

A meeting of the **STANDARDS COMMITTEE** will be held in **ROOM CVSO1a, CIVIC SUITE, PATHFINDER HOUSE, HUNTINGDON, CAMBS PE29 3TN** on **THURSDAY, 9 SEPTEMBER 2010** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 8th July 2010.

**H Ali
388006**

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 items - please see Notes 1 and 2 below.

3. REPORTS OF SUB-COMMITTEES

(a) Referrals (Assessment) Sub-Committee

The Sub-Committee met on 28th July to assess a complaint received about a Member serving on Bluntisham Parish Council. No further action was recommended as it was considered that there was no breach of the Code of Conduct. A further meeting of the Sub-Committee is to be held on 10th September 2010.

(b) Review Sub-Committee

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

These Sub-Committees have not been required to meet since July.

4. STANDARDS FOR ENGLAND - LATEST ? (Pages 7 - 8)

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.

**C Deller
388007**

5. STANDARDS UPDATE (Pages 9 - 16)

Update by the Head of Law, Property and Governance and Monitoring Officer on the progress of several standards "issues".

**C Deller
388007**

6. LOG OF CODE OF CONDUCT ENQUIRIES (Pages 17 - 18)

To note the Code of Conduct enquiries recorded by the Head of Law, Property and Governance and Monitoring Officer since the meeting held in July.

**C Meadowcroft
388021**

7. SUMMARIES OF RECENTLY COMPLETED INVESTIGATIONS
(Pages 19 - 22)

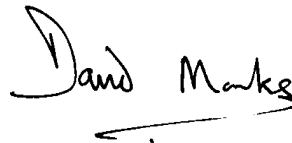
To note two case summaries involving Hyndburn Borough Council recently published by Standards for England.

**C Meadowcroft
388021**

8. DATE OF NEXT MEETING

To note that the next meeting of the Committee will be held on Thursday 2nd December 2010 in the Civic Suite, Pathfinder House, St. Mary's Street, Huntingdon.

Dated this 1 day of September 2010



Chief Executive

Notes

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

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

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.

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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in CVSO 1a, Civic Suite, Pathfinder House, St. Mary's Street, Huntingdon, PE29 3TN on Thursday, 8 July 2010.

PRESENT: Mr D L Hall - Chairman

Councillors J D Ablewhite,
Mrs B E Boddington, P J Downes, R S Farrer,
A Hansard and G S E Thorpe.

Messrs J B Alexander, P L Boothman and M Lynch.

Mrs S Stafford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor T D Sanderson and Mr G Watkins.

1. ELECTION OF CHAIRMAN

RESOLVED

that Mr D L Hall be elected Chairman of the Committee for the ensuing Municipal Year.

2. MINUTES

The Minutes of the meeting of the Committee held on 4th March 2010 were approved as a correct record and signed by the Chairman.

3. MEMBERS' INTERESTS

No declarations were received.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Mr M Lynch be appointed Vice-Chairman of the Committee for the ensuing Municipal Year.

5. SUB-COMMITTEE APPOINTMENTS

RESOLVED

(a) that a Referrals (Assessment) Sub-Committee be appointed comprising one Independent Member, one Town and Parish Councillor and one District Councillor and that Mr M Lynch be elected Lead Independent Member and Chairman of the Sub-Committee;

- (b) that a Review Sub-Committee be appointed comprising one Independent Member, one Town and Parish Councillor and one District Councillor and Mr P L Boothman be elected Lead Independent Member and Chairman of the Sub-Committee;
- (c) that a Standards (Consideration and Hearing) Sub-Committee be appointed to comprise five Members to consider investigation reports and hold determination hearings and that Mr D L Hall be elected Lead Independent Member and Chairman of the Sub-Committee; and
- (d) that the Head of Law, Property and Governance and Monitoring Officer after consultation with the relevant Chairman, be authorised to convene meetings of the Referrals (Assessment), Review and Standards (Consideration and Hearing) Sub-Committees as necessary and to appoint Members to the various Sub-Committees as appropriate in accordance with the Standards Committee (England) Regulations 2008.

6. REPORTS OF SUB-COMMITTEES

(a) Referrals (Assessment) Sub-Committee

With the aid of a report (a copy of which is appended in the Minute Book) the Chairman of the Referrals (Assessment) Sub-Committee reported upon the outcome of 6 cases considered by the Sub-Committee since March relating to Members serving on St Ives Town, Yaxley and Upwood and The Raveleys Parish Councils.

(b) Review Sub-Committee

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

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

The Chairman of the Standards (Consideration and Hearing) Sub-Committee reported that the Sub-Committee had met on two occasions to determine the outcome of one case against a Member of St Ives Town Council, which had resulted in the suspension of that Member from the Town Council for a period of one month with effect from 9th July 2010.

7. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

With the aid 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 gave consideration to the proposed methodology for the appointment of the vacant post of Parish Council representative on to the Committee.

In noting that the post had been vacant since November 2009 and having been informed that two approaches had been made to the

Cambridgeshire and Peterborough Association of Local Councils (CPALC) for nominations to the vacancy, the Committee considered a proposal to seek nominations directly from the Town and Parish Councils themselves. In his absence, the Monitoring Officer expressed the views of Mr G Watkins that CPALC should be offered a further opportunity to nominate to the vacancy, but the consensus amongst Members was that the former approach should be adopted. Having concurred with the suggestion that Town or Parish Councillors wishing to express an interest in the post should do so in writing to the Monitoring Officer in not more than 250 words, it was

RESOLVED

- (a) that nominations to the vacant Parish Council post be sought directly from the Town and Parish Councils; and
- (b) that the Chairman, Vice-Chairman, Monitoring Officer and an existing Parish Council representative of the Committee be authorised to make the final selection.

8. STANDARDS FOR ENGLAND - THE FUTURE?

The Committee received and noted a report by the Head of Law, Property and Governance and Monitoring Officer (a copy of which is appended in the Minute Book) regarding the latest developments following the Government's announcement to "abolish the Standards Board" regime.

Members were acquainted with the initial response to the announcement from Standards for England (SFE) and were informed that the Annual Assembly 2010 had been cancelled by SFE and that the completion of the quarterly monitoring return by the Monitoring Officer for July had also been postponed. Attention was also drawn to the fact that SFE's budget had been reduced and that a process to review activities and update the business plan had already begun. Having questioned the future of Standards for England and the potential implications that this may have upon the Council, the Monitoring Officer advised the Committee that they were likely to be consulted by the Government upon any proposed changes to legislation affecting the current regime prior to its implementation.

9. DRAFT ANNUAL REPORT 2009/2010

Pursuant to Minute No. 09/40, Members were acquainted with a copy of the draft Standards Committee Annual Report 2009/10 (a copy of which is appended in the Minute Book) which had been identified as a best practice method by Standards for England. Having invited comments on the content of the report, Members questioned whether the figure reported in the "Time and Cost" section of the report reflected an accurate assessment of the resources used to investigate the complaints received by the Monitoring Officer over the course of the year. In response, the Monitoring Officer reported that the figure quoted reflected the physical cost of outsourcing four investigations and that it did not account for his or the Deputy Monitoring Officer's time when conducting internal investigations. Arising from discussions, Members agreed that more detailed

information on the cost of dealing with Standards' matters should be included within the report.

In terms of the publication of the report, Members commented that the document should be produced in the most cost-effective way as possible. In so doing, it was reported that the report would be promoted via the District Council's website and Districtwide, the Council's in-house magazine as well being circulated electronically to all the Town and Parish Councils. Whereupon, it was

RESOLVED

that subject to the inclusion of further additional information in the "Time and Cost" section of the report, the Standards Committee Annual Report 2009/10 be approved by the Committee.

10. APPLICATIONS FOR DISPENSATION

A report by the Head of Law, Property and Governance was submitted (a copy of which is appended in the Minute Book) in respect of two applications for dispensation received from Great and Little Gidding and Southoe and Midloe Parish Councils.

With regard to the Little and Great Gidding application, Members were advised that Members of that Council required dispensation to enable them to transact Parish Council business concerning the Village Hall and Recreation Field and the Great Gidding Charity. In terms of the application received from Southoe and Midloe Parish Council, it had become apparent that four Members of that Council have personal and prejudicial interests in an issue concerning the provision of allotments within the Parish area. Having considered each request in turn, Members expressed their satisfaction that approval of the applications in the circumstances described was required to prevent the business of those authorities from being impeded. Whereupon, the Committee

RESOLVED

- (a) that dispensation be granted to five Members of Great and Little Gidding Parish Council to enable them to speak and vote on the Village Hall and Recreation Field and the Great Gidding Charity for the period ending 30th April 2012 after which time an application for the newly elected Councillors would need to be submitted; and
- (b) that dispensation be granted to four Members of Southoe and Midloe Parish Council to enable them to speak and vote on the provision of allotments within the Parish area for the period ending 30th April 2014 after which time an application for the newly elected Councillors would need to be submitted.

11. TRAINING UPDATE 2010

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) proposing an approach to be undertaken by the Monitoring Officer towards training activity on the Code of Conduct. In noting that the newly elected District Councillors have already received training on the Code, Members were advised that the suggested programme for training had been designed to encourage both new and existing Councillors across the District to attend one of the four area based sessions proposed over the Autumn period. Having expressed their satisfaction with the approach to be adopted, and in noting that the Monitoring Officer would respond to individual requests for training from Town or Parish Councils as necessary, the Committee

RESOLVED

that the proposed approach to training be approved by the Committee.

12. 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 March 2010 (an extract of the log is appended in the Minute Book). The Committee's attention was drawn to a particular case concerning a planning application for a proposed wind farm at Kimbolton airfield and the subsequent advice given to the Parish Council by the Monitoring Officer.

13. RECENT CASE SUMMARIES AND ADVICE

For training purposes, the Committee noted the content of a guide on "Blogging" and details of cases recently published by Standards for England following complaints considered by Fenland District Council (copies of the guide and case summaries are appended in the Minute Book).

14. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held at 4:00pm on Thursday, 9th September 2010.

15. EXCLUSION OF PUBLIC

RESOLVED

that the press and public be excluded 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

The Monitoring Officer acquainted the Committee with the latest

conduct issues concerning Yaxley Parish Council and sought views from Members on the possible ways forward.

Chairman

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

1. INTRODUCTION

- 1.1 Members will recall that the Monitoring Officer reported to the last meeting that the Government had announced its intention to "abolish the Standards Board Regime".
- 1.2 Since then, very little further information has emerged but the suggestion now appears to be that the Decentralisation and Localism Bill, due to be published at the end of October, will provide for the abolition of not just Standards for England, but of the Code of Conduct for Members and of Standards Committees. In July the Monitoring Officer reported that Standards for England (SFE) postponed completion of their quarterly monitoring return for the April to June quarter. This was because SFE were reviewing their activities and updating their business plan in light of the Government's announcement.

2. MINOR DEVELOPMENTS SINCE JULY

- 2.1 The SFE have now completed their internal review and concluded that monitoring reviews are no longer part of their business plan activities. This means that there will be no further requests for the submission of quarterly or annual returns, nor do they anticipate re-establishing these procedures, unless a specific monitoring need arises in which SFE have to play a part.
- 2.2 The online questionnaires have been removed from their website and are now inaccessible although the information submitted by local authorities is available on request. SFE will be publishing an online report of the annual return information collected for 2009/2010. This would include an introduction to the data, a key figures page, a summary of the findings and a full list of the most common responses to each question.
- 2.3 As SFE have conveyed their thanks to Monitoring Officers for their co-operation with returns since their inception, the inference is that this practice will not be re-instated.

3. COMMITTEE ON STANDARDS IN PUBLIC LIFE

- 3.1 For information the Committee might be interested to read an extract from the annual review and report 2009/2010 published by the Committee on Standards in Public Life on the Local Government Standards Framework.

"The Committee last looked in depth at the standards framework for local government five years ago. Significant changes to the standards framework in England have recently been announced by the new Government, including a commitment to abolish Standards for England. We await details of the proposed changes.

A local standards framework is vital to maintaining confidence in the integrity of local politicians. Where it is working well, it ensures that local councillors understand the standards of behaviour which are expected of them and that there are robust mechanisms in place to deter and deal with this misconduct. The evidence from our reviews over the past fifteen years indicates that this is best achieved through local ownership within a framework that ensures consistency of standards and proper enforcement. Whilst the precise shape and structure of the framework may change over time, and could vary in the different parts of the UK, we believe that the necessary components of the framework continue to be:-

- ◆ a clear code of conduct which specifies what behaviour is acceptable and what is not;
- ◆ an independent mechanism for dealing with the most serious breaches under the code;
- ◆ some over-arching mechanism to ensure that the regime is effective and consistent in upholding standards."

4. FURTHER UPDATE FROM MONITORING OFFICER

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

5. CONCLUSION

- 5.1 The Committee is requested to note the report.

BACKGROUND PAPERS

Letter received from SFE dated 16th August 2010.
Extract from the annual review and report from the Committee on Standards in Public Life 2009/2010.

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

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

1. INTRODUCTION

1.1 This report informs the Committee of the progress made on various standards issues discussed at the July meeting and referred to in the proposed work programme for 2010/2011.

1.2 Since July, the Monitoring Officer has progressed the following -

- ◆ invited nominations to the vacant position of parish council representative;
- ◆ completed the Annual Report 2009/2010;
- ◆ prepared frequently answered questions (FAQs) for inclusion on the District Council's web page 'Standards and Conduct';
- ◆ began to create an online version of the Code of Conduct complaint form; and
- ◆ considered arrangements for an Autumn training programme.

2. ANNUAL REPORT 2009/2010

2.1 Members will recall that they approved a draft version of the 2009/2010 Annual Report at their meeting in July subject to the inclusion of additional information in the 'time and cost' section of the report. In accordance with the Committee's instructions, the Annual Report was subsequently published on the District Council's website in August and has been sent to all town and parish councils electronically by way of the quarterly "parish alert". Similarly, the Annual Report has been distributed to all Members of the Council electronically as part of the weekly Members' Bulletin. An article on the Annual Report also will feature in the October edition of District-Wide magazine. A copy is enclosed with the agenda for Members only in compliance with the Committee's request that the document should be produced and circulated in a cost-effective way.

3. WEBSITE DEVELOPMENT

3.1 At the March meeting of the Committee, the Monitoring Officer undertook to prepare a series of "frequently asked questions" to be made available on the 'Standards and Conduct' pages of the District Council's website. Draft FAQs are now enclosed at Appendix A and the Committee is invited to comment on them.

3.2 As part of the development of the web pages, the District Council's web team are now building an on-line form to allow for code of conduct complaints to be completed and submitted on-line. Whilst the forms have been available on this site for some time, those wishing to submit a complaint have been required to download and complete the form in paper copy before forwarding it to the Monitoring Officer by post. It is intended that this work will be completed by the web team in the next few weeks. Members will be pleased to note

that the photograph taken of the Committee at the last meeting is also now featured on the website.

4. SELECTION OF ADDITIONAL PARISH REPRESENTATIVES

- 4.1 It was resolved by the Committee in July to seek a nomination to the vacant parish council representative post directly from town and parish councils. Whilst several expressions of interest already have been received, the enclosed invitation at Appendix B was sent to all town and parish councils recently via the 'parish alert'. The deadline for the submission of expressions of interest is 20th September 2010. Thereafter, the Chairman, Vice-Chairman, Monitoring Officer and an existing Parish Council representative have been authorised by the Committee to make the final selection.

5. TRAINING PROGRAMME

- 5.1 Members endorsed the approach to be taken by the Monitoring Officer towards training activity on the code of conduct based on four area based sessions in the Autumn. However, in view of the uncertainty over the future of the standards regime and given the suggestion that the code of conduct requirements may be discontinued by the soon to be published Decentralisation and Localism bill, it is considered imprudent currently to make arrangements for training sessions which will involve the booking of venues for which the District Council would be liable to incur a charge should they subsequently have to be cancelled. Should it transpire that the provisions of the model code of conduct continue to operate, the Monitoring Officer will set up training sessions for town and parish councils as originally agreed.

6. GENERAL

- 6.1 Given the current uncertainty the Monitoring Officer is reluctant to pursue any other development options until it becomes clear what the Government propose for or instead of the ethical standards regime.

7. CONCLUSION

- 7.1 The Committee is requested to note this update.

BACKGROUND PAPERS

None

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

**COUNCILLOR CODE OF CONDUCT
FREQUENTLY ASKED QUESTIONS**

1. What is the Code of Conduct?

The Code regulates the behaviour of Councillors, setting down specific requirements for what they should and should not do.

2. Does every Council have a Code of Conduct?

Yes and it will be identical or very similar to, the Model Code of Conduct issued by the Government on the 4th April 2007 (link to Model Code).

3. To whom does the Code apply?

It applies to all county, district, town and parish councillors whether elected or co-opted.

It does **not** apply to complaints about Council Officers or about specific decisions that a Council has made.

4. When does the Code apply?

The Code of Conduct applies to Councillors whenever they are acting, or give the impression they are acting, in their official capacity.

It does **not** generally apply when they are acting in a personal or private capacity.

5. What are the requirements of the Code?

The Code imposes a number of obligations on councillors including :-

- a) to treat others with respect;
- b) not to bully;
- c) not to disclose confidential information;
- d) not to bring their office or the authority into disrepute;
- e) not to use their position improperly;
- f) to declare any personal interest and prejudicial interest they may have in matters being considered by the Council (see below).

6. What is a “Personal Interest” and what must a Councillor do who has such an interest?

A Councillor has a “personal” interest in any matter being considered at a Council meeting which is either:

- (i) an interest that must be recorded on their Register of Interests e.g. details of their employer, property they own or occupy or membership of a charity, pressure groups, political party or trade union; or
- (ii) it affects their well being or financial position (or those of their family or close associates) more than the majority of inhabitants.

In such circumstances the Councillor must declare an interest, but provided it is not “prejudicial” (see below), can still speak and vote on the matter.

7. What is a “Prejudicial Interest” and what must a Councillor do who has such an interest?

A prejudicial interest is a personal interest that affects a Councillor’s:

- Finances, or relates to a licensing or planning application (or those of their family or close associates) ; and
- A member of the public would reasonably think that such an interest is so significant that it is likely to prejudice the Councillor’s judgement of the public interest.

If a Councillor has a prejudicial interest it must be declared and the Councillor should not debate or vote on the matter, although in certain circumstances they may have the same right to speak, if a member of the public has such right under the Council’s procedures.

A fuller explanation of “personal” and “prejudicial” interests can be found at (insert link).

8. What must a Councillor do who receives Gifts or Hospitality?

Details of any gifts or hospitality worth £25 or more (including details of the donor) and **received in connection with their official duties**, (not birthday or Christmas gifts from friends and family), must be recorded with the Monitoring Officer within 28 days of receipt.

A Councillor would automatically have a “personal interest” in any matter under consideration if it affects the person who gave the gift or hospitality and it may also amount to a “prejudicial interest”, but the obligation to disclose such an interest ceases after 3 years.

9. If I believe a Councillor has breached the Code of Conduct, to whom do I complain?

You should refer your complaint, in writing, addressed to the Council's Monitoring Officer at Huntingdonshire District Council, Pathfinder House, St Mary's Street, Huntingdon, Cambs PE29 3TN. There is also a complaint form that can be used on the Council's website (link to complaint form).

10. Who considers my complaint?

Initially the complaint is considered by the Standards Assessment Committee, comprising 3 people, chaired by an independent person i.e. a person who is not a councillor. If the complaint relates to a town or parish councillor, the panel will also include one of the three town and parish councillors appointed to the Standards Committee. Complaints are normally considered within 20 working days of being received.

11. What do the Standards Assessment Committee decide?

Based solely on the information provided by the complainant and any general background information available, they decide whether there has been a *potential* breach of the Code of Conduct and if so whether it is serious enough to warrant a full investigation or if not, whether some other action is more appropriate. They **do not** decide whether there has been an actual breach of the code, as this is only determined after a full investigation and hearing.

12. Is there a right of appeal against the decision of the Referrals Assessment Sub-Committee?

Yes. If the Referrals Assessment Sub-Committee decide no further action should be taken, the complainant has a right of appeal within 30 days to an Appeals Panel comprising 3 different people, but again chaired by an independent person.

13. What happens if the complaint is referred for an Investigation?

If the matter is referred for a formal investigation, there will be a full hearing by the Standards Consideration and Hearings Committee to consider the evidence obtained by the appointed Investigating Officer and to hear representations from the Councillor complained about. The Committee again is chaired by an independent person and determine if there has been a breach of the Code of Conduct.

14. What sanctions can be imposed if a breach of the Code of Conduct is found?

If a breach of the Code is found, the Standards Committee can impose a range of sanctions from requiring an apology or training, or the suspension from office for up to 6 months. If the matter is considered to be more serious, it can be referred to the First Tier Tribunal (Local Government Standards of England) who can disqualify a councillor for up to 5 years.

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APPENDIX B

APPOINTMENT OF A PARISH COUNCIL REPRESENTATIVE TO THE STANDARDS COMMITTEE

GUIDANCE NOTES

1. Background

- 1.1 Huntingdonshire District Council is seeking to recruit an additional Parish Council representative to serve on its Standards Committee.
- 1.2 Standards Committees under the previous government were regarded as a key feature of contemporary local government. Much has been written and reported about the changes in executive decision-making – in Huntingdonshire by a single party Cabinet – and the scrutiny arrangements which have been established to hold the Executive to account. But the standards of conduct which are expected of District, Town and Parish Councillors are also at the forefront of an ethical framework whose objective is to win and maintain confidence in those who are elected to public office.
- 1.3 Although the standards regime and the future of 'Standards for England' is currently under review by the new coalition government it is the expectation that some form of code of conduct would continue to be applied to members of local authorities.

2. What is the Role of the Standards Committee?

- 2.1 Currently all major Councils are required by law to establish a Standards Committee. The main role of the District Council's Standards Committee is to promote and maintain high standards of conduct by its 52 District Councillors and approximately 666 Town and Parish Councillors who represent some 73 local communities throughout Huntingdonshire.
- 2.2 Some of the specific responsibilities of the Standards Committee are to –
 - ◆ monitor Codes of Conduct for Councillors;
 - ◆ issue advice and commission training on the Codes;
 - ◆ consider applications for dispensations from the Codes where otherwise Councillors' interests would preclude them from speaking and/or voting on matters which come before their Councils for determination; and
 - ◆ respond as appropriate to alleged breaches of the Members' Code of Conduct.

3. What is the Composition of the Standards Committee?

- 3.1 The District Council's Standards Committee currently comprises –
 - ◆ 7 elected District Councillors;
 - ◆ 3 representative of Town/Parish Councils in Huntingdonshire; and
 - ◆ 4 "Independent Members".

- 3.2 There is one vacancy for a Parish Council representative. Both Independent Members and Parish Council representatives are appointed for a four year term of office.

4. What is expected of a Parish Council Representative?

- 4.1 Parish Council representatives will be expected to attend quarterly meetings. Currently these are usually held on weekdays in the late afternoon at Pathfinder House, Huntingdon. Additional meetings may be convened as necessary according to the scheduling of urgent business which may need to be transacted at short (but rarely less than a week's) notice.
- 4.2 The ability to attend meetings is paramount as the Standards Committee cannot be quorate without there being at least one Parish Council representative present when there is parish business to consider.
- 4.3 This commitment has increased with the transfer of responsibility for dealing with complaints from Standards for England to local councils. This means that each complaint received has to be considered by a Sub-Committee which includes a Parish Councillor in its membership. Two other Sub-Committees are required to operate to deal with the complaints process and whilst these do not meet as frequently, Parish Council representation is required on each. All Sub-Committees tend to meet during the day and for not more than two hours (often less).

5. How will the District Council help me perform my duties if I am appointed as a Parish Council Representative?

- 5.1 The District Council will provide you with advice and support.
- 5.2 The District Council will pay for you to attend approved training courses.
- 5.3 The District Council will pay your reasonable travelling and subsistence costs in attending meetings and training events.

6. Still Interested?

- 6.1 If you wish to express an interest in the vacant position, please do so in writing to the Monitoring Officer in no more than 250 words by **20th September 2010** and return it to -

Colin Meadowcroft
Head of Law, Property and Governance & Monitoring Officer
Huntingdonshire District Council
Pathfinder House
St Mary's Street
Huntingdon PE29 3TN

- 6.2 Out of courtesy you might wish to seek the support of the Chairman of your Town or Parish Council before submitting your statement.
- 6.3 Your interest will be considered by the Chairman and Vice-Chairman of the Standards Committee, the Monitoring Officer and an existing Parish Council representative who will inform you of the outcome as soon as possible.
- 6.4 Thank you for your interest.

**EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES:
8TH JULY 2010 ONWARDS**

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
71.	12.07.10		Enquiry regarding the interests of a former Mayor of a town council in relation to a decision to pay cancellation fees from the Mayor's Charity Fund.	As this affected both the Mayor's financial position more than the majority of inhabitants in the area and his financial interests, advice was given that the interest was personal and prejudicial. (CM)	8, 9, 10
72.	21.07.10		Enquiry regarding the interests of a Member of a Parish Council where a person being co-opted as a new Councillor was a member of the family or close associate.	Confirmed with Standards for England that this would be a personal interest because the co-option would affect the 'well-being' of the existing Member. However the interest would not be prejudicial because it did not affect the Councillor's financial interests nor relate to a planning or licensing issue. (CM)	8, 9

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
73.	23.08.10		Enquiry regarding the nature of a Councillor's interest should the organisation for which they work publish proposals effecting the parish upon which they would be expected to vote	<p>Advised that if a Councillor is an employee of any organisation that person would have a personal interest in any matter considered by the Council that affects that organisation. Explained that the Councillor would be required to declare that interest but could stay in the room and vote.</p> <p>That person also has a prejudicial interest if the matter affects the financial interests of the organisation by whom they are employed, relates to a planning application (and if a member of the public considers that interest to be so significant that it would be likely to prejudice the Councillor's judgement of the public interest.) Explained that the Councillor would be required to leave the room.</p> <p>Paragraph 12(2) also explained – which allows a Member with a prejudicial interest to speak to the meeting in the same way as member of the public but then leave the room (CM)</p>	8,9,10,12(2)

Case Summary - Hyndburn Borough Council

Case no. SBE- 09357-UV6JL
Member(s): Councillor Peter Britcliffe
Date received: 02 Mar 2010
Date completed: 24 Jun 2010

Allegation:

That Councillor Britcliffe failed to declare a personal and prejudicial interest.

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 Britcliffe failed to declare the appropriate interest at a council meeting held on 18 November 2009. At that meeting Councillor Britcliffe updated those present on the 'Pennine Reach Rapid Transit Scheme'. It was alleged that, as the owner of a retail outlet possibly effected by one element of the scheme, that Councillor Britcliffe should have declared a personal and prejudicial interest in the scheme.

Councillor Britcliffe responded to the allegation by saying that the update he provided was about the scheme as a whole and not the element that concerned his retail premises. He said that he felt it was appropriate to take part in discussions about the scheme as leader of the council and because of controversial parking restrictions being considered for his ward, which were part of the wider scheme. Councillor Britcliffe added that all decisions regarding the scheme would be made by the county council not the borough council.

The ethical standards officer considered the circumstances in which Councillor Britcliffe spoke about the Pennine Reach Rapid Transit Scheme at the full council meeting. Councillor Britcliffe was acting in his official capacity when he provided his update, but it was purely an oral update and no discussion or debate took place or was invited. The ethical standards officer concluded that although there was consideration of the update at the meeting, this did not give rise to an obligation to declare interests in relation to this item of business. Therefore the ethical standards officer found that there was no failure to comply with the council's Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 9 – disclosure of personal interests

Paragraph 12 – effect of prejudicial interests on participation

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Case Summary - Hyndburn Borough Council

Case no. SBE-09394-F2O3M
Member(s): (Former) Councillor Graham Jones
Date received: 03 Apr 2010
Date completed: 08 Jul 2010

Allegation:

That Councillor Jones failed to treat others with respect and brought his council into disrepute

Standards Board outcome:

The ethical standards officer found that Councillor Jones failed to comply with the Code of Conduct in that he failed to treat others with respect, but in the circumstances of the case, no further action needed to be taken. She found that he did not bring his office or authority into disrepute.

Case Summary

The complainant alleged that Councillor Jones brought the council into disrepute by posting items on his blog relating to the council's investigations of a complaint made by a member of the public. Specifically, Councillor Jones was alleged to have falsely claimed that the council had committed fraud and had subsequently tried to cover this up. The complainant also alleged that Councillor Jones misrepresented the contents of a letter written by the council's managing director by posting extracts of it on his blog.

Between 2007 and 2008 the council undertook three investigations into a complaint by a member of the public about repairs to a council owned building. The member of the public was not satisfied with the outcome of the investigations and in 2009 approached Councillor Jones for help in taking his concerns forward. The council's managing director then undertook an investigation, wrote to the member of the public with his provisional findings and agreed that the matter should be referred to the police. During this time Councillor Jones published posts on his blog saying that the council had admitted defrauding their insurers. He also criticised the way that senior officers had dealt with the member of the public's complaint.

The ethical standards officer considered that Councillor Jones failed to treat the officers with respect by posting statements on his blog that were critical of officer performance and alleged possible officer fraud and corruption while there was an ongoing police investigation. The ethical standards officer did not consider that Councillor Jones brought his office as a councillor or his council into disrepute, although the content of Councillor Jones's blogs might cause a reasonable member of the public to think less of Councillor Jones as an individual. The ethical standards officer considered that Councillor Jones' criticisms of council officers were motivated by a desire to provide assistance to a local resident, not for any personal gain. They were a temporary lapse in the otherwise good judgment he had demonstrated in his dealings with this matter. The ethical standards officer considered any possible misrepresentation of the managing director's letter was inadvertent, short lived and not intentional. The ethical standards officer took into account that Councillor Jones acted swiftly to remove the posts from his blog site, retracted his statements and apologised to the officers concerned and considered no further action was necessary.

Relevant paragraphs of the Code of Conduct

Paragraph 3 – respect

Paragraph 5 - disrepute

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