and its Planning Committee he is not a member of the Planning Applications Panel and given that he did not appear to have had a personal or prejudicial interest in the matter at that point – the ESO contended that there would appear nothing improper about his involvement at that stage.

2.3 However, having laid out the objections at the Parish Council Planning Committee and having acted as a co-ordinator for the objectors, it is likely that at such stage as the matter came before either the town council's or district council's planning committee, an impartial observer might consider the Councillor to have pre-determined the matter and also that he might have a personal and potentially prejudicial interest in the application as adviser to the objectors.

- 2.4 In relation to the complaint as submitted, however, having regard to all the circumstances, the ESO considered that the alleged conduct (even if it were found to have occurred) would not have involved any failure to comply with the authority's code of conduct. Therefore, the ESO found that no further action needed to be taken to investigate the allegation.

3. DETAILS OF CASE 2

- 3.1 The background to Case 2 involved a complaint made on behalf of the Parish Clerk against eight members of Great and Little Gidding Parish Council. The complaint related to an allegedly difficult working relationship between the Parish Clerk and Councillors which had resulted in the termination of the Clerk's employment. It was reported that the Clerk had made attempts to conduct the business of the Council in a more professional manner than before but that her efforts had not been appreciated and that matters came to a head at the Council's AGM. Allegations about the improper conduct of Members at that meeting and the way in which the business of the Council was conducted were made by the complainant.

- 3.2 The ESO concluded that the allegations related principally to the dismissal of the Clerk. Whilst noting that the decision to dismiss the Clerk may not have been reached in accordance with the correct procedures, the ESO has taken the view that it only had jurisdiction over the conduct of individual Members. It cannot investigate the adequacy of an authority's procedures or the merits of particular decisions. However, with regard to Members' conduct at the Council's AGM, it was the view of the ESO that this could have been considered to be potentially disrespectful but in the context of a heated meeting and given the suggestion that the behaviour was out of character, it was concluded that the alleged conduct (even if it were found to have occurred) was not of such significance as to justify investigation and any consequent action. Therefore, the ESO concluded that the allegation should not be investigated further.

4. CONCLUSION

- 4.1 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 and Town Councillor and Members of Great and Little Gidding Parish Council.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated 7th September and 7th October 2005.

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

**AN APPROACH TO TRAINING – DISCUSSION PAPER
(Report by the Director of Central Services and Monitoring Officer)**

1. INTRODUCTION

1.1 Following their first determination hearing and the issues which emerged from the cases heard in terms of knowledge of the Code of Conduct and training provision, the Committee asked for further information on training for Councillors in ethical standards and the Codes of Conduct.

2. CURRENT APPROACH AND ACTIVITIES

2.1 The current approach to training is as follows -

Events for Huntingdonshire Councillors and Parishes	Annual Programme
Induction training for new Members of District Council's Development Control Panel session include reference to Members Planning Code of Good Practice.	May
Induction training for new District Councillors - session included on the Code of Conduct.	June
Training on Code of Conduct offered to new Members and new clerks of town and parish councils (invitation also extended to existing Members)	either July/Sept
Training hosted by South Cambridgeshire District Council – hearings procedure – joint exercise with Cambridgeshire authorities.	either February/September
Courses offered by LGG – Leading training provider for local councils (attended by Members of the Standards Committee)	Ad hoc
Attendance at Annual Assembly of Standards Committees (Monitoring Officer, Deputy Monitoring Officer and nominated Members of Committee)	Annually in the Autumn

2.2 From observation and liaison with other authorities in Cambridgeshire in respect of their activities on Code of Conduct issues it is evident that there is no model approach to training and indeed it would appear that it focuses mainly upon new Members of the principal authorities and the organisation of an annual event for town and

parish councils. Feedback on those sessions suggest that these too are not very well attended.

- 2.3 Members of the Standards Committee in East Cambridgeshire District Council have offered to give Parish Councils updates on “probity issues” but again the take up for these sessions has been slow. (12 out of 35 parishes this year – exercise to be repeated in spring/summer 2006). Members of the Committee agreed to share the training responsibility concluding that it would be more effective to go out to Parish Council meetings rather than host a poorly attended session centrally. The Standards Committee in South Cambridgeshire are also reconsidering the training needs of their Councillors with a view to arranging sessions in the spring.
- 2.4 Members may recall that in November, the Monitoring Officer wrote to all parish councils to invite them to act as advocates in their parishes and to remind Members of important key messages in relation to the Code of Conduct. This letter also suggested that the Monitoring Officer would welcome interest by parish councils in attending any training were it to be organised this winter. This letter has prompted 3 approaches from parish councils and the Chairman and Monitoring Officer will be attending meetings at Abbots Ripton, Little Paxton and Grafham Parish Councils over the next few weeks.
- 2.5 The Committee had recommended the Monitoring Officer to arrange for the Clerk and Members of Old Hurst Parish Council to receive training on the Code of Conduct. This took place on 3rd November 2005 and comprised a presentation by the Monitoring Officer, an opportunity for questions and a review of a case scenario. The Chairman of the Committee was present. Given the special circumstances, the session lasted approximately 1½ hours and appeared to be well received.
- 2.6 The Cambridgeshire Association of Local Councils has suggested on a number of occasions that it would be of benefit to all Cambridgeshire Authorities to establish a Cambridgeshire Standards Forum to share both experiences of Code of Conduct issues and the burden of training. Whilst Huntingdonshire has taken the view that CALC would be welcome to participate in training sessions organised for parish councils and indeed invitations are always sent to them, the Monitoring Officer needs to retain responsibility for training bearing in mind the duties and responsibilities of the Local Government Act 2000. Currently South Cambridgeshire District Council are pursuing this initiative on behalf of CALC.
- 2.7 Since March attempts to convene a Standards Committee Network for Cambridgeshire have been made by Fenland District Council and the first meeting of this Forum is scheduled to take place on 5th December 2005. Items on the agenda for this inaugural meeting relate to training of Standards Committee Members and Council Members/joint training opportunities and relationships with town and parish councils. The Chairman and a representative of the Monitoring Officer will be attending this meeting on behalf of the Committee and given the expectation that the other authorities in Cambridgeshire will be represented this may present an opportunity to learn and share experiences in this field.

3. THE WAY FORWARD?

3.1 Taking up the suggestions made by Members at the last meeting and building these into the current approach to training, it is proposed that training/guidance for town and parish councils be structured as follows -

- ◆ training offered to all newly appointed Councillors (and Clerks) following elections in May;
- ◆ refresher training offered to existing Councillors/Clerks in September;
- ◆ Code of Conduct guidance compiled (as a pack) for issue to all newly appointed Clerks when appointments notified to the Head of Administration;
- ◆ town and parish councils to be reminded that the Monitoring Officer and his colleagues are available to attend meetings and to give advice when required on an ongoing basis;
- ◆ training sessions to take no longer than 1¹/₂ hours and to comprise a presentation, case review and showing of Standards Board for England video;
- ◆ a certificate of achievement to be offered to those participating in training sessions – example enclosed;
- ◆ the Chairman, Vice-Chairman or another Member of the Standards Committee and a parish council representative to be present at all training sessions hosted by the Monitoring Officer;
- ◆ CALC also to be invited to participate;
- ◆ town and parish councils to be reminded of the availability of information on Standards and Conduct on the District Councils website;
- ◆ a link to the publication (Town and Parish Standard) published twice yearly by the Standards Board for England to be accessible via the District Council's website and enclosed with copies of the Committees agenda when sent to all town and parish councils; and
- ◆ participation by the Committee, Monitoring Officer and/or his staff in any joint training organised by Cambridgeshire Authorities.

3.2 One of the Committee's suggestions, at their last meeting, related to the compilation of a database to maintain a record of those Councils/Councillors who had undergone Code of Conduct training. A database for this purpose has been in place since the commencement of the ethical standards regime as well as one which monitors the current status of each parish in terms of their membership and their return registration information.

4. CONCLUSIONS

4.1 Members will note that steps are being taken in the County to improve the approach taken by authorities towards ethical standards and the Code of Conduct. Huntingdonshire can only gain from participation in these Forums.

- 4.2 From observation thus far, it would appear that the District Council's commitment of time and resources to training of town and parish councils compares favourably with neighbouring authorities. However, given recent experience at Old Hurst, the more structured approach to training outlined in paragraph 3.1 above hopefully will extend, improve and refresh awareness of the requirements of the Code of Conduct.
- 4.3 Members are invited to note this report.

BACKGROUND PAPERS

Minutes of the meeting held on 8th September 2005.

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

Huntingdonshire District Council



This is to certify that
name from Parish Council
attended the Code of Conduct Training Session hosted by
the District Council on 24th November 2005.

Peter Watkins
Director of Central Services and Monitoring Officer

Pathfinder House

St Mary's Street

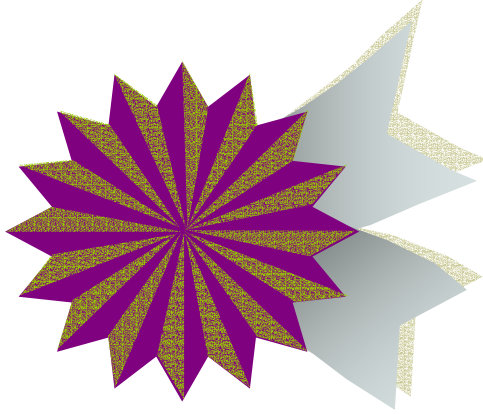
Huntingdon

PE29 3TN

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Huntingdonshire District Council

This Certificate is presented to
[name here from Parish Council]
to certify that he/she has attended the following training session
hosted by the District Council's Monitoring Officer



■ **Code of Conduct**
■ **29 November 2005**

Peter Watkins,
Director of Central Services and Monitoring Officer

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CURRENT 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 -

- ◆ progress in the review of the Code of Conduct;
- ◆ recent referral statistics – including those involving local investigations;
- ◆ progress in the production of training aids to assist in the conduct of local investigations; and
- ◆ arrangements for the Fifth Annual Assembly of Standards Committees.

2. REVIEW OF THE CODE OF CONDUCT - PROGRESS

2.1 The Committee will recall their involvement in the review of the Code of Conduct for Members undertaken by the Standards Board for England earlier this year.

2.2 The key recommendations of the Board were presented to Local Government Minister Phil Woolas MP at the Fourth Annual Assembly of Standards Committees in September. In summary these were -

- ◆ the Code should be simpler, more enabling and owned by Members;
- ◆ the Code should empower Members as community advocates;
- ◆ the rules around personal and prejudicial interests should be clearer;
- ◆ the Code needs to be clear on what information should be confidential;
- ◆ private behaviour should be regulated when it seriously damages the reputation of local government;
- ◆ bullying cannot be tolerated and needs to be addressed more explicitly;
- ◆ the current duty for Members to report breaches should be removed; and
- ◆ the Code should protect complainants and witnesses from intimidation.

2.3 The recommendations are currently under consideration by the Government and a response was expected at the end of November (slightly later than anticipated) although at the time of writing this report no announcement has been made. The Government's response to recommendations from the Committee on Standards in Public Life and the Parliamentary Select Committee of the Office of the Deputy Prime Minister on the role and effectiveness of the Standards Board for England also are awaited.

3. REFERRAL AND LOCAL INVESTIGATION STATISTICS

3.1 The Standards Board for England received 309 allegations in June, 321 in July, 374 in August and 293 in September giving a running total of 1,931 for the current financial year. The referral statistics for that period are reflected pictorially in the appendix.

3.2 Ethical Standards Officers referred 253 cases to Monitoring Officers for local investigation as at the end of September 2005 – equivalent to 32% of all cases referred for investigation since local referrals began in November 2004. In recent months, over half of all cases have been referred locally and this trend looks set to continue. 74 reports have already been received from monitoring officers and there have been 51 Standards Committee decisions on cases investigated locally. In 28 of those cases, it was decided that the Member had not breached the Code of Conduct. In the other 23 cases:

- ◆ 12 Members were censured;
- ◆ 1 was suspended for one month;
- ◆ 1 was suspended for three months;
- ◆ 3 were required to make an apology and undergo appropriate training; and
- ◆ 6 had no sanction imposed.

4. HELP WITH LOCAL INVESTIGATIONS AND HEARINGS

4.1 The DVD referred to at the last meeting on promoting best practice in local investigations and hearings is in the final stages of production. The DVD, *Going Local: Investigations and Hearings* will follow the fictional case of Councillor Jones who has been accused of failing to declare an interest in a planning meeting which is considering an application submitted by his nephew. Viewers will follow the story line as it develops, from the initial referral of the complaint through to the Standards Committee Hearing. Learning points and commentary punctuating the film address some of the common areas of difficulty and the Board's recommended solutions. It also includes a section on the importance of local ownership of the Code of Conduct and the role of the Board in supporting its implementation.

4.2 It is anticipated that the DVD will be completed soon and distributed by the end of the year.

5. FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

5.1 The Committee is alerted to the arrangements already made for the Fifth Annual Assembly of Standard Committees which will be held on 16th and 17th October 2006 at the International Conference Centre, Birmingham. Marketing for the event will begin in the new year.

6. CONCLUSION

6.1 The Committee is invited to note the information presented in this report.

BACKGROUND PAPERS

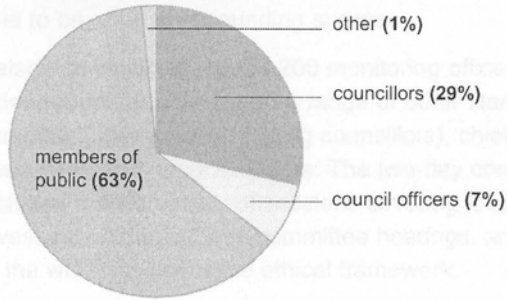
Bulletin No.26 – Standards Board for England
Standards Board Website

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

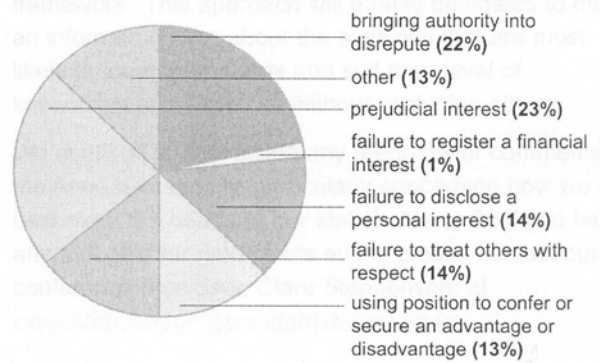
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The following charts show The Standards Board for England's referral and investigation statistics for that period

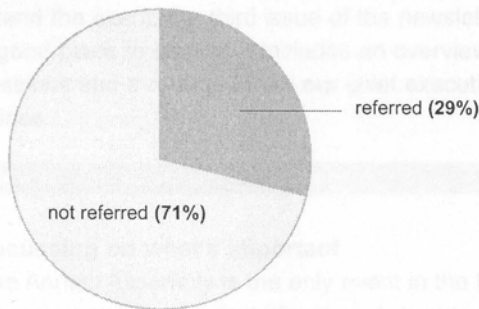
Source of allegations received



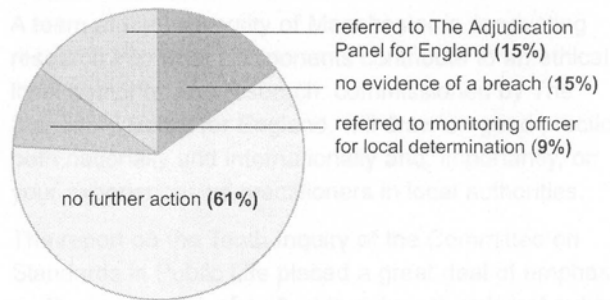
Nature of allegations referred for investigation



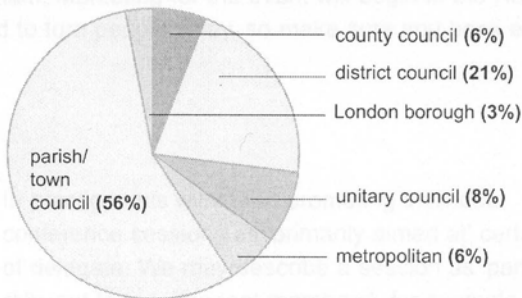
Allegations referred for investigation



Final findings



Authority of subject member in allegations referred for investigation



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