

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 **FRIDAY, 1 JULY 2011 at 10:00 AM** 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 14th June 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.

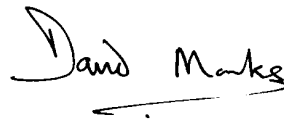
5. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 46 (Pages 7 - 36)

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. 47 (Pages 37 - 126)

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 23rd 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.

This page is intentionally left blank

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Room 3.1, Third Floor, Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN on Tuesday, 14 June 2011.

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

37. MINUTES

The Minutes of the meeting of the Sub-Committee held on 10th February 2011 were approved as a correct record and signed by the Chairman.

38. MEMBERS' INTERESTS

No interests were declared.

39. GUIDANCE TO ASSIST ASSESSMENT OF CASES

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

40. 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.

41. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 44

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 Upwood and The Raveleys Parish Council:-

- ◆ Original letter of complaint to the Monitoring Officer, dated 13th May 2011;
- ◆ email from Acting Parish Clerk, Mrs D Benham dated 13th June 2011; and
- ◆ Declaration of financial and other interests – Councillor D Paine.

42. INITIAL ASSESSMENT - CASE NO 44

Having considered the allegation made in the complaint against Councillor D Paine of Upwood and the Raveleys Parish Council seeking advice of the Monitoring Officer as appropriate, it was

RESOLVED

that the complaint be referred to the Monitoring Officer for investigation.

43. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 45

Members considered a pre-assessment report by the Monitoring Officer to which was attached the following correspondence/information (a copy of which is appended in the Minute Book) to assist the Sub-Committee in assessing the case –

- ◆ copy of original complaint form and attachments sent to the Monitoring Officer received on 13th May 2011;
- ◆ a copy of Councillor Paine's form for the registration of financial and other interests appended to Minute No. 41;
- ◆ Minutes of the meeting of Upwood and The Raveleys Parish Council dated 7th September and 2nd November 2009 and 6th December 2010; and
- ◆ emails from the Acting Clerk, Mrs D Benham dated 1st and 13th June 2011 which were circulated at the meeting.

44. INITIAL ASSESSMENT - CASE NO 45

Further to the allegation made in the case of Councillor D Paine of Upwood and The Raveleys Parish Council and having regard to the evidence presented and the advice of the Monitoring Officer, it was

RESOLVED

that, whilst the actions of Councillor Paine clearly were in breach of the Code of Conduct, 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

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.

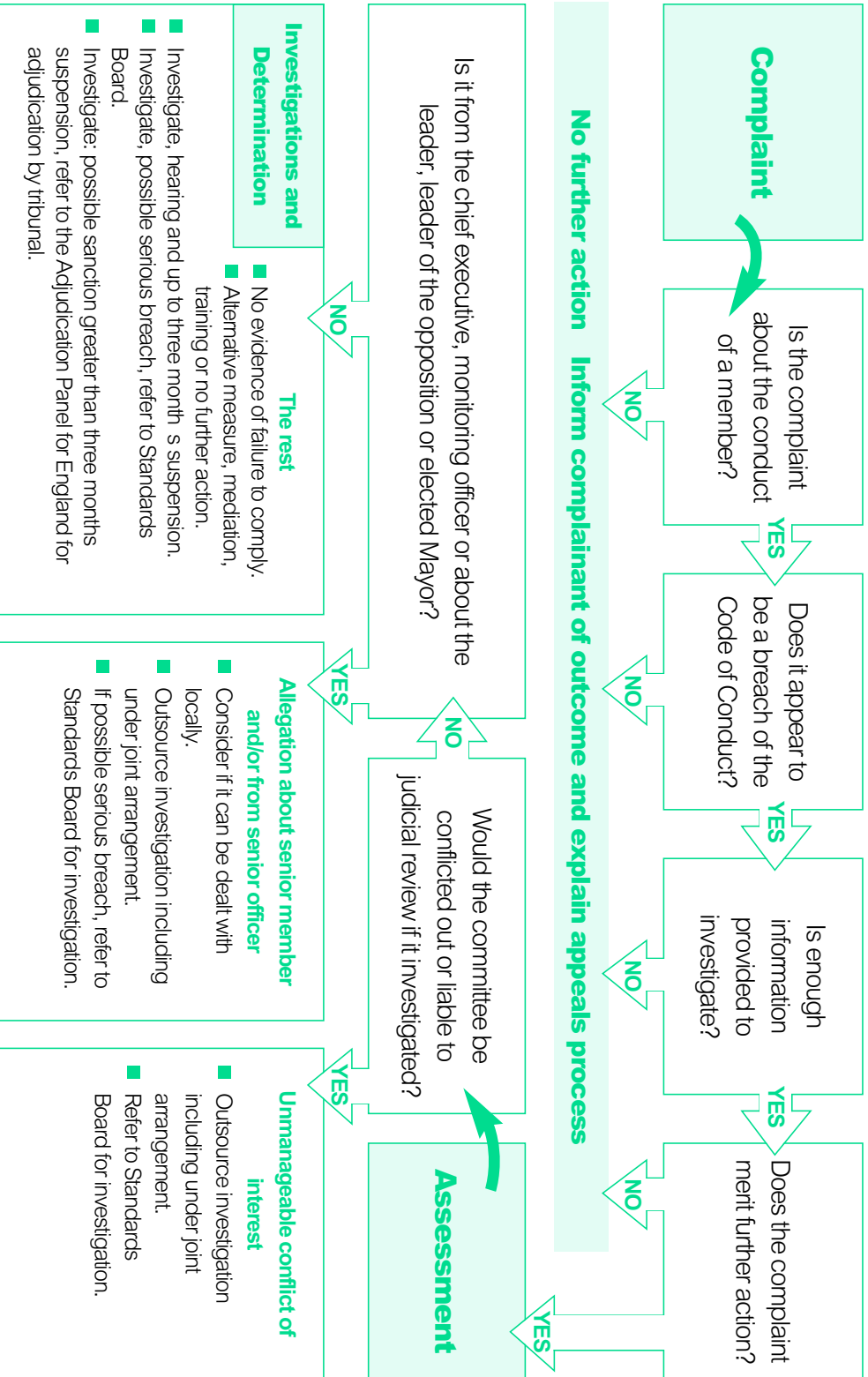
Which complaints are we unlikely to refer for investigation?

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.

This page is intentionally left blank

Local assessment complaint handling chart



This page is intentionally left blank

Agenda Item 5

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Agenda Item 6

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank

Document is Restricted

This page is intentionally left blank