

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 5 JULY 2007** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

FOR INFORMATION ONLY

Contact (01480)

1. MINUTES (Pages 1 - 4)

**Christine Deller
388007**

To approve as a correct record the Minutes of the meeting held on 14th June 2007.

2. MEMBER'S 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. APPLICATIONS FOR DISPENSATION (Pages 5 - 10)

**Christine Deller
388007**

To consider a report by the Director of Central Services and Monitoring Officer regarding applications received for dispensations on behalf of town and parish councils in Huntingdonshire.

4. TRAINING ISSUES (Pages 11 - 14)

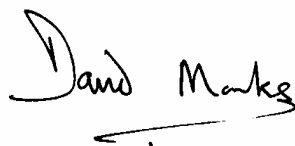
**Christine Deller
388007**

To consider a report by the Director of Central Services and Monitoring Officer regarding a proposed programme for training on the new Code of Conduct and other relevant issues.

5. DATE OF NEXT MEETING

To note that the next ordinary meeting of the Committee will be held on Thursday 13th September 2007 at 4.00pm.

Dated this 27th day of June 2007



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.

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.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the SPECIAL MEETING of the STANDARDS COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 14 June 2007.

PRESENT: Councillors J D Ablewhite,
Mrs B E Boddington, R S Farrer, I R Muir,
T D Sanderson and Messrs P Boothman, D L
Hall, D MacPherson and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors P J Downes and G S E Thorpe and Mr M Lynch.

1. ELECTION OF CHAIRMAN

RESOLVED

that Mr D L Hall be elected Chairman of the Committee for the ensuing Municipal Year.

Mr D H Bristow, the Retiring Chairman, attended the meeting to explain to the Committee, the reasons for his decision to stand down as Chairman, thanked Members and Officers for their support and friendship during his term of office and wished Mr Hall, newly elected Chairman, well in his new post. The Committee further

RESOLVED

- (a) that the appreciation of Members for Mr Bristow's hard work and dedication, whilst Chairman of the Committee be placed on record and best wishes conveyed to him for the future; and
- (b) that the Director of Central Services and Monitoring Officer be requested to convey these sentiments formally to Mr Bristow on behalf of the Committee.

2. MINUTES

The Minutes of the meeting of the Committee held on 8th March 2007 were approved as a correct record and signed by the Chairman.

3. MEMBERS' INTERESTS

No interests were declared.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

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

5. APPOINTMENT OF INDEPENDENT MEMBERS AND TOWN AND PARISH COUNCIL REPRESENTATIVES

The Committee noted the appointment by Council of Messrs P Boothman, D L Hall and M Lynch as Independent Members for a four-year term commencing 16th May 2007 and the nomination by the Cambridgeshire Association of Local Councils of Messrs G Watkins and D MacPherson, representing Town and Parish Councils in Huntingdonshire, to serve on the Committee until May 2011.

6. THE NEW CODE OF CONDUCT

Further to Minute No. 40 of their meeting held on 8th March 2007, 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 publication of the Local Authorities (Model Code of Conduct) Order 2007 which came into force on 3rd May 2007.

The Committee were advised that the new Order specified the conduct now expected of Members and co-opted Members of the Council and that the new Code of Conduct was contained in the Schedule to the Order. The Deputy Monitoring Officer described the changes to the Code and confirmed that should a case arise which involved a breach in the period prior to the adoption of the new Model Code, that case would be investigated under the terms of the 2001 Order.

Having regard to the process for adoption and having acknowledged the duty now placed on the Monitoring Officer to organise training sessions for District, Town and Parish Councils, the Committee indicated their preference for individual visits to Parish Councils or area based training rather than general sessions at Pathfinder House. Whereupon, it was

RESOLVED

- (a) that, the Council be recommended to adopt with immediate effect, in place of the existing code, the new Model Code of Conduct contained in the Local Authorities (Model Code of Conduct) Order 2007 as set out in Appendix A to the report now submitted; and
- (b) that the Director of Central Services and Monitoring Officer be authorised to compile a programme for the training of District, Town and Parish Councillors on the requirements of the new Code.

7. LETTER FROM STANDARDS BOARD FOR ENGLAND

In responding positively to the contents of a letter received from the Chairman of the Standards Board for England (a copy of which is

appended in the Minute Book) seeking the support of the Council in implementing the new Code of Conduct, the Committee expressed some disquiet at the ability of the Council to commit sufficient resources to provide adequate support for undertaking the new responsibilities involved in the handling of alleged breaches locally.

8. DOWN TO DETAIL: 6TH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Having been acquainted by the Director of Central Services and Monitoring Officer with details of the Annual Assembly of Standards Committees Conference to be held at the International Conference Centre, Birmingham on 15th and 16th October 2007 (a copy of the relevant report is appended in the Minute Book), the Committee

RESOLVED

that Messrs D L Hall and P Boothman, Independent Members be authorised to attend the Annual Assembly of Standards Committee to be held at the International Conference Centre, Birmingham on 15th and 16th October 2007.

9. DATE OF NEXT MEETING

It was noted that the next ordinary meeting of the Committee would be held at 4pm on Thursday 5th July 2007.

Chairman

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

1. INTRODUCTION

- 1.1 Applications for dispensation to allow Members with prejudicial interests to participate in meetings of their respective town/parish Councils have been received from the following –

Colne Parish
Ellington Parish
Great Gransden Parish
Huntingdon Town
St. Neots Town; and
Upwood and The Raveleys Parish.

- 1.2 Each Clerk is re applying on behalf of his/her Members having been reminded that their previous dispensations had expired on 30th April 2007 at the end of the terms of office of their respective Councils.
- 1.3 The circumstances of each application appears to have remained unchanged but for the benefit of new Members are described in Section 3 of this report.

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 the 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 refers 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. APPLICATIONS RECEIVED

3.1 Colne Parish

- | | | |
|--------------------|---|---|
| Committee | – | 9th December 2004; |
| Previously granted | – | to speak and vote on matters relating to the village hall and playing fields in Colne; |
| Details | – | Colne Parish Council own 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 re 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. When last granting the dispensation, the Committee advised the Parish Council to contact the Charity Commission for assistance in reviewing the suitability of their trustee arrangements to overcome continuing conflicts of interest. |

3.2 Ellington Parish

- | | | |
|--------------------|---|---|
| Committee | – | 24th March 2004; |
| Previously granted | – | To four Members – to speak and vote on matters relating to the Ellington Village Hall Management Committee; |
| Details | – | Four of the seven Members of Ellington Parish Council also serve on the Ellington Village Hall Management Committee. The Parish Council has re applied for dispensation to allow four of seven Councillors to speak and vote on matters relating to the village hall should they arise at meetings of the Parish Council. |

3.3 Great Gransden Parish

- | | | |
|--------------------|---|--|
| Committee | – | 25th June 2003; |
| Previously granted | – | to speak and vote on matters relating to Great Gransden Reading Room and Public Recreation Ground; |
| Details | – | As Members of Great Gransden Parish Council, nine parish Councillors have declared prejudicial interests in respect of their positions as trustees to charities known as the Great Gransden Reading Room and Great Gransden Public |

Recreation Ground. Financial matters relating to these two charities are discussed at Parish Council meetings from time to time and to enable the business to continue to be conducted, the Parish Council have again requested that dispensation be granted to their Members for this purpose.

3.4 **Huntingdon Town**

- Committee – 25th June and 17th December 2003;
- Previously granted – to speak and vote on matters relating to the Commemoration Hall and King George V Playing Field;
- Details - The Deputy Town Clerk has requested that dispensations be granted to enable 16 town Councillors, who act as trustees to the King George V Playing Field Charity to speak and vote at meetings of the town Council or at any of its Committees/Sub-Committees on matters relating to that facility. In terms of the Commemoration Hall and as the Custodian Trustee, Huntingdon Town Council appoint six Councillors to the Board of Trustees responsible for the management of the hall. Currently six town Councillors are appointed to the Board of Trustees and each would need to declare a personal and prejudicial interest precluding them from speaking and voting on any matter which relates to the Commemoration Hall Charity. The Deputy Town Clerk has therefore requested the dispensation to continue which would enable six Members of the town Council who serve as trustees on the Commemoration Hall Charity to speak and to vote on all matters relating to the business of the Charity.

3.5 **St. Neots Town**

- Committee – 10th September 2003;
- Previously granted – to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon;
- Details – the 18 Members of St. Neots Town Council act as Trustees to the St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon both of which are registered as charitable trusts. The Town Clerk has requested that dispensations be granted again to enable the 18 town Councillors who act

as trustees to speak at meetings of the town Council or at any of its Committees/Sub-Committees on matters relating to these community facilities to prevent the transaction of town Council business from being impeded.

3.6 Upwood & The Raveleys Parish

- | | | |
|--------------------|---|--|
| Committee | – | 24th March 2004; |
| Previously granted | – | to speak and vote on matters relating to the charities associated with allotments for the poor in the Parish; |
| Details | – | All Members of the Upwood & The Raveleys Parish Council have, since the 1850's, acted as trustees to two charities relating to allotments for the poor of the Parish. There are occasions when matters concerning the allotments arise at Parish Council meetings and to enable such business to continue to be conducted, the Parish Clerk has requested that dispensation again be granted to the ten Members of the Council for this purpose. |

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of town/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 dispensations be granted for the period ending 30th April 2011 after which time applications for the newly elected Councillors would need to be submitted should it be considered necessary.

Footnote *

Please note that there is currently a problem with the drafting of the Dispensation Regulations. The political balance criterion is linked to an authority being unable to comply with its duty under Section 15 (4) of the Local Government and Housing Act 1989. This duty requires the appointment of Committees that reflect the overall political balance of an authority. However, the duty does not arise in relation to individual meetings either of the authority or its Committees. For this reason, it is difficult to envisage circumstances in which the criterion would be met. Until such time as the appropriate amendments are made to the Regulations it is not likely that dispensations would be granted on the basis of the political balance criterion.

BACKGROUND PAPERS

The Local Authorities (Model Code of Conduct) Order 2007

The Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002

Letters received from town/parish clerks to Colne, Ellington, Great Gransden, Huntingdon, St. Neots and Upwood and the Raveleys town/parish Councils.

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

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TRAINING ISSUES

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

1. INTRODUCTION

- 1.1 The Committee is tasked by its terms of reference to promote and maintain high standards of conduct by Members by giving advice and training on matters relating to the Code of Conduct. This function has taken on greater prominence recently given the coming into force, on 3rd May, 2007, of the Local Authorities (Model Code of Conduct) Order 2007.
- 1.2 At its last meeting, the Committee authorised the Director of Central Services and Monitoring Officer to compile a programme for the training of District, Town and Parish Councillors on the requirements of the new Code and expressed a preference for the Monitoring Officer to visit individual Parish Councils or host area-based training rather than general sessions (Minute No. 6 refers). This report suggests the approach to be taken by the Monitoring Officer towards training activity on the new Code of Conduct.
- 1.3 In response to Members' comments regarding the opportunity to reflect on case examples, a significant case in terms of the interpretation of the Code or Conduct and one with wider legal implications is also discussed.

2. PROPOSED TRAINING ACTIVITY

- 2.1 With the Committee's views in mind, the following training activity is proposed based on the successful formula adopted in previous years.
- 2.2 Traditionally each summer, the Monitoring Officer has invited newly elected Parish Councillors and co-opted Members to participate in a session on the Ethical Framework, Standards and the Code of Conduct. This invitation also is extended to existing Parish Councillors who might benefit from a reminder of the Code. It is proposed to retain this session to be held at Pathfinder House, Huntingdon to which a general invitation will be issued to all Town and Parish Councils.
- 2.3 The first Model Code came into force in November 2001. Early in 2002, the Monitoring Officer offered Parish Councils the opportunity to attend one of five training sessions at venues in Huntingdon, Yaxley, Kimbolton, St. Ives and Buckden. In recognition of the Committee's request, it is proposed to arrange similar sessions in St. Ives and St. Neots to which the Chairman/Vice-Chairman of Town and Parish Councils will be invited.
- 2.4 When issuing an invitation to these sessions, Parish Councils will be reminded that the Monitoring Officer and his colleagues are available to attend Parish Council meetings or Town and Parish Council meetings and to give advice on an ongoing basis. For instance, the

Monitoring Officer is attending the meeting of Little Paxton Parish Council on 4th October 2007 and is awaiting a response from Earith Parish Council following a similar approach.

- 2.5 Induction training for new District Councillors was held in late-June. Due to time constraints, the session on the Code of Conduct was postponed and it was agreed that the new Members could join one of the town and parish council sessions to be organised over the summer or the District Councillor sessions in September.
- 2.6 It is custom for the Chairman or Vice-Chairman of the Committee to attend each session. Dates for all training arrangements will be announced at the meeting.
- 2.7 It is proposed to run two sessions for District Councillors prior to scheduled evening meetings at Pathfinder House. The Overview and Scrutiny Panels (Service Delivery and Service Support) meet on 4th and 11th September 2007 and it is suggested that a "drop in" training session be offered on both evenings commencing at 5.15pm and 6.15pm respectively.

3. CASE STUDIES OR "CASE ALERT"

- 3.1 Members may recall their wish to receive the editions of "Case Alert" published by the Standards Board for England to provide regular analysis of significant cases and best practice guidance. It was also the view of the Committee that the "Case Alert" would prove to be a useful training tool for Members.
- 3.2 Regrettably, the "Case Alert" does not appear to come through as regularly as Members would have hoped and the Committee have again requested the opportunity to discuss case scenarios at their meetings as a learning exercise.
- 3.3 It is perhaps premature, at this time, to research cases which have been considered under the new Model Code because most, if not all, will relate to breaches of the old code. By the next meeting in September, there may be examples to share with the Committee.
- 3.4 Until then, the following case illustrates the confusion which still exists amongst Members in relation to the declaration of personal and prejudicial interests. The circumstances and outcome of this case would not necessarily be varied by the changes to the model Code. The case also highlights the implications of Human Rights Legislation

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"A member of the District Council was found to have taken part in the consideration of his own company's planning application for flats and shop storage at a Council Development Control meeting. The Member was the Managing Director of the Company as well as a Company Shareholder and employee but he did not declare an interest at the meeting, nor withdraw from the room when the application was discussed. The Member did not believe that his wellbeing or financial position would be affected by the planning application."

The Minutes of the meeting record that:-

“The Legal Practice Manager stated that Mr intended to speak on this matter as a member of the public and not as a district councillor. He advised Mr and the Committee that he could not prevent him speaking but that to do so would be in breach of the Local Government Code of Conduct and the Council’s own code.

The Member claimed that he had not sought to take advantage of his position but that the application was for affordable housing for the company’s employees, which he regarded as “social housing”. However, the test as to whether a Member has a prejudicial interest is an objective, not a personal, one.

The Code states that a Member has a personal interest if it relates to one of their interests in the register of interests, or if it could be regarded as affecting their financial position or wellbeing to a greater extent than others in the area of the authority. A Member also has a prejudicial interest if their personal interest is one that a member of the public would reasonably regard as so significant as to influence their judgement of the public interest.

The case tribunal found that the Member had both a personal and prejudicial interest. He was the Managing Director of the Company as well as a shareholder and employee and a decision on the application would affect his personal and financial wellbeing more than others in the area of the authority. The tribunal also found that a member of the public would be in no doubt that he had a prejudicial interest. He therefore should have withdrawn from the meeting when the application was considered.

The Member argued that it was unfair in terms of his own human rights that he had been denied the right to speak on the application as a result of his holding office. The tribunal found that the civil rights being referred to, were those of the company, which had the right to a fair and public hearing. They were free to send anyone to the meeting to make representations except the Member, who was prevented from doing so because of his position within the Council. The tribunal regarded this as a lawful restriction. There was also a question of whether this restriction infringed the Members right to freedom of expression. The tribunal decided that this was not an infringement of the Member’s human rights, as the restriction was in accordance with the law and “necessary in a democratic society for the protection of the rights of others”.

The case tribunal decided that the member had failed to comply with the Code of Conduct by failing to declare a personal interest, failing to withdraw from a meeting when a matter in which he had a prejudicial interest was considered and improperly seeking to influence the decision on the matter. The tribunal also decided that the Member had brought his office or authority into disrepute, particularly by choosing to ignore the advice of Council officers before and during the meeting.

The tribunal suspended the Member for one year in view of the seriousness of the breach.”

Lessons from the Case

This case supports the importance of applying the correct tests for personal and prejudicial interests. Members must consider whether a member of the public, with all the relevant facts, would reasonably regard the interest as significant enough to prejudice the Member's judgement of the public interest. The principle behind this is the need for decisions to be made with impartiality and independence, so that the public can have confidence in the decisions of the authority. Members must also remember that when they agree to take office, they agree to comply with the Code of Conduct, which might, at times, affect the exercise of their rights as private citizens.

4. DVD

- 4.1 The Committee will recall that the Standards Board for England is producing a range of training materials on the new Code for local authorities to use including a DVD which is scheduled to be distributed in July. Thus far, the DVD has not been received but should it be available, this will be shown at the meeting.

5. CONCLUSIONS

- 5.1 The Committee is requested to note –
- ◆ the training activity proposed by the Director of Central Services and Monitoring Officer on the new Code of Conduct; and
 - ◆ the case summary presented in Section 3 of the report.

BACKGROUND PAPERS

Minutes of the meeting of the Standards Committee dated 14th June 2007.

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