

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM 3.1, THIRD FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 14 JUNE 2011 at 2:00 PM** and you are requested to attend for the transaction of the following business:-

## **A G E N D A**

### **APOLOGIES**

**1. MINUTES** (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 10<sup>th</sup> February 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 Item. Please see Notes 1 and 2 below.

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

- Local Assessment Case Handling Chart; and
- Guidance received from 'Standards for England' on the conduct of assessments.

**4. EXCLUSION OF 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 of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

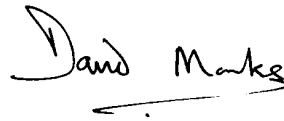
**5. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 44**  
(Pages 7 - 10)

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

**6. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 45**  
(Pages 11 - 28)

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 4 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](mailto:Christine.Deller@huntsdc.gov.uk) if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the 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](http://www.huntingdonshire.gov.uk) (under Councils and Democracy).

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

***Emergency Procedure***

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

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## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Room CVSO 1B, Civic Suite, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN on Thursday, 10 February 2011.

PRESENT: Mr M Lynch – Chairman  
Councillor A Hansard and Mr J Alexander.

### **31. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 21st December 2010 were approved as a correct record and signed by the Chairman.

### **32. MEMBERS' INTERESTS**

No interests were declared.

### **33. 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.

### **34. EXCLUSION OF PRESS AND PUBLIC**

RESOLVED

that the public be excluded from the meeting because the business to be transacted contained exempt information under paragraph 7 (c) 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.

### **35. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 40**

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 Huntingdonshire District Council:-

- ◆ Original letter of complaint to the Monitoring Officer dated 20th January 2011;
- ◆ Further statement by Councillor M F Shellens; and
- ◆ Declaration of financial and other interests and various changes to it were available to inspect at the meeting.

A copy of a letter received from the Councillor against whom the complaint had been made, which had been received after the despatch of the agenda, also was circulated (a copy of which also is appended in the Minute Book).

**36. INITIAL ASSESSMENT - CASE NO. 40**

Having considered the allegation made in the complaint against Councillor J J Dutton of Huntingdonshire District Council seeking the advice of the Monitoring Officer as appropriate, it was

RESOLVED

that the complaint be not investigated but referred to the Monitoring Officer for other action for the reasons set out in the "Decision Notice – Referral for Other Action" appended to these Minutes.

Chairman

## **DECISION NOTICE: REFERRAL FOR OTHER ACTION**

### **Reference: Case No. 40**

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, all 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 10th February 2011, the Referrals (Assessment) Sub-Committee of this authority comprising of Messrs M Lynch and J B Alexander and Councillor A Hansard considered a complaint from Councillor M F Shellens concerning the alleged conduct of Councillor J J Dutton, a Member of Huntingdonshire District Council. We have set out a general summary of the complaint below:

The complaint alleged that Councillor Dutton had breached paragraphs 3 (1) and 5 of the District Council's Code of Conduct which states that -

- 3 (1) you must treat others with respect; and
- 5 you must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

The complaint related to a meeting of the District Council's Development Management Panel on 17th January 2011. Councillor M F Shellens had registered to address the Panel as Ward Councillor for an application under consideration. Councillor Dutton pointed out that the development site was located in Huntingdon West Ward and not Huntingdon East, the Ward represented by Councillor Shellens and that he should not therefore be speaking as Ward Councillor. Although this assertion was accepted, Councillor Dutton accused Councillor Shellens of being a "liar" at a public meeting.

### **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 not to refer the allegation for investigation but to refer the matter to the Monitoring Officer for other action.

### **Reasons for Decision**

The Sub-Committee was of the view that Councillor Dutton had used inappropriate language to describe the complainant at a meeting of the Development Management Panel on 17th January 2011 at which members of the public were present. As the language used could amount to unacceptable and discourteous behaviour towards a colleague Member, the Sub-Committee was of the view that Councillor Dutton had failed to treat Councillor Shellens with respect and had not conducted himself in a manner expected of his office as District Councillor.

However, the Sub-Committee was made aware that Councillor Dutton had offered to apologise in writing to Councillor Shellens. In acknowledging this offer, the Sub-Committee requested that the form and wording of the apology be agreed in advance with the District Council's Monitoring Officer and that the Development Management Panel be advised of Councillor Dutton's apology to enable its receipt to be formally recorded in the Minutes.

This Decision Notice is sent to the person making the allegation and to the Member against whom the allegations was made.

### **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 relate 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: ..... *Michael Lynch* ..... Date: ..... 19/2/11 .....  
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.

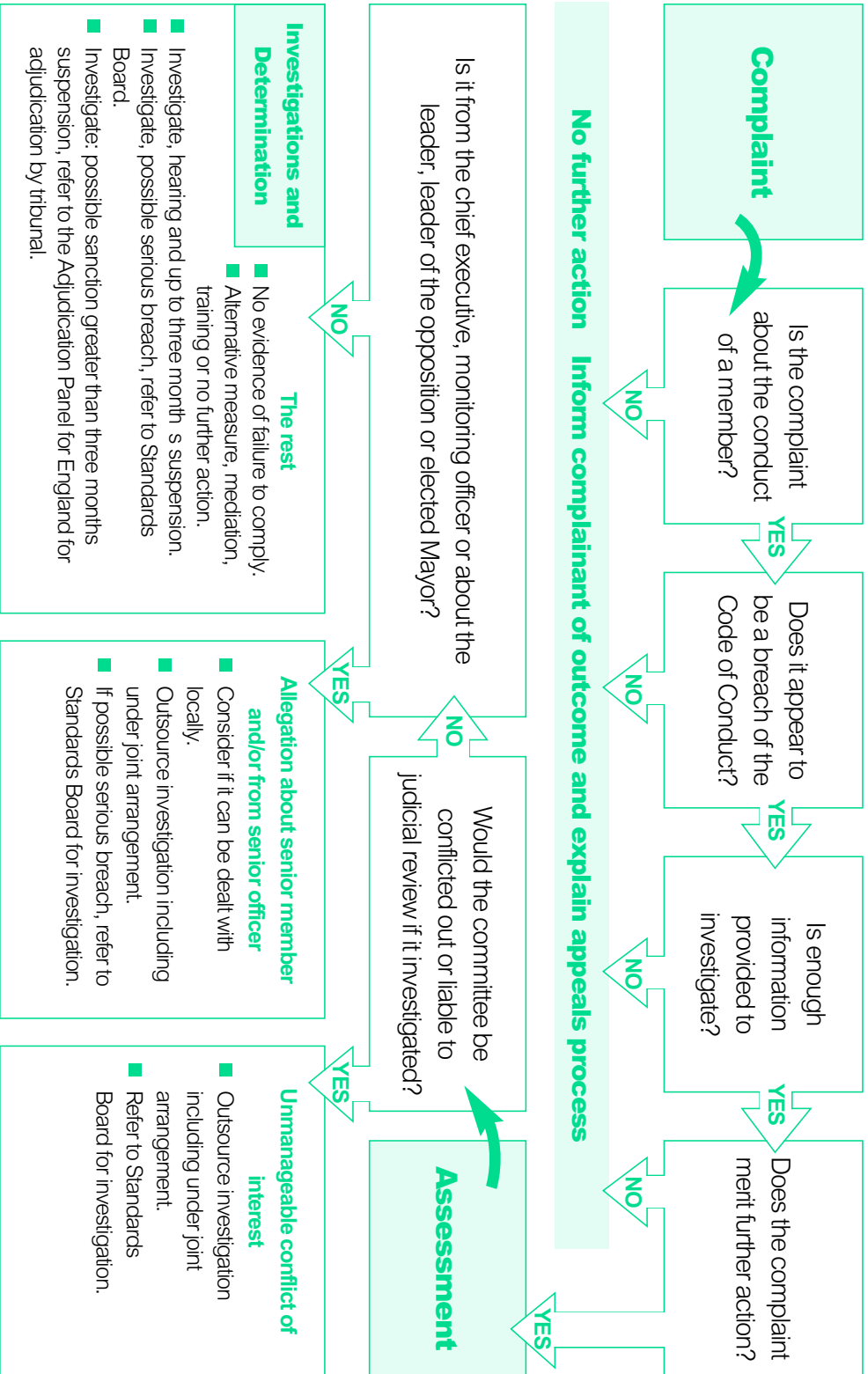
#### **Which complaints are we unlikely to refer for investigation?**

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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# Agenda Item 6

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