

A meeting of the **STANDARDS COMMITTEE** will be held in Room **CVSO1A, CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **THURSDAY, 8 SEPTEMBER 2011** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

Contact

1. MINUTES (Pages 1 - 4)

**C Deller
388007**

To approve as a correct record the Minutes of the meeting held on 7th July 2011.

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 is due to meet on 1st September 2011 (after the despatch of the Agenda.) The Chairman will update the Committee on the conclusions reached on the two cases to be considered involving Members from St. Ives and St. Neots Town Councils.

(b) Review Sub-Committee

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

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

4. STANDARD FOR ENGLAND - LATEST? (Pages 5 - 6)

**C Meadowcroft
388021**

To note the content of a press release published by the Association of Council Secretaries and Solicitors (ACSeS) on the progress of the Localism Bill through Parliament and specifically those provisions relating to ethical standards. The Monitoring Officer to update the Committee on any further developments subsequent to the despatch of the agenda.

5. APPLICATIONS FOR DISPENSATION (Pages 7 - 10)

**C Deller
388007**

To consider a report by the Head of Legal & Democratic Services and

Monitoring Officer regarding applications received for dispensations on behalf of town and parish councils in Huntingdonshire.

6. LOG OF CODE OF CONDUCT ENQUIRIES (Pages 11 - 12)

**C Meadowcroft
388021**

To note the Code of Conduct enquiries recorded by the Head of Legal & Democratic Services and Monitoring Officer since the meeting held in July.

7. TRAINING UPDATE

**C Meadowcroft
388021**

Since the last meeting, the Monitoring Officer has presented training on the Code of Conduct to St Neots Town Council and enquiries have been made about the possibility of sessions for Huntingdon Town Council and for several parishes in the north of the District hosted by Farcet Parish Council.

8. DATE OF NEXT MEETING

To note that the next meeting of the Committee will be held Thursday 1st December 2011 in the Civic Suite, Pathfinder House, St. Mary's Street, Huntingdon.

Dated this 31 day of August 2011

A handwritten signature in black ink, appearing to read 'M. Sharp', written in a cursive style.

Head of Paid Service

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.

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Agenda Item 1

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, 7 July 2011.

PRESENT: Councillors Mrs B E Boddington,
K J Churchill, P J Downes, R S Farrer,
A Hansard, P G Mitchell and T D Sanderson.

Messrs P Boothman, D L Hall, M Lynch and
G Watkins.

APOLOGIES: Apologies for absence from the meeting were
submitted on behalf of Councillor J Alexander
and Mrs S Stafford.

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 3rd March 2011
were approved as a correct record and signed by the Chairman.

Further to Minute No. 39, the Monitoring Officer reported that the
Council had, at its meeting held on 20th April 2011, endorsed the
recommendation of the Committee regarding the formulation of a
national code of conduct and that subsequently a letter had been sent
to the Local Government Association (LGA) to which a reply had yet
to be received.

As it was reported that Cambridgeshire County Council also had
written in similar terms to the LGA, the Committee was hopeful that
the proposals would receive a positive response.

3. MEMBERS' INTERESTS

No declarations were received.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Mr P Boothman 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 P Boothman 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 that Mr M Lynch 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 Legal and Democratic Services 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 THE SUB-COMMITTEES

The Chairman of the Referrals (Assessment) Sub-Committee reported on the outcome of those cases considered by the Sub-Committee since March involving Members serving on Upwood and The Raveleys Parish Council and St. Neots and St. Ives Town Councils.

Having been advised that the Councillor involved in the case relating to Upwood and the Raveleys Parish Council had subsequently resigned from office, the Committee endorsed the view of the Sub-Committee that the case should still be referred for investigation given the seriousness of the allegations that had been made.

It was noted that the Review and Consideration and Hearing Sub-Committees had not been required to meet during the period.

7. APPLICATION FOR DISPENSATION

A report by the Head of Legal and Democratic Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding an application received for a dispensation from St. Ives Town Council.

It was explained that the Committee had originally granted

dispensation to fifteen Members of the Town Council at its meeting held on 4th March 2010 to enable those Councillors to speak and vote at meetings on matters likely to affect a community interest company set up to manage the Corn Exchange in St. Ives. As three of the original Members had subsequently resigned, the Town Council had requested that the newly elected Councillors similarly be granted the same dispensation for the remainder of the term of office of the Town Council to 30th April 2012.

In the circumstances, the Committee

RESOLVED

that dispensation be granted to speak and 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.

8. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee received and noted the Code of Conduct enquiries which had been recorded by the Head of Legal and Democratic Services and the Monitoring Officer since the last meeting in March (an extract of the log is appended in the Minute Book).

9. TRAINING UPDATE

The Monitoring Officer reported that since the last meeting he had 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 had been made to visit St. Neots Town Council as part of their induction process. A recent case summary published by "Standards for England" also was noted.

10. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held at 4pm on Thursday 8th September 2011.

Chairman

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STANDARDS COMMITTEE

STANDARDS FOR ENGLAND – LATEST?

To note the content of a press release published by the Association of Council Secretaries and Solicitors (ACSeS) on 28th July 2011 on the progress of the Localism Bill through Parliament and specifically those provisions relating to 'Standards' as follows -

ACSeS backs peers in bid to bolster standards provisions of Localism Bill

Senior local government lawyers have backed moves by a cross-party group of peers to strengthen the standards provisions of the Localism Bill.

Lords Newton (Conservative), Tope (Liberal Democrat), Filkin (Labour) and Bichard (Cross Bench) met with other peers shortly before the recess to discuss amendments to be moved when Parliament resumes on 5 September 2011.

The Association of Council Secretaries and Solicitors (ACSeS) said it understood that the outcome of the meeting was to pursue provisions for a national code of conduct (to be issued through the Local Government Association if it agrees), standards committees with independent chairs and the removal of criminal sanctions.

ACSeS has previously flagged up a wide range of concerns about Chapter 5 of Part 1 of the Bill, which sets out the provisions for standards. These concerns include "the absence of cohesion between the proposed duty in clause 16 on authorities to promote and maintain high standards of conduct by local authority members and the permissive nature of the proposed standards framework".

The association said it supported the principles of localism, but equally believed that there needed to be some fundamental national consistency in local ethical and corporate governance.

"ACSeS is therefore concerned that the voluntary nature of the present proposals is likely to lead to public confusion as to the essential standards to be expected of those whom electors choose to represent them at local level," it said.

Another area of concern is the government's intention to criminalise breaches of members' interests provisions. "Whilst the maintenance of high standards of conduct for local authority members is an essential pillar of public trust in local democracy, ACSeS nevertheless believes that criminal sanctions should be reserved for objectively egregious behaviour," the association said.

It added that whilst some breaches of member interest rules might occasionally fall within that category, most would not. "Blanket criminalisation therefore is considered to be disproportionate," ACSeS said. "However, this could also have the undesirable side-effect of encouraging vexatious allegations which would risk bringing the provisions into disrepute. There are also doubts as to the practical enforceability of such measures."

ACSeS President, Susan Tovey, said: "Local authority members dedicate their time in working hard and unremittingly to fulfil a vital role for their communities. They can truly be said to be the foundation-stones of localism and local democracy. However, to maintain and enhance public trust in local democratic institutions it is essential that those representing the public are seen to be behaving as electors would reasonably expect and that the decisions taken by council members are actuated only by the public interest."

Tovey, Head of Legal and Democratic Services at Test Valley Borough Council, said the phone-hacking scandal had highlighted the public importance of sound ethical and corporate governance, even in a private sector context. "Clearly, sound corporate governance is significantly more important for public institutions," she said. "ACSeS is therefore very pleased at the initiative taken by this small group of peers, informed by the distinguished Chairman of the Committee on Standards in Public Life, and is delighted to express the Association's public support for it."

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

1. INTRODUCTION

- 1.1 Applications for dispensation to allow Members with prejudicial interests to participate in meetings of their respective town/parish Councils have been received from the following –

Colne Parish
Folksworth Parish
Great Gransden Parish
St. Neots Town; and
Upwood and The Raveleys Parish.

- 1.2 Each Clerk is re-applying on behalf of his/her Members having been reminded that their previous dispensations had expired on 30th April 2011 at the end of the terms of office of their respective Councils.
- 1.3 The circumstances of each application appears to have remained unchanged but for the benefit of new Members are described in Section 3 of this 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 is coming before the Authority can 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 Committee must ensure that their nature and duration are recorded in a register for the purpose.

3. APPLICATIONS RECEIVED

3.1 Colne Parish

- | | | |
|--------------------|---|--|
| Committee | - | 5th July 2007; |
| Previously granted | - | to speak and vote on matters relating to the village hall and playing fields in Colne; |
| Details | - | Colne Parish Council own the village hall and playing fields. The nine Members of the Parish Council are also trustees to both facilities and four Members serve in their own right on the Village Hall Management Committee. The Parish Council has re-applied for dispensation to enable their Members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council. <i>(When last granting the dispensation, the Committee reiterated their unease at granting dispensations in a situation where all Members of a Town/Parish Council served as trustees to a community facility. It was the view of Members at that time that other individuals un-related to the local council should be invited to act as trustees given the inevitable conflicts of interest which could arise. The Committee requested the Monitoring Officer to suggest to Colne Parish Council and others in a similar situation that they explore ways of changing their trustee arrangements to encourage people other than Councillors to become trustees.)</i> There is no evidence to suggest this has been done. |

3.2 Great Gransden Parish

- | | | |
|--------------------|---|---|
| Committee | - | 5th July 2007 |
| Previously Granted | - | to speak and vote on matters relating to Great Gransden Reading Room and Public Recreation Ground; |
| Details | - | As Members of Great Gransden Parish Council, nine Parish Councillors have declared prejudicial interests in respect of their positions as trustees to charities |

known as the Great Gransden Reading Room and Great Gransden Public Recreation Ground. Financial matters relating to these two charities are discussed at Parish Council meetings from time to time and to enable the business to continue to be conducted, the Parish Council have again requested that dispensation be granted to their Members for this purpose. (See comment in 3.1 above).

3.3 **Folksworth and Washingley**

- Committee - 23rd October 2007
- Previously Granted - to speak and vote on matters relating to the village hall
- Details - The Parish Council acts as a custodian trustee for land occupied by the village hall and there were occasions when the Council might be required to consider applications for grant assistance received from the Management Committee. As grant aid might be essential for the continued operation of the village hall and all Members of the Parish Council would be required to declare a prejudicial interest, the Parish Council have again requested a dispensation to enable this business to be conducted. (See comment in paragraph 3.1 above.)

3.4 **St. Neots Town**

- Committee - 5th July 2007
- Previously granted - to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon;
- Details - Members of St. Neots Town Council act as Trustees to the St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, Eaton Socon both of which are registered as charitable trusts. The Acting Town Clerk has requested that dispensations be granted again to enable the town Councillor who act as trustees to speak at meetings of the town Council or at any of its Committees/Sub-Committees on matters relating to these community facilities to prevent the transaction of town Council business from being impeded. (See comment in paragraph 3.1 above.)

3.5 **Upwood and The Raveleys Parish**

- Committee - 5th July 2007
- Previously granted - to speak and vote on matters relating to the charities associated with allotments for the poor in the Parish;
- Details - All Members of the Upwood and The Raveleys Parish Council have, since the 1850's, acted as trustees to two charities relating to allotments for the poor of the Parish. There are occasions when matters concerning the allotments arise at Parish Council meetings and to enable such business to continue to be conducted, the Parish Clerk has requested that dispensation again be granted to the ten Members of the Council for this purpose. *(See comment in paragraph 3.1 above.)*

4. CONCLUSION

- 4.1 In the circumstances described, dispensations are required to prevent the transaction of town/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 dispensations be granted for the period ending 30th April 2015 after which time applications 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
 Letters received from town/parish clerks to Colne, Folksworth and Washingley, Great Gransden, St. Neots and Upwood and the Raveleys town/parish Councils.

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

**EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES:
JULY 2011 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.)
86.	19.07.11	Enquiry from former Parish Councillor about the release of confidential information by an individual Councillor.		An individual Councillor should not release confidential information without consent other than in very limited circumstances eg he/she is required by law to do so, or if they can show that they have taken all reasonable steps to get the information into the public domain by proper methods and can demonstrate that it is in the public interest for it to be disclosed. (CM)	4

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