

A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 3 JULY 2008** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## **A G E N D A**

### **APOLOGIES**

- |  | <b>Contact</b>                    |
|--|-----------------------------------|
| <p><b>1. MINUTES</b> (Pages 1 - 4)</p> <p>To approve as a correct record the Minutes of the meeting held on 5<sup>th</sup> June 2008</p>   | <p><b>C Deller<br/>388007</b></p> |
| <p><b>2. MEMBERS' INTERESTS</b></p> <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>  |                                   |
| <p><b>3. APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER</b></p> <p>The Chairman to report on the decision of the Council made at their meeting held on 25<sup>th</sup> June, 2008 in respect of the recommendation of the Committee – to appoint an additional Independent Member to assist in the response to the Standards Committee (England) Regulations 2008.</p> |                                   |
| <p><b>4. CODE OF CONDUCT COMPLAINTS - STANDARDS BOARD NOTIFICATIONS</b> (Pages 5 - 8)</p> <p>To note the decision of the Standards Board for England in two cases against Councillors serving on St Ives Town Council.</p>   | <p><b>C Deller<br/>388007</b></p> |
| <p><b>5. LOG OF CODE OF CONDUCT ENQUIRIES</b> (Pages 9 - 14)</p> <p>Further to Minute No. 42, to note the Code of Conduct enquiries recorded by the Director of Central Services and Monitoring Officer since the meeting held on 6<sup>th</sup> March 2008.</p>   | <p><b>C Deller<br/>388007</b></p> |
| <p><b>6. STANDARDS BOARD STATISTICS</b> (Pages 15 - 16)</p> <p>To note recent referral and investigation statistics published by the Standards Board for England.</p>  |                                   |

7. **LOCAL ASSESSMENT: EXERCISE** (Pages 17 - 38)

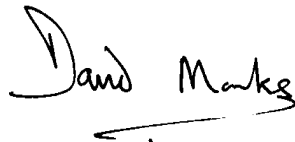
**C Meadowcroft  
388021**

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

8. **DATE OF NEXT MEETING**

To note that the next meeting of the Committee will be held on Thursday 11<sup>th</sup> September 2008 at 4pm.

Dated this 11 day of August 2008

A handwritten signature in black ink that reads "David Marks". 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](mailto: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 Panel.**

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

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

Agenda and enclosures can be viewed on the District Council's website – [www.huntingdonshire.gov.uk](http://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 the Council Chamber, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 5 June 2008.

PRESENT: Councillors J D Ablewhite, I R Muir, T D Sanderson and G S E Thorpe.

Messrs P Boothman, D L Hall and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington and P J Downes and from Messrs M Lynch and D MacPherson.

### 1. ELECTION OF CHAIRMAN

RESOLVED

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

### 2. MINUTES

The Minutes of the meeting of the Committee held on 6<sup>th</sup> March 2008 were approved as a correct record and signed by the Chairman.

### 3. MEMBERS' INTERESTS

Councillor J D Ablewhite declared a personal interest in Minute No. 7 by virtue of his membership of St Ives Town Council.

### 4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

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

### 5. APPOINTMENT OF ADDITIONAL TOWN AND PARISH COUNCIL REPRESENTATIVE

The Committee noted that the Council had agreed to invite the Cambridgeshire and Peterborough Association of Local Councils to nominate an additional representative of Town and Parish Councils to serve on the Standards Committee until May 2011.

### 6. LOCAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS - REQUIREMENTS OF THE NEW REGIME

A report by the Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding the arrangements necessary to respond effectively to the

coming into force, on 8<sup>th</sup> May, of the Standards Committee (England) Regulations 2008.

Members were reminded that the Regulations provided for the initial assessment of allegations of Member misconduct to be transferred from the Standards Board for England to local authority Standards Committees which would have to decide whether each allegation appeared to disclose a breach of the Code of Conduct for Members and whether it merited investigation.

Having accepted that the establishment and membership of two new sub committees to assess and review allegations was closely defined and that the Committee would, in future, be required to report periodically to the Standards Board for England on their performance of the functions transferred to them under the new Regulations, the Committee

#### RESOLVED

- (a) that a Referrals (Assessment) Sub Committee be established comprising one Independent Member, one Town and Parish Councillor and one District Councillor and that Mr P Boothman be elected lead Independent Member and Chairman of the Sub Committee;
- (b) that a Review Sub Committee be established comprising one Independent Member, one Town and Parish Councillor and one District Councillor and that Mr M Lynch be elected lead Independent Member and Chairman of the Sub Committee;
- (c) that the Director of Central Services and Monitoring Officer and in his absence, the Head of Legal and Estates and Deputy Monitoring Officer be authorised to establish dates for monthly meetings of the Referrals (Assessment) Sub Committee for a six month period until December 2008 to allow for an assessment of the workload which is likely to arise from the new Regulations;
- (d) that the Director of Central Services and Monitoring Officer and in his absence, the Head of Legal and Estates and Deputy Monitoring Officer be authorised, after consultation with the relevant Chairman to convene meetings of the Referrals (Assessment) and Review Sub Committees as necessary;
- (e) that the Referrals (Assessment) and Review Sub Committees hold their meetings in private unless the relevant Sub Committee determine otherwise in the case under consideration;
- (f) that the proposed terms of reference for each Sub Committee as appended to the report now submitted be approved;
- (g) that the Council be recommended to appoint an additional Independent Member to serve on the Standards Committee for the remainder of the current four year term to May 2011;
- (h) that, subject to the replacement of the post title of "Executive Director of Central Services" with that of "Director of Central Services and Monitoring Officer",

the resolution made at the meeting of the Standards Committee held on 17<sup>th</sup> December 2003 be reaffirmed; and

- (i) that the Corporate Governance Panel be requested to endorse the consequential variations to the District Council's Constitution arising from the implementation of the Regulations.

## **7. APPLICATION FOR DISPENSATION**

*(See Minute No. 3 for Members' interests).*

Further to Minute No. 11 of the meeting of the Committee held on 1<sup>st</sup> July 2004 and having noted the expiry of the current dispensations, the Committee considered a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding the resubmission of an application from the Clerk to St Ives Town Council to enable Councillors to speak and vote at meetings of the Council or at any of its Committees or meetings on matters relating to the Norris Library and Museum.

Having been reminded that the sixteen Members of St Ives Town Council act as Trustees for the Norris Library and Museum Charity and having been satisfied that approval was required to prevent the business of the Town Council being impeded, the Committee

RESOLVED

that dispensation to speak and to vote be granted to sixteen Members of St Ives Town Council for the period ending 30<sup>th</sup> April 2012.

## **8. COUNCIL'S CONSTITUTION: APPOINTMENT OF INTERIM MONITORING OFFICER**

Having regard to the impending retirement of the Director of Central Services, the Committee noted that the Council, at its meeting held on 14<sup>th</sup> May, 2008, designated the Head of Legal and Estates, Mr C Meadowcroft, to act as Interim Monitoring Officer pending a new appointment to the Directors post.

## **9. DELIVERING THE GOODS: LOCAL STANDARDS IN ACTION**

Having been acquainted by the Director of Central Services and Monitoring Officer with details of the Annual Assembly of Standards Committees Conference to be held at the International Conference Centre, Birmingham on 13<sup>th</sup> and 14<sup>th</sup> October 2008, the Committee

RESOLVED

that Messrs P Boothman and D L Hall, Independent Members and Mr G Watkins, Town and Parish Council representative be authorised to attend the Annual Assembly of Standards Committee Conference to be held at the International Conference Centre, Birmingham on 13<sup>th</sup> and 14<sup>th</sup> October 2008.

**10. DATE OF NEXT MEETING**

It was noted that the next ordinary meeting of the Committee would be held at 4pm on Thursday 3<sup>rd</sup> July 2008.

**11. VOTE OF THANKS TO DIRECTOR OF CENTRAL SERVICES AND MONITORING OFFICER**

On behalf of the Committee, the Chairman expressed his gratitude to Mr P Watkins, Director of Central Services and Monitoring Officer who was retiring from the Council's service on 27<sup>th</sup> June 2008 for the professional and helpful advice he had given to him as Chairman and to the Committee over the years and extended his best wishes to Mr Watkins for a happy and healthy retirement.

Chairman



## CODE OF CONDUCT: STANDARDS BOARD NOTIFICATIONS

(Report by the Head of Legal and Estates and Interim Monitoring Officer)

### 1. INTRODUCTION

- 1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Interim Monitoring Officer has been notified of the Board's decision in respect of an allegation made against two Councillors serving on St Ives Town Council.

### 2. DETAILS OF CASE 1

- 2.1 The complainant made two separate allegations against a Town Councillor. The first related to the Town Council's selection of its mayor and deputy mayor in February 2006. Allegedly, the Town Councillor put forward a candidate for the deputy mayor position who subsequently was not elected. The complainant alleged that he recently found out that the Town Councillor had written to three female Councillors in connection with this matter in a most disparaging way. The complainant considered that the Town Councillor breached the Code of Conduct by using a bullying tactic on a relatively new female Councillor. A copy of the letter referred to was sent to the Standards Board for information.
- 2.2 The second allegation referred to the Town Council's decision in September 2006 to sell "the Corn Exchange". In October 2006 it was agreed that a community group be given the option to refurbish the building subject to certain criteria. It was reported that a group called Action Corn Exchange (ACE) was set up to present the proposal. The complainant further reported that the Town Councillor's wife was the spokesperson and member of the group. The project brought forward by ACE was not proceeded with by the Town Council and a judicial review of this decision was instigated by ACE. This is still ongoing. Therefore it was alleged that the Town Councillor failed to declare a personal and prejudicial interest at Council meetings.
- 2.3 The Board concluded in relation to the first complaint that the Town Councillor was expressing his opinion over the outcome of the election albeit in a robust and frank manner. While the complainant's views on the content of the letter were noted, it was not considered that the alleged conduct was potentially disrespectful. Furthermore, given the passage of time since the alleged incident and based on the information provided it was not considered that the matter should be investigated.
- 2.4 In relation to the second complaint, the Standards Board noted that the Town Councillor declared a personal interest at an extraordinary Council meeting of 2<sup>nd</sup> May 2007 as the husband of an ACE spokesperson and an acquaintance of the majority of the other

representatives and as a member of the Civic Society. It was further noted that on 23<sup>rd</sup> January 2008 the Town Councillor declared a personal interest in all matters relating to ACE and a prejudicial interest in all relating to the judicial review unless the meeting imparts. Based on the information provided it was not considered that the alleged conduct disclosed a potential breach of the Code of Conduct. It should also be noted that having a personal interest in a matter would not preclude a Member from participating in discussions or voting on the matter.

- 2.5 In the circumstances, the Board decided that the allegations should not be referred to an Ethical Standards Officer for investigation and in the light of the available information the Board do not believe that a potential breach of the Code of Conduct was disclosed and there was no finding of fact.

### **3. DETAILS OF CASE 2**

- 3.1 It had been alleged that a Town Councillor had frequently subjected the complainant to harassment over the past four years. The complainant alleged that the Town Councillor addressed him in a sneering and provocative manner and had mimicked what he had said shouting words that he had used in a parrot fashion. Additionally, it was alleged that the Town Councillor made a “nasty personal attack” on the complainant at a Council meeting.

- 3.2 The Board noted that the alleged conduct, in context, could be seen as potentially harassing and disrespectful. However, the Board added that in the course of their duties, Members were likely to encounter occasional ill considered or rude commentary and during the course of a heated debate they can sometimes get carried away and resort to name calling, abusive heckling and other disruptive or disrespectful behaviour. The Board has agreed that this is inappropriate and unprofessional and a potential breach of the Code of Conduct which requires Members to treat others with respect. However, the Board has noted that fellow politicians have a public platform from which to defend themselves and have the opportunity to respond to such commentary in appropriate forums.

- 3.3 Therefore, the Board has decided that the allegations should not be referred to an Ethical Standards Officer for investigation as they did not believe that the alleged conduct was serious enough to justify an investigation. There was no finding of fact and the Board has made clear that no judgment was made about whether the alleged events actually occurred in the way the complainant said in the absence of any investigation.

### **4. CONCLUSION**

- 4.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to allegations made against two Councillors serving on St Ives Town Council.

**BACKGROUND PAPERS:**

Letters received from the Standards Board for England dated 17<sup>th</sup> and 18<sup>th</sup> March 2008.

**CONTACT OFFICER:**

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

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## EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES

*(last submitted to Committee: 6th March 2008)*

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>
14.	12.03.08	St. Ives Town Council	In the event of their election, the potential interests of candidates standing for election to the Town Council in relation to the ACE Group and Corn Exchange issues.	Advice given that should the candidates be elected, the new Councillors would have personal but not prejudicial interests vis-à-vis their membership of a local organisation/pressure group. (PW)	8 (i) 10 (i)
15.	17.03.08	Little Paxton Parish Council	Concerns about the financial propriety of arrangements adopted by the Parish Council.	I have no remit to enquire either into the constitution or activities of voluntary/ independent groups or into their relationship with Parish Councils as corporate bodies.  Parish Councillors are required to register financial and other interests. These may include the membership of local and other groups, which in turn may require interests to be declared if issues associated with those groups come before the Council. <i>(PW's letter dated 20.03.08)</i>	
16.	09.04.08	Hilton resident	Advice on the organisation of a residents' meeting: invitation to local, sitting Member: code of recommended practice on local authority publicity in pre-election period	If going to proceed with the meeting, invite all candidates at the forthcoming District Council election. (PW).	6 (c)

<b>Case No.</b>	<b>Date of Enquiry</b>	<b>District/Town/Parish Council</b>	<b>Nature of Enquiry (Brief Details)</b>	<b>Advice Given (Brief Details)</b>	<b>Code of Conduct Reference (Para No.)</b>
17.	16.04.08	Huntingdon	Enquiry by Councillor T Sanderson as to whether he should accept an invitation to attend a meeting on site with an agent applying for planning permission.	Advised Councillor Sanderson not to accept invitation and only to attend site meetings for planning applications, if site visit organised by Town Council staff. (RR)	5
18.	25.04.08	Earith Parish Council	Request for advice from Clerk to Parish Council about actions of a Councillor and seeking advice on draft letter warning him of conduct in meeting with developers of Minaar site prior to the submission of planning application. Enquiry made to CPALC who had advised Clerk to contact Monitoring Officer.	Advised Clerk that specific advice on wording of letter could not be given. Established that no clear evidence of Councillor meeting with developers, only supposition. Suggested that Clerk contact Councillor and ask him whether he had met developers and, if he had, to advise him that an individual member cannot take it upon himself to represent the authority at meetings without authorisation, that councillors should not attend meetings with developers which could lead to an allegation of them fettering their discretion and that actions of this action could lead to a complaint that a member had breached the code of conduct. (RR)	5 and 6

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
19.	27/05/08	Little Paxton Parish Council	<p>Telephone enquiry from a Parish Councillor as to whether she has an interest in the siting of a MUGA. She had declared a personal interest when a possible site was being discussed previously but did not think it was close enough to her property to become a prejudicial interest. When the Council was to discuss an electricity supply to the MUGA, she was told by the Clerk before the meeting that she should declare a prejudicial interest on the basis of pre-determination as she had completed a questionnaire previously against the installation of floodlights for the MUGA.</p>	<p>I explained the differences between personal and prejudicial interests and the separate issue of pre-determination. Caller was told that only she could make a decision as to her interests although she was well advised to listen to advice. I advised her that if she had once declared a personal interest in an item, she should continue to do so unless circumstances changed. It was not possible to identify whether she had a prejudicial interest in the subject without knowing the precise locations of her house and the MUGA. However the question as to whether she did or not, was a matter for a member of the general public in the knowledge of all the relevant facts. She was also advised by me that whether she had predetermined a matter also was a matter of fact based upon the extent to which she may have made up her mind about an item before it was discussed. If she had made up her mind, she should leave the room while the item was being discussed. I also explained that she could speak as a member of the public if she had declared a prejudicial interest in an item if the Council had adopted the relevant part of the model code of conduct and made provision in its standing orders. After speaking on item however, she would have to leave the room and could take no further part in the meeting or vote. (RR)</p>	8,9,10

<b>Case No.</b>	<b>Date of Enquiry</b>	<b>District/Town/Parish Council</b>	<b>Nature of Enquiry (Brief Details)</b>	<b>Advice Given (Brief Details)</b>	<b>Code of Conduct Reference (Para No.)</b>
20.	21.05.08	Little Paxton Parish Council	Enquiry from the Clerk regarding the interests of a newly elected Councillor	Advice given, on basis of circumstances described on personal and prejudicial interests and predisposition and predetermination. Advice also given on how to record declarations in the Minutes. (CD)	8, 9 and 10
21.	21.05.08	Little Paxton Parish Council	Enquiry from Councillor regarding personal and prejudicial interests, predisposition and predetermination	As previous entry but relative to Councillor's home address, its location adjacent to recreation ground, upon where MUGA is to be placed and her previous involvement in village lobby group opposing the MUGA. (CD)	8, 9 and 10
22.	21.05.08	Little Paxton Parish Council	Application for dispensation	Advice given to Councillor regarding rules for granting of dispensation. If considered to have a personal interest – retain entitlement to speak. If considered to have prejudicial interest, would still be entitled to speak under paragraph 12(2) of the Code of Conduct if adopted by the Parish Council. Unlikely to be granted dispensation in circumstances described. (CD)	8, 9, 10 and 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.)
23.	21.05.08	St Ives Town Council	Enquiry from Clerk regarding various personal and prejudicial interests of newly elected Members given their link to ACE and in light of possible need for DDA renovation work to St Ives Town Hall	Advised that Members of ACE had personal interest as membership of lobby group would be registered.  Unlikely to have a prejudicial interest. Attention drawn to bias/pre-determination issues regarding the Corn Exchange.  Regarding the DDA works – no personal or prejudicial interests but potential issue of bias/pre-determination dependent on individual circumstances. (CM)	8, 9 and 10
24.	10.06.08	St Ives Town Council	Enquiry from Clerk regarding future of Town Hall and DDA compliance and potential use of Corn Exchange for meetings	Clerk reminded to give advice regarding pre-determination. (CM)	8, 9 and 10
25.	12.06.08	Huntingdonshire District Council	Councillor J D Sadler	As Governor of the Regional College in Huntingdonshire advised to declare prejudicial interest and withdraw from Council Meeting during discussion of relevant planning application. Also advised to consider declaring similar interest when petitions on the same subject presented. (PW)	10
26.	23.06.08	Huntingdonshire District Council	Councillor P J Downes	As member of "Friends of Hinchbrooke House" advised that interest was personal and that it was not necessary to withdraw from Council meeting when considering planning application for Regional College in Huntingdon. Advised of potential use of paragraph 12 (2) if necessary. (CD)	8 and 9

<b>Case No.</b>	<b>Date of Enquiry</b>	<b>District/Town/Parish Council</b>	<b>Nature of Enquiry (Brief Details)</b>	<b>Advice Given (Brief Details)</b>	<b>Code of Conduct Reference (Para No.)</b>
27.	24.06.08	Huntingdonshire District Council	Councillors Mrs K E Cooper, R W J Eaton, D Harty, G S E Thorpe and P K Ursell	Councillors advised that they have personal and prejudicial interests in planning application relating to Huntingdonshire Regional College and should leave the meeting for the duration of voting and discussion.	8, 9 and 10
28.	24.06.08	Earith Parish Council	Whether it was necessary to seek dispensation from the Monitoring Officer to engage in negotiations with developer over potential Section 106 contributions to the Parish Council.	Advised that Parish Council should give authority to those involved in discussions to speak on their behalf with developers who should subsequently report back to Parish Council on the outcome. Councillors should declare their interest, if any, in the normal way in advance or discussion of the business at the subsequent Council meeting. Not necessary for dispensation to be granted by the Monitoring Officer.	

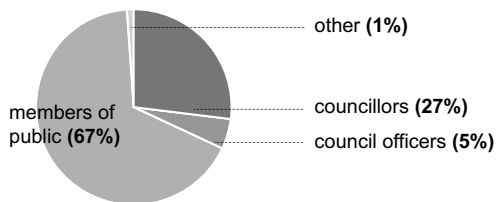
# Agenda Item 6

## Referral and investigation statistics

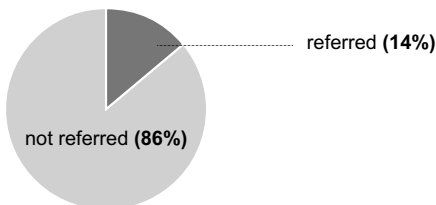
The Standards Board for England received 3,624 allegations between 1 April 2007 and 31 March 2008, compared to 3,549 during the same period in 2006-2007.

The following charts show referral and investigation statistics during the above dates.

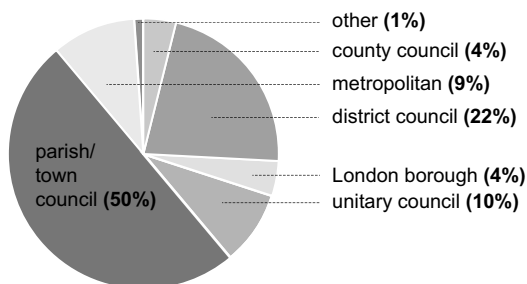
Source of allegations received



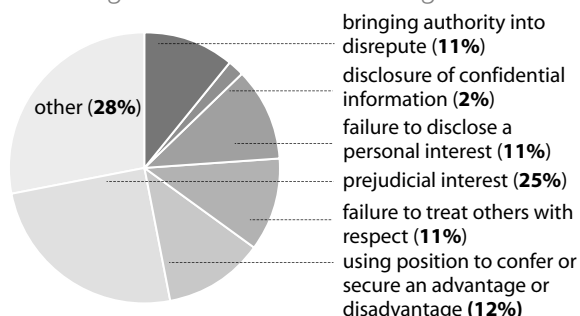
Allegations referred for investigation



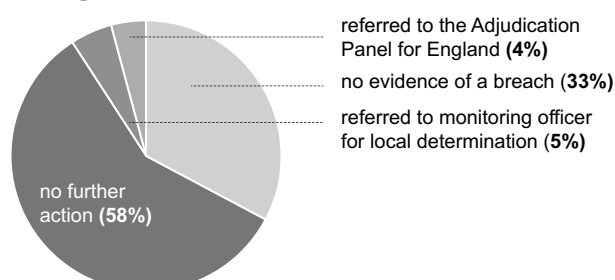
Authority of subject member in allegations referred for investigation



Nature of allegations referred for investigation



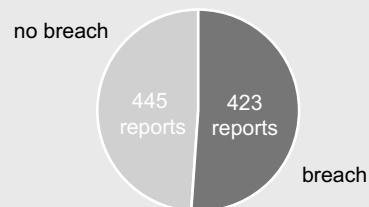
Final findings



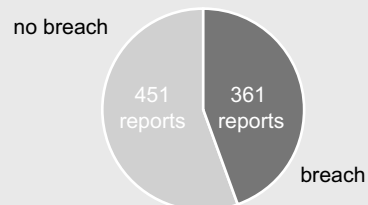
## Local investigation statistics

For the period 1 April 2007 to 31 March 2008, ethical standards officers referred 291 cases for local investigation, which is 55% of all cases referred for investigation. Since 1 April 2007 there have been eight appeals to the Adjudication Panel for England following standards committee hearings. Since November 2004 we have referred 1,097 cases for local investigation – please see below for a statistical breakdown of the cases that have been determined.

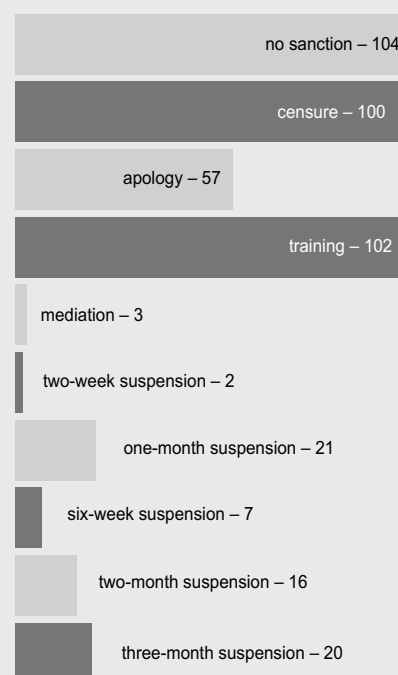
Monitoring officers' recommendations following local investigations



Standards committee hearings



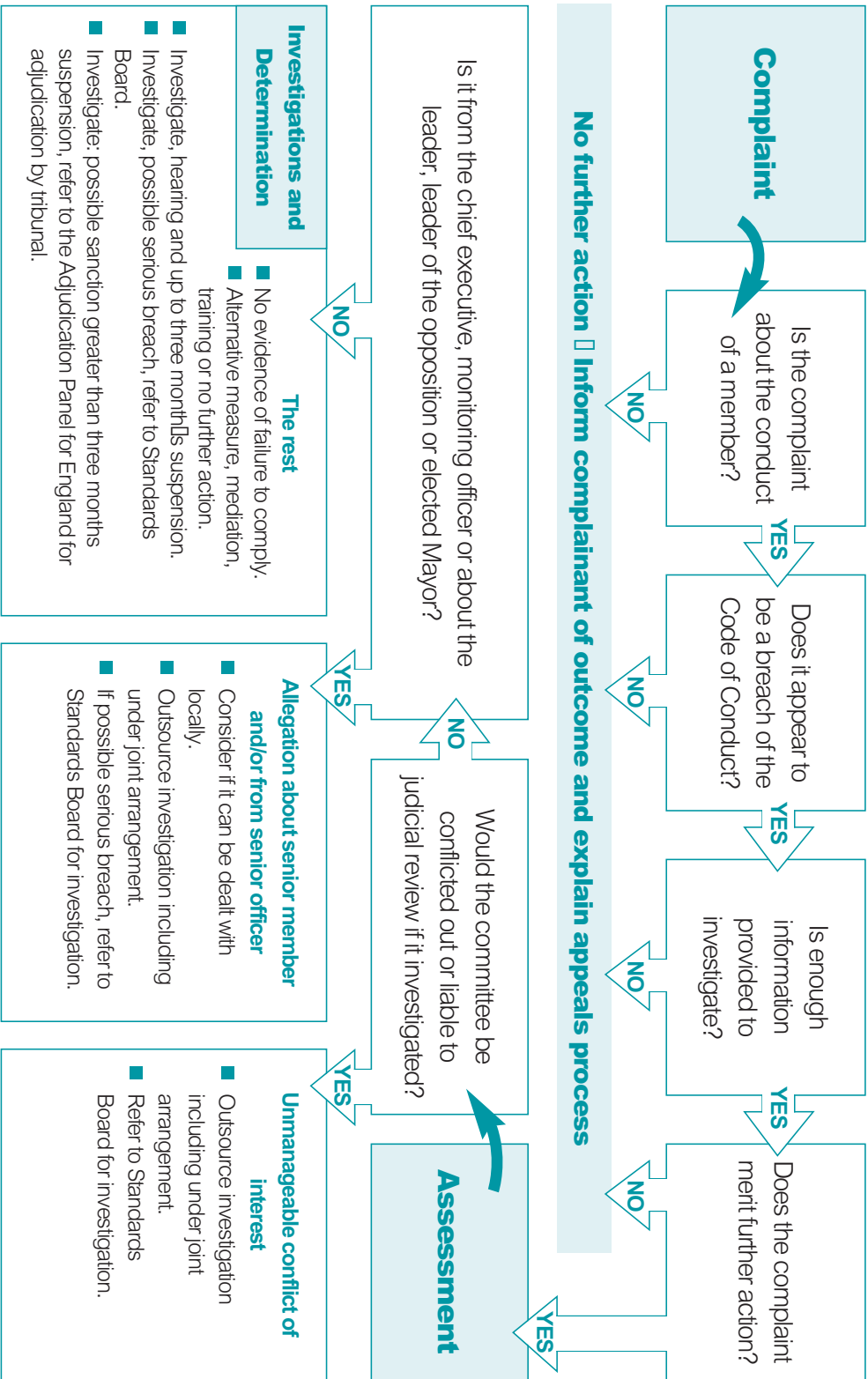
Standards committee determinations



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## APPENDIX A

### Local assessment complaint handling chart



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# CASE A

## HILTON BOROUGH COUNCIL - COUNCILLOR PETER CITRINE

### Summary

It was alleged that Councillor Peter Citrine published a political leaflet on behalf of the local Liberal Democrats suggesting that people should boycott the shops in the high street belonging to Councillor Leo Hall, the Conservative council leader. This was in response to the council's decision to introduce car-parking charges in the town centre, which the Liberal Democrats were campaigning against. The complainant is an employee of Councillor Hall. She works in a pet shop and alleges that Councillor Citrine is jeopardising her livelihood by effectively encouraging people to patronise another pet shop 200 yards away.

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13 JAN 2005  
RECEIVED

RECEIVED  
13 JAN 2005

Miss Marjorie Dawes  
76 Ferry Lane  
Hilton  
HT2 6KJ

6<sup>th</sup> January 2005

Dear sirs,

I wish to complain about an article that has appeared in a political newsletter that has been distributed to thousands of homes in Hilton in December 2004 under the name of Cllr. Peter Citrine of Hilton Borough Council and Hilton Liberal Democrats.

The article in question refers to car parking charges and tells people which shops to boycott owned by Mr. Hall. I am employed by Mr. Hall and I believe to encourage people to boycott his shops will disadvantage me and the other members of staff who work for him. I have already had people speak to me to say they have boycotted the shop as they have been told not to use the shop. It is my very livelihood Cllr. Citrine has put in jeopardy.

Having researched your website and looked up the terms of reference it clearly states that "A member must not in his official capacity, or any other circumstance, use his position as a member improperly to confer on or secure for himself or any other person, an advantage or disadvantage." As there is another pet shop (Pampurred Pets) in Hilton High Street only 200 yards from the shop I work in (Pets Paradise) it is abundantly clear that Cllr. Citrine by his actions is seeking to advantage my rivals as well as seeking a political advantage for him and to the disadvantage of all of us who work there.

Your terms of reference under (2) also states that "A member must (a) treat others with respect." I think the way Cllr. Citrine has used and named the businesses has an affect on my livelihood and is not treating me or my work colleagues fairly or with respect.

What he has done has caused a great deal of harm with the potential to cause job losses for his own political gain and to the financial advantage of our local competitors.

I, nor any of the staff employed by Mr. Hall are members of any political party, are not active in supporting any political party, nor stood in any elections. We are not political people. All we want to do is to protect our jobs. The newsletter seeks to put in jeopardy the livelihood of me and my work colleagues. If this is how you allow Councillors to conduct themselves then there is little wonder the general public hold them in scant regard.

Surely this type of newsletter brings not only Cllr. Citrine into disrepute but also the authority he represents.



As the Standards Board for England has been set up to deal with this type of complaint I would ask you to investigate this matter as I believe I have been discriminated against, treated disrespectfully, had ~~Hilton~~ Borough councils' reputation tarnished by the actions of Cllr. *Citrine* who has used his position improperly to forward his own political advantage and to seek a financial advantage for our local competitors to the disadvantage of me and my work colleagues.

Thank you for taking the time to read this letter, I enclose a copy of the offending newsletter.

Yours sincerely

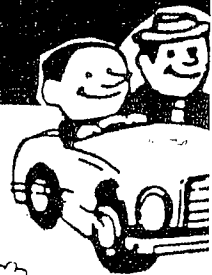


Miss Marjorie Dawes

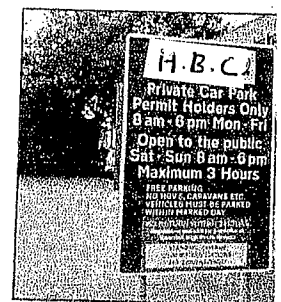
# Where you can still park for free in **Hilton** town centre:

Parking charges only apply in Council-run car parks. On-street parking is still free. You can park for free on any stretch of road not covered by yellow lines. Some roads have a maximum stay of one or two hours. In some roads you can park all day for free. Check the roadside signs for time limits.

You can also park for free in the small car park behind the Town Hall at weekends. Parking charges do not apply to this car park at weekends. There is no ticket machine in this car park. You do not need to buy a ticket if parking here at weekends.



**You may wish to protest about car parking charges by boycotting the High Street shops run by Conservative Council Leader **Leo Hall** ELJ Furnishings & Pets Paradise between the Town Hall and Post Office. But please don't boycott other town centre shops. It's not their fault that parking charges are in place. They need your continued custom. Please support our local **Hilton** shops and help their staff keep their jobs.**



Parking is still free in small car park behind Town Hall at weekends



## It's not too late to make **YOUR** views known

If you've yet to fill in one of our Car Park Charges Survey forms, please do so today. The more people who make their views known, the better our chances of getting things change

# Car Park Charges - **YOUR** chance to have **YOUR** say



- \* Do you agree with car parking charges for **borough** residents? YES / NO
- \* Would you support charges for non-residents who commute across the Harbour? YES / NO
- \* Do you think the £480 charge for a **Hilton** Residents Parking Pass is: TOO HIGH / TOO LOW / ABOUT RIGHT
- \* Do you think it right that Conservative Council Leader **Leo Hall** and top Town Hall officers should continue to get free Town Hall parking when everyone else has to pay? YES / NO

Name: ..... Address: .....

Postcode: ..... Email address (if you have one): .....

Please return to Councillor Peter Citrine, **Hilton** Liberal Democrats,

**If you know of any other local issue or problem which Councillor Peter C and the Liberal Democrats may be able to help with, please let us have the details. Write to Councillor Peter Citrine at Hilton Town Hall, HT4 1AA. As a local Borough and County Councillor, he's here working for us all-year-round**

# FOCUS

Local News  
and Action

**Xmas Trade down 30% as Car Park Charges take effect**

## Parking Fees hit Hilton Trade



Town Centre Traders fear a gloomy Christmas as Car Park charges hit *Hilton* shops and market stalls. Some shops report trade down by 30 per cent. Three stores are closing their doors and more are expected to follow as the Conservative Car Park Charge drives shoppers away. Now Liberal Democrat councillors want the scheme changed before *Hilton* becomes a ghost town

**Lib. Dems. call for changes  
"before it's too late"**



Liberal Democrat councillors want:

- \* A return to free parking in short-stay shoppers car parks to help *Hilton* traders & shoppers.
- \* A much-reduced season ticket for *borough* residents using long-stay car parks - £50 has been suggested.
- \* An end to free parking for top Town Hall officers and councillors - it's wrong that Conservative councillors including *Leo Hall* and *Peter Lowry* can still park for free when everyone else has to pay.

**Most residents say they support the Liberal Democrat proposals.**

## CAR PARK SURVEY RESULTS

**Residents oppose  
Conservative  
Car Park Tax**

A survey of over 10,000 households has shown overwhelming opposition to the Conservative Car Park Tax. Over 95 per cent of those surveyed opposed charges for *Hilton* residents. 98 per cent believed the annual £480 charge for residents is far too high. 99 per cent said it is wrong that Tory councillors and Town Hall bosses can still park for free.

**Residents support  
Liberal Democrat  
alternative**

Liberal Democrat Councillor *Peter Citrine* thanked everyone who took part in the survey. "It was important to give local people a say", said Peter. Now the Council should listen to *Hilton* residents and amend the scheme to bring back free parking for residents in short-stay car parks and give local residents a much cheaper season ticket for the long-stay car parks."

### Conservative double standards - What they say and what they do:

- \* Why did Conservative Leader *Leo Hall* tell 'The News' that councillors should pay for parking... and then allow Conservative councillors to continue using the Town Hall car park for free?
- \* Why did Conservative Councillor *Peter Lowry* say he was "extremely disappointed that car park charges are to be introduced" just days before he voted FOR their introduction?



Conservative Council Leader *Leo Hall* can still park his 4x4 at the Town Hall for free

**Overleaf - Where YOU can still park for free**

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# CASE G

## SCAWTHORPE BOROUGH COUNCIL - COUNCILLOR LEE KREUZ

### Summary

The complainant is the clerk to Nith parish council. He refers to a meeting of the council on 19 September 2006 where members discussed financial irregularities arising from the alleged misconduct of the council's groundsmen. It is reported that Councillor Kreuz, the local member of the borough council, attended the open part of the meeting but left with the public before the closed part where this matter was discussed.

It is alleged that a member of the parish council gave Councillor Kreuz a confidential note, which he then showed to the groundsmen two days later. It is also alleged that he told them that they had been the main topic of discussion at the meeting, giving them the impression that he had been present, the matter had been discussed in public, and that the clerk had accused them of stealing money.

It is reported that the note had the top of the page folded over, which one member of staff believed was to conceal a fax number. It is also alleged that he doctored a note headed "To all Parish Council Staff", cutting off the heading to make it look as if it only applied to the staff at the park.

The complainant adds that it is common knowledge that Councillor Kreuz intends to stand for the parish council.



# Nith Parish Council

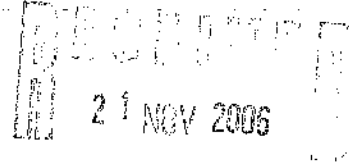
Millennium Hall Main Street  
Nith-upon-Brierley Moor  
Scawthorpe SP10 5AW Tel 467876

Chair Cllr Alison Stainsby Clerk Frank Law

*cc. POC Brown*

16<sup>th</sup> November 2006

The Standards Board for England  
1st Floor, Cottons Centre  
Cottons Lane  
London SE1 2QG  
United Kingdom



Dear Sirs

*For the attention of  
Paul Hoey*

**New Referral**

**Councillor Lee Kreuz, Scawthorpe Borough Councillor**

I write to complain about the behaviour of *Scawthorpe* Borough Councillor, *Kreuz* for the reasons given below. He was given confidential *Nith* Parish Council information (by a *Nith* Parish Councillor) and used it to try to put myself, the Clerk and line manager of these staff in a bad light and to damage the working relationship I have with my staff, thus failing to show me respect and putting me at a disadvantage.

He also failed to show my grounds men, William G. and Thomas L. proper respect and, in putting to them a completely false version of events, looked to cause them unfounded personal concern about their reputations and job security. It is little secret that Borough Councillor K. intends to stand for the Parish Council next May and the false information he gave, plus the possibility that this man may have been one of their 'bosses' next year was calculated to upset them.

In doing what he did in such a premeditated way he has also brought his Borough Council into disrepute.

**Councillor – *Nith* Parish Council**

The information which Councillor K. possessed can only have been supplied to him by a *Parish* Councillor. If in the course of this investigation Mr K. reveals who gave it to him then I would ask that that Councillor be subject to the process as well. Twice already this year, two Strictly Private and Confidential letters to the Council from its auditors have found their way into the press; on the second occasion a letter was quoted verbatim by the Vice Chairman of the *Residents and Tenants Association*, Mr *Green*. The Chairman of that Association is former Councillor David W. , whose wife is a serving Councillor on *Nith* Parish Council!

During the period that these confidential matters have been leaked, *Nith* Parish Council has been the subject of a Standards Board Direction meant to address its

problems via the media of training, counselling and mentoring. It seems some Councillors have treated this period as 'open season' on ~~NW~~ Parish Council and its staff, in an attempt to secure an advantage for themselves.

The facts:

- On 19<sup>th</sup> September 2006, ~~NW~~ Parish Council discussed two confidential items after a resolution to exclude the public and press.
- The first of these related to a staffing matter, details of which are covered in the attached minute of the meeting.
- Two days later, ~~Seawick~~ Borough Councillor, ~~Lee Kreuz~~ was in possession of the confidential note to Parish Councillors and showed part of it to two of the Parish Council staff (Mr G and Mr L), saying that:
  1. the matter concerned had been discussed in the presence of the public;
  2. he had been there when the issue had been discussed
  3. during the discussion, the Clerk to the Parish Council (myself) had accused both staff members of fraud and theft.
- When he showed them his 'evidence' (the copy of the note that had been handed to Councillors of the Parish Council at the meeting) he had the top of the page folded over and would not let it go when he showed it to them. Mr G believed that the page was a 'fax' copy and that the page was folded over to hide the senders fax number. The photocopy he subsequently supplied gave this impression. Perhaps his own fax records could be checked. Certainly a comparison of the original notes to those handed to the staff give a strong impression of emanating from a fax.
- Mr K said that he could not let them keep the paper he had, but promised to return later that day with a photocopy. It was the next day that he returned and handed over a copy of the note, which had been doctored, in that the heading 'To all Parish Council Staff' had been cut off to make as though the note concerned only the staff at our Park (the Russell Playing Fields) and not all staff as the original note shows.

The two men remain very upset at the interference from Mr K

When the receipts discussed in the note to Council went missing both staff offered to put their hands in their pockets to cover the shortfall. I told them this was not required and that I would ask Council to ratify the situation, but that, having told them on more occasions than enough that their practice of taking tennis money for fuel for the mowers and submitting net takings plus a receipt was not acceptable, that any further occurrences would be the subject of disciplinary action. This they accepted as reasonable.

Mr K intervention therefore gave rise to a belief in their minds that I had said one thing to them and another to Councillors; it suggested to them that the alleged

accusations were in a wider domain than just the Council Chamber, and therefore undermined a good working relationship that exists in the Parish Council between Clerk and staff and gave them feelings that perhaps they could not trust their line manager.

I have personally invested much time in working with staff at the Parish Council since I became Clerk, to the benefit of the Parish in many ways. To have my work challenged in this way by a Borough Councillor is disappointing to me yet manageable; I am degree educated, have held senior Posts in major organisations and have had to live with this sort of harassment in [redacted] for some time.

However my staff are typical working men, not on the highest salaries and both in their late fifties. They work as hard as they are able for the Council. To be dragged in to a battle not of their making, and given the impression that they have been called thieves by their own line manager is disgraceful. They do not deserve to be abused by Parish and Borough Councillors in this way, in pursuit of selfish political aspirations and a vendetta against the Clerk to the Council.

I would mention that when I was told about Mr K [redacted] on 21<sup>st</sup> September I asked for both Groundsmen to come to my office to give them assurances that what they had been told was not the case. I asked them to go through what had been said.

Mr Lionel T [redacted], Regional Adviser to the Society of Local Council Clerks and our internal auditor was present that day and will confirm what was said at the time.

Mr K [redacted] was obviously given the confidential papers by a Parish Councillor; he clearly had time to think about what he was going to say to the Parish Council staff before he did it and in travelling to the Playing Fields, he also had time to reflect on what he was going to do and why he was going to do it.

He knew he was going to lie, for whilst he had been at the meeting at which the staffing item was later discussed, he had left immediately the resolution to exclude the public and press was passed. To tell them it was discussed in public was also a lie. Having been previously found guilty of bringing his office as councillor of [redacted] Borough Council into disrepute and failing to treat others with respect, he is well aware of the Code of Conduct which governs the standards of behaviour expected of him.

I ask that the Standards Board investigate the actions of Councillor Kreuz. He has behaved disreputably and in a pre meditated manner and also brought ~~Scawthorpe~~ Borough Council into disrepute. Arguably he has tarnished ~~Nith~~ Parish Council by giving two of its staff the impression that the Council's Chief Officer, was accusing his staff publicly of theft.

I should also ask the Standards Board to investigate whichever [redacted] Parish Councillor leaked the confidential memo to Mr K [redacted]. If this man is serious about



his Council role he should answer truthfully the question and the Parish Councillor he names should be subject to their Code also.

Yours faithfully

Frank Law  
Clerk to the Council.

#### Appendices

1. Summary of staffing issue not handed to Councillors at the September 19<sup>th</sup> meeting until after the public had left. (1 page)
2. The proposed Notice to be handed to all staff if the Council meeting approved it. (1 page)
3. Actual minute of the Council meeting -- **Confidential** section from 19<sup>th</sup> September meeting (1page)
4. Notes written out by Mr L and Mr G the following morning detailing events and their feelings. (2 pages)
5. Copy of the summary note given to Mr G by Councillor K, with the header removed. (1 page)
6. Copy of the proposed Notice to staff handed over by Mr K, again doctored. (1 page)
7. My own note written later that afternoon. (1 page)

Net Parish Council

Staff Item 1

A recent accounting of bowls and tennis money at the Russell revealed the total to be £30 short. At the same time there was only one petrol receipt totalling £8 for a near four week period. Analysis of the previous period shows that in summer the average petrol use is £10/£15 per week.

It is clear that petrol receipts have been lost. This is despite numerous demands from myself over the last three years that petty cash for petrol be collected from this office, not taken from bowls or tennis money. The habit dies down after each warning only to flare up again. Typically when getting cash plus petrol receipts in the past I have 'had a word', entered the takings gross and added petty cash to the net cash for banking and accounting purposes.

I have spoken with the internal auditor as to the best way forward regarding the shortfall. He suggests that if statistically we are convinced that the shortfall can only be due to missing receipts, and that we trust the men, then we could obtain a statement to the effect that petrol was purchased and the receipts lost, from both the staff concerned.

The second step is an obvious one and the warning overleaf has been handed to both staff and will be maintained in the takings record file at the Russell. It effectively makes any future diversion of takings to purchases, a disciplinary offence.

I ask that Council accept a statement from the Ground staff regarding the missing petrol receipts and that Council confirms the stance regarding future treatment of recurrences.

To all Nith Parish Council staff

**NOTICE**

I have for three years now been insisting that no cash takings be diverted for purchasing of petrol or other supplies.

This is for your own protection as much as for the safety of the Councils money and the following of proper accounting procedures.

It seems that little heed is paid to this requirement as evidenced by the recent potential cash shortage.

**If I discover again that any money whatever has been used from any cash receipts to fund petrol or other purchases, then the person or persons responsible will face disciplinary action.**

**I have spoken with the Chairman on this and it will be brought before the Council for confirmation. I regard it as wilful misconduct for my instructions to be so regularly, flagrantly, and needlessly disregarded. As the recent shortfall indicated, lost petrol receipts do happen. When that happens as a result of the wilful ignoring of instructions it will not be tolerated.**

Frank Law  
Clerk

NITH PARISH COUNCILMinutes of the Parish Council MeetingHeld on Tuesday 19<sup>th</sup> September 2006CONFIDENTIAL – ITEMS85/06aStaffing

After the public and press left, Councillors were handed a note from the Clerk detailing a problem arising with staff and the use of bowls and tennis money for petrol purchases. The Clerk assured Councillors that it was clear beyond reasonable doubt that the staff had used some money which appeared to be missing, for fuel for the mowers, and then mislaid the receipts. The Clerk said he had on numerous occasions over the years told staff that under no circumstances should this be done it was clear that with petrol of only £8 bought in August for all the Parish Council sites that there were some fuel purchase invoices missing.

**Councillors resolved** that the Council would accept written assurances from the staff concerned that this was what had happened to the money (£30), but that there would be a note circulated to all staff advising that should there be any further recurrence of this often repeated requirement, then disciplinary action would follow.

(11/1)

85/06bPublic Interest Report 2002-2004 Audits

Councillors debated the report from Hacker Young. Mrs W read a statement signed by the five independent councillors asking that the Council approve the submission of this to Hacker Young for inclusion in the report. This was not agreed by the meeting.

The Clerk suggested that whilst many of the conclusions reached by the report could be accepted by the Council, contrary to the reports' conclusion on records maintenance figures were maintained by him at all times. Further, aside from issues as detailed in 85/06a (2006/2007) the suggestion that cash receipts used for petty cash by the Clerks office did not feature in the accounts and nor did matching expenditure, was wrong. As UHY Hacker Young were still in possession of the papers, this could not officially be disproven, but the Clerk adopted systems in June 2003 which were operated by the previous Clerk

Several Councillors stressed the need to move on and recognise the very positive conclusions coming out of the report,

STATEMENT CONCERNING THE MEETING APP4  
WITH LEE KREUZ ON 21ST SEPT 06

Tom and myself were working at the main entrance to the park, when we were approached by Councillor Kreuz. He proceeded to tell us that we were the main topic of conversation at the Council meeting. He inferred that we had "Had our hands in the till" to coin a phrase regarding the £30 that fell in the tennis money. As you can imagine Tom and I were upset by this, and no doubt it got a reaction that Mr Kreuz expected.

However on reflection I realised there was more to this. Lee offered to show us the letter, which he duly did after about 10 to 15 minutes later. He returned in his car and I told him I would like to keep it to have it photocopied. He said he would do this and turn the copies to the park before Tom looked at 7:30pm. This never happened as apparently I was at a Borough Council meeting. I feel the letter I looked at had been "doctored" to appear that it only concerned Tom and myself and not as it has turned out directed to all members of staff.

SIGNED

33

SINCE I HAVE WORKED WITH THE COUNCIL  
I HAVE NEVER BEEN SPOKEN TO LIKE THIS  
ESPECIALLY BY A BOROUGH COUNCILLOR, REALLY  
UPSETTING TO THE POINT WHERE BOTH  
BILL & I THOUGHT OUR JOBS WERE ON THE  
LINE.

Mr Lee

As an afterthought Lee did say  
that he would be coming to see  
us on the park as yet he has not  
appeared

Bill

Staff Item 1

A recent accounting of bowls and tennis money at the Russell revealed the total to be £30 short. At the same time there was only one petrol receipt totalling £8 for a near four week period. Analysis of the previous period shows that in summer the average petrol use is £10/£15 per week.

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Frank Law

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I have spoken with the Chairman on this and it will be brought before the Council for confirmation. I regard it as wilful misconduct for my instructions to be so regularly, flagrantly, and needlessly disregarded. As the recent shortfall indicated, lost petrol receipts do happen. When that happens as a result of the wilful ignoring of instructions it will not be tolerated.

Frank Law  
Clerk



I was approached by my assistant this afternoon to say that the ground staff were very upset after an approach to them by Borough Councillor, Lee Kreuz, who had with him a Parish Council confidential agenda item from the meeting on Tuesday night.

The first item after Exclusion of Public and Press was regarding a potential petty cash shortfall, occasioned by the loss of some petrol receipts. I wanted Council to agree that I could accept a signed statement from the staff that this was what had happened, thus regularising my petty cash account, and to agree the notice to all staff that any recurrence would lead to disciplinary action.

Borough Councillor K. was at the main part of the meeting but left with all others as the Exclusion of public and press motion was approved. The council was both considering this staff item and the draft ~Public Interest Report submitted by Hacker Young.

He told Mr G. and Mr L. that they were the main topic of conversation at the meeting with a very great emphasis on them both being responsible and the very strong inference that I had accused them of stealing the money. Mr K. also gave them the impression he had been there for the discussion.

They said Councillor K. indicated that Parish Councillor, Tony J. may be coming along also to tell them what had gone on. I understand my staff asked for the piece of paper but that Mr K. was very reluctant to let it go, instead promising to return later in the day with a copy. They did say Mr K. mentioned going to a Council meeting at . later but that he promised Mr L. he would be back before 7.30, having asked Mr L. what time he finished work.

Mr G., having seen the copies of the papers put to the Council then stated that the copy in Mr K.'s possession had been altered in that the words 'To all Parish Council staff' had been deleted. He said that this made it seem very much like it was directed solely at himself and Mr L. and that as a consequence Mr K. account to them, delivered as though it was first hand and that Mr K. had been there, was true. Mr G. also said that he thought that the paper in Mr K. hands looked as though it were from a fax.

Mr L. added that he felt as though Mr K. and those who had provided him with this information were getting at them as a way of getting at the Clerk and the Council. He personally wanted only to come to work, do his job and go home.

This discussion took place in the presence of Lionel T. who was attending my office for the purpose of the internal audit. I asked Lionel to underline the importance of correctly dealing with cash receipts which he did after I had shown them both the original version of the papers that went to Council.

21 September 2006

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