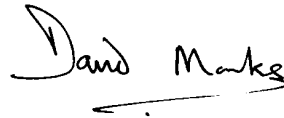


A meeting of the **COMMITTEENAME** will be held in **MEETINGLOCATION** on **MEETINGDATE** at **MEETINGTIME** and you are requested to attend for the transaction of the following business:-

A G E N D A

APOLOGIES

Dated this 4 day of October 2011



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 MeetingContact MeetingContact_2 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 Sub-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.

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.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in ROOM D6, THIRD FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, CAMBS PE29 3TN on Tuesday, 17 March 2009.

PRESENT: Mr P Boothman – Chairman.
Councillor G S E Thorpe and Mr G Watkins.

IN ATTENDANCE: Mr M J Reece (observed the proceedings).

56. MINUTES

The Minutes of the meeting of the Sub-Committee held on 13th February 2009 were approved as a correct record and signed by the Chairman.

57. MEMBERS' INTERESTS

No interests were declared.

58. TERMS OF REFERENCE

The Terms of Reference of the Sub-Committee were noted.

59. GUIDANCE TO ASSIST ASSESSMENT OF CASE

The Guidance produced by the Standards Board for England and collated by the Monitoring Officer to assist the Sub-Committee in their assessment of the case submitted was received and noted.

60. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part III of the Local Government Act 2000.

61. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 12

Members considered the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) to assist the Sub-Committee in its deliberations -

- (a) Pre-Assessment Report by the Monitoring Officer
- (b) Original letter of complaint received on 3rd March 2009 plus two attachments;

- (c) Declaration of Financial and Other Interests - Councillor D C Youles;
- (d) Further email from complainant dated 11th March 2009; and
- (e) Declaration of Financial and Other Interests - Councillor C Thorne.

62. INITIAL ASSESSMENT - CASE NO. 12

The Sub-Committee considered the allegations made in a case against two Councillors serving on Yaxley Parish Council seeking the advice of the Monitoring Officer as necessary. On the basis of the evidence before them, the Sub-Committee

RESOLVED

that the allegation made against Councillors C Thorne and D C Youles, that they each failed to comply with paragraph 3 (2) (b) of the Parish Council's Code of Conduct in relation to bullying another person be referred to the Monitoring Officer for investigation for the reasons set out in the "Decision Notice: Referral for Investigation" appended to these Minutes;

In the complainant's letter attached to an email dated 3rd March, 2009 reference was made to the enclosure of a document entitled "Scan 2". However, following further enquiries of the documentation sent to the Monitoring Officer by the complainant, it appeared that a copy of Scan 2 had not been received. As this document appeared material to the evidence presented in respect of the alleged breach of paragraph 5 of the Code of Conduct by Councillors Thorne and Youles, the Sub-Committee

RESOLVED

that the meeting of the Sub-Committee stand adjourned until Wednesday 25th March 2009 to enable the Monitoring Officer to request a copy of document "Scan 2" from the complainant.

63. ON RESUMPTION

At a meeting of the Referrals (Assessment) Sub-Committee held in Room D, Centenary House, St. Mary's Street, Huntingdon on Wednesday 25th March 2009.

PRESENT: Mr P Boothman, Chairman

Councillor G S E Thorpe and Mr G Watkins.

64. INITIAL ASSESSMENT - CASE NO. 12 (CONTINUED)

Following the meeting of the Sub-Committee held on 17th March 2009, the Monitoring Officer had requested a copy of the document "Scan 2" from the complainant. In addition, the complainant had forwarded the following additional documents for consideration by the

Sub-Committee -

- (a) Emails dated 17th and 23rd March 2009;
- (b) Copy of email from Councillor Mrs M Banerjee to the complainant dated 18th February 2009;
- (c) Copy of "Scan 2 (a)" - letter from Mrs Y Mold;
- (d) Copy of "Scan 2" - signed by A Bartle and G Mold;
- (e) Copy of further un-dated letter from complainant; and
- (f) A list of questions addressed to Yaxley Parish Council on 10th March 2009.

A copy of the Minutes of Yaxley Parish Council's Playing Fields Committee dated 28th October 2008 also was circulated to the Sub-Committee.

Having carefully considered all the evidence in the case and consulted the Monitoring Officer for advice during their deliberations, the Sub-Committee

RESOLVED

- (a) that the allegations made against Councillor C Thorne and D C Youles that they failed to comply with paragraph 5 of the Parish Council's Code of Conduct in relation to "conduct which could be regarded as bringing their authority into disrepute" be not referred for investigation and that no further action be taken in the case for the reasons set out in the "Decision Notice: No Further Action" appended to these Minutes; and
- (b) that the Monitoring Officer consider writing to all Town and Parish Councils to alert them to the possibility that Members of the Standards Committee may attend future meetings to observe their proceedings.

Chairman

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DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 12 (i) (a)

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 17th and 25th March 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs. P L Boothman (Chairman) and G Watkins and Councillor G S E Thorpe considered a complaint from Mr A Bartle concerning the alleged conduct of Councillor D C Youles a Member of Yaxley Parish Council. A summary of the complaint is set out below.

The complaint alleged that Councillor Youles had breached paragraph 3 (2) (b) of the Parish Council's Code of Conduct which states that –

- “3. (2) You must not –
(b) bully any person”.

The complaint alleged –

that Councillor Youles had engaged in “insulting, aggressive, condescending and abusive behaviour” at a meeting of Yaxley Parish Council confirmed in a petition containing 14 signatories.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided to refer the allegations in respect of bullying another person to the Monitoring Officer for investigation.

Potential Breaches of the Code of Conduct Identified

The Sub-Committee has identified below the paragraphs of the Code of Conduct which may apply to the alleged conduct. The investigator will determine which paragraphs are relevant during the course of the investigation –

- ◆ bullying (paragraph 3 (2) (b)).

This Decision Notice is sent to the person or person(s) making the allegation, the Member against whom the allegation is made and to the Clerk of Yaxley Parish Council.

In reaching this decision, the Sub-Committee had regard to the potential seriousness of the allegation in general and the statement signed by 14 signatories and therefore considered it necessary to establish through investigation whether Councillor Youles had engaged in bullying behaviour, involving members of the public.

What happens now?

The Monitoring Officer will appoint an Investigating Officer to investigate the allegation of misconduct. Investigations are undertaken and a report completed within six months of the original complaint being assessed by the Referrals (Assessment) Sub-Committee.

Further information on the investigation process is available on the website of the Standards Board for England at www.Standardsboard.gov.uk

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The local regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**
Mr P L Boothman
Chairman of Sub-Committee

DECISION NOTICE: REFERRAL FOR INVESTIGATION

Reference: Case No. 12 (i) (a)

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, all parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

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The complaint alleged that Councillor Youles had breached paragraph 3 (2) (b) of the Parish Council's Code of Conduct which states that –

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(b) bully any person”.

The complaint alleged –

that Councillor Youles had engaged in “insulting, aggressive, condescending and abusive behaviour” at a meeting of Yaxley Parish Council confirmed in a petition containing 14 signatories.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided to refer the allegations in respect of bullying another person to the Monitoring Officer for investigation.

Potential Breaches of the Code of Conduct Identified

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Signed: **Date:**
Mr P L Boothman
Chairman of Sub-Committee

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 12 (i) (b)

The Referrals (Assessment) Sub-Committee appointed by Huntingdonshire District Council resolved to exclude the public from the Sub-Committee's proceedings under paragraph 7(c) of Schedule 12A to the Local Government Act 1972 and paragraph 8(b) of the Standards Committee (England) Regulations 2008. In these circumstances, parties associated with the complaint are requested to exercise caution when discussing or passing on information that is in the notice or about the notice.

Complaint

On 17th and 25th March 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs P L Bootham, (Chairman) and G Watkins and Councillor G S E Thorpe considered a complaint concerning the conduct of Councillor D C Youles.

The complaint alleged that Councillor Youles had breached paragraph 5 of the Parish Council's Code of Conduct which states that –

“5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your authority into disrepute.”

The complaint alleged –

that Councillor Youles had misled Yaxley Parish Council (and District Councillor Mrs M Banerjee) by giving inaccurate advice on the necessity for the submission of a planning application for posts and safety netting at Queens Park, the Parish Recreation Ground at Daimler Avenue, Yaxley. This advice had subsequently resulted in the Parish Council acquiring equipment which allegedly is not fit for purpose.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided that no further action should be taken in respect of the allegation relating to disrepute as no potential breach of the Code of Conduct was disclosed by the complaint.

Reasons for Decision

Having regard to the evidence submitted and, in particular, to a copy of the Minutes of the Yaxley Parish Council Playing Fields Committee dated 28th October 2008, the Sub-Committee was satisfied that there was sufficient doubt in the minds of the Parish Council as to whether the safety netting constituted planning development or otherwise and whether its erection required the submission of a formal planning application. Therefore the Sub-Committee considered that any statements made to the Parish Council or individual Members by Councillor Youles about

the requirement for planning permission or otherwise could not be considered to be deliberate attempts to mislead. In addition, the Sub-Committee again observed that it was the decision of the Playing Fields Committee as a body and not individual Councillors to apply for retrospective planning permission. Taking these factors into account, the Sub-Committee concluded that Councillor Youles had not conducted himself in a manner which could be regarded as bringing his office into disrepute (paragraph 5).

This Decision Notice is sent to the person making the allegation.

Right of Review

At the written request of the complainant, the authority can review and change a decision not refer an allegation for investigation or other action. A different sub-committee to that involved in the original decision will undertake the review.

We must receive the complainant's written request within 30 days from the date of this notice, explaining in detail on what grounds the decision should be reviewed.

If we receive a request for a review, we will deal with it within a maximum of three months of receipt.

Terms of Reference

The Local Government and Public Involvement in Health Act 2007 amends the Local Government Act 2000, which now provides for the local assessment of new complaints that Members of relevant authorities may have breached the Code of Conduct. The Standards Committee (England) Regulations 2008 relate to the conduct of local authority Members and the requirements for dealing with this.

The Regulations set out the framework for the operation of a locally based system for the assessment, referral and investigation of complaints of misconduct by Members of authorities. They amend and re-enact existing provisions in both the Relevant Authorities (Standards Committees) Regulations 2001, as amended, and the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003, as amended.

Signed: **Date:**

Mr P L Boothman
Chairman of Sub-Committee

DECISION NOTICE: NO FURTHER ACTION

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Decision

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Signed: **Date:**
Mr P L Boothman
Chairman of Sub-Committee

TERMS OF REFERENCE OF 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 Officer¹, 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.

¹ Where the post of Monitoring Officer is referred to, the text should read, with effect from 27th June 2008, Interim Monitoring Officer until such time as a new Director of Central Services is appointed.

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.

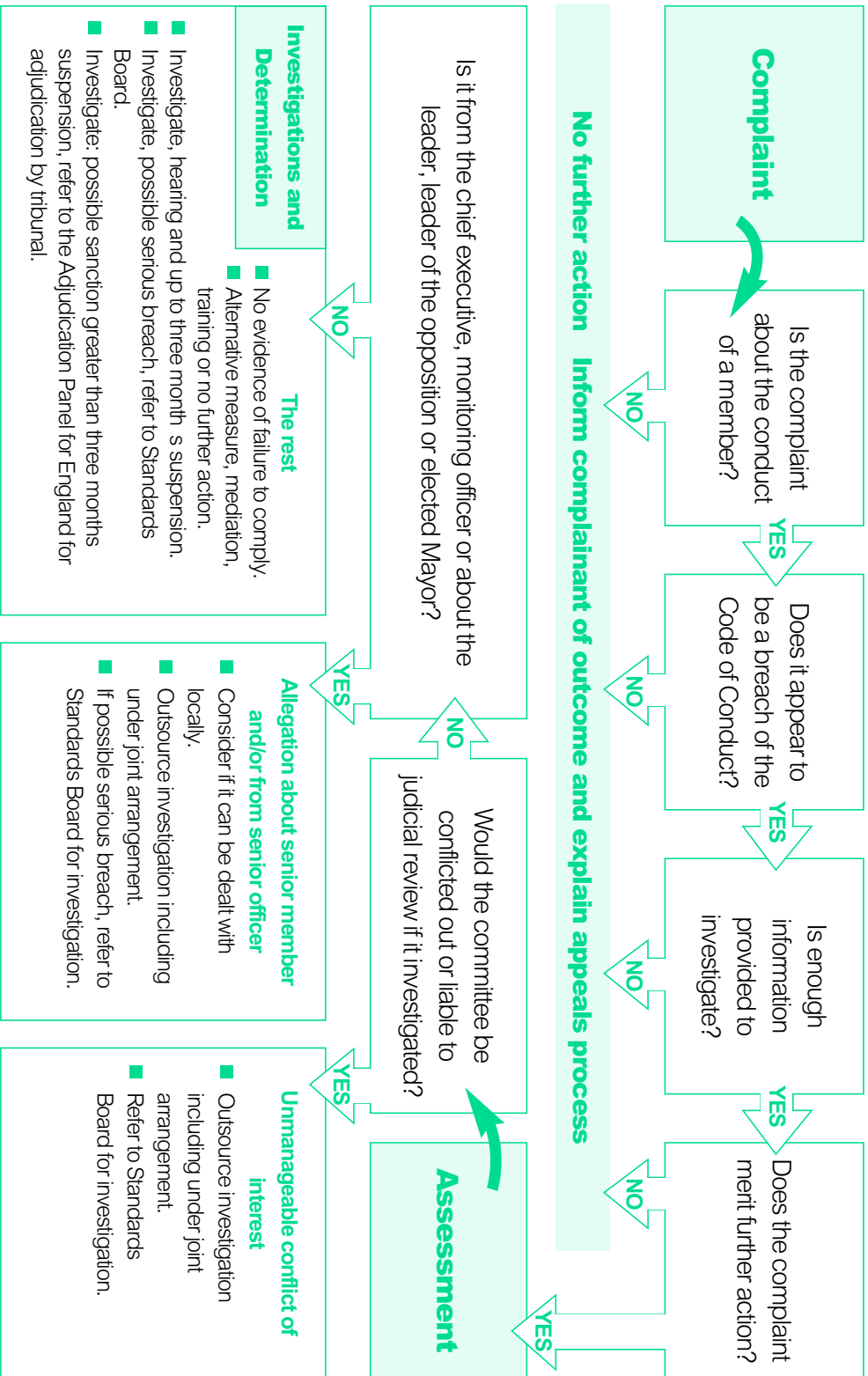
Quorum

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 of the Standards Committee, to select a substitute Independent Member to chair the Sub-Committee as necessary.

Frequency of Meetings

8. The Sub-Committee shall endeavour to complete its initial assessment of an allegation within an average of 20 working days.

Local assessment complaint handling chart



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GUIDANCE TO ASSIST ASSESSMENT OF CASE

EARLY GUIDANCE RECEIVED FROM THE STANDARDS BOARD ON THE CONDUCT OF AN ASSESSMENT

Which complaints will we refer for investigation?

We decide that a matter should be investigated when we believe that it meets one of the following criteria:-

- It is serious enough, if proven, to justify the range of sanctions available to the Adjudication Panel for England or local Standards Committees;
- It is part of a continuing pattern of less serious misconduct that is unreasonably disrupting the business of the authority and there is no other avenue left to deal with it, short of investigation;
- In considering this, we will take into account the time that has passed since the alleged conduct has occurred.

Which complaints are we unlikely to refer for investigation?

We are unlikely to decide that a complaint should be investigated if it falls into any of the following categories:-

- We believe it to be malicious, relatively minor or tit-for-tat;
- The same, or substantially similar, complaint has already been the subject of an investigation or enquiry and there is nothing further to be gained by seeking the sanctions available to the Adjudication Panel or the local Standards Committee;
- The complaint concerns acts carried out in the Members' private life when they are not carrying out the work of the Authority or have not misused their position as a Member;
- It appears that the complaint is really about dissatisfaction with a Council decision;
- There is not enough information currently available to justify a decision to refer the matter for investigation.

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Agenda Item 6

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