

A meeting of the **STANDARDS COMMITTEE** will be held in the **COUNCIL CHAMBER, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 5 JUNE 2008** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## **APOLOGIES**

**Contact (01480)**

**1. ELECTION OF CHAIRMAN**

To elect a Chairman of the Committee for the ensuing Municipal Year.

**2. MINUTES** (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 6th March 2008.

**Ms C Deller  
388007**

**3. MEMBERS' INTERESTS**

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.

**4. APPOINTMENT OF VICE-CHAIRMAN**

To appoint a Vice-Chairman of the Committee for the ensuing Municipal Year.

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

To note that the District Council has 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.

**Ms C Deller  
388007**

**6. LOCAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS - REQUIREMENTS OF THE NEW REGIME** (Pages 5 - 16)

To consider a report by the Director of Central Services and Monitoring Officer.

**Ms C Deller  
388007**

**7. APPLICATION FOR DISPENSATION** (Pages 17 - 18)

To consider a request for dispensation received from St Ives Town Council. A report by the Director of Central Services and Monitoring Officer is enclosed.

**P Watkins  
388002**

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

Ms C Deller  
388007

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

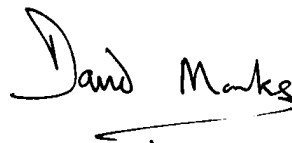
9. **DELIVERING THE GOODS: LOCAL STANDARDS IN ACTION**

Ms C Deller  
388007

To nominate three representatives to attend the 7th Annual Assembly of Standards Committees at the International Convention Centre, Birmingham on 13th and 14th October 2008. To view the proposed programme please use the following link –

<http://www.annualassembly.co.uk/Programme/filedownload,16587.en.pdf>

Dated this 28th day of May 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. 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 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](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 2

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 6 March 2008.

PRESENT: Mr D L Hall – Chairman  
Councillors J D Ablewhite,  
Mrs B E Boddington, P J Downes, I R Muir  
and G S E Thorpe.

Messrs P Boothman, M Lynch and  
G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors R S Farrer and T D Sanderson and Mr D MacPherson

### **38. MINUTES**

The Minutes of the Committee held on 31st January 2008 were approved as a correct record and signed by the Chairman.

### **39. MEMBERS' INTERESTS**

Councillors J D Ablewhite and P J Downes and Messrs P Boothman and G Watkins declared a personal interest in Minute No. 41 by virtue of their personal involvement or close association with the individuals involved in the cases referred to.

Councillor G S E Thorpe declared a personal interest in Minute No. 44 by virtue of his membership of St. Neots Town Council.

### **40. APPLICATION FOR DISPENSATION**

A report by the Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding a request received for dispensation from five Members serving on Pidley-cum-Fenton Parish Council.

The Monitoring Officer explained that following advice offered to the Parish Clerk in response to an inquiry 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 Village Hall Management 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 five Members of Pidley-cum-Fenton Parish Council for the period ending 30th April 2008 to enable them to conduct business involving the award of grant to the Village Hall Management Committee.

**41. SURVEY OF CODE OF CONDUCT COMPLAINTS: 2002 - 2006**

*(See Minute No. 39 for Members' Interests).*

Further to Minute No. 29, the Committee received and noted a presentation (a copy of which is appended in the Minute Book) of the cases reported to the Standards Board for England relating to Huntingdonshire District and parishes since the introduction of the ethical standards regime in 2001.

**42. LOG OF CODE OF CONDUCT ENQUIRIES**

In response to a request by the Committee at their meeting held on 6th December 2007 (Minute No. 29 refers), Members received and noted a record of Code of Conduct enquiries received by the Director of Central Services and Monitoring Officer since the commencement of the log in January 2008 (a copy of which is appended in the Minute Book).

Members were of the view that this new initiative could prove to be a valuable reference tool when the local assessment regime commences.

**43. CODE OF CONDUCT - FACT SHEETS**

Members received and noted the content of two fact sheets produced by the Standards Board for England on the sections of the Code of Conduct relating to gifts and hospitality and personal and prejudicial interests (copies of which are appended in the Minute Book).

**44. CODE OF CONDUCT COMPLAINT - STANDARDS BOARD NOTIFICATION**

The Committee received and noted a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding the decision of the Standards Board for England not to take any further action in relation to allegations made against a Councillor serving on St. Neots Town Council.

**45. INDEPENDENT ADJUDICATOR: NEW ROLE FOR STANDARDS COMMITTEES**

Further to Minute No. 36 and by way of a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) Members were reminded of the proposal, under the Local Government and Public Involvement In Health Act 2007, to abolish the role of Independent Adjudicator and to transfer the responsibility for the granting and supervision of exemptions of certain

local authority posts from political restrictions to local authority Standards Committees.

Members noted that guidance on the precise duties to be undertaken by the Committee still was awaited from the Department for Communities and Local Government as was any indication of the timing of the transfer of functions. Therefore and having acknowledged that there would be a requirement to vary the Committee's terms of reference and to consider the necessity for a Member briefing or training on the new functions, the Committee

RESOLVED

that, in accordance with the advice of the Standards Board for England, the intention of the Government to vary the duties and responsibilities of Standards Committees be noted.

**46. LOCAL ASSESSMENT: EXERCISE**

Further to Minute No. 36, the Committee received and noted a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) which drew attention to some early guidance published by the Standards Board for England to help prepare local government for the local assessment of Code of Conduct cases.

Having discussed the complaint handling flow chart and the details of the case submitted, Members recognised that it would be beneficial if arrangements could be made by the Monitoring Officer for the Committee to engage in a training exercise at the conclusion of the next meeting.

The Committee also were of the view that careful consideration needed to be given to the content of letters of response to complainants particularly in circumstances where it would not fall to the Standards Committee to deal with the complaint.

**47. DATE OF NEXT MEETING**

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

Chairman

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**LOCAL ASSESSMENT OF CODE OF CONDUCT COMPLAINTS –  
REQUIREMENTS OF THE NEW REGIME  
(Report by the Director of Central Services and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Members will be aware that the Standards Committee (England) Regulations 2008 came into force on 8th May 2008. The Regulations provide for the initial assessment of allegations of Member misconduct to be transferred from the Standards Board for England to local authority Standards Committees which will have to decide whether each allegation appears to disclose a breach of the Code of Conduct for Members and whether it merits investigation.

**2. NEW FRAMEWORK – KEY CHANGES**

- 2.1 In brief, the 2008 Regulations provide for –

- ◆ standards committees to establish a Referral (Assessment) Sub-Committee which will have responsibility for the initial assessment of allegations and determining whether a particular allegation should be investigated, and a Review Sub-Committee which will have responsibility for considering any requests from the complainant to review a decision of the Referrals (Assessment) Sub-Committee not to investigate a particular allegation;
- ◆ undertaking an initial assessment within 20 working days of receipt of an allegation;
- ◆ Standards Committees to be composed of at least 25% independent Members and to be chaired by an Independent Member; and
- ◆ an increase in the maximum sanction available to Standards Committees from 3 months to 6 months suspension or partial suspension.

- 2.2 In addition, the Standards Board will be responsible for monitoring and ensuring the effectiveness of local arrangements, including supporting authorities which are experiencing difficulties and improving their performance. Standards Committees will have to report periodically to the Standards Board on their performance of these new functions.

**3. NEW PROCEDURE: ESTABLISHING THE SUB-COMMITTEES**

- 3.1 The establishment of the two new Sub-Committees is mandatory under the Regulations, as is the transfer of functions to them. The composition of the Sub-Committees is also closely defined, requiring a meeting of a Sub-Committee to be chaired by an Independent Member and for there to be at least three Members of the Sub-Committee present for the duration of the meeting, including at least one Member of the authority and at least one parish Member where the allegation relates to a parish councillor. The membership of the Referral (Assessment) Sub-Committee for a particular matter cannot overlap with that of the Review Sub-Committee when the latter considers the same matter.

- 3.2 The Sub-Committees must be established by the Standards Committee but nothing in the Regulations requires a sub-committee to have a fixed membership or chairmanship.
- 3.3 Although it is difficult to anticipate the scale of the workload arising from the new Regulations, the Council has recognised the importance of flexibility and to ease the burden which might be placed on the existing Parish Council representatives has, with effect from 14th May 2008, increased the membership of the Standards Committee to allow for the appointment of one additional town or parish councillor to represent town and parish councils in the District. The Cambridgeshire and Peterborough Association of Local Councils have been invited to nominate the additional Member.
- 3.4 To continue the theme of flexibility, it is suggested that the Committee only appoint a named (lead) Independent Member to chair each Sub-Committee and that the Director of Central Services and Monitoring Officer (or in his absence, the Head of Legal & Estates) be authorised, after consultation with the relevant lead Independent Member to convene meetings of the Sub-Committees when required drawing upon the existing Members of the Standards Committee always bearing in mind that membership of the Referrals (Assessment) Sub-Committee for a particular matter cannot overlap with that of a Review Sub-Committee when the latter considers the same matter.
- 3.5 Conscious of the need to establish a framework with sufficient flexibility to respond to the demands of the new regime and to populate the various sub-committees as and when they are required, it is also considered that the terms of reference for each sub-committee should allow for a substitute Independent Member to take the place of the Independent Chairman, in the event of their inability to attend meetings on any occasion.
- 3.6 The new Regulations provide that information presented to the Referrals (Assessment) Sub Committee or to a Review Sub Committee shall be 'exempt information' for the purpose of Schedule 12A to the Local Government Act 1972, thus giving each of the Sub-Committees a power to exclude the press and public from their meetings. As this is a discretion, it will still be necessary for each meeting to resolve whether to exclude the press and public.
- 3.7 **Accordingly, it is recommended that –**
- ◆ **the Committee establish and appoint a Referrals (Assessment) Sub-Committee comprising one Independent Member, one Parish Council representative and one District Councillor;**
  - ◆ **that the Committee establish and appoint a Review Sub-Committee comprising one Independent Member, one Parish Council representative and one District Councillor;**
  - ◆ **that dates for monthly meetings of the Referrals (Assessment) Sub-Committee be established for a six-month period until December 2008 given the difficulty in assessing the workload which is likely to arise from the new Regulations and the timescales to which the Sub-Committee would be expected to work;**
  - ◆ **that the Director of Central Services and Monitoring Officer (and in his absence, the Head of Legal & 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;**

- ◆ **that the Referrals (Assessment) and Review Sub Committees hold their meeting in private unless the relevant sub committee determine otherwise in the case under consideration; and**
- ◆ **that the proposed terms of reference for each Sub-Committee enclosed at Appendices A and B be approved.**

#### **4. APPOINTMENT OF ADDITIONAL INDEPENDENT MEMBER**

4.1 Members will recall that Messrs Hall, Boothman and Lynch were appointed by the Council to serve on the Committee in May 2007 for a four-year term. Written applications for the office were submitted in response to a press advertisement.

4.2 The Panel appointed to interview candidates for the office considered that one of the unsuccessful applicants had the necessary attributes to be suitable and successful in the post of Independent Member in the event of the need to appoint an additional post. It is understood that the individual may still be available and that she has reaffirmed an interest in serving on the Committee. Although the Regulations are silent on the issue of any overlap with any hearing that might be necessary any duplication of membership could give rise to a perception of bias and to guard against this situation and again to build into the arrangement sufficient flexibility to respond when necessary, the Committee may wish to consider whether it would be appropriate to recommend to Council the appointment of additional Independent Member subject, of course, to preliminary consultation with the individual concerned.

4.3 **It is recommended that Council appoint an additional Independent Member to serve on the Standards Committee for the remainder of the current four-year term to May 2011.**

#### **5. LOCAL HEARING ARRANGEMENTS**

5.1 The process for the consideration of the Monitoring Officer's report following investigation is similar to that previously adopted by the District Council for allegations which had been investigated locally. Whether a report concludes that there has or has not been a failure to observe the code of conduct, the Monitoring Officer is required to report to the Standards Committee which then decides whether to accept the Monitoring Officer's conclusion and close the matter, or refer the matter for a formal hearing.

5.2 At their meeting held on 17th December 2003, and in their consideration of a draft procedure for the local investigation and determination of allegations against Councillors, the Committee resolved to authorise the Executive Director of Central Services, after consultation with the Chairman of the Committee, to administer the pre-hearing process and to convene and to appoint Members to hearings as necessary. To ensure this arrangement can continue -

**it is recommended 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 17th December 2003 be reaffirmed.**

## **6. OTHER ISSUES**

- 6.1 As lead Officer on probity issues, adviser to the Standards Committee, confidential adviser to Councillors and the responsible officer for initial assessment, investigations and hearings, the role of the Monitoring Officer has increased significantly under the new Regulations. To ensure that the necessary arrangements to discharge the functions in relation to the initial assessment and review of allegations are effectively administered in accordance with a clear and transparent procedure, it is proposed that a Monitoring Officer protocol setting out the responsibilities and discretions of the Monitoring Officer be introduced and that this should form part of the District Council's Constitution. A proposed protocol is enclosed at Appendix C. The protocol refers, for example, to procedures for notifying Members who become subject to a code of conduct complaint, local resolution of complaints, how to deal with anonymous complaints, plus other matters relating to investigations.
- 6.2 Implementation of the requirements under the 2008 Regulations will require changes to the District Council's Constitution and in particular amendments to –
- ◆ Article 9 - Standards Committee;
  - ◆ Article 12 – Officers (where reference is made to the duties and responsibilities of the Monitoring Officer/ Deputy Monitoring Officer);
  - ◆ Part 3 – Responsibility for Functions – Table 2 – Responsibility for Council Functions (where the terms of reference and membership of the Standards Committee are described); and
  - ◆ Part 5 – Codes and Protocols – the insertion of the new Monitoring Officer protocol.
- 6.3 Changes to the Constitution will be dependent on the decisions taken at today's meeting and subsequently by the Council and will be subject to consideration by the Council's Corporate Governance Panel who have responsibility for oversight of the Constitution.

## **7. RECOMMENDATIONS**

- 7.1 The Committee is requested to consider the recommendations contained in paragraphs 3.8, 4.2 and 5.2 and as a consequence the Corporate Governance Panel be requested to endorse a series of variations to the District Council's Constitution as referred to in paragraph 6.2.

## **BACKGROUND PAPERS**

The Council's Constitution  
Standards Committee (England) Regulations 2008

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

**PROPOSED TERMS OF REFERENCE FOR THE  
REFERRALS (ASSESSMENT) SUB-COMMITTEE**

**Terms of Reference**

1. The Referrals (Assessment) Sub-Committee will receive allegations that a Member of Huntingdonshire District Council or the Parish Councils within the District may have failed, to comply with their Authority's Code of Conduct.
2. Upon receipt of each allegation and any accompanying report by the Monitoring Officer, the Sub-Committee shall make an initial assessment of the allegation and shall then do one of the following: -
  - (i) refer the allegation to the Monitoring Officer, with an instruction that he/she undertake a formal investigation of the allegation, or directs that he/she arrange training, conciliation or such appropriate alternative steps as permitted by the Regulations;
  - (ii) refer the allegation to the Standards Board for England;
  - (iii) decide that no action should be taken in respect of the allegation; or
  - (iv) where the allegation is in respect of a person who is no longer a Member of the Authority, but is a Member of another relevant Authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant Authorityand shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.
3. Where the Sub-Committee resolves to recommend any of the actions set out in paragraph 2 above, the Sub-Committee shall state its reasons for that decision.
4. The Sub-Committee shall consider any application received from any Officer of the District Council for exemption from political restriction under Sections 1 and 2 of the Local Government and Housing Act 1989 in respect of the post held by that Officer and may direct the District Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the District Council under Section 2 (2) of that Act.
5. The Sub-Committee shall, upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Authority under Section 2 (2) of the 1989 Act, and may direct the Authority to include a post in that list. The Sub-Committee shall report their decision, for information, to the next available meeting of the Standards Committee.

### **Composition of the Referrals (Assessment) Sub-Committee**

6. The Referrals (Assessment) Sub-Committee shall comprise three Members of whom one shall be an Independent Member of the Standards Committee who shall chair the Sub-Committee, one Member of the District Council and one Town or Parish Council representative.

### **Quorum**

7. In the event of the unavailability of the Independent Chairman of the Sub-Committee, the Director of Central Services and Monitoring Officer (or in his absence, the Head of Legal and Estates) be authorised, after consultation with the Chairman, to select a substitute Independent Member to chair the Sub-Committee as necessary.

### **Frequency of Meetings**

9. The Sub-Committee shall agree a programme of meetings including one meeting per calendar month (up to 31st December 2008) but shall only meet when an allegation has been received which requires to be assessed.

**PROPOSED TERMS OF REFERENCE OF THE  
REVIEW SUB-COMMITTEE**

1. The Review Sub-Committee will review, upon the request of a person who has made an allegation that a Member of Huntingdonshire District Council or the Parish Councils within the District has failed, or may have failed, to comply with the Code of Conduct, a decision of the Referrals (Assessment) Sub-Committee that no action be taken in respect of that allegation.
2. Upon receipt of each such request and any accompanying report by the Monitoring Officer, the Sub-Committee shall review the decision of the Referrals (Assessment) Sub-Committee and shall then do one of the following:
  - (i) refer the allegation to the Monitoring Officer, with an instruction that he/she undertake a formal investigation of the allegation, or specifies that he/she take an alternative action as permitted by the Regulations;
  - (ii) refer the allegation to the Standards Board for England;
  - (iii) decide that no action should be taken in respect of the allegation; or
  - (iv) where the allegation is in respect of a person who is no longer a Member of the Authority, but is a Member of another relevant Authority (as defined in Section 49 of the Local Government Act 2000), refer the allegation to the Monitoring Officer of that other relevant Authority;

and shall instruct the Monitoring Officer to take reasonable steps to notify the person making the allegation and the Member concerned of that decision.

3. Where the Sub-Committee resolves to do any of the actions set out in paragraph 2 above, the Sub-Committee shall state its reasons for that action.

**Composition of the Review Sub-Committee**

4. The Review Sub-Committee shall comprised three Members, of whom one shall be an Independent Member of the Standards Committee who shall chair the Sub-Committee, one elected Member of the District Council and one Town and Parish Council representative.

**Quorum**

5. The quorum for a meeting of the Sub-Committee shall be three Members. In the event of the unavailability of the Independent Chairman of the Sub-Committee, the Director of Central Services

and Monitoring Officer is authorised, after consultation with the Chairman, to select a substitute Independent Member to chair the Sub-Committee as necessary.

### **Frequency of Meetings**

6. The Review Sub-Committee shall meet as and when required to enable it to undertake the review of any decision of the Referrals (Assessment) Sub-Committee within three months of the receipt of the request for such a review from the person who made the allegation.



**PROPOSED MONITORING OFFICER PROTOCOL**

**For the discharge of functions in relation to the initial assessment and review of an allegation that a member of Huntingdonshire District or the Parish in the District has failed to comply with the adopted Code of Conduct**

**1. RECEIPT OF ALLEGATIONS**

- 1.1 The Monitoring Officer shall ensure any allegation made in writing that a Member of Huntingdonshire District Council or one of the Parishes in the District may have failed to comply with their Authority's adopted Code of Conduct is referred to him/her immediately upon receipt.
- 1.2 The Monitoring Officer shall maintain a register of such allegations to ensure that the District Council can comply with its obligations under the relevant legislation.
- 1.3 Complaints shall only be valid where they are signed by the complainant, but the Monitoring Officer is authorised to maintain the confidentiality of the identity of the complainant where and for so long as in his/her opinion that would be in the public interest.

**2. NOTIFICATON OF RECEIPT OF ALLEGATIONS**

- 2.1 All relevant allegations must be assessed by the Referrals (Assessment) Sub-Committee, so the Monitoring Officer has no authority to deal with an allegation which appears to be an allegation of failure by a relevant Member to observe the Code of Conduct other than by reporting it to the Referrals (Assessment) Sub-Committee. The Monitoring Officer shall therefore determine whether the allegation appears to be a substantive allegation of misconduct. Where it appears not to be, he/she shall ensure that the matter is dealt with under a more appropriate procedure, for example where it is really a request for service from the Authority, a statement of policy disagreement, a legal claim against the Authority or a complaint against an Officer of the Authority.
- 2.2 Following receipt of the allegation and where the allegation does appear to be a complaint of misconduct against a relevant Member, the Monitoring Officer will –
  - (i) acknowledge receipt of the allegation and confirm that the allegation will be assessed by the Referrals (Assessment) Sub-Committee at its next convenient meeting;
  - (ii) notify the Member against whom the allegation is made of receipt of the complaint, together with a written summary of the allegation and the date upon which the allegation will be assessed by the Referrals (Assessment) Sub-Committee.

Where the Monitoring Officer is of the opinion that such notification would be contrary to the public interest or would prejudice any person's ability to investigate the allegation, he/she shall consult the Chairman of the Referrals (Assessment) Sub-Committee, or in his/her absence the Chairman of the Standards Committee, and may then decide that no such advance notification shall be given;

- (iii) collect such information as is readily available that would assist the Referrals (Assessment) Sub-Committee in its function of assessing the allegation;
- (iv) seek local resolution of the matter where practicable, in accordance with paragraph 3 below;
- (v) place a report, including a copy of the allegation, such readily available information and his/her recommendation as to whether the allegation discloses an apparent failure to observe the Code of Conduct, on the agenda for the next meeting of the Referrals (Assessment) Sub-Committee.

### **3. LOCAL RESOLUTION**

- 3.1 Local resolution is not an alternative to reporting the allegation to the Referrals (Assessment) Sub-Committee, but can avoid the necessity of a formal local investigation.
- 3.2 Where the Monitoring Officer is of the opinion that there is the potential for local resolution, he/she shall approach the Member against whom the allegation has been made and ask whether he/she is prepared to acknowledge that his/her conduct was inappropriate, and whether he/she would be prepared to offer an apology or undertake other appropriate remedial action. With the consent of the Member concerned, the Monitoring Officer may then approach the complainant and ask whether the complainant is satisfied by such apology or other remedial action. The Monitoring Officer should then report to the Referrals (Assessment) Sub-Committee as required, and at the same time report the response of the Member concerned and of the complainant. Where the Member has acknowledged that his/her conduct was inappropriate, and where the complainant is satisfied with the proffered apology or remedial action, the Referrals (Assessment) Sub-Committee might take that into account when considering whether the matter merits investigation.

### **4. REVIEW OF DECISIONS NOT TO INVESTIGATE**

- 4.1 Where the Referrals (Assessment) Sub-Committee has decided that no action be taken on a particular matter, the Monitoring Officer shall advise the complainant of the decision, and the complainant may then within thirty days of receipt of notification request that the Review Sub-Committee review that decision.
- 4.2 Whilst the review shall normally be a review of the reasonableness of the original decision rather than a reconsideration, the Monitoring Officer shall report to the Review Sub-Committee the information which was provided to the Referrals (Assessment) Sub-Committee in

respect of the matter, a summary of the decision of the Referrals Sub-Committee and any additional relevant information which has become available prior to the meeting of the Review Sub-Committee.

**5. LOCAL INVESTIGATION**

- 5.1 It is recognised that the Monitoring Officer will not personally conduct a formal local investigation.
- 5.2 It will be for the Monitoring Officer, where appropriate after consultation with the Chairman of the Referrals (Assessment) Sub-Committee, to determine who to instruct to conduct a formal local investigation and this may include another senior Officer of the Authority, a senior Officer of another Authority or an appropriate experienced consultant.

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## APPLICATION FOR DISPENSATION

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

### 1. INTRODUCTION

- 1.1 At their meeting held on 1<sup>st</sup> July 2004, the Committee granted dispensation to sixteen Members of St Ives Town Council to enable them to speak and vote at meetings of the Town Council or at any of its Committees on matters relating to the Norris Library and Museum Charity on which they act as trustees. Dispensations were granted for the period ending 30<sup>th</sup> April 2008 as elections to the Town Council were anticipated to take place in May.
- 1.2 Having been reminded of the expiry of the dispensations, a letter has been received from the Clerk to St Ives Town Council requesting the Standards Committee to consider granting dispensations to the newly elected Councillors on St Ives Town Council.

### 2. BACKGROUND

- 2.1 To remind Members – the circumstances in which a Standards Committee may grant dispensations to town/parish/district Councillors are prescribed in the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002. These are restricted to cases where the transaction of the business of the authority would, on each occasion when dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because –
  - (i) the number of Members of the authority that are prohibited from participating in the business of the authority exceeds 50% of those Members who are entitled or required to so participate;
  - (ii) the authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government and Housing Act 1989.
- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for Principal Councils, i.e. not town/parish Councils to allocate seats on Committees, etc proportionately according to the representation of political groups in full Council.
- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to determine dispensations and their extent, i.e. whether it is appropriate that the dispensations allow the Members to speak and not vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded and a register is kept for this purpose.

### **3. APPLICATION RECEIVED**

- 3.1 By virtue of their membership of St Ives Town Council, sixteen Councillors act as trustees for the Norris Library and Museum Charity. A request for dispensation has been re-submitted to enable the Town Councillors to speak and vote at meetings of the Town Council or at any of its Committees or meetings on matters relating to the library and museum.

### **4. CONCLUSION**

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Town Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2(i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration be given to granting dispensations to the St Ives Town Councillors to speak and to vote for the period ending 30<sup>th</sup> April 2012 after which time applications for the newly elected Councillors would need to be submitted.

#### **BACKGROUND PAPERS:**

The Local Authorities (Model Code of Conduct) Order 2007  
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002  
Letter received from the Town Clerk to St Ives Town Council dated 16<sup>th</sup> May 2008

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