

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM D6, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 2 FEBRUARY 2010** at **10:00 AM** and you are requested to attend for the transaction of the following business:-

A G E N D A

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 12th January 2010.

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

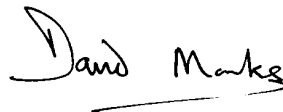
To resolve

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. RE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 26
(Pages 7 - 34)

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 26th 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, 12 January 2010.

PRESENT: Councillor Mr M Lynch – Chairman.
Councillor A Hansard, and Mr G Watkins.

108. MINUTES

The Minutes of the meeting of the Sub-Committee held on 1st December 2009 were approved as a correct record and signed by the Chairman.

109. MEMBERS' INTERESTS

Councillor A Hansard declared a personal interest in Minute No. 112 given that he and the Councillor alleged to have breached the Code were Members of the same political group on the District Council.

110. 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.

111. 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 3 of the Local Government Act 2000.

112. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 25

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 Huntingdonshire District Council:-

- (a) Letter received from Mr J R Marshall, complainant;
- (b) Agenda for meeting with local residents - 9th December 2009;
- (c) e-mails dated 6th November and 30th December 2009;
- (d) registration of interests form - Councillor K J Churchill.

An e-mail from Mr D Smith, Community Manager to which was attached the agenda and notes of a meeting with residents on 2nd September, and the notes of meetings held on 4th November and 9th December 2009 were circulated at the meeting. The Chairman allowed time for Members to familiarise themselves with the contents before proceeding.

113. INITIAL ASSESSMENT - CASE NO. 25

The Sub-Committee considered the allegation made in the case of Councillor K J Churchill of Huntingdonshire District Council seeking the advice of the Monitoring Officer as necessary. Whereupon, it was

RESOLVED

that the allegation made against Councillor K J Churchill that he had failed to comply with paragraphs 3 (1), 3 (2) (b) and 5 of Huntingdonshire District 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. 25

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 12th January 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor A Hansard considered a complaint concerning the conduct of Councillor K J Churchill, a Member of Huntingdonshire District Council.

The complaint alleged that Councillor Churchill had breached paragraphs 3(1), 3(2) (b) and 5 of the District Council's Code of Conduct which states that –

“3 (1) you must treat others with respect;

3(2)(b) you must not bully any person; and

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

The complaint alleged that Councillor Churchill had conducted himself inappropriately at meetings with residents of Haweswater, Stukeley Meadows held on 2nd September, 4th November and 9th December 2009 regarding the Stukeley Meadows Skatepark. Specifically, the complainant alleged that Councillor Churchill had used his position as Chairman to intimidate and subdue the complainant, was untruthful about who had called the meeting and disrespectful to him whilst addressing the meeting.

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 allegations 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 –

The Sub-Committee considered that it was the role of a Chairman of a meeting to exercise authority and maintain order, to invite attendees to speak at an appropriate stage in the proceedings and to ensure debate remained focused on the business at hand. As such it appeared to the Sub-Committee that Councillor Churchill had exercised these duties as Chairman in a reasonable manner and that he had not behaved “inappropriately, attempted

to intimidate or subdue or showed a lack of respect to speakers.” In particular it was clear from the complainant’s own statement that his demands regarding the number of residents attending and when he read his statement had ultimately been acceded to by the Chairman

In addition from the evidence submitted the Sub-Committee perceived that the residents of Haweswater had requested a meeting to discuss the Stukeley Meadows Skatepark, that the Council had acceded to this request and subsequently convened the meetings referred to. Whilst there might have been some ambiguity in the terminology alleged to have been used by Councillor Churchill, the Sub-Committee was of the view that the role of both parties in arrangements for the meeting(s) was clear and that Councillor Churchill had not misrepresented the purpose of them for his own advantage or conducted himself in a manner which could be regarded as bringing his office or authority into disrepute.

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 to 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:** 16/1/2010

Mr M Lynch
Chairman of Sub-Committee

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.

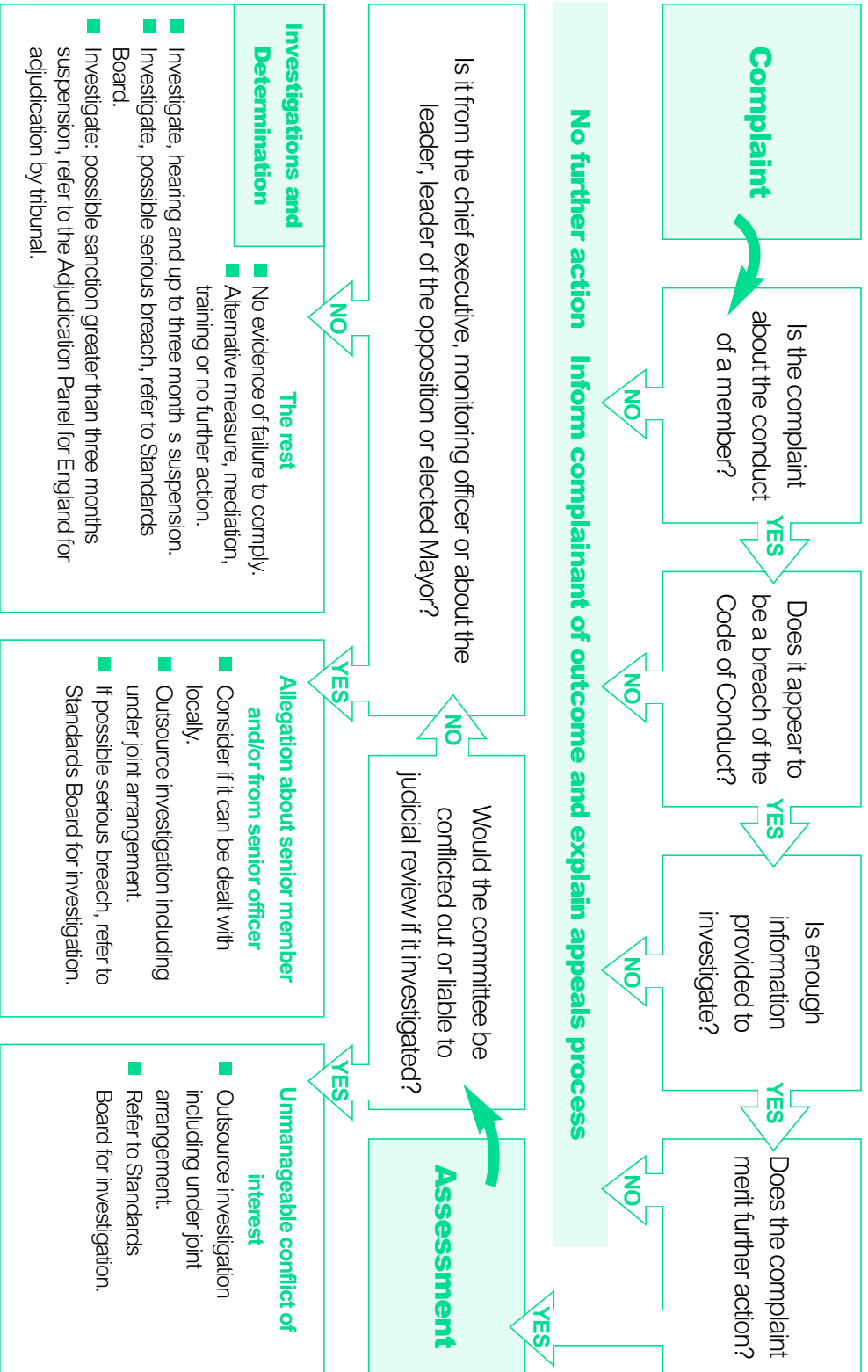
Which complaints are we unlikely to refer for investigation?

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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