

A meeting of the **STANDARDS COMMITTEE** will be held in **Room CVSO 1A, CIVIC SUITE, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, PE29 3TN** on **THURSDAY, 8 JULY 2010** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

## **APOLOGIES**

**Contact**

### **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 4th March 2010.

**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 Items - 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. SUB-COMMITTEE APPOINTMENTS**

#### **(a) Referrals (Assessment) Sub-Committee**

To appoint Members to the Referrals (Assessment) Sub-Committee comprising one Independent Member who shall be Chairman and Lead Member, one Parish Council representative and one District Councillor. (In 2009/2010, the Committee appointed Mr M Lynch as a Lead Independent Member and Chairman of the Sub-Committee.)

#### **(b) Review Sub-Committee**

To appoint Members to the Review Sub-Committee comprising one Independent Member who shall be Chairman and Lead Member, one Parish Council representative and one District Councillor.

(In 2009/2010, the Committee appointed Mr P Boothman as Lead Independent Member and Chairman of the Sub-Committee).

(c) **Standards (Consideration & Hearing) Sub-Committee**

To appoint five Members to comprise the Standards (Consideration & Hearing) Sub-Committee to consider investigation reports and to hold determination hearings. This Sub-Committee must be chaired by an independent person.

(In 2009/2010, the Committee appointed Mr D Hall as Lead Independent Member.)

The Committee will recall that in June 2009 they authorised the Head of Law, Property and Governance and Monitoring Officer, after consultation with the relevant Chairman, to convene meetings of the above Sub-Committees as necessary and to appoint Members as appropriate in accordance with the Standards Committee (England) Regulations 2008.

## 6. **REPORTS OF SUB-COMMITTEES**

To receive reports from the Chairmen of the three Sub-Committees as follows:-

(a) **Referrals (Assessment) Sub-Committee**

Since March, the Sub-Committee has met on 31st March, 29th April and 24th June 2010 to assess complaints received about Members serving on St. Ives Town, Yaxley and Upwood and The Raveleys Parish Councils. No further action was recommended in respect of the complaints involving Councillors in St. Ives and Upwood and The Raveleys. Regarding the Yaxley complaint, this involved two Councillors and it was decided to refer the case involving one Member for investigation and to take no further action in respect of the other.

(b) **Review Sub-Committee**

The Sub-Committee has not been required to meet.

(c) **Standards (Consideration and Hearing) Sub-Committee**

The Sub-Committee has met on 25th March and 9th June 2010. On both occasions the Sub-Committee considered a case against a Member of St. Ives Town Council. The Committee found that the Councillor in the case had failed to comply with the Code of Conduct and agreed that he should be suspended from membership of St. Ives Town Council for a period of one month with effect from 9th July 2010 unless he presented a written apology to the complainant. As subsequent correspondence had suggested that the Councillor would not comply with the Sub-

Committee request he will be suspended for a one month period from St. Ives Town Council as the Sub-Committee instructed.

7. **APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES** (Pages 5 - 8) **C Deller 388007**
- Following the resignation of Mr M Reece last November, to consider a report by the Head of Law, Property and Governance and Monitoring Officer regarding the methodology for the appointment of Parish Council representatives to the Committee.
8. **STANDARDS FOR ENGLAND - THE FUTURE?** (Pages 9 - 12) **C Deller 388007**
- To consider a report by the Head of Law, Property and Governance and Monitoring Officer regarding the latest developments following the Government's announcement to "abolish the Standards Board" regime.
9. **DRAFT ANNUAL REPORT 2009/2010** (Pages 13 - 22) **C Deller 388007**
- Further to Minute No. 40 of the meeting held on 4th March 2010 to comment on the first draft Annual Report - 2009/2010 - to follow.
10. **APPLICATIONS FOR DISPENSATION** (Pages 23 - 26) **C Deller 388007**
- To consider a report by the Head of Law, Property and Governance and Monitoring Officer in respect of two applications for dispensation received from Parish Councils.
11. **TRAINING UPDATE 2010** (Pages 27 - 28) **C Deller 388007**
- To consider a report by the Head of Law, Property and Governance and Monitoring Officer regarding a proposed programme of training.
12. **LOG OF CODE OF CONDUCT ENQUIRIES** (Pages 29 - 32) **C Meadowcroft 388021**
- To note the Code of Conduct enquiries recorded by the Head of Law, Property and Governance and Monitoring Officer since the meeting held in March.
13. **RECENT CASE SUMMARIES AND ADVICE** (Pages 33 - 40) **C Meadowcroft 388021**
- (a) To note two case summaries involving a neighbouring authority in Cambridgeshire which recently have been published by Standards for England.
- (b) Standards for England have issued guidance to Councillors on the use of blogs and social networking sites and this is enclosed for Members' information.

**14. DATE OF NEXT MEETING**

To note that the next meeting of the Committee will be held on Thursday 9th September 2010 at 4pm at the Civic Suite, Pathfinder House, Huntingdon.

**15. EXCLUSION OF PUBLIC**

To resolve -

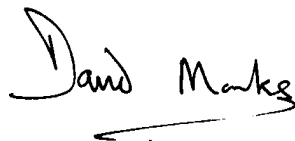
that the public (including the press) be excluded from the meeting during discussion of the following item on the grounds that the business to be transacted contains exempt information under paragraph 7c relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

**16. CODE OF CONDUCT COMPLAINTS - YAXLEY PARISH COUNCIL**

**C Meadowcroft  
388021**

The Head of Law, Property and Governance and Monitoring Officer to report.

Dated this 6 day of July 2010

A handwritten signature in black ink that reads "David Marks". The signature is written in a cursive style with a long horizontal stroke at the end.

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](mailto: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](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.*

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# Agenda Item 2

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Aquarius Room, St. Ivo Leisure Centre, Westwood Road, St. Ives, PE27 6WU on Thursday, 4 March 2010.

- PRESENT: Mr D L Hall - Chairman.
- Councillors J D Ablewhite,  
Mrs B E Boddington, P J Downes, R S Farrer,  
T D Sanderson and G S E Thorpe.
- Messrs J B Alexander and M Lynch.
- Mrs S Stafford.
- APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Messrs P Boothman, and G Watkins and Councillor A Hansard.

### 32. MINUTES

The Minutes of the meeting of the Committee held on 3rd December 2009 were approved as a correct record and signed by the Chairman.

### 33. MEMBERS' INTERESTS

No declarations were received.

### 34. REPORTS OF SUB-COMMITTEES

*(Councillor G S E Thorpe declared a personal and prejudicial interest in the following item by virtue of his involvement with one of the cases referred to by the Chairman of the Referrals (Assessment) Sub-Committee.)*

In terms of the Assessment Sub-Committee, Mr Lynch reported that this had met on three occasions since December 2009 and that in two cases, the Sub-Committee had recommended that no further action be taken. In the third case, the Sub-Committee requested the Councillor involved to apologise to the Town Council concerned otherwise the complaint would have been referred for investigation. An apology was subsequently submitted by the Councillor.

Members were informed that the Review Sub-Committee had not been required to meet but that the Consideration and Hearing Sub-Committee would need to be convened shortly to consider reports on the outcome of three investigations by the Investigating Officer.

### 35. UPDATE ON CASE NO. 15

The Committee was reminded that Case No. 15 had exposed an issue with regard to the level of awareness of the Local Authority Code of Publicity. The Monitoring Officer confirmed that, in

accordance with the instructions of the Referrals (Assessment) Sub-Committee, all town and parish councils in Huntingdonshire now had been reminded of the requirements of the Code. This advice would be repeated in advance of the elections every year irrespective of whether elections were scheduled in a parish or otherwise. The Monitoring Officer also confirmed that he had incorporated a section on the Code of Publicity in his training presentation to town and parish councils.

### **36. UPDATE ON CODE REVISION**

Members were informed that the Department of Communities and Local Government had announced that a new Code of Conduct for Members would not be laid during the current parliamentary session due to insufficient time. The Monitoring Officer confirmed that, in practice, this meant that a new Code now would not be made until after the General Election.

### **37. LOG OF CODE OF CONDUCT ENQUIRIES**

The Committee received and noted the Code of Conduct enquiries which had been recorded by the Head of Law, Property and Governance and the Monitoring Officer since the last meeting in December 2009 (an extract of the log is appended in the Minute Book).

The Monitoring Officer also confirmed that he would be preparing a series of "frequently asked questions" which would be made available on the "Standards and Conduct" pages of the District Council's website.

### **38. BIAS, PRE-DETERMINATION AND THE CODE**

The Committee noted the content of an article (a copy of which is appended in the Minute Book) which examined the relationship between bias, pre-disposition, pre-determination and the Code of Conduct drawing upon recent and relevant case law in the area and requested that a copy of the advice be circulated to all Members.

### **39. REQUEST FOR DISPENSATION - ST. IVES TOWN COUNCIL**

A report by the Head of Law, Property and Governance and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding the consequences of advice offered by the Monitoring Officer in a response to an enquiry about potential interests held by Members serving on St. Ives Town Council. It had become apparent that Members of that Council required dispensation to enable them to continue to consider matters likely to effect a community interest company set up to manage the corn exchange in St. Ives.

Having considered the Town Council's request and being satisfied that approval of the application in the circumstances described was required to prevent the business of that authority from being impeded, it was



**RESOLVED**

that dispensation be granted to 15 Members of St. Ives Town Council to enable them to speak and vote on the subject for the period ending 30th April 2012 after which time an application for the newly elected Councillors would need to be submitted.

**40. ANNUAL RETURN 2010**

By way of a report by the Head of Law, Property and Governance and Monitoring Officer (a copy of which is appended in the Minute Book), the Committee was invited to decide whether to produce an annual report.

The Committee noted that it was the intention of "Standards for England" to collect annual information returns from Monitoring Officers for 2010. Last year's return had indicated that 59% of authorities had produced an annual report. As it appeared that SFE were encouraging all authorities to produce such a report, the Committee requested that this task also be undertaken annually by the Monitoring Officer and that the inaugural report be prepared for the July meeting. The report would assist in responding to the requirements of the Audit Commission and the completion of the Use of Resources Assessment.

Whilst welcoming the initiative, the Committee requested that the report be produced in the most cost-effective way, that it should emphasise the role of the Committee in training councillors on the Code of Conduct and that it be promoted via the District Council's website and District Wide, the Council's in-house magazine.

**41. INFORMATION/DISCUSSION - CODE OF CONDUCT ADVICE AND RECENT TRIBUNAL DETERMINATIONS**

For training purposes, the Committee noted the content of a guide on the position of Freemasons and the Code of Conduct and details of cases recently published by SFE following complaints considered by Blackpool Borough and Daventry District Councils (copies of the guide and case summaries are appended in the Minute Book).

**42. DATE OF NEXT MEETING**

It was noted that the next meeting of the Committee would be held at 4pm on Thursday 8th July 2010.

Chairman

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**APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES  
(Report by the Head of Law, Property and Governance  
and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 In January 2002, the Standards Committee considered arrangements for the discharge of the Committee's functions in relation to Parish Councils and their Members in Huntingdonshire. At that time, the Council consulted Parish Councils (as required by the legislation) on proposals not to appoint a Sub-Committee to deal specifically with parish matters but to include, instead, one Member representative from the Parish Councils on the Standards Committee, nominated by the Cambridgeshire Association of Local Councils (CALC).
- 1.2 Having taken account of the response received, the Committee recommended that one Member of a Town or Parish Council be appointed to serve on the Standards Committee after consultation with CALC (Huntingdonshire Branch).
- 1.3 Since then, the Council has continued to approach CALC and its successor, the Cambridgeshire and Peterborough Association of Local Councils for nominations to any vacancy which has arisen in Town and Parish Council representation.
- 1.4 The Committee may recall that Mr M Reece resigned as a Councillor on the Offords Parish Council last November. As Mr Reece was no longer eligible to serve on the Committee, CPALC were invited to nominate a replacement for Mr Reece for the remainder of his four year term which is due to conclude in May 2011. CPALC have been approached on two occasions but have yet to respond.

**2. LEGISLATIVE BACKGROUND AND THE ROLE OF PARISH REPRESENTATIVES**

- 2.1 Paragraph 4 (2) of the Standards Committee (England) Regulations 2008 states that, "where an authority is a responsible authority, it must ensure that at least two members of the standards committee are members of parish councils for which it is responsible, who are not also members of the responsible authority."
- 2.2 Paragraph 7 (4) of the same Regulations states that "where a meeting of a Standards Committee, or Sub-Committee of a Standards Committee, is convened to discharge any function specified..... relating to a member or former member of the Parish Council, no decision may be taken unless at least one member of a parish council for which the authority is the responsible authority, is present when such matters are being considered."
- 2.3 Parish representatives can be involved in any case being considered by the Standards Committee. However, the 2008 Regulations make it a requirement that any sub-committee or standards committee meeting that makes any decision on a case concerning a parish councillor has to have a parish representative.

- 2.4 Having the parish representative on cases about parish or town councillors ensures that the standards committee has a member with experience and understanding of local councils. They also bring with them knowledge about local issues which is helpful when assessing parish cases.
- 2.5 Although the legislation states that a standards committee of a responsible authority must have at least two members that are parish councillors, Standards for England recommends they have three and that at least two are from different parish councils.

### **3. WHY IS IT IMPORTANT TO HAVE THREE PARISH REPRESENTATIVES?**

- 3.1 Having three parish representatives on a standards committee of an authority will ensure that cases concerning parishes can be considered and dealt with in a timely manner. It ensures that there are sufficient parish representatives to hear a case at all stages; even in the instance where one of the representatives is conflicted out, sick, on leave or otherwise unavailable.
- 3.2 At various stages since January 2002 the Council has recognised the importance of flexibility and to ease the burden placed on the existing Parish Councillor, in the first instance, increased town and parish council representation from one to two and latterly from two to three representatives to meet the requirements arising from the transfer of responsibility for initial assessment of member misconduct to local authorities.

### **4. CONCLUSION**

- 4.1 Whilst it is for the District Council to decide how to recruit and appoint parish or town council representatives, it is important that those representatives should have the trust of town and parish councils in the authority's area and therefore that they should be involved in the selection procedure.
- 4.2 Although it has previously been convenient to seek nominations to vacancies in town and parish council representation from CPALC clearly this approach appears no longer to be as effective as originally was the case. It is also believed that there is concern that CPALC is no longer as representative of town and parish councils as previously. Members may wish to invite the views of the existing representatives on the Committee in this respect.
- 4.3 The Council has to demonstrate that it is appointing town and parish council representatives to its standards committee in a fair and open way and subject to the views of the committee, it is proposed that, in future, nominations be invited directly from town and parish councils themselves.
- 4.4 However, this has some practical implications. Should the Committee be minded to support this new approach, it is suggested that parish councillors wishing to express an interest should do so, in writing, to the Monitoring Officer and include a brief statement in support of their application (perhaps 250 words). The Chairman and Vice-Chairman, the Monitoring Officer and perhaps an existing Parish Council

representative could be authorised by the Committee to make the final selection. Members are reminded that a small allowance of £243 per annum is currently payable and that any training/travelling costs incurred in attending meetings of the Committee and training events would be met by the District Council.

4.5 The views of the Committee are invited.

## **BACKGROUND PAPERS**

Minutes of the Standards Committee - January 2002.

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

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**STANDARDS FOR ENGLAND - THE FUTURE?  
(Report by the Head of Law, Property and Governance  
and Monitoring Officer)**

**1. INTRODUCTION**

1.1 The new coalition government published its programme for partnership government in a document entitled "The coalition: our programme for government" in May 2010.

1.2 Section 4 of the document relates to Communities and Local Government and included the following statement -

"We will abolish the Standards Board Regime".

1.2 Standards for England (SFE) made the following initial response to this announcement -

"We are very disappointed at the Government's decision to abolish the Local Government Standards Regime. Since 2007, Standards for England has dealt only with those matters which local authorities could not deal with themselves. Our recent review of this devolved local framework found that it is delivering increased confidence in the accountability of local politicians, improved member behaviour and contributing to better governance. We do not have clear details as yet of what is proposed for the future, but for now the local standards framework remains pending legislative change. Our priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the Government in developing and implementing any new arrangements."

**2. DEVELOPMENTS SINCE MAY 2010**

2.1 The Chairman of Standards for England (SFE), Mr Bob Chilton subsequently issued a letter to all Standards Committee Chairmen about the future of the local government standards framework and this is reproduced as an Appendix.

2.2 Since then, SFE has announced the cancellation of the Annual Assembly 2010 and has postponed completion of the quarterly monitoring return which was to be made by the Monitoring Officer in July. This last instruction had suggested that the SFE budget had been reduced and that a process to review activities and update the business plan had begun.

2.3 In the first parliamentary questions for CLG's new ministerial team in June, the Local Government Minister Andrew Stunell, confirmed that the Localism Bill would include legislation to scrap the expensive Local Government Standards Board meeting the commitment made in the Coalition Agreement.

In response, MPs suggested that this would make Mr Stunell "the pin-up boy for every councillor in the country" and that he would now receive an enormous amount of fan mail. Mr Stunell said:-

"Around the country, there are councillors of every political persuasion deeply frustrated by the fact that the Standards Board remains a burden and a threat to them. It costs £7.8m, but it dealt with only 1,000 real complaints last year, which is £7,800 per complaint. The sooner we get rid of it, the better. This will be done on a statutory basis through the De-centralisation and Localism Bill." Mr Stunell also informed Members of Parliament in an adjournment debate on 8th June that the Bill would also end the unfair practice known as "predetermination" which bars elected council members from taking part in decisions where they had complained or expressed a predisposed view. He added -

"It is absolutely the case that it is wrong for local representatives to be barred from taking part in decisions, even if they have a clear predisposed view. They may even have been elected on a particular issue, and it would of course then be deeply frustrating for them to receive apparently professional advice that disqualifies them from taking part. The Government certainly understands the concern that the issue causes to councillors, and if necessary, we will legislate to ensure that councillors are not prevented from speaking up on issues on which they have complained".

### **3. UPDATE FROM MONITORING OFFICER**

- 3.1 Should any further announcements be made subsequent to the publication of the Agenda, the Monitoring Officer will update the Committee.

### **4. CONCLUSION**

- 4.1 The Committee is requested to note the report.

## **BACKGROUND PAPERS**

Letter received from SFE dated 1st June 2010.  
Press release - Department of Communities and Local Government.

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



Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton  
Chair

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# **STANDARDS COMMITTEE**

## **Annual Report 2009/10**

***Insert photograph of Committee***

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## 1. TERMS OF REFERENCE

Article 9 of the Constitution provides that the Standards Committee has the following functions and roles in respect of the District Council and its Members and Town & Parish Councils and their Members -

- ◆ promoting and maintaining high standards of conduct by Members;
- ◆ assisting Members and co-opted Members to observe their authority's Code of Conduct;
- ◆ advising the Council on the adoption or revision of a Members' Code of Conduct and monitoring the operation of the Code;
- ◆ advising, training or arranging to train Members and co-opted Members on matters relating to the Codes;
- ◆ granting dispensations to Councillors and co-opted Members from the requirements relating to interest in the Members' Code of Conduct;
- ◆ determining requests from complainants to review decisions not to take action or to investigate an alleged breach of the Members' Code of Conduct;
- ◆ undertaking hearings into alleged breaches of a Member's Code of Conduct;
- ◆ determining appropriate sanctions or actions in response to breaches of the Code of Conduct; and
- ◆ granting and supervising the exemption of certain posts from political restrictions under the Local Government and Public Involvement in Health Act 2007.

The Committee also has the following other functions in respect of the District Council and its Members –

- ◆ formulating and recommending to the Council for adoption a Protocol for Member/Officer relations and monitoring the operation of the Protocol; and

- ◆ adoption of a Code of Conduct for planning and monitoring the operation of the Code.

## **2. MEMBERSHIP OF COMMITTEE**

In 2009/10 the Standards Committee comprised –

- ◆ seven Members of the Council, namely Councillors J D Ablewhite, Mrs B E Boddington, P J Downes, R S Farrer, A Hansard, T D Sanderson and G S E Thorpe;
- ◆ four Independent Members who are not Councillors or Officers of the Council or any other local authority – Messrs P Boothman, D L Hall and M Lynch and Mrs S Stafford;
- ◆ Town or Parish Councillors; representing Town and Parishes in the District – Mr J P Alexander and G Watkins. (*Mr M Reece resigned from the Committee membership in November 2009.*)
- ◆ the Chairman of the Committee was Mr D L Hall, Independent Member and the Vice-Chairman was Councillor T D Sanderson.

## **3. ACHIEVEMENTS 2009/10**

### **Local Assessment**

Responsibility was transferred for dealing with complaints against District and Parish Councillors in May 2008 from Standards for England (formerly Standards Board for England) to the Council. Since that time, the Committee has dealt with a total of 29 complaints, 18 of which were received during the period 1st April 2009 to 1st July 2010.

Each complaint is dealt with and considered by the Referrals (Assessment) Sub-Committee which comprises an Independent Chairman, a Parish Councillor and a District Councillor. If the complainant is unhappy with the decision of the Referrals (Assessment)

Sub-Committee then there is a right of appeal to the Review Sub-Committee which has the same make-up as the Referrals (Assessment) Sub-Committee, but comprising different people. There have been 13 meetings of the Referrals (Assessment) Sub-Committee in the period 1st April 2009 to 1st July 2010. The Review Sub-Committee has not been required to meet during the year.

Of the complaints submitted during 2009/10, no further action was the outcome in twelve of the cases, including one case which had been referred to Standards for England. "Other" action was decided upon in six of the cases, mainly by way of mandatory training for the individual and a recommendation of training for the whole Council and in four cases by requiring an apology from the individual. Three cases were referred for formal investigation and such investigation was undertaken by an investigator appointed by the Monitoring Officer. The outcomes of the investigations are reported to the Standards (Consideration and Hearings) Sub-Committee to determine whether or not they accept the investigator's recommendation. In terms of the outcomes of the three investigations undertaken, there was a finding of no breach of the Code of Conduct in one case, one remains under investigation and the other was referred for a formal hearing. In the case referred for a formal hearing, the Councillor concerned was found to have breached the code, was requested to present a written apology to the complainant and in the event that such an apology was not forthcoming that Councillor would be suspended from membership of the Town Council for a period of one month.

In terms of general outcomes, all Town and Parish Councils in Huntingdonshire will now be reminded of the requirements of the Local Authority Code of Publicity in advance of the elections every year irrespective of whether elections are scheduled in a Parish or otherwise. The Monitoring Officer has also incorporated a section on the Code of Publicity in his training presentation to Town and Parish Councils.

## **Training and Advice**

The Committee considers its most important function is to continue to a programme of training for both District and Town & Parish Councillors. This year the Committee has held training sessions for –

Godmanchester Town Council           - 10th September 2009; and  
St Neots Town Council                 - 20th October 2009.

Code of Conduct training was also presented on an individual basis to five newly appointed District Councillors and to one Town Councillor arising from a Code of Conduct complaint. Training was also presented to the new Members' Induction Course held on 2nd June 2010.

## **Annual Assembly**

Committee Members, Messrs J Alexander, M Reece and G Watkins, attended the 2009 Annual Assembly of Standard Committees at the International Convention Centre, Birmingham on 12th and 13th October 2009. The Conference entitled "Bringing Standards Into Focus" presented an opportunity for delegates to share their own experiences, expertise, challenges and successes and discuss how their authorities were delivering local standards and was well received by all those who had attended.

## **Influence**

Advice given on a daily basis by the Monitoring Officer and Deputy Monitoring Officer is recorded in a log of Code of Conduct Enquiries and twenty-six entries have been recorded during the year.

To raise the profile on work of the Standards Committee and the Code of Conduct, the Monitoring Officer drafted an article, in consultation with



the Chairman, and this was published in the May 2009 edition of District-wide which is circulated to all homes in Huntingdonshire.

Guidance notes and case summaries published by Standards for England are considered by the Committee on a regular basis for training purposes and the training aid DVD "Assessment Made Clear" was shown at the meeting on 3rd December 2009.

The Leader of the Council, Councillor I C Bates and the Leader of the Opposition, Councillor P J Downes addressed the Committee at successive meetings in March and July 2009 to demonstrate the link between senior figures within the authority and the work undertaken on ethical issues by the Standards Committee.

#### **4. WORK PROGRAMME 2010/11**

##### **New Code of Conduct for Local Government**

The Committee responded to the Department for Communities and Local Government 2008 consultation on the proposed new Code of Conduct, publication of which was expected in Spring 2009. No further information was published, however, notification was received from Standards for England in February 2010 that the new Code of Conduct for Members would not be laid during the current Parliamentary Session due to the Government concentrating on Financial Instruments. More recent developments suggest that a new Code may not be laid until after the publication of the new Decentralisation and Localism Bill. The Committee will review the new Code, if published, and make its recommendations to Council.

Depending on the future of the Standards regime, the Committee plan

–

- ◆ a training programme for Town and Parish Councillors in the autumn;
- ◆ enhanced web pages for Standards and Conduct to include –
  - introduction of online complaint forms; and
  - a section for frequently asked questions.

## **5. TIME AND COST**

In addition to the meetings of the Referrals (Assessment) Sub-Committee and Review Sub-Committee, the Standards Committee meets four times a year and the Standards (Consideration and Hearing) Sub-Committee has met on three times to consider the outcome of investigations. Since the commencement of the local standards regime, the four investigations which have been outsourced have accounted for a total of 232 hours at a cost of £6,350 and as an estimate, the two investigations carried out internally accounted for approximately 60 hours. In addition to the Committee meetings and provision of advice, time is spent providing training sessions for District Members and for Town & Parish Councils and completing quarterly and annual returns to Standards for England.

Whilst it is not possible to provide a completely accurate figure, as an estimate, both the Monitoring Officer and Deputy Monitoring Officer spend approximately 15% of their time on standards matters.

## **6. CONCLUSION**

I should like to thank the Members of the Committee, the Monitoring Officer and the Deputy Monitoring Officer for their contribution and commitment throughout the year.

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Chairman, Standards Committee

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**APPLICATIONS FOR DISPENSATIONS  
(Report by the Head of Law, Property and Governance  
and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 Applications have been received from the Parish Clerks to Great and Little Gidding and Southoe and Midloe Parish Councils for dispensation to enable Members of the Parish Councils in question to continue to transact Council business in respect of a specific situation which has arisen in each Parish.
- 1.2 The circumstances of each application are described in Section 3 of the report.

**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 and subsequently varied by the Standards Committee (Further Provisions) (England) Regulations 2009.

The Regulations provide that a member with a prejudicial interest in a matter which was coming before the Authority could apply to the Standards Committee for a dispensation to allow the member to speak and vote on the matter at meetings. The Regulations specify two grounds for dispensation -

- (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) that the business of the Authority will be impeded because the absence of Members as a consequence of prejudicial interests would upset the political balance of the meeting to such an extent as to prejudice the outcome of voting in that meeting.
- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act refers to the requirement for principal Councils – ie. 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, ie. whether it is appropriate that the dispensation allows Members to either speak and not vote or to fully participate and vote. A dispensation can be granted for a particular meeting or for a period not exceeding four years.

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

### 3. APPLICATIONS RECEIVED

- 3.1 Following Code of Conduct training, it became apparent that Great and Little Gidding Parish Council required to seek dispensation from the Committee to enable Members of that Parish Committee to transact Parish Council business concerning the Village Hall and Recreation Field and the Great Gidding Charity. Great and Little Gidding Parish Council comprises seven Members, of which two serve on the Committee appointed to manage the Village Hall and Recreation Ground. However, all Members of the Parish Council are trustees to the Village Hall and Recreation Ground and the Council is sole Trustee of the Great Gidding Charity. As the number of Parish Councillors prohibited from participating at meetings (when matters arise relating to Village Hall, Recreation Field and the Charity) exceeds 50% of those Members that are entitled or required to participate a dispensation is required. The quorum for meetings of the Parish Council is three.

- 3.2 Southoe and Midloe Parish Council comprises seven Members. It has become apparent that four of the Members have a personal and prejudicial interest in an issue which is currently before the Parish Council. The matter concerns the provision of allotments within the Parish area. Two Councillors are Members of the Southoe and Midloe Allotment Association and two have connections with the land in the Parish under consideration as potential allotment sites. The quorum for meetings of the Parish Council is three. The Parish Council has requested that dispensation be granted to enable the four Members with personal and prejudicial interest to participate in the business under consideration. In this case and given that the Parish Council could continue to manage the business under consideration, the Committee may wish to consider the degree of any dispensation should it be granted as described in paragraph 2.3.

### 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 Regulations which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote to -
- ◆ five Members of Great and Little Gidding Parish Council for the period ending 30th April 2012; and
  - ◆ four Members of Southoe and Midloe Parish Council for the period ending 30th April 2014 –

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) Dispensation Regulations 2002 and Standards Committee (Further Provisions) (England) Regulations 2009  
Letter received from the Parish Clerks to Great and Little Gidding and Southoe and Midloe Parish Councils.

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

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**TRAINING UPDATE**  
**(Report by the Head of Law, Property and Governance**  
**and Monitoring Officer)**

**1. INTRODUCTION**

- 1.1 The Committee's terms of reference provides that it gives training and advice on matters relating to the Code of Conduct. Members will be aware that the Monitoring Officer had, of late, deferred a formal programme of training for town and parish councillors in expectation that a revision to the Members Code of Conduct would be published in May 2010.
- 1.2 Following recent announcements, it will appear that the publication of a new Code is unlikely and therefore the Monitoring Officer considers it opportune to host a new programme of training for town and parish councils this Autumn.
- 1.3 The Committee may wish to note that all newly elected District Councillors have received code of conduct training either through individual sessions or by attending the new Members induction course on 2nd June 2010.

**2. PROPOSED ARRANGEMENTS FOR TRAINING**

- 2.1 The Monitoring Officer continues to offer to attend individual town and parish council meetings and this had tended to be the practice adopted of late. Training for individual parish councils has also been specified by the Referrals (Assessment) Sub-Committee following consideration of complaints and these cases have involved, for instance, visits to Godmanchester, St. Neots and Hilton.
- 2.2 However, the Monitoring Officer is aware that training for all town and parish councils is overdue and given the absence of any suggested revised code, it is proposed that arrangements be made for a more comprehensive programme to take place in the Autumn.
- 2.3 Experience suggests that locally based area sessions are better attended so it is proposed that new members of town and parish councils be invited to attend one of four venues -

Civic Suite, Pathfinder House, Huntingdon;  
Aquarius Room, St. Ivo Leisure Centre, St. Ives;  
Priory Centre, St. Neots; and  
Amenity Centre, Yaxley.

- 2.4 Attendance is not normally restricted so invitations are also extended to those existing Councillors who would benefit from a refresh of the Code. Members might consider that District Councillors local to the venues also should be invited to take the opportunity of an update session.

**3. PROPOSED PROGRAMME**

- 3.1 It is suggested that the session should last 90 minutes and comprise -
- ◆ a power point presentation by the Monitoring Officer - 30 minutes;
  - ◆ showing of the Standards for England DVD "The Code Uncovered" - 30 minutes;
  - ◆ review of two/three case summaries in smaller groups - 15 minutes;
  - ◆ an opportunity for questions - 15 minutes.

#### **4. CONCLUSION**

- 4.1 The Committee is requested to consider the proposed approach to training this Autumn.

#### **BACKGROUND PAPERS**

None.

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

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
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**LOG OF CODE OF CONDUCT ENQUIRIES  
FROM 4TH MARCH 2010**

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
64.	3.3.10		Enquiry from a new co-opted Member about the requirements of her in terms of registration and declaration of interests.	Links provided to Standards for England website relating to "personal and prejudicial interests", lobby groups and on predisposition and pre-determination. Advised to complete Registration Form and to include reference to lobby group of which she is a Member. Advised when to declare personal and prejudicial interests and when to speak and vote (CM).	8, 9, 10
65.	5.3.10		The Parish Council had gone out to tender for a new fence around their playing field and had received 5 in return, including one from a Parish Councillor. The Councillor had declared a personal and prejudicial interest. The Parish Clerk was concerned that the Council had acted properly in dealing with the matter.	Confirmed that the Parish Council appeared to have acted correctly as the necessary declarations had been made. However there would need to be clear audit trail to demonstrate that nothing improper had occurred. If the Councillor was awarded the contract, this would need to be entered onto his register of interests (CM).	8, 9, 10

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
66.	17.3.10		The Parish Council was concerned that they would be unable to consider a planning application for the proposed wind farm at Kimbolton airfield as they might have a prejudicial interest on the grounds that the turbines will be visible from most parts of the village.	Personal and prejudicial interests explained.(CM)	8, 9, 10
67.	31.3.10		Enquiry regarding the interest held by a Town Councillor in a planning application for which he had already sent a letter of support for an objection raised by a local resident. The Councillor was also a Member of the Planning Committee.  Advice also requested on interests held by those Members who had received an election expense contribution from the applicant.	Suggested that the Councillor had pre-determined the planning application. Advice given about pre-determination /pre-disposition. Although not a strict breach, quoted advice that there was a potential for paragraph 5 of the code to be breached because the Councillor's behaviour could render the Town Council's decision unlawful. (CD).  Advice given about personal/prejudicial interests and concluded that those Members involved had a personal and prejudicial interest. (CD).	5  8,9,10
68.			Enquiry regarding "pre-determination" of a planning application to be considered by a	See advice for case No. 67. (CD)	5

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
69.			Parish Council Enquiry regarding the interests to be declared by a Councillor who was producing a local guide on behalf of a Town Centre Initiative. That Member also was the Council's elected Member on the Initiative.	Provided the Member had declared personal and prejudicial interests when the matter was considered by the Town Centre Initiative and had not been involved in the procurement process advice given that there was unlikely to be a breach.  However, the Member should update his register to record any details of any contract entered into with the Council. (CM).	8,9,10
70.			Enquiry regarding interests held by a Councillor in a planning application. The Councillor also was a Member of an Action Group relating to the application.	Advice given about personal/prejudicial interests and paragraph 12 (2) to allow Councillors to make representations to Council meetings. (CD).	

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry <i>(Brief Details)</i>	Advice Given <i>(Brief Details)</i>	Code of Conduct Reference <i>(Para No.)</i>
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## Case Summary - Fenland District Council

**Case no.** SBE-09067-ZVAMH SBE-09068-JTZJN, SBE-09069-XGFY2, SBE-09070-285I1, SBE-09071-4KF5Q, SBE-09072-V07IQ

**Member(s):** Councillor Steve Garratt

**Date received:** 09 Feb 2009

**Date completed:** 24 May 2010

### Allegation:

That the member disclosed confidential information

### Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

### Case Summary

It was alleged that Councillor Steve Garratt disclosed confidential information to Councillor Fred Yeulett when he passed him an email he had received from Councillor Alan Melton which had been marked 'Strictly Confidential'.

The Ethical Standards Officer found that on 20 November 2009 Councillor Melton sent an email to some of his colleagues within the Conservative group and party that expressed his concern about the Council's failure to progress plans for a leisure centre in Chatteris. Councillor Melton marked his email 'Strictly Confidential'

Councillor Garratt received Councillor Melton's email on Saturday 21 November 2009. Councillor Garratt was concerned about some of Councillor Melton's comments and telephoned him to discuss the matter. Councillor Garratt then telephoned Councillor Fred Yeulett, the deputy leader of the Council and Conservative group, to get his opinion of Councillor Melton's proposals. Councillor Yeulett had not been on Councillor Melton's circulation list and so Councillor Garratt forwarded him a copy of the email.

In reaching a decision on this matter the Ethical Standards Officer did not believe that the email's reference to council business settled the issue of whether Councillor Garratt was acting in his capacity as a councillor when he forwarded it. The audience for this email was members of the local Conservative group, some of whom were not councillors. Although the email like many involving local politics touched on matters that the council had considered, its primary purpose and content was political. The Ethical Standards Officer had no doubt that Councillor Garratt's act of passing the email to a senior political colleague was essentially a party political matter.

The Ethical Standards Officer was satisfied that in passing the email to Councillor Yeulett, Councillor Garratt was not acting in his official capacity as a councillor and therefore did not fail to comply with the Code.

### Relevant paragraphs of the Code of Conduct

Paragraph 4

"4(d) You must not—

(i) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

- (1) you have the consent of a person authorised to give it;
- (2) you are required by law to do so;
- (3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (4) the disclosure is—
  - (a) reasonable and in the public interest; and
  - (b) made in good faith and in compliance with the reasonable requirements of the authority"

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# Case Summary - Fenland District Council

**Case no.** SBE-09094-QRLEH SBE-09095-8SN13, SBE-09096-4BTTJ, SBE-09097-P2M7S, SBE-09098-555QT, SBE-09099-IKXR4

**Member(s):** Councillor Fred Yeulett

**Date received:** 09 Feb 2009

**Date completed:** 24 May 2010

## Allegation:

That the member disclosed confidential information

## Standards Board outcome:

The ethical standards officer found that the member did not breach the Code of Conduct

## Case Summary

It was alleged that Councillor Fred Yeulett disclosed confidential information to the Council's Chief Executive in the form of an email sent by Councillor Alan Melton marked 'Strictly Confidential'.

The Ethical Standards Officer found that on 20 November 2009 Councillor Melton sent the email in question to Council and local Conservative group members. Councillor Yeulett was not included. In the email Councillor Melton expressed his concern about the Council's failure to progress plans for a leisure centre in Chatteris. Councillor Melton marked his email 'Strictly Confidential'.

Councillor Steve Garratt received Councillor Melton's email on Saturday 21 November 2009. Councillor Garratt was concerned about some of Councillor Melton's comments and telephoned him to discuss the matter. Councillor Garratt then telephoned Councillor Yeulett, who was then the deputy leader of the Council and Conservative group, to get his opinion of Councillor Melton's proposals. Councillor Garratt forwarded Councillor Yeulett a copy of the email. Councillor Yeulett subsequently met with the Council's then Chief Executive to discuss concerns he had about Councillor Melton's email, in particular some comments Councillor Melton had made about Council officers. During the meeting Councillor Yeulett provided the chief executive with a copy of the email.

The Ethical Standards Officer considered that Councillor Melton's email more resembled a party political communique than Council business. However, in reaching a decision on whether Councillor Yeulett was acting in his official capacity when disclosing it to the Council's Chief Executive the Ethical Standards Officer took into account the fact that the information disclosed by Councillor Yeulett came into his possession because Councillor Garratt considered that he had a right to see it as deputy leader of the Council and portfolio holder for 'Shaping Fenland's Future'. Also relevant is the fact that the content of the email related to matters that he had been involved in as a councillor in the past and that the disclosure was made to the Council's Chief Executive as part of a meeting to discuss whether Councillor Melton's proposals were feasible. Given these facts, the Ethical Standards Officer was satisfied that in passing the email to the Council's Chief Executive, Councillor Yeulett was acting in his official capacity.

The Ethical Standards Officer considered that the email included a limited amount of information that was of a confidential nature. Given that the Council's Chief Executive had not been on Councillor Melton's circulation list and Councillor Yeulett provided him a copy of the email he considered that Councillor Yeulett had disclosed information which he believed or ought reasonably to have been aware was of a confidential nature.

Having established that Councillor Yeulett disclosed confidential information, the Ethical Standards Officer had to consider whether any of the exceptions listed in the paragraph of the Code relating to confidential information applied. It was not in dispute that Councillor Yeulett did not have Councillor Melton's consent before he made his disclosure. In addition he was not required by law to disclose the email and although he was seeking the Council's Chief Executive's advice on the matter, Councillor Yeulett placed no restriction on his subsequent use of the information.

Balancing all of the relevant factors, the Ethical Standards Officer concluded that Councillor Yeulett had been motivated by genuine concerns and had acted reasonably and in the public interest in making his disclosure to the Chief Executive only. He noted that no detriment had occurred to any party as a result of either Councillor Melton's original email nor Councillor Yeulett's disclosure.

The Ethical Standards Officer considered that Councillor Yeulett did not fail to comply with the Code.

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# Relevant paragraphs of the Code of Conduct

## Paragraph 4

"4(d) You must not—

(i) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where—

(1) you have the consent of a person authorised to give it;

(2) you are required by law to do so;

(3) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third

party agrees not to disclose the information to any other person; or

(4) the disclosure is—

(a) reasonable and in the public interest; and

(b) made in good faith and in compliance with the reasonable requirements of the authority"

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# Blogging Quick Guide

Blogging and social networking are effective methods for councillors to interact with constituents and support local democracy. Used effectively, they can engage those who would not normally have access to local councillors and politics.

Standards for England support the use of such media and encourage councillors to get online. You should think about what you say and how you say it, in just the same way as you would when making statements in person or in writing,

You will also need to think about whether you are seen to be, or give the impression that you are acting in your official capacity as a councillor. To make sure you comply with the Code of Conduct (the Code) and to ensure your use of online media is well received we suggest the following general hints.

## Do

- set appropriate privacy settings for your blog or networking site – especially if you have a private, non-political blog
- keep an eye out for defamatory or obscene posts from others on your blog or page and remove them as soon as possible to avoid the perception that you condone such views
- be aware that the higher your profile as a councillor, the more likely it is you will be seen as acting in your official capacity when you blog or network
- ensure you use council facilities appropriately; if you use a council provided blog site or social networking area, any posts you make will be viewed as made in your official capacity
- be aware that by publishing information that you could not have accessed without your position as a councillor you will be seen as acting in your official capacity
- make political points, but be careful about being too specific or personal if referring to individuals. An attack on individuals may be seen as disrespectful, whereas general comments about another party or genuine political expression is less likely to be viewed as disrespect.

## Don't

- blog in haste.
- post comments that you would not be prepared to make in writing or face to face
- use council facilities for personal or political blogs.

## When the Code may apply

Bear in mind the Code when you blog or use social networking sites. You should pay particular attention to the following paragraphs of the Code:

- Disrespect
- Bullying
- Disclosure of confidential information
- Disrepute
- Misuse of authority resources

However, it is difficult to give definitive advice on the application of the Code as each blog and social networking page is different. The content of a blog or other social networking tool and the circumstances surrounding its creation will determine whether or not it might be covered by the Code.

Ethical use of online social media is not limited to what is covered in the Code. We encourage members to respect the **Ten General Principles of Public Life**. While your conduct may not be a breach of the Code it may still be viewed as less than exemplary and attract adverse publicity for your office and authority.

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