

A Special Meeting of the **STANDARDS COMMITTEE** will be held in the **CABINET ROOM, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 20 NOVEMBER 2008** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

Contact

1. MINUTES (Pages 1 - 4)

**C Deller
388007**

To approve as a correct record the Minutes of the meeting held on 11th September 2008.

2. MEMBERS' INTERESTS

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

3. APPLICATION FOR DISPENSATION - HEMINGFORD ABBOTS PARISH COUNCIL (Pages 5 - 6)

**C Deller
388007**

To consider a report by the Head of Legal and Estates and Monitoring Officer.

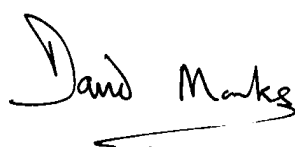
4. STANDARDS CONFERENCE 2008

The Chairman to report.

5. DATE OF NEXT MEETING

To note that the next ordinary meeting of the Committee will be held on Thursday 4th December 2008 at 4pm.

Dated this 12th day of November 2008



Chief Executive

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntsdc.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Committee.

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

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

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

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

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit and to make their way to the car park adjacent to the Methodist Church on the High Street (opposite Prima's Italian Restaurant).

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 11 September 2008.

PRESENT: Mr D L Hall - Chairman
Councillors J D Ablewhite, P J Downes, A Hansard, I R Muir, T D Sanderson and G S E Thorpe

Messrs P B Boothman and G Watkins and Mrs S Stafford

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor Mrs B E Boddington and Messrs M Lynch and D MacPherson

20. MINUTES

The Minutes of the meeting held on 3rd July 2008 were approved as a correct record and signed by the Chairman.

The Chairman welcomed Mrs S Stafford, newly appointed Independent Member to her first meeting of the Committee.

21. MEMBERS' INTERESTS

No interests were declared.

22. STANDARDS BOARD FOR ENGLAND: ANNUAL REVIEW - 2007/08

The Chairman reported that he had, at the request of the Leader of the Council, reviewed the content of the Annual Review document 2007/08 published by the Standards Board for England.

In the Chairman's opinion, the Review contained little that the Committee required to follow up. However, the Committee suggested that it might be useful if the DVD "The Code Uncovered" produced as a training aid for local authorities be made available to view by all Members of the Council. The Committee also requested that the part of the District Council's website relating to Standards and Conduct be enhanced by the inclusion of material relating to the new Standards Framework.

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

As Chairman of the Referrals (Assessment) Sub-Committee, Mr P L Boothman reported that the Sub-Committee had met on three occasions since its inception and had, in each case, decided not to

refer the allegations received for investigation but to refer the matters to the Monitoring Officer for other action. Mr Boothman added that, in making those decisions, the Sub-Committee had strived to be constructive and positive in the course of action that it had recommended to avoid a recurrence of similar situations/allegations arising.

In brief, Mr Boothman reported that the Sub-Committee had requested the Monitoring Officer to –

- ◆ advise a Councillor to exercise greater care in monitoring the content of press statements released in his name or office and to convey the Sub-Committee's concerns to those responsible for the drafting, authorisation and release of press statements;
- ◆ advise the Clerk to a Town Council that it would be prudent on their part to have regard to the timetable for the invitation of nominations for the election of Councillors and if necessary, to vary the date of publication for the Council's newsletter, to avoid the suggestion that existing Councillors might be using Council resources for political purposes; and
- ◆ present training on the Code of Conduct to a Parish Council before 31st October 2008 given the concerns of the Sub-Committee at the apparent level of understanding of the Code in the Parish currently.

24. REPORT OF THE REVIEW SUB-COMMITTEE

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

25. LOG OF CODE OF CONDUCT ENQUIRIES

Further to Minute No. 42, Members received and noted details of Code of Conduct enquiries recorded by the Head of Legal and Estates and Monitoring Officer since the meeting of the Committee held on 3rd July 2008 (a copy of which is appended in the Minute Book).

The Monitoring Officer reported that, in future, the log would be anonymised to ensure that those wishing to seek advice were not discouraged from doing so.

26. REGISTRATION OF MEMBERS' INTERESTS

The Committee received and noted a report by the Head of Legal and Estates and Monitoring Officer (a copy of which is appended in the Minute Book) reminding Members that it was the duty of the Monitoring Officer to establish and maintain a register of interests of the Members and co-opted Members for all authorities in Huntingdonshire.

Having noted the up-to-date position in terms of the return of registration forms from the 73 Town and Parish Councils in the District and having noted that only 20 of the 672 Councillors elected or appointed to office were outstanding, the Committee requested the Monitoring Officer to specifically follow up those parishes/individuals

that had yet to submit their registration forms.

27. LOCAL ASSESSMENT: EXERCISE

By referral to the Local Assessment Complaint Handling Chart produced by the Standards Board for England, the Monitoring Officer guided Members through a training exercise during which one example case was reviewed and conclusions reached, in discussion, as to whether the case should be referred for further action or if not referred, the reasons for that decision. A copy of the material used in the exercise is appended in the Minute Book.

28. DATE OF NEXT MEETING

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

Chairman

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APPLICATION FOR DISPENSATION

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

1. INTRODUCTION

- 1.1 In response to a request for guidance, advice was given by the Democratic Services Manager to the Chairman of Hemingford Abbots Parish Council on the nature of the interests which were required to be declared by Members of that Council in a specific situation which had arisen in the Parish.
- 1.2 In accordance with the advice given, a written request for dispensation subsequently has been received from the Parish Council.

2. LEGISLATIVE BACKGROUND

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

3. APPLICATION RECEIVED

- 3.1 Under a new scheme drawn up by the Charity Commission for England and Wales, Hemingford Abbots Parish Council has been appointed as the Administrative Trustee to the Hemingford Abbots Playing Fields Charity. This new scheme, which has taken the Charity Commission many years to develop with the holding trustees, has resolved a longstanding situation that had given rise to uncertainty over responsibility for the management and maintenance of the playing fields.
- 3.2 As a consequence of the appointment of the Parish Council as an Administrative Trustee to the Playing Fields Charity, on those occasions in the future when the Parish Council is required to consider applications for grant assistance referred from the Playing Fields Committee, all seven Members of the Parish Council would be required to declare personal and prejudicial interests.
- 3.3 Given these circumstances, the seven Members of the Parish Council would be prohibited by virtue of their prejudicial interests from conducting business involving the award of grant to the Playing Fields Committee.
- 3.4 To enable the Playing Fields Committee to continue to benefit from financial assistance when appropriate, the Parish Council has requested the Standards Committee to grant dispensation to allow the seven Members who would be prohibited from participating, to continue to take part fully in the meetings, to speak and to vote on the matters when such business arises.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Parish Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1(i) ante.
- 4.3 Should the Committee look favourably on this application, it is suggested that consideration should be given to granting dispensations to speak and to vote to seven Members of Hemingford Abbots Parish Council for the period ending 30th April 2012 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND PAPERS:

The Local Authorities (Model Code of Conduct) Order 2007.
The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.
Email received from the Chairman and Parish Clerk to Hemingford Abbots Parish Council.

CONTACT OFFICER:

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