

A meeting of the **STANDARDS COMMITTEE** will be held in **THE GEMINI SUITE, HUNTINGDON LEISURE CENTRE, ST. PETER'S ROAD, HUNTINGDON** on **THURSDAY, 5 MARCH 2009** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

APOLOGIES

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 4th December 2008.

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 Items - please see Notes 1 and 2 below.

3. REPORT OF THE REFERRALS (ASSESSMENT) SUB COMMITTEE

Chairman to report.

The Review Sub Committee has not yet been required to meet.

4. APPOINTMENT OF STANDARDS (CONSIDERATION & HEARING) SUB COMMITTEE

To appoint 5 Members to comprise the Standards (Consideration & Hearing) Sub Committee to consider investigation reports and to hold determination hearings.

This Sub Committee must be Chaired by an Independent Member.

5. THE ETHICAL STANDARDS REGIME IN LOCAL GOVERNMENT AND HUNTINGDONSHIRE

Further to Minute No 40, to receive a contribution from Councillor P J Downes.

6. THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008 (Pages 5 - 6)

To receive and note a report by the Head of Law, Property & Governance on the Case Tribunals (England) Regulations 2008.

7. QUALITY STATUS FOR PARISH COUNCILS

Further to Minute No 38 of the last meeting, the Monitoring Officer has made enquiries to establish whether there is a requirement for Parish Councils with quality status to receive refresher training on the Code of Conduct at regular intervals.

The Quality Parish & Town Council Scheme was launched in 2003 following the Government's Rural White Paper, 2000. The aim of the scheme is to provide benchmark minimum standards for parish and town councils. In order to achieve quality status, town and parish councils must demonstrate that they have reached the standard required by passing several tests including one relating to the Code of Conduct.

To meet the requirements of the scheme, a Parish Council has to submit a copy of their Council's Code of Conduct and the date of its adoption. Although the scheme does require a Parish Council to commit to training it does not specify any particular subject area nor refer to any requirement for refresher courses in respect of the Code of Conduct.

8. LOG OF CODE OF CONDUCT ENQUIRIES

Further to Minute No 42, to note the Code of Conduct enquiries recorded by the Head of Law, Property and Governance since the meeting held in December. To Follow.

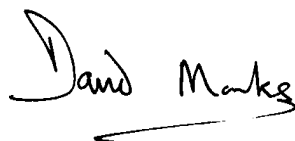
9. CODE OF CONDUCT TRAINING (Pages 7 - 10)

To discuss for training purposes, the fact sheet issued by the Standards Board for England on "Personal and Prejudicial Interests".

10. DATE OF NEXT MEETING

To note that the next meeting of the Committee will be held on Thursday 9th July 2009 at 4pm.

Dated this 25th day of February 2009

A handwritten signature in black ink that reads "David Mankie". The signature is written in a cursive style with a long horizontal stroke at the end.

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.

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

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

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (*under Councils and Democracy*).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 4 December 2008.

PRESENT: Mr D L Hall - Chairman

Councillors J D Ablewhite,
Mrs B E Boddington, P J Downes, A Hansard
and G S E Thorpe.
Messrs P L Boothman and G Watkins and
Mrs S Stafford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors I R Muir and T D Sanderson and Mr M Lynch.

34. MINUTES

The Minutes of the meeting held on 20th November 2008 were approved as correct record and signed by the Chairman.

It was reported that the Cambridgeshire and Peterborough Association of Local Councils had nominated two new parish Councillors to serve on the Committee and that they would commence their duties with effect from 1st January 2009. At the same, the Chairman announced the resignation of Councillor D McPherson as parish council representative and on behalf of Members paid tribute to Councillor McPherson for his contribution to the work of the Committee since its inception particularly during the formation and implementation of the first Model Code of Conduct. The Democratic Services Manager undertook to convey these sentiments to Councillor McPherson.

35. MEMBERS' INTERESTS

No interests were declared.

36. REPORT OF THE REFERRALS (ASSESSMENT) SUB-COMMITTEE

Mr P L Boothman, Chairman of the Referrals (Assessment) Sub Committee reported briefly on the cases which had been considered by the Sub Committee since the last meeting. Of these, it was noted that one allegation had been referred for investigation and one referred to the Monitoring Officer for other action including training. No further action was to be taken in the remaining case.

It was further noted that the Review Sub Committee had not yet been required to meet.

37. CODES OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES

By way of a report by the Head of Legal and Estates Services (a copy of which is appended in the Minute Book), the Committee considered their response to a consultation paper published by the Department of Communities and Local Government entitled "Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and Employees – A Consultation" which had invited views on proposals to revise the Local Authorities (Model Code of Conduct) Order 2007, by 24th December 2008. Members noted that a new code incorporating the outcome of the consultation process would come into effect by May 2009.

The Committee were made aware that the most significant revision to the Members Code involved the issue of "private capacity" to cover those occasions where a Members' criminal behaviour in a private capacity brings disrepute to a local authority.

In their discussion on the content of the suggested responses, the Committee drew particular attention to question 5 relating to the commencement of an investigation before a criminal process had been completed and proposed that the word "extreme" in the first line of the second paragraph of the suggested response be highlighted in bold and the word "potentially" be inserted after the word "may" in the second line of the same paragraph both to underline the Committee's view that the circumstances that the response described would be rare and infrequent.

Having expressed their satisfaction with the remainder of the suggested responses and noted that the part of the consultation paper relating to a Code of Conduct for Employees would be considered by the Employment Panel, the Committee

RESOLVED

that the suggested responses to the consultation paper "Communities in Control: Real People, Real Power: Codes of Conduct for Local Authority Members and Employees" be forwarded on behalf of the District Council to the Department for Communities and Local Government.

38. USE OF RESOURCES JUDGEMENTS 2007/08

A report by the Head of Legal and Estates Services was submitted (a copy of which is appended in the Minute Book) in response to the requirement of the Audit Commission to undertake, in compliance with KLOE 4.3 (Key Line of Enquiry) an "assessment of the standards of ethical conduct across the organisation". The report presented featured the 2007/08 annual review and evidence base required by the Audit Commission.

In endorsing the continuation of the approach to training previously adopted by the Monitoring Officer, the Committee asked whether the quality status awarded to parish councils involved any undertaking to receive refresher training on the Code of Conduct at regular intervals. Having noted that the Head of Legal and Estates would make

enquiries in the respect, it was

RESOLVED

that the content of the annual report be noted.

39. LOG OF CODE OF CONDUCT ENQUIRIES

Further to Minute No. 42, the Committee received and noted the nature of the Code of Conduct enquiries which had been recorded by the Head of Legal and Estates since their last meeting held on the 11th September 2008 (an extract of the log is appended in the Minute Book).

40. ATTENDANCE AT FUTURE MEETINGS

Arising from the Chairman's attendance at the recent Standards Committee Conference and the recommendations he had noted for enhancing the profile and work of the Committee, Members discussed whether it would be appropriate to extend an invitation to the Leader of the Council and Leader of the Opposition to address the Committee at a future meeting.

In supporting the suggestion and the opportunity it could offer to discuss the Council's expectations of the Committee, and at the invitation of the Chairman, Councillor Downes endorsed the proposal and expressed his desire for the Committee to be given the opportunity to debate rather than just respond to different "standards" issues.

41. LOCAL ASSESSMENT: EXERCISE

For training purposes and by reference to example case material (a copy of which is appended in the Minute Book), the Monitoring Officer guided the Committee through a local assessment exercise following which it was concluded by Members that it would not have been appropriate to refer the case for investigation.

42. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee will be held on Thursday 5th March 2009 at 4pm.

Chairman

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**THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008
(Report by the Head of Law, Property and Governance)**

1. INTRODUCTION

- 1.1 On 18th November 2008, the Government issued the Case Tribunals (England) Regulations 2008. The Regulations came into effect on 12th December 2008 and are available on-line at www.opsi.gov.uk/si/si2008/uksi_20082938_en_1 or from the website of the Office of Public Sector Information.
- 1.2 The Regulations complement the Standards Committee (England) Regulations 2008 and make provision about the sanctions available to a Case Tribunal of the Adjudication Panel for England.

2. DETAILS

- 2.1 Following the introduction of the new devolved conduct regime for local authority Members in May 2008, under the Local Government Act 2000, as amended, and the Standards Committee (England) Regulations 2008, the Department of Communities and Local Government has now issued the Case Tribunals (England) Regulations 2008, which make provision regarding:-
- ◆ the sanctions available to a Case Tribunal of the Adjudication Panel for England where it has determined that a local authority member has failed to comply with his or her authority's code of conduct. The sanctions available to case tribunals will range from censuring a member or requiring them to participate in a process of conciliation to disqualifying a member from office for five years; other sanctions include training or requesting the submission of an apology;
 - ◆ the content and effect of decision notices served on local authorities Standards Committees by a case tribunal of the Adjudication Panel; and
 - ◆ the circumstances in which a reference of a matter by an Ethical Standards Officer to the Adjudication Panel may be withdrawn and the procedure for doing so.
- 2.2 The Regulations have been informed by responses to the consultation paper "Orders and Regulations Relating to the Conduct of Local Authority Members in England" which the Department published in January 2008.

- 2.3 These sanctions currently are only available to Standards Committees and in the coming months, the Standards Board will be publishing guidance on the circumstances where an Ethical Standards Officer may withdraw a reference made by the President of the Adjudication Panel and the procedure for doing so. The Adjudication Panel will also be publishing guidance on the sanctions available to a case tribunal and the content and effect of decision notices of case tribunals.
- 2.4 Making these sanctions available to case tribunals will allow them to deal proportionally with cases that are referred to them, for example, because they are seen as very serious, but which the tribunals conclude are not so serious. It will also enable tribunals to deal appropriately with cases referred to them when a Standards Committee is conflicted out.

3. CONCLUSION

- 3.1 The Committee is requested to receive and note the information submitted.

BACKGROUND PAPERS

Letter received from the Department of Communities and Local Government dated 1st December 2008.

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

Agenda Item 8

CODE OF CONDUCT ENQUIRIES

ENQUIRIES RECEIVED SINCE: 4TH DECEMBER 2008

39.	15.1.09	Hemingford Abbots Parish	Enquiry as to whether the Parish Council could address the District Council's Development Control Panel on a planning application without there being a suggestion of pre-determination.	Advice given that the Parish Council was entitled to speak at Development Control Panel (CD/CM).	8 and 10
40.	28.1.09	Broughton Parish	Enquiry as to the interests held by a Parish Councillor on a planning application and whether they were personal or prejudicial and the effect of their disclosure on his participation in a meeting of the Parish Council.	Advice given that the interest described was personal and prejudicial and would require the Member to leave the room when the business was being transacted. Guidance also was given to the Councillor given that the Parish Council operates a public speaking session (CD).	10 and 12
41.	12.2.08	Holywell-cum-Needingworth Parish	Enquiry as to the nature of the interests which should be declared by a Parish Councillor given a connection between his employment and the business under consideration by the Parish Council.	Advice given that the Councillor should declare a personal interest in the business under consideration given the nature of his employment (CD).	8 (a) (iii)

42.	17.2.09	Somersham Parish Council	Enquiry as to whether a Parish Councillor had a personal or prejudicial interest when approving an annual pay award for a member of the Council's staff to whom they were related and whether that interest varied once the payment formed part of the Council's regular accounts.	Advice given that the Parish Councillor had a personal and prejudicial interest during the annual pay award stage of the process but a personal interest thereafter (CD).	8 and 10
43.	27.2.09	Hilton Parish	Enquiry as to whether a Parish Councillor could participate in discussion on a planning application at a Parish Council meeting given that the applicant was a neighbour of her daughter.	Advice given that the Parish Councillor had a personal and prejudicial interest and should declare it at the meeting. Guidance also given regarding her entitlement to speak in the event that the Parish allows public speaking (CM).	10 and 12

Personal and prejudicial interests

Relevant Code paragraphs: 8 – 13

Summary: This document provides key information and answers to frequently asked questions about the ethical framework for local government and the role of the Standards Board for England.

Date published: 1 October 2007

Key facts

Personal interests

There are two types of personal interest.

You have a personal interest in any business of your authority where it relates to or is likely to affect:

- 1) An interest that you must register.
- 2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:
 - inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
 - inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
 - inhabitants of the authority's area (in all other cases)

Note:

- 1) You must declare that you have a personal interest and the nature of that interest, as soon as it becomes apparent to you in all meetings before the matter is discussed.
- 2) There are two exemptions to the rule on declaring a personal interest, which is a key change under the revised Code.

Exemptions apply where an interest arises solely from membership of, position of control or management on:

- Any other body to which you were appointed or nominated by the authority.
- Any other body exercising functions of a public nature for example, if you have been appointed as a school governor.

In these exceptional circumstances you only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest (see below).

Prejudicial interests

Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2)(c), for example, setting the council tax.
- b) The matter affects your interests financially or a licensing or regulatory matter, for example an application for a grant funding to a body on your register of interests, or a planning or licensing application made by you or a body on your register of interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so significant that it is likely to prejudice your judgement of the public interest.

Note: in order for your interest to be prejudicial, it must be a financial or regulatory matter.

What to do if you have a prejudicial interest

If you have a prejudicial interest in a matter being discussed at a meeting:

- You must declare that you have a prejudicial interest and the nature of that interest as soon as the interest becomes apparent.
- You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.
- You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).

Frequently asked questions

Q1 Is paragraph 12(2) mandatory for my authority?

Paragraph 12(2) is mandatory for most authorities. However, paragraph 12(2) is not mandatory for the following authorities:

- parish and town councils
- English and Welsh police authorities
- the Greater London Authority
- national park authorities
- fire and rescue authorities

If your authority wishes paragraph 12 (2) to apply, it will need to pass a resolution adopting the Model Code of Conduct including paragraph 12(2).

If your authority is a parish or town council and you wish to adopt paragraph 12(2), you can do so by adopting the Standards Board's *Model Code of Conduct for parish and town councils 2007*, which is available on our website on our website -

www.standardsboard.gov.uk

If paragraph 12(2) is included in your authority's Code, the Standards Board recommends that standing orders or procedural rules should be put in place for clarity. These should clearly set out the circumstances in which members of the public can attend the authority's meetings to make representations, give evidence or answer questions.

If your authority does not provide members of the public with any right to speak, paragraph 12(2) will have no effect at your authority. This means that members with a prejudicial interest would have to continue to leave the meeting room after declaring the nature and extent of their interest.

Q2 What rights are available to members with a prejudicial interest?

Paragraph 12(2) gives members with a prejudicial interest in a matter the same rights as members of the public to speak at a meeting on the matter. Members must then leave before the main discussion and voting takes place.

Additional information

- *The Code of Conduct: Guide for members May 2007* offers more guidance on the Code and can be downloaded from our website - www.standardsboard.gov.uk.
- A full range of factsheets and frequently asked questions is available from the Code of Conduct section of our website.
- View our occasional paper on bias and predetermination, available online.
- Call our enquiries line on **0845 078 8181**.
- Email us at enquiries@standardsboard.gov.uk.