

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM D5, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 12 JANUARY 2010** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 1st December 2009.

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. GUIDANCE TO ASSIST ASSESSMENT OF CASE (Pages 3 - 6)

- ◆ Local Assessment Case Handling Chart; and
- ◆ Guidance received from the Standards Board for England on the conduct of an assessment.

4. EXCLUSION OF THE PRESS AND PUBLIC

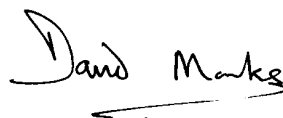
To resolve:-

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 3 of the Local Government Act 2000.

5. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 25
(Pages 7 - 36)

Enclosed, pre-assessment report by the Monitoring Officer to which is attached various other correspondence/information to assist Members in assessing the case.

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 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 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.

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.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Room D5, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN on Tuesday, 1 December 2009.

PRESENT: Mr M Lynch – Chairman.
Councillor Mrs B E Boddington and
Mr G Watkins.

102. MINUTES

The Minutes of the meeting of the Sub-Committee held on 3rd September and adjourned to 6th October 2009 were approved as a correct record and signed by the Chairman.

103. MEMBERS' INTERESTS

No declarations were made.

104. GUIDANCE TO ASSIST ASSESSMENT OF CASE

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

105. 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 the Sub-Committee of the Standards Committee established under provisions of Part 3 of the Local Government Act 2000.

106. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 24

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 their deliberations in respect of a complaint received against a Councillor serving on St Neots Town Council:-

- (a) e-mail exchange between Councillor D A Giles and the Monitoring Officer dated 5th – 7th November 2009;
- (b) Minutes and Annex – St Neots Town Council Planning Committee dated 4th November 2009; and
- (c) Registration of Interests Form – Councillor Mrs J Bird.

A copy of a letter received from Councillor Mrs J Bird dated 25th November 2009 received after the despatch of the Agenda also was

circulated to Members together with a GIS map indicating the location of Councillor Mrs Bird's property and the proposed development site.

107. INITIAL ASSESSMENT - CASE NO 24

The Sub-Committee considered the allegation made in the case against Councillor Mrs J Bird of St Neots Town Council seeking the advice of the Monitoring Officer as necessary.

Having regard to the evidence submitted, the Sub-Committee were of the view that it would be helpful to Councillor Mrs Bird if she was to receive training from the Monitoring Officer particularly given its importance in terms of her role as Chairman of the Town Council's Planning Committee. It was also the Sub-Committee's expectation that the Town Clerk (or Clerk to the Committee) had a role in advising Councillors who had declared a prejudicial interest that they must withdraw from the room or chamber where a meeting considering the business was being held. Whereupon, it was

RESOLVED

that the allegation made against Councillor Mrs J Bird that she had failed to comply with paragraphs 9, 10 (1), 10 (2) and 12 of St Neots Town Council's Code of Conduct 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.

Chairman

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 24

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 1st December 2009, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Cllr Mrs B E Boddington considered a complaint concerning the conduct of Cllr Mrs J Bird, a Member of St Neots Town Council.

The complaint alleged that Cllr Mrs J Bird had breached paragraphs 9, 10(1), 10(2) and 12 of the District Council's Code of Conduct which states that –

- "9 Where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration, or when the interest becomes apparent;
- 10(1) Where you have a personal interest in any business of your authority you also have a prejudicial interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest;
- 10(2) You have a prejudicial interest in any business of your authority where that business affects your financial position or the financial position of a person or body described in paragraph 8 (includes a member of your family or any person with whom you have a close association);
- 12 Where you have a prejudicial interest in any business of your authority - you must withdraw from the room or chamber where a meeting considering the business is being held".

The complaint alleged that Cllr Mrs Bird, having declared a prejudicial interest in a planning application being considered by the Planning Committee of St Neots Town Council, failed to withdraw from the Moot Hall where the meeting was being held.

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 as no potential breach of the Code of Conduct was disclosed by the complaint.

Reasons for Decision

In reaching their conclusion the Sub-Committee were mindful of several factors –

It appeared from the evidence submitted that Cllr Mrs Bird had made an attempt to declare an interest but that it was her lack of understanding rather than a deliberative and flagrant act to disregard the Code which resulted in her not leaving the room despite having declared a prejudicial interest. In any event, the Sub-Committee considered that Cllr Mrs Bird might not have a prejudicial interest in the business being considered by the Town Council's Planning Committee, she did not have a clear view from her home address of the property at No. 3 The Paddocks where the development was proposed and it was unlikely to affect her financially.

The Sub-Committee were of the view, however, that it would be helpful to Cllr Mrs Bird if she was to receive training from the Monitoring Officer particularly given its importance in terms of her role as Chairman of the Town Council's Planning Committee.

It was also the Sub-Committee's expectation that the Town Clerk (or Clerk to the Committee) has a role in advising Councillors who have declared a prejudicial interest that they must withdraw from the room or chamber where a meeting considering the business is being held.

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:

.....*M. Lynch*.....

Mr M Lynch
Chairman of Sub-Committee

Date:*3/12/09*.....

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.

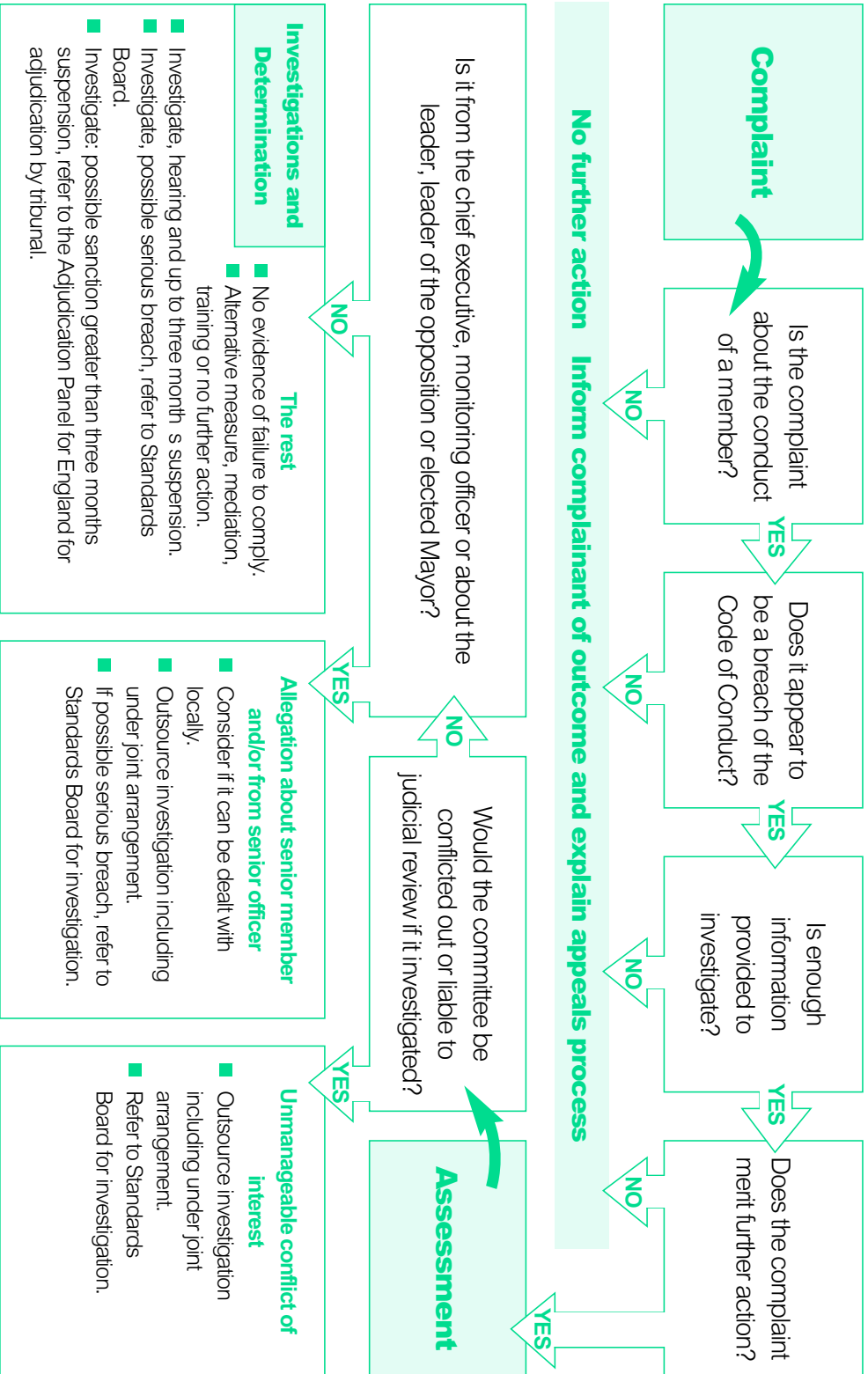
Which complaints are we unlikely to refer for investigation?

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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Local assessment complaint handling chart



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Agenda Item 5

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