

A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 4 DECEMBER 2008** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

- | | | Contact |
|---|--|----------------------------|
| 1. MINUTES (Pages 1 - 2) | | C Deller
388007 |
| <p>To approve as a correct record the Minutes of the meeting held on 20th November 2008.</p> | | |
| 2. MEMBERS' INTERESTS | | |
| <p>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.</p> | | |
| 3. REPORT OF THE REFERRALS (ASSESSMENT) SUB-COMMITTEE | | |
| <p>Chairman to report.</p> <p>The Review Sub-Committee has not yet been required to meet.</p> | | |
| 4. CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES (Pages 3 - 22) | | C Deller
388007 |
| <p>To consider a response to a consultation paper published by the Department of Communities and Local Government (DCLG) suggesting amendments to the Members' Code of Conduct.</p> <p>Report by the Head of Legal and Estates Services and Monitoring Officer.</p> | | |
| 5. USE OF RESOURCES JUDGEMENTS 2007/08 (Pages 23 - 30) | | C Deller
388007 |
| <p>To consider a report by the Head of Legal and Estates Services and Monitoring Officer on the outcome of the exercise undertaken in response to the requirements of the Audit Commission.</p> | | |
| 6. LOG OF CODE OF CONDUCT ENQUIRIES (Pages 31 - 34) | | |
| <p>Further to Minute No. 42, to note the Code of Conduct enquiries recorded by the Head of Legal and Estates Services and Monitoring Officer since the meeting held on 11th September 2008.</p> | | |
| 7. ITEM FOR DISCUSSION | | |
| <p>Arising from the Chairman's attendance at the recent Standards Committees Conference, to consider whether to extend an invitation to the Leader of the Council/Leader of the Opposition to attend a future meeting of the Committee.</p> | | |

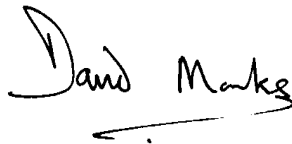
8. LOCAL ASSESSMENT: EXERCISE (Pages 35 - 54)

The Monitoring Officer to conduct a local assessment exercise referring to the enclosed local assessment complaint handling chart and an example case. Members may wish to familiarise themselves with the case material and to consider, in advance, whether the case should be referred for further action and, if not referred, the reasons for the decision.

9. DATE OF NEXT MEETING

To note that the next meeting of the Committee will be held on Thursday 5th March 2009 at 4pm.

Dated this 3rd day of December 2008



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.uk 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).

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Cabinet Room, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 20 November 2008.

PRESENT: Mr D L Hall - Chairman
Councillors J D Ablewhite,
Mrs B E Boddington, A Hansard and
G S E Thorpe
Messrs M Lynch and G Watkins

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors P J Downes and T D Sanderson, Messrs P L Boothman and D McPherson and Mrs S Stafford

29. MINUTES

The Minutes of the meeting held on 11th September 2008 were approved as a correct record and signed by the Chairman.

On behalf of St. Neots Town Council, Councillor G S E Thorpe expressed his appreciation to Colin Meadowcroft and Christine Deller for the training session on the Code of Conduct which they had presented to Members to the Town Council on 22nd October 2008.

The Monitoring Officer introduced Mr I Leatherbarrow to the meeting, newly appointed as Director of Central Services. Mr Leatherbarrow underlined the importance of the work of the Committee in maintaining standards and endorsed the proactive way in which they continued to approach the training of District, Town and Parish Councillors. In accepting the Committee's congratulations on his appointment, Mr Leatherbarrow indicated his intention to reaffirm the appointment, on a permanent basis, of Mr Meadowcroft and Ms Deller as Monitoring Officer and Deputy Monitoring Officer respectively.

Mr Watkins reported that, as requested, the Cambridgeshire and Peterborough Association of Local Councils had recently appointed two additional Parish Council representatives to serve on the Committee.

30. MEMBERS' INTERESTS

No interests were declared.

31. APPLICATION FOR DISPENSATION - HEMINGFORD ABBOTS PARISH COUNCIL

A report by the Head of Legal and Estates and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding

a request received for dispensation from seven Members serving on Hemingford Abbots Parish Council.

The Monitoring Officer explained that following advice offered to the Parish Clerk in response to an enquiry on the various interests held by Council Members, it had become apparent that Members of the Parish Council required dispensation to enable them to continue to consider applications for financial assistance received from the Hemingford Abbots Playing Fields Committee.

In accordance with the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and having been satisfied that approval was required to prevent the business of the Parish Council from being impeded, the Committee

RESOLVED

that dispensation to speak and vote be granted to seven Members of Hemingford Abbots Parish Council for the period ending 30th April 2012 to enable them to conduct business involving the award of grant to the Hemingford Abbots Playing Field Committee.

32. STANDARDS CONFERENCE 2008

The Chairman reported on his attendance at the Standards Committees Conference held in Birmingham in October and updated Members on the issues and advice which he had received during the event. Of particular note, was the upcoming consultation on a new Officer and Members Code of Conduct, discussion on the resource implications of the new local assessment framework and its affect on local authorities, the involvement of Standards Committee Members in local authority meetings at District and Parish level and publicising the role of the local Standards Committees.

33. DATE OF NEXT MEETING

It was noted that the next ordinary meeting of the Committee would be held on Thursday 4th December 2008 at 4pm.

D L Hall
Chairman

**COMMUNITIES IN CONTROL: REAL PEOPLE, REAL POWER:
CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND
EMPLOYEES – A CONSULTATION**
(Report by the Head of Legal and Estates Services
and Monitoring Officer)

1. INTRODUCTION

- 1.1 The Local Authorities (Model Code of Conduct) Order 2007 came into force for all Authorities in May 2007. The Government has now published a consultation paper entitled “Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and Employees”. This paper invites views on proposals for revising the Local Authorities (Model Code of Conduct) Order 2007 and seeks comments on the proposed introduction of a Model Code of Conduct for Local Government employees by 24th December 2008. The proposed amendments to the Members’ Code have the support of the Standards Board for England and have arisen following practical experience of the first year of operation of the revised Code. It is anticipated that a new Code incorporating the outcome of the consultation process will come into effect by May 2009.
- 1.2 The most significant revision to the Members’ Code covers the issue of “private capacity” to cover those occasions where a Member’s criminal behaviour in a private capacity brings disrepute to the local authority.
- 1.3 Dr Robert Chilton, Chairman of the Standards Board for England, has commented –
- “We welcome the continuing attention given by Government to standards in local public life. The Code revisions upon which consultation is available deal with some of the outstanding issues around the Members’ Code of Conduct. There is a public expectation that serious misconduct in a Member’s private life should have a consequent repercussion on their elected role, so I welcome the chance to clarify this.”
- 1.4 The functions relating to the standard and conduct of Officers lies within the remit of the District Council’s Employment Panel. The Panel has considered that part of the consultation paper relating to the introduction of a Code of Conduct for Employees.
- 1.5 Only Chapter 2 of the consultation paper relating to the Members’ Code of Conduct is enclosed for the Committee as Chapter 1 deals with the mechanics of responding and Chapter 3 with the Model Code of Conduct for employees, which is dealt with in paragraph 1.4 above.

2. CONSULTATION

- 2.1 The Government has invited responses to the consultation paper by way of 12 questions. The questions are set out in their entirety in the Appendix to the consultation paper which is produced hereto. For ease of presentation, therefore, suggested responses have been drafted sequentially for the Committee to consider.

3. THE QUESTIONS

- 3.1 **Question 1 – Do you agree that the Members’ Code should apply to a Member’s conduct when acting in their non-official capacity?**

Proposal –

It is proposed that the new Members’ Code should contain the following provision:-

“Members must not bring their office or Authority into disrepute by conduct which is a criminal offence.” (Paragraph 2.9.)

Suggested response –

Yes – there are occasions when conduct in private life can reflect upon a Member’s suitability to continue as a Member and that leaving that person in place until the next election and not giving the electorate an opportunity to remove him/her from office can seriously damage the reputation of an authority and of local government in general. It is therefore important that the Code of Conduct for Members should apply to at least some of the conduct in a Member’s private life.

In supporting the inclusion of “The 10 principles of public life” as a preamble to the Model Code, the Committee considered that the principles underpinned the Code and were an essential foundation upon which the Code should be based. Amongst the principles are “honesty and integrity”, “duty to uphold the law” and “openness”. Where the conduct of a Member casts doubts or diminishes the confidence or trust of the public in that person, then the conduct of that Councillor should be held to account.

- 3.2 **Question 2 – Do you agree with this definition of ‘criminal offence’ for the purpose of the Members’ Code? If not, what other definition would you support, for instance should it include Police Cautions? Please give details.**

Proposal –

It is proposed that ‘criminal offence’ be defined as any criminal offence for which the Member has been convicted in a criminal court, but for which the Member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction. (Paragraph 2.10.)

Suggested response –

The definition of ‘criminal offence’ for the purpose of the Members’ Code appears to be acceptable for the vast majority of instances. However, and whilst acknowledging that it is the intention to focus on the more serious offences, there could be an instance whereby a fixed penalty notice might be received by the Executive Councillor for Operational and Countryside Services for the unauthorised tipping of waste materials. This would be a failure by the Member responsible for the function but if penalised by a fixed penalty notice would take the offence outside the scope of the Code. It could be contended that the offence would so directly relate to the Member’s responsibility that it would be directly relevant to their credibility or that of their Authority and therefore the Code should be capable of responding to that event.

- 3.3 **Question 3 – Do you agree with this definition of ‘official capacity’ for the purpose of the Members’ Code? If not, what other definition would you support? Please give details.**

Proposal –

It is proposed that ‘official capacity be defined as ‘being engaged in the business of your Authority including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your Authority’.(Paragraph 2.14)

Suggested response –

The basic general conduct provisions of the Code apply only when the Member is acting in an official capacity. The proposed definition of ‘official capacity’ appears to be acceptable.

- 3.4 **Question 4 – Do you agree that the Members’ Code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?**

Suggested response –

It is suggested that the proposition is acceptable.

It should also be noted that a criminal conviction resulting in a custodial sentence of more than 3 months without the option of paying a fine is already covered by Section 80 of the Local Government Act 1972, with the Member automatically disqualified from office for 5 years. (Paragraph 2.18.)

- 3.5 **Question 5 – Do you agree that an ethical investigation should not proceed until the criminal process has been completed?**

Proposal –

Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the Standards Board

would cease their investigation until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a Member's private conduct would follow the conclusion of the criminal procedure. The Member would not be suspended during the period of the criminal process.

Suggested response –

Given the general maxim – that you are not guilty unless proved otherwise and whilst accepting that there may be a long interval between events and conviction, it would appear reasonable in most circumstances that the Code of Conduct should only be applied when evidence of criminal conduct is provided by actual conviction of the Member in the Courts even if that conviction was because of an offence which occurred outside the Member's official capacity. Following on, it would also therefore be reasonable to suspend consideration of any Code of Conduct case and investigation pending the outcome of the criminal process.

However, there may be extreme circumstances where the reputation of the Authority may be discredited where a Member is allowed to continue in office and it is suggested that that on these rare occasions, the Referrals (Assessment) Sub Committee be authorised to consider whether the evidence of criminal conduct, other than a conviction is sufficient to enable a Code of Conduct complaint to be progressed.

3.6 **Question 6 – Do you think that the amendments to the Members' Code suggested in this Chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?**

Suggested response –

(a) Parish Councils

The consultation paper makes reference to five areas where amendments have been proposed to the current Code. In terms of 'Parish Councils' – it would seem to be eminently sensible that Article 2 (5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to make paragraph 12 (2) mandatory rather than discretionary for Parish Councils. This would ensure consistency across Councils, ease understanding and save unnecessary administration and concern. Paragraph 12 (2) allows Members with a prejudicial interest to make representations at a meeting only if members of the public are able to attend that meeting for the same purpose.

(b) Membership of other bodies

It has been suggested that paragraphs 8 (1) (a) (i) and (ii) of the current Code be amended to clarify that the Sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt

that this is not a reference to the Authority itself. (Paragraph 2.25.)

(c) Registration of Gifts and Hospitality

It is suggested that the current wording could be amended to clarify that a Member is required to register a gift or hospitality with an estimated value of at least £25 in his or her Register of Members' Interests. (Paragraph 2.26.)

Any suggested amendment which clarifies the current Code is welcome and the more direct wording used to impose the duty on the Councillor to register any gifts or hospitality received with an estimated value of at least £25 is supported. It has been the experience of the Monitoring Officer that the issue which causes most concern with Parish Councils is the obligation to disclose the nature or existence of gifts and hospitality for a period up to three years before the date of the meeting. This timescale is impractical to monitor either by the Monitoring Officer, Clerks to Parishes and Councillors themselves. When asked previously, the Committee has made representations on this issue and may wish to suggest again that this period should be reduced to a maximum of 12 months. In view of the lapse of time that has past since the Code was originally introduced there may also be merit in raising the threshold from £25.

(d) Personal Interests

In terms of the disclosure of personal issues generally, the Code prescribes that Members need only disclose to the meeting the existence of a personal interest where that interest arises from membership of another public body if he/she addresses the meeting on that business. Again, it would be simpler, more practical and less open to misinterpretation if the Code required Members to declare that interest irrespective of their intention to speak or otherwise on the business. (See paragraph 3.7 poste)

(e) Prejudicial interests

The wording of paragraphs 10 (1) and 10 (2) would certainly be improved by redrafting and would remove the double negative to make it clearer as to the circumstances when a prejudicial interest arises.

Similarly, the suggestion that the meaning of 'determining' in paragraph 10 (2) (b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications would also be welcomed.

The suggestion that paragraph 10 (2) (c) could be amended to clarify that a Member would not have a prejudicial interest in the business of the Authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a Member of the Authority had failed to comply with the Code is also supported.

(f) Registration of Members' Interests

It is proposed that existing registration of interests should carry forward when the revised Code is introduced to avoid Members having to repeat the process. However, the Standards Board themselves, have previously advised that Members should be reminded to review their existing registrations of interests at regular intervals and this has been the practice of the District Council since the Code was first introduced in 2002. On re-election, a signed statement to the effect that the Member's interests had not changed would suffice.

3.7 **Question 7 – Are there any aspects of conduct currently included in the Members' Code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?**

Suggested response –

In addition to the comments already made about the timescale for the declaration of gifts and hospitality (paragraph 3.6 (c)) and for the declaration of personal interests (paragraph 3.6 (d)), the Committee may wish to comment on two additional suggested amendments. The first of these relates to the 'disclosure and misuse of confidential information in private life'. The disclosure of confidential information which a Member has obtained through their connection with the Authority, or its use for personal advantage in private life, would be an example of serious misconduct but at present this is not covered by the Code of Conduct.

Secondly, whilst understanding the reasons why, the word 'friend' was amended to read 'person with whom you have a close association', the terminology remains vague and difficult to interpret. It might be helpful if, in supporting guidance, that it is made clear that this provision only covers people with whom the Member has such a close continuing relationship that a member of the public might reasonably conclude that it is likely to influence the Member's perception of the public interest on matters which affect that individual.

3.8 **Question 8 – Are there any aspects of conduct in a Member's official capacity not specified in the Members' Code that should be included? Please give details.**

Suggested response –

National law company, Bevan Brittan, specialist in local government law has made a number of suggestions in this respect and three appear to be relevant to the District Council's operations.

(a) Application of Code to Informal Meetings, Site Visits and Correspondence

The definition of 'meetings' in paragraph 1 (4) is currently very limited. There is public concern at the possible undue influence applied by Members in informal meetings and correspondence

for which there is no public access. This could be addressed by extending the definition of 'meetings' to 'informal meetings between a Member and one or more other Members or Officers of the Authority, other than group meetings', and by requiring Members to disclose that they are Members in any correspondence with the Authority, even if that correspondence is in a private capacity. This makes the position absolutely clear. It can readily be checked by inspection of correspondence and disclosure of Officer's notes at meetings as background papers when formal decisions come to be taken.

(b) Application to Ward Councillor Decision Making

Section 236 of the Local Government and Public Involvement in Health Act 2007 enabled local authorities to arrange for the discharge of functions by a Ward Councillor within that Ward. It made no provision for the application of the Members' Code to such discharge of functions. The normal rules on disclosure of personal and prejudicial interests do not apply in this case as there is no 'meeting' yet the potential for conflicts of interests are greatly increased where a Councillor is taking decisions in the area in which he/she lives, where his/her family go to school and have their friends, or where he/she has his/her business. It would appear that the Code requires amendment in this respect to ensure the recording of any personal interest in the record of the decision.

(c) Private Representations

A dilemma arises where a Member wishes to make representations to his/her own Authority in a private capacity, for example as a householder in respect of a neighbouring planning application. On the one hand disclosing in the representation that he/she is a Member risks an accusation of improper use of position to influence the decision. On the other hand as the Officers are probably well aware of the identity of the correspondent, failing to disclose this fact can risk an opposite accusation that the Member is acting in an underhand manner. This issue could be overcome by providing that a Member must disclose the existence and nature of their personal interest when he/she makes representations to the Authority on a matter in which he/she has a personal interest and, if the representation is made verbally, they can confirm that interest in writing within fourteen days. This would resolve the dilemma and enable the fact of the Member's interest to be recorded in the correspondence.

- 3.9 **Question 9 – Does the proposed timescale of two months, during which a Member must give an undertaking to observe the Members’ Code, starting from the date the Authority adopts the Code, provide Members with sufficient time to undertake to observe the Code?**

Suggested response –

It has always been this Council’s policy to require Members to give a fresh undertaking to observe any revised Code of Conduct following its adoption by the Authority. The two month period for such undertakings was applied in 2001, when the Code of Conduct was first adopted and is perfectly reasonable. The Committee may wish to endorse a comment that failure to give such an undertaking within that period would mean that the Member concerned is not disqualified, but is prohibited from acting as a Member of the Authority until the undertaking is given.

- 3.10 **Question 10 – Do you agree with the addition of this new general principle, applied specifically to conduct in a Member’s non-official capacity?**

Suggested response –

The general principles are supposed to be the enduring principles which underlie the Code. As such they should not be changed unless there are overriding reasons for doing so. While this exhortation is clearly well intended, it is much wider than the Members’ Code of Conduct, which is supposedly limited to criminal conduct which relates in some manner to the Member’s position as a member. In addition, the core principle is already substantially covered by General Principles 2 (honesty and integrity) and 8 (duty to uphold the law). Accordingly, the Committee may be of view that adding a general and unrestricted principle of not engaging in criminal conduct is unnecessary.

- 3.11 **Question 11 – Do you agree with this broad definition of ‘criminal offence’ for the purpose of the General Principles Order? Or do you consider that ‘criminal offence’ should be defined differently?**

Proposal –

That ‘criminal offence’ be defined as any conduct that has resulted in a criminal conviction.

Suggested response –

Although not agreeing with the suggestion that it is necessary to change the General Principles for this purpose, if a change is to be made it should be limited to criminal conduct ‘which compromises the reputation of the Member’s office or Authority, or their ability to perform their functions as a Member’.

3.12 **Question 12 – Do you agree with definition of ‘official capacity’ for the purpose of the General Principles Order?**

Suggested response –

For the purposes of the revised General Principles Order the definition of ‘official capacity’ as being engaged in the business of your Authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your Authority would seem to be reasonable.

4, RECOMMENDATION

4.1 Accordingly, the Committee is

RECOMMENDED

to approve the suggested responses to the consultation paper on behalf of the District Council, adding any additional observations they consider to be appropriate.

BACKGROUND PAPERS

Consultation Paper – Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and Employees published by the Department for Communities and Local Government on 1st October 2008.

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

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Chapter 2: Code of conduct for local authority members

What is the code of conduct for?

- 2.1 The public has a right to expect high standards of conduct from their elected and co-opted members. The standards of conduct expected of local authority members are set out in the members' code, which is underpinned by the ten general principles. By signing up to the members' code, a member is actively taking on a formal obligation to abide by its requirements.
- 2.2 The members' code forms the bedrock of the conduct regime and aims to promote the public's trust and confidence in their members and faith in local democracy. It does this by providing a robust set of standards of behaviour for members to abide by and work within. In doing this, the code also protects members from unreasonable expectations of behaviour being put upon them. Since May 2008, allegations that a member has failed to comply with the provisions of the members' code are considered by local authority standards committees.
- 2.3 The current members' code is set out in the Local Authorities (Model Code of Conduct) Order 2007 which applies to members of relevant authorities in England and of police authorities in Wales. On its introduction, the Government gave an undertaking that the effectiveness of the code would be reviewed after it had been in operation for some time. We believe, drawing on the Standards Board's practical experience that the members' code is, broadly, operating very well. However, as it has been in force for over a year, we consider that it is now appropriate to review the code.
- 2.4 Most importantly, we propose that the members' code be restructured by revoking the existing Order and making a new one. We propose that the new members' code will be differently formatted to the existing code, making it easier to interpret and clearer in its application, for instance by dividing it into two sections: the first dealing with members' conduct when acting in an official capacity and reflecting what is in the current code, the second dealing with members' conduct in their non-official capacity.

Application of the code to members' conduct in their non-official capacity

- 2.5 Trust in our local authority members is one of the cornerstones of local democracy. Members should inspire trust and confidence from those who elected them, set an example of leadership for their communities and should be expected to act lawfully even when they are not acting in their role as members.
- 2.6 This view was supported by those who responded to the Standards Board for England's consultation on the members' code in 2005. Responses indicated a clear view that a member's conduct in a non-official capacity was an issue that they considered should be covered by the members' code, particularly where that conduct amounts to a criminal offence.
- 2.7 It has always been our intention for the members' code to apply to a limited extent to the

conduct of members in a non-official capacity. We wish now to clarify which provisions of the members' code apply in a member's official capacity and to put beyond doubt which provisions apply to a member's conduct in a non-official capacity.

- 2.8 The need to clarify what conduct in a member's non-official capacity is covered by the members' code arose as a consequence of a court judgment in 2006. This cast doubt on the ability of the code to cover members' conduct not linked to the performance of their public duties. As was made clear by Ministers during the passage of the Local Government and Public Involvement in Health Act 2007, we consider that certain behaviour, even when there is no direct link to the member's official role, can have an adverse effect on the level of public trust in local authority members and local government as a whole.
- 2.9 We propose therefore that the new members' code should, in the section covering the conduct of members in their non-official capacity, contain the following provision prohibiting particular conduct where that conduct would constitute a criminal offence:

"Members must not bring their office or authority into disrepute by conduct which is a criminal offence".

Consultation Question 1:

Do you agree that the members' code should apply to a member's conduct when acting in their non-official capacity?

Definition of 'criminal offence' and 'official capacity'

- 2.10 The Local Government and Public Involvement in Health Act 2007 gave the Secretary of State the power to define, for the purposes of the members' code, what constitutes a 'criminal offence'. We propose for the purpose of the members' code, that 'criminal offence' be defined as any criminal offence for which the member has been convicted in a criminal court, but for which the member does not have the opportunity of paying a fixed penalty instead of facing a criminal conviction.
- 2.11 Our intention is that offences capable of attracting fixed penalty notices should be excluded from the remit of the conduct regime. We consider that this approach will ensure that the most minor criminal offences, for example minor motoring offences, parking offences and dropping litter as well as cautions and orders falling short of a criminal conviction by a court, will not be included in the remit of the members' code. However, serious criminal offences which we consider should come under the remit of the members' code, such as assault, harassment, fraud and offences relating to child pornography will be included in the remit of the code.
- 2.12 We propose that the Standards Board for England will issue guidance for local authority standards committees on how a criminal offence should be treated in its application to the conduct regime.

Consultation Question 2:

Do you agree with this definition of 'criminal offence' for the purpose of the members' code? If not, what other definition would you support, for instance should it include police cautions? Please give details.

2.13 The Local Government and Public Involvement in Health Act 2007 also gave the Secretary of State power to define, for the purposes of the members' code, what constitutes 'official capacity'.

2.14 We propose that for the purposes of the members' code, 'official capacity' be defined as being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority.

Consultation Question 3:

Do you agree with this definition of 'official capacity' for the purpose of the members' code? If not, what other definition would you support? Please give details.

Offending abroad

2.15 We also propose that the members' code would engage with conduct committed in a foreign country, where that conduct constitutes a criminal offence in that country, but only where the conduct would also constitute a criminal offence if it was committed in the UK. However, the code would only apply if the individual was convicted in the country in which the offence was committed.

Consultation Question 4:

Do you agree that the members' code should only apply where a criminal offence and conviction abroad would have been a criminal offence if committed in the UK?

What does this mean?

2.16 Our proposals would have the effect of providing that the only conduct in a member's non-official capacity which is engaged by the code, is conduct which constitutes a criminal offence, as defined in paragraph 2.10 above. The code may only then be applied to that conduct when the evidence that the member's conduct constituted a criminal offence is provided by the criminal conviction of the member in the courts.

2.17 This would mean, for example, that a member who was convicted of a criminal offence of assault or harassment could be held to have breached the code, even if the conduct, which led to the conviction took place entirely outside the member's official capacity.

Criminal conviction of a member

2.18 It should be noted that a criminal conviction resulting in a custodial sentence of more than three months without the option of paying a fine is already covered by section 80 of the Local Government Act 1972, with the member automatically disqualified from office for five years. We are not proposing any changes to this legislation.

The conduct regime

2.19 At present, investigations into alleged breaches of the members' code are triggered by a written allegation made to the standards committee of the local authority concerned. We propose that this continue to be the case when dealing with allegations of misconduct in relation to a member's conduct in their non-official capacity.

2.20 Where the allegation involves criminal activity that is, at the time of the allegation being made, being investigated by the police or prosecuted through the courts, we propose that the standards committee or the Standards Board, as the case may be, would cease their investigation process until the criminal process had been completed. Any subsequent action under the conduct regime in respect of a member's private conduct would follow the conclusion of the criminal procedure. The member would not be suspended during the period of the criminal process.

2.21 For the purpose of the conduct regime, the criminal process will be considered to have been completed at the conclusion of any appeals process.

Consultation Question 5:

Do you agree that an ethical investigation should not proceed until the criminal process has been completed?

Proposed revisions to the members' code

2.22 This consultation paper also seeks views on the following amendments which we propose to make to the provisions of the existing code. The proposed amendments reflect discussions with the Standards Board and, in particular, the Board's experience of the practical operation of the code over the last year.

2.23 In order to aid your consideration of our proposed amendments to the members' code, the substance of the present code is reproduced at **Annex B** to this paper. Guidance on the provisions of the members' code is available on the Standards Board for England's website at www.standardsboard.gov.uk

Parish councils

2.24 It has been suggested that article 2(5) of the Local Authorities (Model Code of Conduct) Order 2007 be amended to apply paragraph 12(2) to parish councils, to make it mandatory for parish councils that a member with a prejudicial interest may make representations at a meeting only if members of the public are able to attend that meeting for the same purpose. Currently, if a parish council wishes this provision to apply, it must make a conscious decision to adopt paragraph 12(2) into its code. This amendment would save unnecessary administration and ensure consistency across parish councils.

Membership of other bodies

2.25 It has been suggested that paragraphs 8(1)(a)(i) and (ii) of the current members' code be amended to clarify that the sections are referring to other bodies that you are a member of or which exercise functions of a public nature, putting it beyond doubt that this is not a reference to the authority itself.

Personal interests

2.26 It has been suggested that current wording of paragraph 8(1)(a) of the members' code could be amended to clarify that a member is required to register a gift or hospitality with an estimated value of at least £25 in his or her register of members' interests.

Prejudicial interests

2.27 It has been suggested that paragraph 10(2) of the code be amended to remove the double negative in the current drafting, to make it clear that a prejudicial interest exists where the business of your authority affects your financial position or the financial position of a person listed in paragraph 8 of the code or it relates to the determining of any approval, consent, licence, permission or registration in relation to you or those persons listed in paragraph 8 of the code.

2.28 It has been suggested that the meaning of 'determining' in paragraph 10(2)(b) could be clarified to include variation, attaching, removing or amending conditions, waiving or revoking applications.

2.29 It has also been suggested that paragraph 10(2)(c) could be amended to clarify that a member would not have a prejudicial interest in the business of the authority where that business related to giving evidence before a local authority standards committee hearing regarding an allegation that a member of the authority had failed to comply with the code.

Registration of members' interests

2.30 We propose that any new members' code would take into account any existing registration of members' interests. This will ensure that members who have already registered their interests in line with the 2007 model code do not have to repeat the process when the revised members' code is introduced.

Consultation Question 6:

Do you think that the amendments to the members' code suggested in this chapter are required? Are there any other drafting amendments which would be helpful? If so, please could you provide details of your suggested amendments?

Consultation Question 7:

Are there any aspects of conduct currently included in the members' code that are not required? If so, please could you specify which aspects and the reasons why you hold this view?

Consultation Question 8:

Are there any aspects of conduct in a member's official capacity not specified in the members' code that should be included? Please give details.

Legislative context

- 2.31 The current members' code is set out in the Schedule to the Local Authorities (Model Code of Conduct) Order 2007 made under powers conferred on the Secretary of State by section 50 of the Local Government Act 2000.
- 2.32 Section 183 of the Local Government and Public Involvement in Health Act 2007 inserted, into section 50 of the Local Government Act 2000, a requirement for the Secretary of State to specify which provisions of the members' code apply in relation to a member's conduct when acting in an official capacity and which provisions apply when not acting in an official capacity. A provision may only be specified to apply to members' conduct when not acting in an official capacity if the conduct it prohibits constitutes a criminal offence. The power in section 50 of the Local Government Act 2000 permits the Secretary of State to define for the purposes of the members' code what is meant by "criminal offence" and what is meant by "official capacity".
- 2.33 We propose that the existing Local Authorities (Model Code of Conduct) Order 2007 be revoked and a new, revised Order would be made to reflect our proposed amendments and that part of the code applies to a member's conduct in their official capacity and part of it would apply to a member's conduct in their non-official capacity.
- 2.34 Provision is also made in section 183 of the Local Government and Public Involvement in Health Act 2007 for members to give to their authority an undertaking to observe the new code within a period prescribed by the Secretary of State. We propose that members will have two months from the date their authority adopts the new code to give a written undertaking that they will observe their authority's code. Failure to do so will mean that they cease to be members of the authority.

Consultation Question 9:

Does the proposed timescale of two months, during which a member must give an undertaking to observe the members' code, starting from the date the authority adopts the code, provide members with sufficient time to undertake to observe the code?

Proposed amendments to the General Principles

What are the General Principles?

- 2.35 The ten General Principles, contained in the Relevant Authorities (General Principles) Order 2001, are based on the seven principles of public life set out by the Committee on Standards in Public Life. The principles underpin the provisions of the members' code, which must be consistent with these principles.
- 2.36 The ten general principles are reproduced below. The principles govern the conduct of members, and a failure to act in accordance with them may lead to a failure to comply with the members' code.

The General Principles

Selflessness

1. Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

2. Members should not place themselves in a situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

3. Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

4. Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

5. Members should be as open as possible about their actions and those of their authority and should be prepared to give reasons for those actions.

Personal Judgement

6. Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

7. Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's

statutory officers, and its other employees.

Duty to uphold the law

8. Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

9. Members should do whatever they are able to do to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

10. Members should promote and support these principles by leadership, and by example, and should act in a way that secures or preserves public confidence.

Proposed revisions

2.37 We propose that the Relevant Authorities (General Principles) Order 2001 be amended to make clear which principles govern the conduct of members when acting in an official capacity and which principles will apply to the conduct of members when acting in a non-official capacity, where the member's conduct would constitute a criminal offence.

2.38 We propose that the General Principles Order be amended by providing that the 10 existing principles apply to a member when acting in an official capacity and by adding a new principle which would be specified as applying to a member acting in a non-official capacity, where the member's conduct would constitute a criminal offence. We propose that the following be added to the Schedule of the Relevant Authorities (General Principles) Order 2001:

Duty to abide by the law

Members should not engage in conduct which constitutes a criminal offence.

Consultation Question 10:

Do you agree with the addition of this new general principle, applied specifically to conduct in a member's non-official capacity?

Definition of 'criminal offence' and 'official capacity'

2.39 Section 49 of the Local Government Act 2000 enables the Secretary of State to define what constitutes a 'criminal offence' and what constitutes 'official capacity' in the context of the General Principles Order. For the purposes of the revised General Principles Order, we propose that 'criminal offence' be defined as any conduct that has resulted in a criminal conviction.

Consultation Question 11:

Do you agree with this broad definition of ‘criminal offence’ for the purpose of the General Principles Order? Or do you consider that ‘criminal offence’ should be defined differently?

2.40 We propose that for the purposes of the revised General Principles Order, ‘official capacity’ be defined as “being engaged in the business of your authority, including the business of the office to which you are elected or appointed, or acting, claiming to act or giving the impression that you are acting as a representative of your authority”.

Consultation Question 12:

Do you agree with this definition of ‘official capacity’ for the purpose of the General Principles Order?

Legislative Context

2.41 The Relevant Authorities (General Principles) Order 2001 was made under powers conferred on the Secretary of State in section 49 and 105 of the Local Government Act 2000. Section 183 of the Local Government and Public Involvement in Health Act 2007 modified section 49 of the 2000 Act and it is this modification that requires the Secretary of State to specify which general principles apply to a person when acting in an official capacity and when acting in a non-official capacity.

USE OF RESOURCES JUDGEMENTS 2007/08
(Report by the Head of Legal and Estates and Monitoring Officer)

1. INTRODUCTION

- 1.1 At their meeting held on 7th December 2006 (Minute No. 31 refers), the Committee considered a report by the, then Director of Central Services and Monitoring Officer which had been submitted in response to a requirement highlighted by the Audit Commission under the theme – “Internal Control” in their Use of Resources Judgements 2005/06 for “an assessment of the standards of ethical conduct across the organisation”. The Use of Resources Judgement assesses how well Councils manage and use their financial resources and focuses on the importance of having sound and strategic financial management to ensure that resources are available to support the Council’s priorities and services.
- 1.2 To comply with this requirement, identified as KLOE 4.3 (Key Line of Enquiry), the Committee noted that an annual survey of complaints by type, locality and outcome and of the training received by Councillors (both District and Parish) would need to be undertaken and the outcomes reported to the Committee. A training programme for the following year could then be structured to meet any emerging needs or trends.
- 1.3 This report represents the 2007/08 Annual Review and the evidence base required by the Audit Commission.

2. 2007/08 SURVEY

- 2.1 In accordance with established procedures, the Standards Board for England continued to notify the Monitoring Officer of decisions taken by the Board up to 7th May 2008. Details of the three cases notified during this period are reflected in the Appendix hereto.
- 2.2 The Standards Committee (England) Regulations 2008 came into force on 8th May. These Regulations provided for the initial assessment of allegations of Member misconduct to be transferred from the Board to local authority Standards Committees. For this purpose, Members will recall that the Standards Committee established a Referrals (Assessment) Sub-Committee at their meeting held on 5th June 2008 (Minute No.6 refers) specifically tasked with deciding whether allegations which had been received appeared to disclose a breach of the Code of Conduct and whether they merited investigation. The Referrals (Assessment) Sub-Committee has

met on six occasions since 8th May and details of the cases considered at their meetings also are reflected in the Appendix.

2.3 In brief, and in all but one case, the Sub-Committee has decided not to refer the allegations made for investigation and (in one case) to take no further action. In making these decisions, the Sub-Committee has strived to be constructive in the course of action that it has recommended and therefore on two occasions has considered it appropriate to direct the Monitoring Officer to provide training to the Parish Councils concerned.

3. TRAINING TARGETS – COMMENTS

3.1 It continues to be difficult to identify whether any trend is emerging when reviewing the areas of the Code under which complaints have arisen. Therefore and rather than set specific targets, the Monitoring Officer continues to be proactive generally and, in building good working relationships with Clerks of the Towns and Parishes, has been inclined to offer training to Councils as soon as it becomes apparent from contacts/enquiries that further guidance on the Code would be beneficial. It is hoped that the continuation of this approach will help to prevent allegations of misconduct from arising.

3.2 Looking at the Authorities where formal complaints have arisen during the year, it can be seen that the Monitoring Officer has responded positively by presenting training where required and has visited several other Councils for training purposes either at the request of the Council or in response to particular circumstances in the Parish –

Parish	Date (2008)
Godmanchester Town	January
Northern Parishes including Elton, Farcet, Glatton, Sibson-cum-Stibbington and Yaxley	February
St. Ives Town	May
Little Paxton	July
St. Neots	October
Kimbolton and Stonely	October

3.3 In addition, the Monitoring Officer hosted a session for District Councillors in September during which the DVD ‘The Code Uncovered’ was viewed and a discussion held. This session is to be repeated for Members of the District Council’s Development Control Panel in December. A total of 67 town and parish councillors and clerks have received training on the Code of Conduct in 2008 and certificates in recognition of their attendance for training have been awarded.

4. CONCLUSION

- 4.1 The Monitoring Officer continues to target and respond to Parish Councils in terms of their compliance with the Code of Conduct as circumstances evolve and the need for training is identified. It is suggested that the approach which involves the targeting of individual councils together with open sessions be continued.
- 4.2 The Committee is invited to note the contents of this annual report.

BACKGROUND PAPERS

Huntingdonshire District Council – Use of Resources Judgements 2005/06.

Previous Standards Committee Reports and Minutes.

Town and Parish Councils – Training Records.

Contact Officer: Christine Deller, Democratic Services Manager –

Tel: (01480) 388007.

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APPENDIX

Meeting Reported	Authority	Paragraph of the Code alleged to have been breached*	Decision	
			Standards Board for England	Referrals (Assessment) Sub Committee
6th Mar 2008	St Neots Town	4, 6	No further action	n/a
3rd Jul 2008	St Ives Town	3(2)(b), 8, 9, 10, 12	No further action	n/a
7th Jul 2008	Huntingdonshire	6	n/a	Referred to Monitoring Officer for further action
28th Jul 2008	St Ives Town	6	n/a	Referred to Monitoring Officer for further action
28th Jul 2008	Kimbolton & Stonely	8, 9	n/a	Referred to Monitoring Officer for further action including training
16th Oct 2008	St Neots Town	3, 5, 6	n/a	Referred for investigation
16th Oct 2008	Huntingdonshire	10, 12	n/a	No further action
12th Nov 2008	Hilton	3, 5, 8, 10	n/a	Referred to Monitoring Officer for further action including training

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APPENDIX

Paragraphs*

3(1) – You must treat others with respect;

3(2) (b) A Member must not bully any person;

4 – A Member must not in his official capacity, or any other circumstance, conduct themselves in a manner which could reasonably be regarded as bringing his office or authority into disrepute;

5 – A Member must not conduct himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute;

6 – A Member must not use or attempt to use his position as a Member improperly to confer on or secure for himself or any other person, an advantage or disadvantage and must when using or authorising the use by others of the resources of his authority act in accordance with his authority's reasonable requirements and ensure that such resources are not used improperly for political purposes; and must have regard to any applicable Local Authority Code of Publicity under the Local Government Act 1986;

8 – A Member with a personal interest in any matter who attends the meeting of the authority at which the matter is considered, must disclose to that meeting, the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent;

10 (a) – A Member with a prejudicial interest in any matter must withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting, unless she/he has obtained dispensation from the Standards Committee at the responsible authority.

10 (1) – A Member with a personal interest in a matter also has a prejudicial interest in that matter if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice a Member's judgement of the public interest.

12 (a) – A Member with a prejudicial interest in any matter must withdraw from the room or chamber where a meeting is being held whenever it becomes apparent that the matter is being considered at that meeting unless he has obtained a dispensation from the authority's Standards Committee.

References –

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

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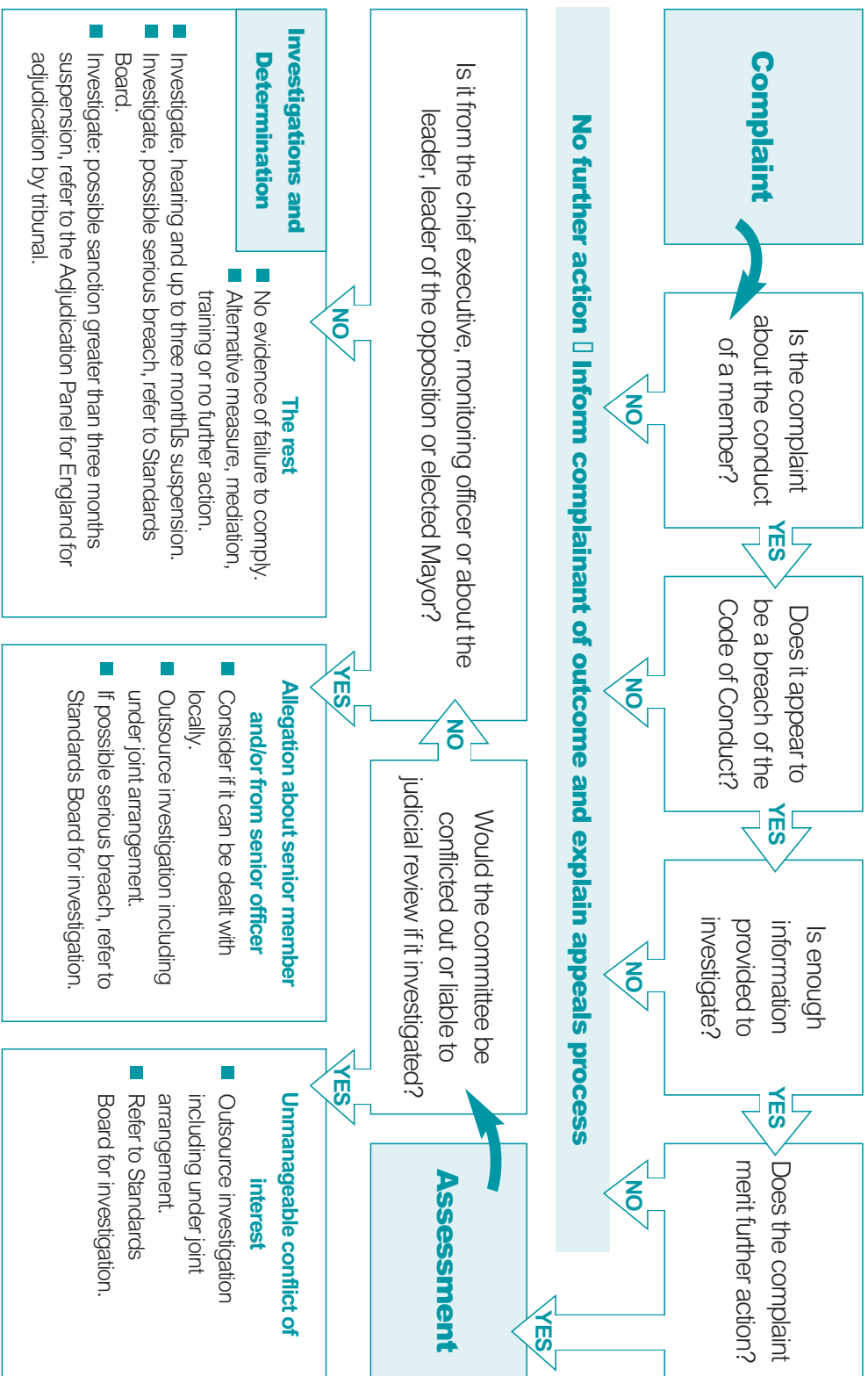
Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry <i>(Brief Details)</i>	Advice Given <i>(Brief Details)</i>	Code of Conduct Reference <i>(Para No.)</i>
33.	8.09.08	Hemingford Abbots Parish	Enquiry from Councillor regarding the implications of an offer by the Parish Council of grant assistance to the Village Hall Management Committee linked to a planning application for use of land as a car park.	Most of the queries raised by the Council were unrelated to Code of Conduct issues. However, it was pointed out that should some of the Councillors/or their relatives or close associates be involved in the Village Hall Management Committee and given the issue involved the award of grant, it was suggested that the Councillors in this position would have a prejudicial as well as a personal interest and that they should leave the room while the debate takes place. (RR) Subsequent advice given on application for dispensation which resulted in the calling of Special Standards Committee on 20.11.08 (CD)	8, 9, 10 and 12
34.	09.09.08	St Neots Town	Enquiry from Clerk regarding the application of paragraph 12(2) of the Code where appropriate.	Advice given that in circumstances where an authority has adopted paragraph 12(2) and has public speaking at meetings, a Member having declared a prejudicial interest can address a meeting but having done so must then remove themselves from the room regardless of whether they are the Chairman/Leader, etc. (CD)	10 and 12(2)

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry <i>(Brief Details)</i>	Advice Given <i>(Brief Details)</i>	Code of Conduct Reference <i>(Para No.)</i>
35.	01.10.08	St Neots Town	<p>Enquiry from Deputy Clerk as to whether a Member of the Town Council who has an undefined relationship with a group calling itself JPG(?) which is campaigning for a cinema in St Neots can make a presentation to a Town Council meeting on the subject.</p>	<p>The nature of JPG was not known, nor was the Councillor's relationship with that group. However it appeared from the information provided that this falls into the category in paragraph 8.1(a) of the Model Code of a body formed to influence public opinion (i.e. the provision of a cinema in St Neots). The precise structure of the group and the Councillor's association with it was not known but he was understood to be actively engaged with it. My advice was that, on the superficial evidence available, it appeared that this was an interest that should be registered by the councillor. (The Deputy Clerk undertook to check) and that he had a personal interest that he should declare if the subject of the cinema was discussed at a Council meeting. On the information available, it was my opinion that the interest was also likely to be so significant that it amounted to a prejudicial interest. The councillor should therefore declare the interest and leave the room if the cinema was being discussed. I</p>	8, 9, 10, 12

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
36.	07.10.08	Holywell-cum-Needingworth Parish	Enquiry from Clerk as to the current interests of a Councillor who previously had declared a prejudicial interest in a planning application for floodlighting at a tennis club. The Parish Council was about to discuss complaints about the floodlighting – is the prejudicial interest still applicable?	pointed out the effect of paragraph 12.2 which the Clerk undertook to check but it was thought unlikely that the Town Council would have made provision in its Standing Orders for a member of the public to speak on a main Council agenda item. (RR) Advice given depended on the circumstances of the Councillor. If he/she was not a member of the tennis club – no personal or prejudicial interest arises. If he/she is a member. It would depend on whether any financial interest rises ie could the club be required by the Parish Council to spend money to rectify the floodlighting problem. Clerk directed towards page 22 of the Standards Board Guide “The Code of Conduct” which is particularly clear on prejudicial interests. (CD/CM)	10
37.	Oct 08	Huntingdon Town	Enquiry from Town Clerk regarding position of 5 Councillors who are trustees to the Commemoration Hall out of a total membership of 9 on a Town Council Committee.	Advice given that the circumstances described and the interests that might need to be declared could generate a request to the Standards Committee as an application for dispensation. (CD)	8, 9 and 10

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry <i>(Brief Details)</i>	Advice Given <i>(Brief Details)</i>	Code of Conduct Reference <i>(Para No.)</i>
38.	Nov 08	Houghton and Wyton Parish	Enquiry as to the nature of interests which should be declared by a Parish Councillor. The business under consideration by the Parish Council involved the remuneration of employees, one of whom was a family member of a parish councillor.	Advice given that interest described was prejudicial and would require the Member concerned to leave the room when the business was being transacted. (CD)	9, 10, 12

Local assessment complaint handling chart



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WESSEX COUNCIL - COUNCILLOR DOUGLAS

Summary

The East Wessex Community Area Forum covers three wards of the borough: Whapton, Box and Friary. The complainant is a Progressive councillor for Whapton and he and two other Progressives won the ward from Labour in 2004. The council is Labour-run: Councillor Douglas is deputy leader and also chairman of the area forum, which has the power to spend the Housing Investment Programme (HIP) monies allocated to it. Part of the allocation is budgeted to replace old wooden doors on council houses with PVCu doors.

The Progressive councillors for Whapton asked repeatedly for HIP funding for their ward. Each time they were told that it had already been committed for new doors in Councillor Douglas's ward (Box), and the vice-chairman's ward (Friary) with nothing for Whapton, even though there was a street there where doors were in urgent need of replacement (June Avenue). The complainant discovered that the chairman and vice-chairman of the forum have private business meetings in advance of the public forum. The complainant also discovered that Councillor Douglas had allegedly arranged matters so that all the spend on the new doors went to his ward.

It is alleged that at such a business meeting on 24 June 2005, Councillor Douglas and the vice-chairman privately approved the allocation of £14,404 to June Avenue. One of the defeated Whapton Labour councillors, who the complainant says plans to stand again in 2006 and is a friend of Councillor Douglas, then organised a petition along June Avenue asking the council to consider installing new doors. This was presented to the council by a resident on 29 June 2005 and then received by Councillor Douglas at a press call in advance of the formal meeting of the forum. The complainant believes that Labour has orchestrated the petition in the knowledge that the money had already been agreed. The complainant also believes that Councillor Douglas has used and abused his position as chairman of the forum, deputy leader, and as a member of the standards committee to manipulate the allocation of funding to his political advantage. The former Whapton councillor subsequently wrote to the newspaper to take credit for the decision and to criticise the Progressive councillors in Whapton Ward.

RU

12 AUG 2005

RECEIVED

ATTACHMENTS

RECEIVED
12 AUG 2005

Letter of Complaint

1. Community Area Forum Agenda for 7th July 2005
 - Item 4. The petition from the residents
 - Item 8. allocation of finance for UPVC doors for *June* Avenue confirmed.
2. Copy of petition submitted by hand by Councilor *Douglas* on 29th June 2005
3. Copy of the picture, and report from the local newspaper
4. Section of CAF report showing nil finance for uPVC doors and Decent Homes
5. Appendix 2 Shows the scheme, and the cost which was agreed at the meeting
6. Press cuttings resulting from the allocation of finance to *June* Avenue

Councillor Darren Smith
11A Marchmont Court
Whapton Estate
Wessex WE16 3TR

Dear Sir,

I am a member of the Progressive Group on Wessex Council, and a member of the Standards Committee.

I am deeply concerned at methods adopted by Councillor Douglas (Deputy Leader of the Council and a member of the Standards Committee) and his questionable allocation of Community Area Forum Finances. They appear biased and manipulative in promoting the Labour Party interests in the East Wessex Community Area Forum at the expense of the Progressive opposition, to an extent that I believe them to transcend ethical standards.

The June elections two other Progressives and I were elected to the three contested seats in the Whapton Ward displacing the former Labour representatives, Mr Lear, Mrs Delon and Mr Demetrios.

Mr Lear is an ambitious and dedicated Labour supporter, a prospective Labour candidate for the local elections in May 2006, and friend of the chairman of East Wessex Community Area Forum, Councillor Douglas.

After the June 2004 elections the East Wessex Community Area Forum was set up. My colleagues and I, as Progressives Councillors, became part of the East Wessex Community Area Forum, comprising of Whapton, Box and Friary Wards.

Acting on behalf of the residents we represent, we applied for Housing Improvement Programme finance to complete the work of programmes already started, which included the replacement of UPVC doors and windows in the area known as East Avenue. We were repeatedly informed that no money was available for those schemes as all the finance had already been allocated to Friary and Box Wards.

This situation has continued to date. Having publicly been accused of doing nothing for our ward, despite assertions there was no finance available, we were at a loss to know how these finances were being distributed and thus preventing us from carrying out work as Councillors for the benefit of the residents in our ward.

A chance remark by another Councillor that the Chairman (Councillor Douglas) and Vice Chairman (Councillor O'Sullivan) met on a regular basis, to determine the agenda of business and finance allocations, to be presented at the next Community Area Forum, which is held fourteen days after the business meeting.

The disclosure gave me cause of concern and prompted me to question the reason why no financial support was coming through for the Whapton Ward. On investigation it became clear that the chairman was totally biased against the Progressive Ward Councillors and his ability to direct finances in the CAF was reflected in the financial isolation of the ward.

Further enquiries revealed that since our election in 2004 the finance allocated to the Area Management Initiative for the Whapton Ward had been re-allocated at a business meeting, with instructions from the deputy leader, Cllr Douglas, that finance be re-allocated to the improvement of his Box ward in August Road and July Road Area. An officer in the Highways Department conveyed this information to me.

June Avenue and the immediate vicinity are in dire need of renovation. My two colleagues and I have, over months, requested finance for the completion of the UPVC doors programme. This request has been rejected, with the assertion that there was no money available.

At their business meeting on Friday 24th June 2005 the Chairman, Councillor Douglas and Vice Chairman were the only people privy to their decision of allowing £14,404 to go to the June Ave area for the completion of the UPVC doors programme.

That decision became an item on the agenda for the full CAF meeting to be held on the 7th July 2005 having been endorsed by the Chairman, Councillor Douglas.

On Wednesday 29th June the council received by hand a petition from Councillor Douglas requesting the council to consider the installation of UPVC front doors in June Avenue, to which he was already privy to, and had already agreed on Friday 24th June 2005.

This petition had been organised by his friend and colleague Mr Lear the prospective candidate for the Whapton Ward in 2006.

On the 7th July 2005, in the certain knowledge that the money had already been allocated, and prior to the full CAF meeting, Councillor Douglas was photographed, by a pre-arranged press photographer, recording the event of him receiving the petition that he had delivered to the council on 29th June 2005. It is the first occasion ever known in the council for a petition to be received and acted upon at the same meeting.

This arranged picture shows the presentation of the petition by a resident, which the Chairman's colleague Mr Lear in the background.

As a result of this manipulative scheming my organisation was put into a position of ridicule, enabling Councillor Douglas and his social and political friend Mr Lear to claim in the local newspaper that we had ineffectual and negligent in looking after the interests of our constituents.

I believe that Councillor Douglas, being aware of the situation, used his inside knowledge and dishonourably abused his position as the Chairman of the East Wessex Community Area Forum, his position has a totally disregard to the standards required of him.

I have been reluctant to pursue the procedure laid down to by the Standards Board, but feel I have no alternative in attempting to bring into the open what I perceive to be the gross abuse of confidentiality, and an over zealous exercise of political exploitation, the combination of which has prevented my colleagues and I exercising our discretion as Councillors to assist the residents we represent.

I therefore respectfully request you investigate the actions and consequences of this Councillor's behaviour, and thoroughly examine what I believe to be a serious breach of the standards now expected in local government.

Yours faithfully,



Councillor Darren Smith
Progressive Councillor
Whapton Ward
Wessex Council

Standards Board of England
1st Floor, Cottons Centre
Cottons Lane
LONDON
SE1 1QG

Agenda

	Notes
1. Declarations of Interest
2. Minutes of 26 May and 3 June 2005
3. Police and Community Safety Report
4. Petition from residents of <i>June</i> Avenue
5. East Wessex Community Area Profile
6. Do Your Bit – Presentation
7. Community Area Forum Grant Budget
8. Housing and Construction Related Services Information Report
9. Work Programme for the Forum
10. Chairman's Urgent Items
11. Dates of Future Meetings

East Wessex Community Area Forum Minutes

7 July 2005

Present: Councillors: Douglas (Chairman), Bird, Butterfield,
Iqbal, O'Sullivan, Outram, Ranns, Smith, Witherden

Mike Milligan, Community & Voluntary Sector Representative

Inspector Torney

Jack Spencer (Head of Streetscape), Diana Lodge (Community Safety Officer), Martin Naismith (Neighbourhood Manager), Gloria Coffin (Information Team Leader), Harvinder Singh Marway (Sustainable Design Manager), Asha Bhowse (Democratic Support Officer)

8 Members of the Public in attendance

1. Minutes of the meetings held on 26 May and 3 June 2005

Agreed: That the minutes of the meetings of the Forum held on the 26 May and 3 June 2005 be confirmed as a true record subject to the following amendments: -

3 June 2005 - Attendance:

Present: Cllr Outram

Absent: Cllr Iqbal

3 June 2005 – Item 2 ‘Housing Investment Programme’:

Agreed: That Meltonian Road wall to encompass flats - £27,751 – with half, £13,875.50 to be funded from this years budget and the remaining half to be funded from next years budget.

3 June 2005 – Item 3 ‘Community Area Forum Grant Budget 2005/2006’:

Agreed: That Snowdon House Residential Home was awarded a grant of £300 towards a Christmas party.

2. Matters arising from the minutes

Members requested that the remainder of the Box Park grass verges be looked at for replacement with block paving. The poor conditions of the grass verges on School Approach were also highlighted to the Forum. The Chair requested that the Sustainable Design Manager look into these issues.

Agreed: That the Executive Director Neighbourhood Services investigates the conditions of The Box Park Approach grass verges.

3. Police and Community Safety Multi-Agency Problem Solving Report

Submitted: Report of North Mercia Police.

Inspector Torney reported on the activities of the police in the Forum area and responded to questions arising from the report.

The police and the Council continued to work together to target anti social behaviour on the Whapton Hill Estate. It was noted that a search warrant had resulted in an arrest for the possession of drugs.

It was reported that 2 arrests had been made, for criminal damage, in the Friary Park area. It was noted that one motorcycle had been seized following warnings to the owner. The dangers for both the public and police in relation to off road motorcycles in the Friary Park area were once again highlighted.

All schools within the Borough are to be visited by the police and all valuable property was to be marked with Smart Water.

Members of the Forum were informed that 142 disorder letters had been distributed in the area and 97 litres of alcohol had been seized.

The Community Safety Officer provided an update on the Multi-Agency Problem Solving Group, the issues covered included:

- Kingsway– Monitoring of the area by police was to continue.
- Gawthrop Close - It was noted that Community Safety was to fund repairs to the fence and further street lighting.
- Detached Prevention Workers – It was reported that the pilot scheme had come to an end. Evaluations had shown that the

presence of Detached Prevention Workers had made a positive impact on the area in which they were deployed.

- Cliff Castle – A community conference had been arranged to deal with complaints from residents regarding young people playing football.
- Box Park Seating – Members were informed that removal of the seat had resulted in youths congregating in other areas of the park near to residential homes. The Detached Youth Worker had been requested to engage these young people in activities to keep them occupied. It was also noted that Police and Police Community Support Officers continued to patrol the area.
- Linden Lane – As a result of complaints from residents, the Community Safety Project Officer has arranged for the path between Cedar Grove and what was Poplar Grove to be fenced off.
- Empty Property in June Avenue – Youths were reported to be entering gardens and causing damage to other properties. This had been brought to the attention of the Community Safety Project Officer and the police were currently patrolling the property at appropriate times.
- August Avenue – The Anti-Social Behaviour Unit (ASB Unit) was to leaflet drop the area in an attempt to deter street parties similar to those that occurred last year.

Members of the Forum reported that since the ball park seating had been removed there had been no complaints received from residents. The Ward Members also requested information on the projects used to engage the young people.

It was reported that the parties in Avenue Victoria were taking place in the rear gardens as opposed to last year when they were in the front gardens. Inspector Thorney was to investigate this issue and an update would be brought back to the Forum.

A Member of the Forum raised concerns over the empty property in June Avenue and it was noted that the Neighbourhood Manager was to investigate this further and keep the Member informed.

Members thanked the police for responding to public concerns with extra patrols in the Whapton Moor area.

Problems with anti social behaviour in Southway Avenue and Kingsway were highlighted and the Sergeant was to pass these concerns on to Inspector Sutton.

Agreed: (a) That the report is noted; and (b) That the Executive Director Neighbourhood Services investigates the issue of the empty property in June Avenue and informs Councillor Ranns of any progress.

4. Petition from residents of June Avenue, Whapton Moor Estate

The Lead Petitioner submitted the petition from residents, which requested that consideration be given to the installation of uPVC front doors to the 23 properties in June Avenue.

Agreed: That the petition be accepted.

5. East Wessex Community Area Profile

Submitted: Report of the Executive Director Corporate Development

The report highlighted some of the key issues facing the communities within the East Wessex area and the detailed East Wessex Community Area Profile was attached.

A Member of the Forum requested that the Whapton Ward Councillors, Chair of the Forum and relevant Housing Officers arranged a meeting to look at the issues surrounding the Whapton Moor area. The Head of Streetscape suggested to the Forum that the Head of Housing attend the next meeting of the Forum to discuss the issues on the estate.

Agreed: (a) That the report be noted; (b) that a meeting be arranged with the Whapton Councillors, Chair of the Forum and Housing Officers to discuss the issues surrounding the Whapton Moor area; and (c) that the Head of Housing be invited to the next meeting of the Community Area Forum.

6. Do Your Bit – Presentation

Jack Spencer, Head of Streetscape, gave a presentation on the Council's 'Do Your Bit' initiative. The presentation covered the following areas:

- The Litter Problem
- Do Your Bit – Our Aims
- Education

- Operations
- Enforcement
- Working with the Business Community
- Recognising and Acknowledging Good Practice Engaging with our Community
- Marketing
- When and How will this be Delivered

It was noted that the Council had prosecuted offenders in the past for environment crimes and 750 warning notices had been issued in the Borough.

Members, Residents and Members of the Public were given the opportunity to raise any questions or offer feedback on the presentation.

It was highlighted that the Do Your Bit Campaign was aimed at raising public awareness to the litter problems faced by the Council. The Head of Streetscape explained that there was a need to educate and engage young people in schools and as a result from September 2005 the Streetscape Team was to deliver a presentation to all schools in the Borough.

It was reported that the Council's aim was to engage the public and raise awareness to the problems of environment crimes.

The Chair thanked the Head of Streetscape for the presentation and everyone for their participation in the discussions.

Agreed: That the presentation be noted.

7. Community Area Forum Grant Budget 2005/2006

Submitted: Report of the Executive Director Corporate Development

This report advised the Forum of the Community Area Forum Grant budget to this Community Area Forum, for the full 2005/2006 financial year, which was £53,361. The schemes outlined in Appendix A of the report showed that £50,428 had been allocated to date, leaving an unallocated budget of £2,933.

Members of the Forum queried the costs of £8,500 for the completion of the parking bays programme at Cliff Castle.

A Member of the Forum requested additional funding of £150 for the Box Park Family Fun Day to cover the costs of a barrier and traffic warden for the day.

Agreed: (a) That the report be noted; (b) that the Executive Director Neighbourhood Services investigates the costs of the parking bays scheme at Cliff Castle and reports back to the Forum; (c) that the additional funding for the Box Park Family Fun Day be agreed by the Chair and Vice-Chair of the Forum once the appropriate grant form had been completed; and (d) that new applications be dealt with as follows in Table 1.

Table 1

Social Schemes

St Attracta's Senior Citizen Club – Christmas Party with entertainment - project cost £525, grant sought £150

That a grant of £150 be awarded.
Reason: This scheme represents a worthwhile contribution to the community.

Whapton URC Toddler Group – Early Learning Slide – project cost £199, grant sought £150

That a grant of £150 be awarded.
Reason: This scheme represents a worthwhile contribution to the community.

8. Housing and Construction Related Services Information Report

Submitted: Report of the Executive Director Neighbourhood Services.

This report provided information relating to Housing and Construction Related Services, including stock and status changes, together with details of the Housing Investment Programme (HIP) budget for 2005/2006. The total HIP allocation to the Forum was £681,046, which had been subdivided into three budget headings:

	100% (£)	Committed (£)	Balance (£)
Discretionary	99,423	68,599	30,824
PVCu Doors	99,423	99,423	NIL
Decent Homes	482,200	482,200	NIL

Details of the number of Empty Homes and Right to Buys in the Forum area were submitted for information, as were details of the Friary Park Redevelopment.

A Member of the Forum highlighted the efforts of Ward Members to obtain prices and commencement dates for work to properties in June Avenue, June Close and the remainder of the estate.

SHOWS NO
MONEY
AVAILABLE ↘

Members were informed that all houses would be brought up to the Decent Homes Standard by 2010.

Members identified further schemes for the Housing Investment Programme 2005/2006.

Agreed: (a) That the report is noted; and (b) that the proposed schemes be dealt with as follows:

Organisation

Project

HIP 2005/2006

APPROVAL
GIVEN ↘

Upvc front doors – June
Avenue - £14,404.00

This scheme was agreed
*Reason: To improve security
at these premises.*

Upvc front doors – Roach
Court - £12,795

This scheme was agreed
*Reason: To improve security
at these premises.*

Fencing – 272 Linkswood
Gardens - £385.21

This scheme was agreed
*Reason: To improve security
at this premises.*

Fencing – 43 Sandringham
Avenue - £600.00

This scheme was agreed
*Reason: To improve security
at this premises.*

9. Work Programme for the Forum

Submitted: Report of the Executive Director Resources.

Details of the work programme for the Forum for the current Municipal Year were submitted. Members were invited to add any items to the work programme.

It was highlighted that a report was still to be received on the petition to close Whapton Moor Lane

Agreed: That the draft work programme be noted and amended.

3

Petition
received by
hand from
Cllr Douglas
29.6.05

We the undersigned being Council house tenants of June Avenue, request
the Council to consider installing uPVC front doors to our homes.

Name	Address
KEITH + DEBRA	June Avenue
Kelly	June Avenue
MARGARET	June AVE.
Maxine	June Avenue
Les	June Ave
TRACY + KEITH	June Ave.
DAVID	June Ave
CARL	June Ave
[Signature]	June Ave
DEBORAH	June AVE
JOHN SHARON	June Ave
[Signature]	June Ave
[Signature]	June Avenue
N.	June AVE.
SAMANTHA	June AVENUE
C.	June AVE
K	June AVE

VICTORY IN BATTLE FOR NEW DOORS

COUNCIL tenants have won their battle for a £15,000 revamp of their homes.

Half of June Avenue in Wessex received new uPVC doors when Wessex Council undertook a repainting programme because they were beyond repair.

But the rest of the residents were left with old wooden doors.

A petition signed by 20 people was presented to East Wessex community area forum in a bid to rectify the situation.

And it was successful, with councillors agreeing to an estimated spend of between £14,000 and £15,000 to bring the other homes up to scratch.

Lead petitioner Mr Abbott told the forum: "All we are asking is that we are brought in line with the other estates."

"We have a lot of houses which still have the old wooden doors.

"They are the original ones and they are leaking.

"There are 23 doors that still need doing

By ANGELA

Chief reporter

to finish it off." He added: "I would also like to thank Mr Pear for his help in putting our petition forward to the council."

Former ward councillor Mr suggested the petition when former constituents asked for his help.

He hit the streets with Wessex MP Emma Smith as a Labour party member and found people were worried about the security of their doors.

"I had a door programme in full swing," said Mr Lear. "The last scheme I had passed was July Avenue on the same estate."

"I didn't get re-elected and it was up to the new councillors to deal with what they wanted to put forward.

"No schemes were put forward from any of the councillors in . . . The residents were told there was no money available for doors this year."

He added: "The houses are some of the oldest in the ward and many of the doors are the originals from 60 years ago."

7th July 2004

Housing Investment / Planned Maintenance Programme

3. The total budget allocation to the Community Area Forums for 2005/2006, to support improvements to Council homes amounts to £2850,000. Individual allocations to each of the Forums are based on the number of Council homes within the areas. In addition to enable the Council to meet our targets for Decent Homes, tenant led schemes and allow the Forum to respond to community issues the budgets for each of the Forums was divided into 3 areas:

- Discretionary
- PVCu Doors
- Decent Homes

4. The Housing Investment Programme total allocation to this Forum is £681,046. This allocation has been sub-divided into the 3 budget headings. This Forum's budgets are:

Budget Item	100% (£)	Committed (£)	Balance (£)
Discretionary	£99,423	£76876	£22547
PVCu Doors	£99,423	£99,423	Nil
Decent Homes	£482,200	£482,200	Nil
Total	£681046	£482,200	£22547

SHOWS NO MONEY AVAILABLE

5. Appendix 1 lists those schemes within their budget headings previously agreed by the Forum and their progress to date. Appendix 2 lists schemes for consideration.

Management of Empty Homes

6. A Key National Performance Indicator is the number of empty homes. The Council are obliged to monitor and report on the rental loss of empty homes. With this in mind the letting of empty homes is a priority of the Service.

APPENDIX 2

HOUSING INVESTMENT PROGRAMME 2005/2006
IMPROVEMENT SCHEMES FOR CONSIDERATION

f 33

Ward	Scheme	Cost (£)	Date Agreed	Date Ordered	Date Start	Date End	Comment
EW1	June Ave upcv doors	£14,404					

5

5

Praise for ex-councillor

MAY I take this opportunity to write on behalf of the residents of ~~June~~ Avenue to thank our former councillor, ~~Lea~~, for all his help during our recent campaign to persuade the council to install UPVC doors to own homes.

Given the fact that ~~Lea~~ is no longer our councillor, he could have turned his back on my request for help, but he didn't.

On behalf of the residents in ~~June~~ Avenue, thanks ~~C. Lea~~

Mr Abbott
June Avenue,
EastWessex

WRITE TO: The Editor

Gazette,

26 July 2004

Fighting for improvements

IT seems people power has touched a sore point with Mr Smith

I make no apology for helping residents in June Avenue with their fight for new uPVC doors.

However, I do stand by my claims, which the Progressive's proposed in the council chamber, that there should be no monies allocated to local community forums in future years for housing schemes through the Housing Improvement Programme.

This would have meant that across East Wessex, the uPVC door programmes, kitchen renewal schemes and fencing projects would have been cancelled.

While the Labour Council rejected Coun Smith's crack-pot proposal, the residents of Whapton also refused me a mandate to continue the work in improving the council stock.

That was their right and, as a democrat, I respect their decision.

But it is not for the Friary or Box councillors to propose schemes for Whapton their job is to fight for their own patch.

It is Coun Smith's job, along with his worthy brothers Couns and , to fight for Harton.

Their inaction has meant that tenants in Whapton will have to wait longer for their improvements. That's not Labour's fault - it's the fault of the Progressive councillors.

Mr Lea
Wessex