

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, 7 JULY 2011** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

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 3rd March 2011.

**C Deller
388007**

Further to Minute No. 39 and following support from the Council for the Committee's recommendation regarding the formulation of a national Code of Conduct, a letter has been sent to the Local Government Association to which a reply has yet to be received.

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.

(In recent years it has been the practice to appoint a Vice-Chairman from the independent Members and for that person to be subsequently appointed as Lead Member of the Referrals (Assessment) Sub-Committee. In a review of Members' Allowances, it was recommended (and approved by the Council) that the Independent Vice-Chairman of the Committee should receive an allowance equivalent to that payable were an elected Member appointed to the role – ie. £927.)

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 2010/2011, the Committee appointed Mr 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 2010/2011, the Committee appointed Mr P Boothman as Lead Independent Member and Chairman of the Sub-Committee).

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

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

(In 2010/2011 the Committee appointed Mr D Hall as Lead Independent Member.)

The Committee will recall that in June 2009 they authorised the Head of Legal and Democratic Services 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 THE SUB-COMMITTEES

To receive a report from the Chairman of the Referrals (Assessment) Sub-Committee –

Since the last meeting in March, the Sub-Committee has met on 14th June 2011 to assess two complaints from different individuals about a Councillor serving on Upwood and The Raveleys Parish Council. As one of the complaints related to a failure to declare personal and prejudicial interests, the Sub-Committee considered that the Councillor involved should receive training on the code of conduct and that such training also be offered, but not be compulsory, for the other Members of the Parish Council. Should the Councillor choose not to attend a training session, then the Sub-Committee would reconsider the case.

Given the seriousness of the second complaint which involved financial impropriety, the Sub-Committee referred the case to the Monitoring Officer for investigation.

The Sub-Committee meets again on 1st July 2011 to consider complaints received by the Monitoring Officer about Councillors serving on St. Neots Town/Huntingdonshire District Councils and St. Ives Town Council. A report on the outcome will be presented at the meeting.

The Review and Consideration & Hearing Sub-Committees have not been required to meet during this period.

7. APPLICATION FOR DISPENSATION (Pages 5 - 6)

**C Deller
388007**

To consider a report by the Head of Legal and Democratic Services in respect of an application received for dispensation from St. Ives Town Council.

8. LOG OF CODE OF CONDUCT ENQUIRIES (Pages 7 - 10)

**C Meadowcroft
388021**

To note the Code of Conduct enquiries recorded by the Head of Legal and Democratic Services since the meeting held in March.

9. TRAINING UPDATE (Pages 11 - 12)

Since the last meeting, the Monitoring Officer has presented training on the Code of Conduct to Ramsey Town Council and to newly elected District Councillors as part of their "New Member Induction".

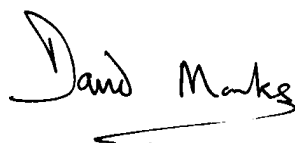
Arrangements also are being made to visit St. Neots Town Council, as part of their induction process and Upwood and The Raveleys Parish Council in compliance with a Referrals (Assessment) Sub-Committee decision referred to in Agenda Item 6.

To note a recent case summary published by "Standards for England".

10. DATE OF NEXT MEETING

The next meeting of the Committee is due to take place at 4pm on Thursday 8th September 2011 in the Civic Suite at Pathfinder House.

Dated this 29 day of June 2011

A handwritten signature in black ink that reads "David Mankie". 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 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 (*under Councils and Democracy*).

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

Emergency Procedure

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

Agenda Item 2

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO 1a, Civic Suite, Pathfinder House, St Mary's Street, Huntingdon, PE29 3TN on Thursday, 3 March 2011.

PRESENT: Mr D L Hall - Chairman

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

Messrs J Alexander, P Boothman and M Lynch.

Mrs S Stafford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor R S Farrer and Mr G Watkins.

36. MINUTES

The Minutes of the meeting of the Committee held on 2nd December 2010 were approved as a correct record and signed by the Chairman.

37. MEMBERS' INTERESTS

No declarations were received.

38. REPORTS OF SUB-COMMITTEES

The Committee noted a report received from the Chairman of the Referrals (Assessment) Sub-Committee.

39. FUTURE OF THE LOCAL STANDARDS FRAMEWORK - UPDATE

Further to Minute No. 28 of the meeting held on 2nd December 2010 and by reference to a statement from the Department of Communities and Local Government and a summary of the Localism Bill as it related to standards (copies of which are appended in the Minute Book) the Committee was updated by the Monitoring Officer on the latest position in terms of the Government's intention to abolish the standards regime as first indicated in the Coalition Agreement published in May 2010. A copy of a bulletin issued by 'Standards In Public Life' entitled "Public Confidence in Local Government Standards is at Risk" by Sir Christopher Kelly also was circulated at the meeting.

Although "Standards for England" would cease to investigate complaints in late 2011 and be abolished formally in July 2012, the Department for Communities and Local Government had indicated that local authorities would be free to adopt their own code of conduct

after this date if they so wished.

The Committee was of the view that the adoption of a model code had raised the standard of conduct of Councillors generally and that it would be a retrograde step not to have a code which Members at all levels of local authority could undertake to abide by.

Members were fearful of the uncertainty and confusion that could arise should various tiers of authority adopt different codes. Therefore and having been made aware of the views of both the "Committee of Standards in Public Life" and the Local Government Association in this respect, the Committee, whilst welcoming the intention to make "Standards" Regulation more proportionate, concluded that a national code required to be retained to ensure that the confidence in the integrity of the behaviour of locally elected politicians would be maintained. Therefore, the Committee

RESOLVED

that, in recognition of the need for a measure of leadership and uniformity in ethical standards adopted by local authorities, the Council be recommended to request the Local Government Association to assume responsibility for formulating a model code of conduct to assist local authorities in responding to the proposed duty contained in the Decentralisation and Localism Bill.

40. MEMBERSHIP OF COMMITTEE

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 reminded that the Council was required to appoint four independent Members and three town and parish council representatives to serve on the Committee in accordance with the Relevant Authorities (Standards Committee) Regulations 2001. Both independent Members and local council representatives were appointed to serve on the Committee for a four year period, the latest term of which was due to expire in May 2011.

Members were made aware that the Localism Bill appeared to suggest that local authorities could decide whether to establish Standards Committees to continue to consider complaints and misconduct and to monitor compliance with the locally approved Code of Conduct. With this in mind and until such time as the District Council takes a view on the future of the Committee and having received an indication from the current incumbents of their willingness to continue in posts for the time being, the Committee

RESOLVED

that the Council be recommended to extend the period of office of all externally appointed Members and local council representatives until May 2012 or until such time as the District Council decides upon the future of the Committee whichever is the sooner.

41. CODE OF RECOMMENDED PRACTICE ON LOCAL AUTHORITY PUBLICITY

Further to Minute No. 30 of the meeting held on 2nd December 2010, the Monitoring Officer reported that, following consultation, a revised Code of Recommended Practice on Local Authority Publicity had been laid before Parliament for approval. Members were reminded that the Code provided guidance on the content, style, distribution and cost of local authority publicity and was of particular importance during periods of heightened sensitivity in the run up to elections and referendums.

42. 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 2010 (an extract of the log is appended in the Minute Book).

43. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee will be held at 4pm on Thursday 7th July 2011.

Chairman

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**APPLICATION FOR DISPENSATION
(Report by the Head of Legal and Democratic Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 Members may recall that at the meeting held on 4th March 2010 (Minute No. 39 refers) the Committee granted dispensation to 15 Members of St. Ives Town Council to enable them to speak and vote at meetings on matters likely to effect a community interest company set up to manage the Corn Exchange in St. Ives. The dispensation was granted for the period to 30th April 2012.
- 1.2 Three Members of the original fifteen that were granted dispensation have subsequently resigned. Accordingly, the Clerk to St. Ives Town Council has requested that new Councillors T Bletsoe, T Drye and Mrs D Townsend similarly be granted dispensation to speak and vote on matters relating to the Corn Exchange Community Interest Group (CIC) for the period ending 30th April 2012.

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 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. BACKGROUND TO APPLICATION

- 3.1 Fifteen of the sixteen members of St. Ives Town Council are Board Members of a Community Interest Company set up to manage the Corn Exchange, a public building in St. Ives. If the Town Council is dealing with anything likely to affect the company in Council or Committee meetings then the Members would have to declare personal interests but if that matter was financial or regulatory it would also be prejudicial. This would leave the Town Council unable to deal with the matter, unless dispensation is granted to the Members concerned.

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of Town 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 the application, it is suggested that consideration should be given to granting dispensations to speak and to vote to Councillors T Bletsoe, T Drye and Mrs D Townsend until 30th April 2012 after which time an application for the newly elected Councillors would need to be submitted should it be considered necessary.

BACKGROUND INFORMATION

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 Town Clerk to St. Ives Town Council.

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



**EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES:
MARCH 2011 ONWARDS**

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>
82	09.03.11		Enquiry from Parish Clerk regarding the interests to be declared by Members of a Parish Council in relation to a wind farm application. Several Members had declared an interest when the application was going through the planning process and a question arose as to whether they would need to do so again when preparing a submission for the Planning Appeal Enquiry.	The Parish Clerk was advised that if the Council was still dealing with representations on a planning application/appeal through the formal meeting process, then those who had previously declared personal and prejudicial interests should do the same again. Use of paragraph 12 (2) provisions may allow those effected to make their views known during the public forum part of the meeting. (CD)	8, 9, 10

83	18.04.11	Enquiry from District Councillor regarding the interest he should declare at a Council meeting which was due to consider a petition on the Council's policy on wind farms. He had not signed the petition but his home address was close to a future wind farm development site		As the Councillor had not signed the petition and it related to a general policy proposal, advice given that he did not have a personal or prejudicial interest so could speak and vote. Further advised that if the Councillor was a member of a lobby group relating to wind farms he should declare a personal interest only and then speak and vote. (CM)	8, 9, 10
84	18.05.11	Enquiry from Parish Councillor about the interest of a newly elected Parish Councillor who had threatened legal action against the Council. It was suggested that the Councillor had placed himself in an untenable situation.		The Code of Conduct applied to a Councillor when acting in their official capacity. Advice was given that the new Councillor had acted in his private capacity as it was action instigated before he had been elected. However, if the matter was considered by the Parish Council the Councillor concerned would have an interest and would need to declare it. (CM)	8, 9 10
85	24.06.11	Enquiry from Parish Councillor regarding the interests he should declare having visited an application site and had tea with the homeowner.		Councillor advised that it was acceptable to visit the site and ask questions of the homeowner to establish facts and understand the proposals. However by having tea with the homeowner, it might suggest that the Councillor enjoyed a friendship with the individual and if so, he would be required to declare a personal and prejudicial interest if dealing with a regulatory matter. If the Councillor visited the site but felt he had no close association with the homeowner, he could declare a personal interest, remain in the meeting and vote. Use of	9. 10

				paragraph 12(2) of the Code of Conduct if adopted by the Parish Council was possible in the event of a prejudicial interest. (CD)	
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Case Summary - Redcar and Cleveland

Case no. SFE-000188
Member(s): Councillor George Dunning
Date received: 17 Mar 2011
Date completed: 07 Jun 2011

Allegation:

That Councillor Dunning lied at a ward meeting about his decision making role in the closure of a local school.

Standards Board outcome:

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

Case Summary

At a ward meeting that was held to discuss the proposed amalgamation of two local schools, Councillor Dunning stated that the decision as to whether the schools would be amalgamated or not was a decision for the Secretary of State for Education to make and not him.

It was alleged that this was a lie. Councillor Dunning was Leader of the Council and the decision whether to amalgamate the two schools was for him and the Council's cabinet to make. It was also alleged that he did not tell the truth at the meeting because it was a heated meeting and he did not want to have the discussion with the people who were in attendance.

The Ethical Standards Officer found that, at the time of the ward meeting, Redcar and Cleveland Council had begun a consultation on the proposed amalgamation. At the same time the Council had applied to the Secretary of State for the two schools to merge to become one academy. One of the two schools had applied in its own right to become an academy without the other school. Consequently, while the decision to press ahead with the proposal to merge the two schools would be taken by the cabinet, the final decision on whether the two schools would merge, would be a matter for the Secretary of State. If the Secretary of State approved the school's solo application, then the Council would not be able to merge the two schools as a joint academy.

The Ethical Standards Officer found that Councillor Dunning had not lied at the ward meeting when he said the decision to merge the schools rested with the Secretary of State. Consequently, as Councillor Dunning had not lied, he had not contravened Paragraph 5 of the Code of Conduct, which states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute. Councillor Dunning, therefore, did not breach Redcar and Cleveland's Code of Conduct.

Relevant paragraphs of the Code of Conduct

Paragraph 5 of the Code of Conduct, which states that members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute

09 June 2011

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