

## HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Meeting Room MR3.1, Third Floor, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN on Tuesday, 29 November 2011 and adjourned to 19th January 2012.

PRESENT: Mr P Boothman – Chairman.

Councillors P G Mitchell and Mr J Alexander.

### **68. MINUTES**

The Minutes of the meeting of the Sub-Committee held on 3rd November 2011 were approved as a correct record and signed by the Chairman.

### **69. MEMBERS' INTERESTS**

No interests were declared by the Members present.

### **70. 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.

### **71. 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.

### **72. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 50**

By reference to a Code of Conduct complaint form (a copy of which is appended in the Minute Book) the Monitoring Officer described the allegation which had been made in respect of the conduct of a Councillor serving on Yaxley Parish Council.

In addition to the complaint form, the Sub-Committee had regard to the following additional documents.

- ◆ letter from Mr A Bartle to Yaxley Parish Council dated 19th February 2010;
- ◆ Minutes of the meetings of the Finance and General Purposes Committee dated 15th and 29th March and 5th April 2011;

- ◆ letter from Councillor D Youles to the Information Commissioner's Office dated 3rd May 2011;
- ◆ Decision Notice published by the Information Commissioner's Office dated 20th January 2011; and
- ◆ Registration of Interests Form – Councillor Youles.

Before proceeding to assess the complaint, the Sub-Committee requested the Monitoring Officer to establish how requests for information under the Freedom of Information Act were handled by Yaxley Parish Council. Further information also was requested from the Parish Council in relation to the addressee for correspondence from the Information Commissioner, whether authority was given to individual Councillors to respond to FOI requests or whether these were dealt with by the Council as a whole and any copies of Minutes which would indicate the way in which FOI requests were managed.

Accordingly, the Sub-Committee deferred their assessment of the case pending the receipt of the additional information required.

At 11am, and given an indication from the Chairman that he would not wish to participate in the assessment of the following complaint in view of a potential personal and prejudicial interest in the case, Mr P Boothman vacated the Chair and left the meeting.

Mr M Lynch, Independent Member assumed the role as Chairman of the Sub-Committee.

In attendance: Councillor P G Mitchell and Mr J Alexander.

### **73. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 51**

Consideration was given to a complaint received concerning the conduct of a Member of Upwood and The Raveleys Parish Council. To assist in the assessment of the case, the Sub-Committee received the following documents (copies of which are appended in the Minute Book) –

- ◆ Letter of complaint dated 8th November 2011;
- ◆ Letter from Upwood and The Raveleys Parish Clerk dated 18th November 2011;
- ◆ Minutes of the meeting of Upwood and The Raveleys Parish Council dated 7th November 2011;
- ◆ Registration of Interests Form.

An additional email from the complainant dated 22nd November 2011 confirming the Councillor's job title and employer was circulated at the meeting.

### **74. INITIAL ASSESSMENT - CASE NO. 51**

Having regard to the allegations made in the case of Councillor C Bryce of Upwood and The Raveleys Parish Council taking into account advice from the Monitoring Officer when required, the Sub-Committee formed the view that, at the very least, Councillor Bryce had a personal interest in the planning application under consideration. However, as Councillor Bryce was a relatively new

Councillor and was currently undertaking training on the Code which should avoid a re-occurrence of a similar situation in the future, it was

RESOLVED

that no further action be taken in respect of the case involving Councillor C Bryce of Upwood and The Raveleys Parish Council for the reasons set out in the 'Decision Notice – No Further Action' appended to these Minutes.

**75. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 52**

By reference to a letter dated 4th November 2011 (a copy of which is appended in the Minute Book) the Sub-Committee considered a complaint received regarding the conduct of Councillor J D Ablewhite of Huntingdonshire District Council. The following documents also had been collated by the Monitoring Officer to assist the Sub-Committee in their assessment of the complaint –

- ◆ Members' Planning Code of Good Practice;
- ◆ extract from Code of Conduct Guide for Members – Preface;
- ◆ Occasional Paper – pre-disposition, pre-determination or bias and the Code; and
- ◆ Registration of Financial and Other Interests.

Having discussed the content of a letter dated 4th November 2011, the Sub-Committee requested the Monitoring Officer to seek further clarification/or evidence to substantiate three statements which had been made in the letter by the complainant.

Accordingly, the meeting was adjourned.

**76. UPON RESUMPTION ON 19TH JANUARY 2012**

PRESENT: Mr P Boothman (for Case No. 50)  
Mr M Lynch (for Case No. 52)  
Councillor P G Mitchell and Mr J Alexander.

**77. CASE NO. 50 - INITIAL ASSESSMENT**

Further to Minute No. 72, the Sub-Committee received the following additional material (copies of which is appended in the Minute Book) –

- ◆ email correspondence from Parish Clerk;
- ◆ Council Minutes – 8th February 2011;
- ◆ Finance and General Purposes Committee Minutes – 15th February 2011;
- ◆ Yaxley Parish Council – Freedom of Information Act Policy.

The Monitoring Officer also circulated at the meeting an exchange of email correspondence between the Clerk to Yaxley Parish Council and the District Council's Corporate System and Information Manager who assisted the Parish Council in responding to the requirements of the Decision Notice issued by the Information Commissioner dated 20th January 2011.

In the light of all the evidence presented and having regard to advice received from the Monitoring Officer, it was

**RESOLVED**

that no further action be taken in respect of the case involving Councillor D Youles of Yaxley Parish Council 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.

**Mr P Boothman left the meeting.**

**Mr M Lynch in the Chair.**

**78. CASE NO. 52 - INITIAL ASSESSMENT**

Further to Minute No. 74, and having regard to further email correspondence submitted by the complainant in support of his complaint (a copy of which is appended in the Minute Book) the Sub-Committee proceeded to assess the case made against Councillor J D Ablewhite of Huntingdonshire District Council. Before the Sub-Committee commenced their discussions, the Head of Legal and Democratic Services and Monitoring Officer informed Members that the complainant had questioned his ability to act impartially when advising the Sub-Committee on the complaint given his involvement in a potential judicial review of the decision taken by the Council on the Urban Design Framework. Although the Sub-Committee did not accept the complainant’s concerns, it was accepted that to best avoid any suggestion of impropriety that the Head of Legal and Democratic Services be requested to withdraw from the meeting.

Having carefully considered the allegation made in the complaint against Councillor J D Ablewhite, seeking the advice of the Deputy Monitoring Officer as appropriate, it was

**RESOLVED**

that no further action be taken in respect of the case involving Councillor J D Ablewhite of Huntingdonshire District Council 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