

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM MRO1a, GROUND FLOOR, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **THURSDAY, 3 NOVEMBER 2011** at **2:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 4)

To approve as a correct record the Minutes of the meeting held on 21st October 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 CASE (Pages 5 - 8)

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

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 48 (Pages 9 - 28)

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

Dated this 26 day of October 2011



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 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.

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HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Meeting Room 3.1, Third Floor, Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN on Friday, 21 October 2011.

PRESENT: Mr M Lynch – Chairman.

Councillor A Hansard and Mr J Alexander.

56. MINUTES

The Minutes of the meeting of the Sub-Committee held on 1st July and adjourned to 1st September 2011 were approved as a correct record and signed by the Chairman.

57. MEMBERS' INTERESTS

Councillor A Hansard and Messrs J Alexander and M Lynch declared a personal interest in Minute No. 61 post as the complaint to be assessed involved a colleague Member of the Standards Committee.

58. 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 cases submitted was received and noted.

59. 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.

60. CASE NO 44 - UPWOOD & THE RAVELEYS PARISH COUNCIL

The Sub-Committee was reminded by reference to the relevant Decision Notice (a copy of which is appended in the Minute Book) that it had referred a case to the Monitoring Officer for investigation which concerned Councillor D Paine, a Member of Upwood and The Raveleys Parish Council.

Members were further reminded that the case had involved alleged financial irregularities, that the matter also was under investigation by

Cambridgeshire Constabulary and that subsequent to their previous assessment, Councillor Paine had resigned from his position as Parish Councillor. The Sub-Committee also were made aware that the Standards Committee, at their meeting held on 7th July 2011, having been advised of Mr Paine's resignation, had endorsed the view that the case should continue to be pursued to investigation given the serious nature of the allegations which had been made and given their concern that Mr Paine might make himself available for election/co-option to another Parish Council.

Having been advised by the Investigator that, despite still being a significant witness, no further action was to be taken against Mr Paine by the Police and given that Mr Paine had not attempted to be selected as a Parish Councillor elsewhere, the Sub-Committee considered whether it still would be expedient to pursue an investigation of the complaint.

Members were advised that paragraph 16 of the Standards Committee (England) Regulations 2008 enabled the Monitoring Officer to refer a matter back to the Sub-Committee if, as a result of new evidence or information, he was of the opinion that the matter (under consideration) was materially less serious than previously or if the person who was the subject of the allegation had resigned from the authority concerned.

Given the current circumstances and mindful of the provisions of the Regulations, the Sub-Committee

RESOLVED

that no further action be taken to investigate the allegation made against Mr D Paine, former Member of Upwood and The Raveleys Parish Council but that the matter be taken into consideration in the event that any further complaint is submitted in the future.

61. CASE NO 49 - INITIAL ASSESSMENT

The Sub-Committee considered a letter received from Mr G Watkins, a Member of Farcet Parish Council and a Parish Council representative on the Standards Committee (a copy of which is appended in the Minute Book).

It was explained that Mr Watkins, as a Member of the Standards Committee, had chosen to advise the Monitoring Officer of a situation in which he had become involved that might be considered to be a breach of the Members' Code of Conduct. Members understood that in the interests of openness and transparency, the matter had been referred to the Sub-Committee for consideration.

The Sub-Committee was of the view that the action taken by Mr Watkins in the circumstances described was that of a reasonable person motivated only by wishing to assist a bereaved family at a difficult time in a sensitive and efficient manner. Therefore, it was

RESOLVED

that no further action be taken in respect of the case involving Mr G Watkins for the reasons set out in the “Decision Notice – No Further Action” appended to these minutes as a potential breach of the Code of Conduct was not disclosed by the circumstances of the complaint.

Chairman

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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.

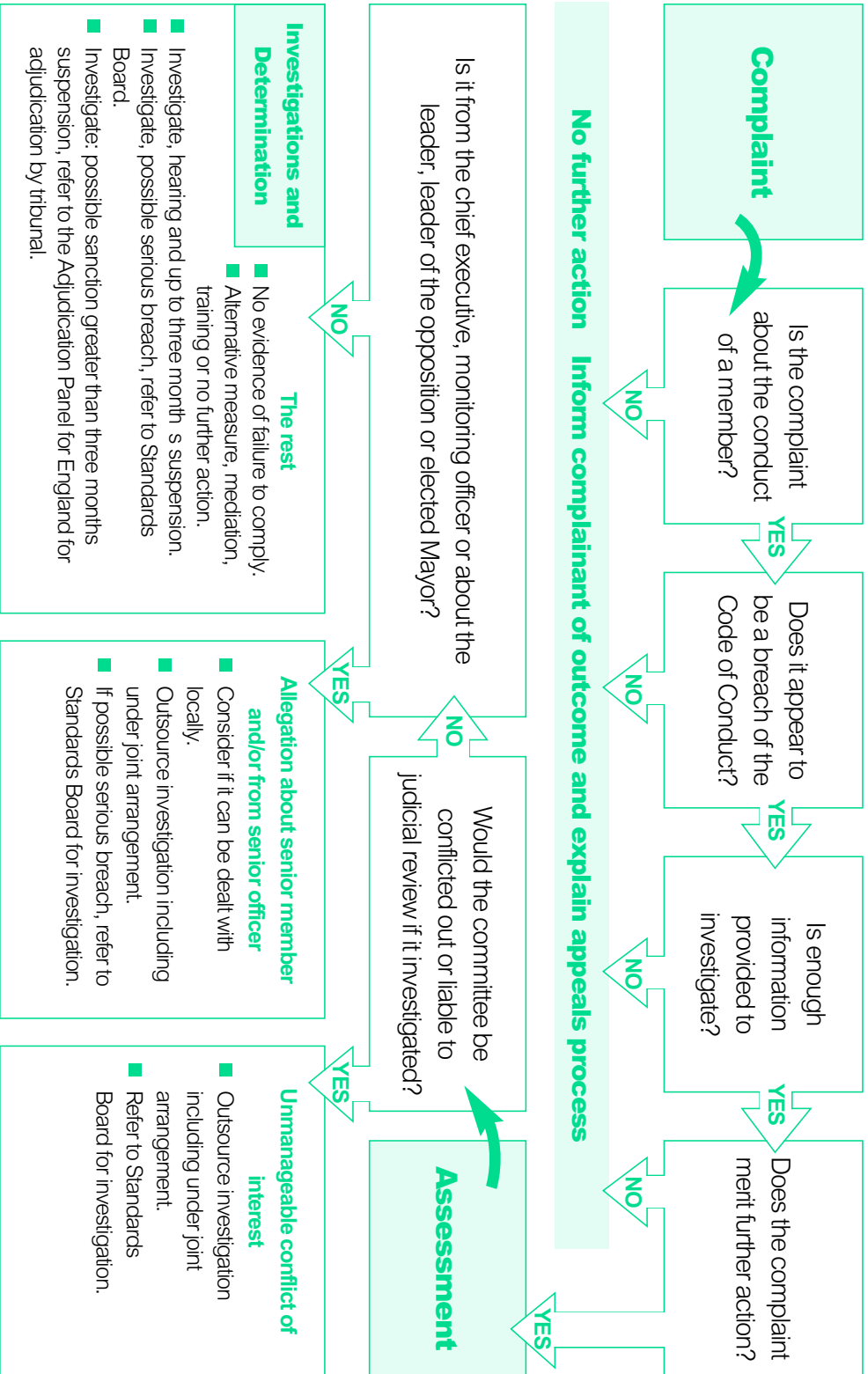
Which complaints are we unlikely to refer for investigation?

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

By virtue of paragraph(s) 7c of Part 1 of Schedule 12A of the Local Government Act 1972.

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