

A Special Meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM ONE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, PE29 3TN** on **TUESDAY, 23 OCTOBER 2007** at **1:15 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

**Contact
(01480)**

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 13th September 2007.

**C Deller
388007**

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. APPLICATION FOR DISPENSATION (Pages 5 - 6)

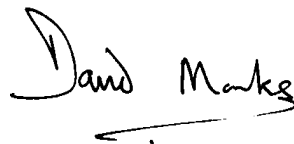
To consider a report by the Director of Central Services and Monitoring Officer regarding an application received for dispensation from Folksworth and Washingley Parish Council.

**C Deller
388007**

4. DATE OF NEXT MEETING

To note that the next ordinary meeting of the Committee will be held on Thursday 6th December 2007 at 4pm.

Dated this 15 day of October 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, their family or any person with whom they had a close association;*
 - (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 £25,000; 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/Panel.

Specific enquiries 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 car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 13 September 2007.

PRESENT: Mr D L Hall - Chairman
Councillors J D Ablewhite, P J Downes, R S Farrer, I R Muir and G S E Thorpe.

Messrs P B Boothman, M Lynch,
D MacPherson and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington and T D Sanderson

15. MINUTES

The Minutes of the meeting of the Committee held on 5th July 2007 were approved as a correct record and signed by the Chairman.

16. MEMBERS' INTERESTS

Councillor J D Ablewhite declared a personal interest in Minute No. 18 by virtue of his involvement in the case reported.

17. ARTICLE 9 - STANDARDS COMMITTEE

Further to Item No. 13 of the Minutes of the meeting held on 5th July 2007, the Committee received and noted the content of Article 9 of the Constitution relating to the Standards Committee (a copy of Article 9 is appended in the Minute Book).

It was further noted that an updated copy of the Constitution would be forwarded to the Independent Members and Parish Council representatives in due course.

18. CODE OF CONDUCT - NOTIFICATIONS

(See Item No. 16 for Members' Interests).

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 decision of the Standards Board for England not to take any further action in relation to allegations made against one Member of the District Council and six Councillors serving on St. Ives Town Council.

In discussion, the Monitoring Officer confirmed that lack of knowledge/understanding was unlikely to be considered by the

Standards Board for England as an acceptable reason for non-compliance with the Code of Conduct.

19. CODE OF CONDUCT COMPLAINTS - THE FUTURE

By way of a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) Members were advised of the implications for the Committee's workload of the Local Government and Public Involvement in Health Bill which was expected to receive Royal Assent in the Autumn and come into force in April 2008.

The Committee were informed that the Bill proposed two key changes to the management of compliance with the Code of Conduct including a requirement for Standards Committees to receive and make initial assessments of conduct allegations relating to the Code. The Standards Board would assume a strategic and regulatory role providing supervision, support and guidance to local authorities to ensure a degree of consistency in the application of the Code.

Although noting the Standards Board assessment of the likely impact of the changes on the majority of authorities, the Committee acknowledged that, whilst this information was useful, an accurate picture of the extent of the workload involved would only emerge once the new regime was in operation. Whilst recognising that further information would be available once the Bill received Royal Assent, Members anticipated that there would need to be an increase in the number the meetings of the Committee and/or Sub-Committees and perhaps a requirement for an additional Parish Council representative.

As Standards Committees also would be able to resolve cases by alternative means such as mediation or training, the Chairman undertook to raise the issue of shared expertise in mediation at a forthcoming meeting of the Cambridgeshire Standards Committees Network. Whereupon, it was

RESOLVED

that the report now submitted be received and noted.

20. TRAINING UPDATE

Members received and noted a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) which updated the Committee on the response received to the training activity undertaken by the Monitoring Officer on the new Code of Conduct.

Given the disappointing response by District Councillors to the sessions held thus far, the Monitoring Officer indicated his intention to encourage those Members who had not yet attended to make every effort to do so at an additional event programmed to take place after the Council meeting in September.

At the conclusion of the meeting, the Committee was invited to view "The Code Uncovered" – a DVD produced by the Standards Board for

England.

21. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held at 4pm on Thursday 6th December 2007.

Chairman

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

1. INTRODUCTION

- 1.1 The Chairman and Clerk to Folksworth and Washingley Parish Council attended the training session on the new Code of Conduct held at The Priory Centre on 12th September 2007.
- 1.2 From general discussion arising from the various scenarios presented, the Clerk sought further guidance as to whether the Parish Council required dispensation to manage a specific situation within the Parish.
- 1.3 In accordance with the advice given, a written request for dispensation subsequently has been received from the Parish Council.

2. LEGISLATIVE BACKGROUND

- 2.1 The Committee are reminded that the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of business of the Authority would otherwise be impeded because –
- (i) the number of Members of the Authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
 - (ii) the Authority is not able to comply with any duty which applies to it under Sections 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. proportionally according to the representation of political groups in full Council.
- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie. whether it is appropriate that the dispensation allows Members to either speak and not vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.
- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

3. APPLICATION RECEIVED

- 3.1 Folksworth and Washingley Parish Council acts as custodian trustee for land occupied by the Village Hall and as such has a responsibility to dispose of the land should the village hall cease to operate on the site. A Village Hall Management Committee operates separately from the Parish Council and takes every other decision relating to the hall. One Member represents the Parish Council on the Village Hall Management Committee.
- 3.2 However, there are occasions when the Parish Council is required to consider applications for grant assistance received from the Village Hall Management Committee. Financial assistance in the form of a grant from the Parish Council could be essential to the continued operation of the Village Hall and use of land, under the custodian arrangements. Because all nine Members of the Parish Council would be prohibited by virtue of their prejudicial interest from conducting business involving the award of grant to the Village Hall Management Committee and, to enable the Village Hall to continue to benefit from this financial assistance when appropriate, the Parish Council has requested the Standards Committee to grant dispensation to allow those Members to continue to fully participate in meetings and to speak to and vote on the matters when such business arises.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Parish Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting dispensations to speak and to vote to Members of Folksworth and Washingley Parish Council for the period ending 30th April 2010 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND PAPERS

The Local Authorities (Model Code of Conduct) Order 2007.

The Relevant Authorities (Standards Committee) Dispensations Regulations 2002.

E-mail received from the Parish Clerk to Folksworth and Washingley Parish Council.

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