

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **MEETING ROOM MR2.1, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **THURSDAY, 24 JUNE 2010 at 2:30 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 29th April 2010.

2. MEMBERS' INTERESTS

To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please See Notes 1 and 2 below.

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

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

4. EXCLUSION OF THE PRESS AND PUBLIC

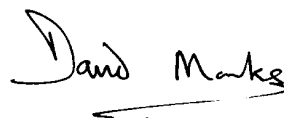
To resolve

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7(c) relating to the deliberations of a Sub-Committee established under the provisions of Part 3 of the Local Government Act 2000.

5. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 31 (Pages 7 - 34)

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

Dated this 18th day of October 2011



Chief Executive

Notes

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

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

Specific enquiries with regard to items on the Agenda should be directed towards the Contact Officer.

Members of the public are welcome to attend this meeting as observers except during consideration of confidential or exempt items of business.

Agenda and enclosures can be viewed on the District Council's website – www.huntingdonshire.gov.uk (under Councils and Democracy).

If you would like a translation of Agenda/Minutes/Reports or would like a large text version or an audio version please contact the Democratic Services Manager and we will try to accommodate your needs.

Emergency Procedure

In the event of the fire alarm being sounded and on the instruction of the Meeting Administrator, all attendees are requested to vacate the building via the closest emergency exit.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Meeting Room MRO.1b, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN on Thursday, 29 April 2010.

PRESENT: Mr M Lynch – Chairman.

Councillor A Hansard and Mr G Watkins.

137. MINUTES

The Minutes of the meeting of the Sub-Committee held on 31st March adjourned to 20th April 2010 were approved as a correct record and signed by the Chairman.

138. MEMBERS' INTERESTS

No interests were declared.

139. GUIDANCE TO ASSIST ASSESSMENT OF CASE

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

140. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of the Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

141. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 30

The Sub-Committee considered the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) to assist their deliberations in respect of a complaint received against a Councillor serving on St Ives Town Council –

- (a) original e-mail containing complaint from Councillor Mrs M Clarke;
- (b) e-mail from P Abbots to Mrs M Clarke dated 12th March 2010;
- (c) e-mail from Mrs M Clarke to P Abbots dated 12th March 2010;
- (d) e-mail from P Green to all Councillors dated 17th March 2010;

- (e) e-mail from B Luter to Mrs M Clarke dated 6th April 2010;
- (f) record of events submitted by Mrs M Clarke; and
- (g) Registration of Interests Form – Councillor B Luter.

Responses to questions raised by Mr G Watkins in advance of the Sub Committee and contained in an email dated 27th April 2010 from the Democratic Services Manager also were taken into consideration by Members.

142. INITIAL ASSESSMENT - CASE NO 30

Having considered the allegation made in the case of Councillor B Luter of St Ives Town Council seeking the advice of the Monitoring Officer as necessary, it was

RESOLVED

that no further action be taken in respect of the allegation against Councillor B Luter for the reasons set out in the “Decision Notice – No Further Action” appended to these Minutes as no potential breach of the Code of Conduct was disclosed by the complaint.

Chairman

DECISION NOTICE: NO FURTHER ACTION

Reference: Case No. 30

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

Complaint

On 29th April 2010, the Referrals (Assessment) Sub-Committee of this authority comprising Messrs M Lynch (Chairman) and G Watkins and Councillor A Hansard considered a complaint from Councillor Mrs M Clarke concerning the conduct of Councillor B Luter, a Member of St Ives Town Council.

The complaint alleged that Councillor B Luter had breached paragraphs 3(2)(b) and 5 of the Town Council's Code of Conduct which states that –

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

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

It was alleged that Councillor Luter had, in his position as Mayor of St Ives, exerted undue pressure and influence, tantamount to bullying, on Councillor Mrs M Clarke which resulted in her withdrawal from a Panel appointed to interview candidates for a vacancy on the Town Council establishment. It also was alleged that this conduct constituted behaviour which could reasonably have been regarded as bringing his office or authority into disrepute.

Decision

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, the Referrals (Assessment) Sub-Committee of the Standards Committee decided that no further action should be taken on the allegations.

Reasons for Decision

In reaching their conclusion, the Sub-Committee considered that Councillor Luter's actions in challenging Councillor Mrs Clarke to consider whether she should participate on the Interview Panel were legitimate and did not amount to bullying. Furthermore, it was their view that Councillor Luter had displayed concern for his colleague Councillor and tried only to be protective of her reputation and that of the Town Council. For these reasons the Sub-Committee considered that no action was necessary.

However, the Sub-Committee considered it would have been helpful if that the advice received from the Monitoring Officer in an e-mail sent to the Town Clerk on 25th January 2010 had been shared with Councillor Luter. It was suggested that if this advice had been made available to Councillor Luter, as Mayor, he would not have considered it necessary to

contact Councillor Mrs Clarke separately in respect of the matter and the circumstances which gave rise to the complaint might not have occurred.

This Decision Notice is sent to the person making the allegation, the Member against whom the allegation was made and the Clerk to St Ives Town Council.

Right of Review

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

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

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

Terms of Reference

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

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

Signed:  **Date:** 29/5/10

Mr M Lynch
Chairman of Sub-Committee

GUIDANCE TO ASSIST ASSESSMENT OF CASE

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

Which complaints will we refer for investigation?

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

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

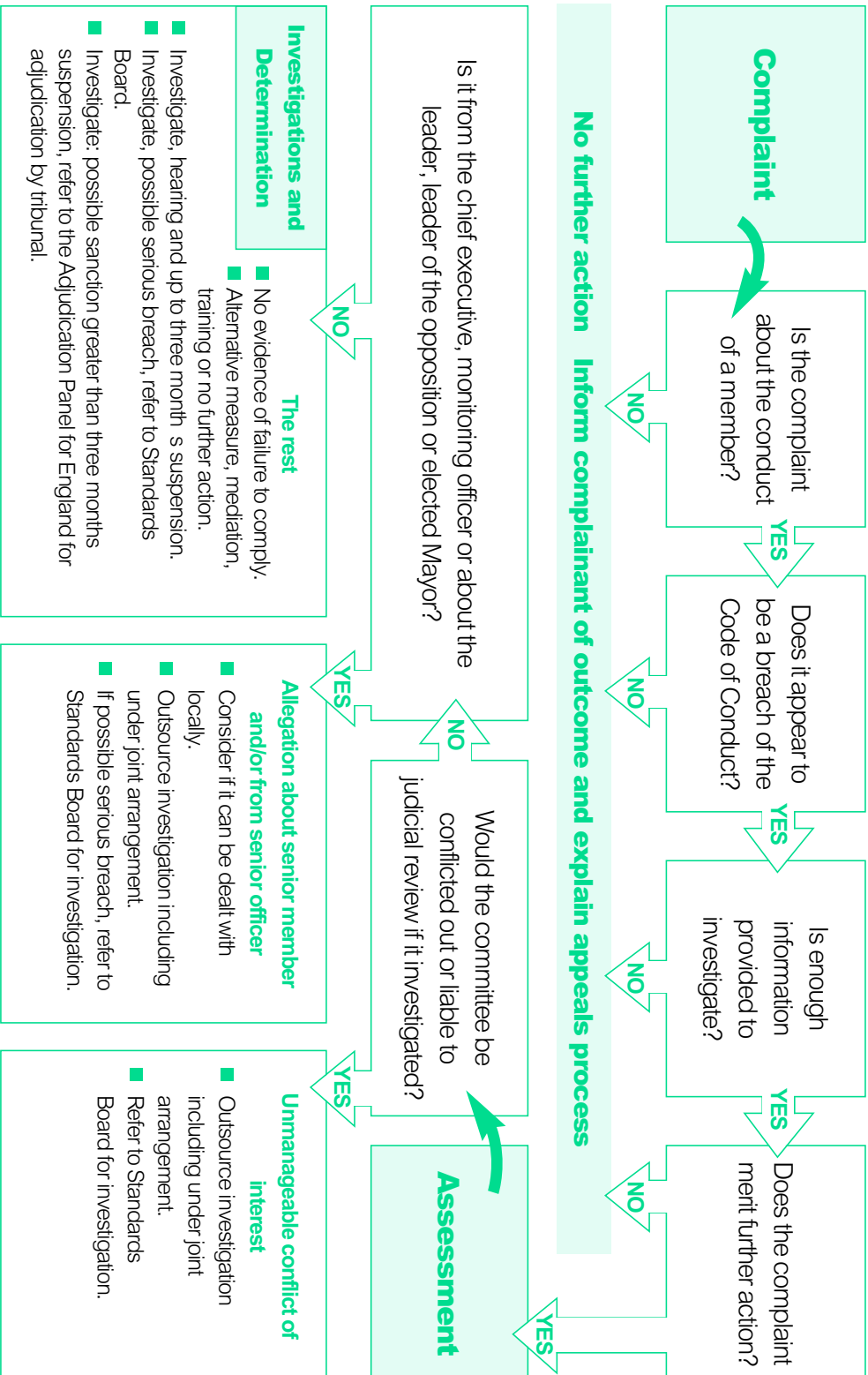
Which complaints are we unlikely to refer for investigation?

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

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

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Local assessment complaint handling chart



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Agenda Item 5

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