

A meeting of the **REFERRALS (ASSESSMENT) SUB COMMITTEE** will be held in **ROOM MR3.1, THIRD FLOOR, PATHFINDER HOUSE, ST. MARY'S STREET, HUNTINGDON, CAMBS, PE29 3TN** on **TUESDAY, 29 NOVEMBER 2011** at **10AM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. MINUTES (Pages 1 - 2)

To approve as a correct record the Minutes of the meeting held on 3rd November 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 3 - 6)

- ◆ 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. 50 (Pages 7 - 56)

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

6. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO 51 (Pages 57 - 74)

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 21 day of November 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.

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in Room MRO1a, Ground Floor, Pathfinder House, St Mary's Street, Huntingdon, Cambs, PE29 3TN on Thursday, 3rd November 2011.

PRESENT: Mr P Boothman – Chairman.

Councillor A Hansard and Mr G Watkins.

62. MINUTES

The Minutes of the meeting of the Sub-Committee held on 21st October 2011 were approved as a correct record and signed by the Chairman.

63. MEMBERS' INTERESTS

Councillor A Hansard declared a personal interest in Minute No. 66 post as the Councillor against whom the complaint had been made was also a Member of the District Council's Conservative Group.

64. 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.

65. 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.

66. PRE ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 48

By reference to a code of conduct complaint form (a copy of which is appended in the Minute Book) the Monitoring Officer described the allegations which had been made regarding the conduct of a Councillor serving on Huntingdonshire District Council. A copy of the Councillor's registration of interest form also is appended in the Minute Book.

The Monitoring Officer also circulated at the meeting an extract from Standards for England's Case Review on an interpretation of the phrase "treat others with respect".

67. CASE NO. 48 - INITIAL ASSESSMENT

Having considered the allegation made in the complaint against Councillor S Akthar 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

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.

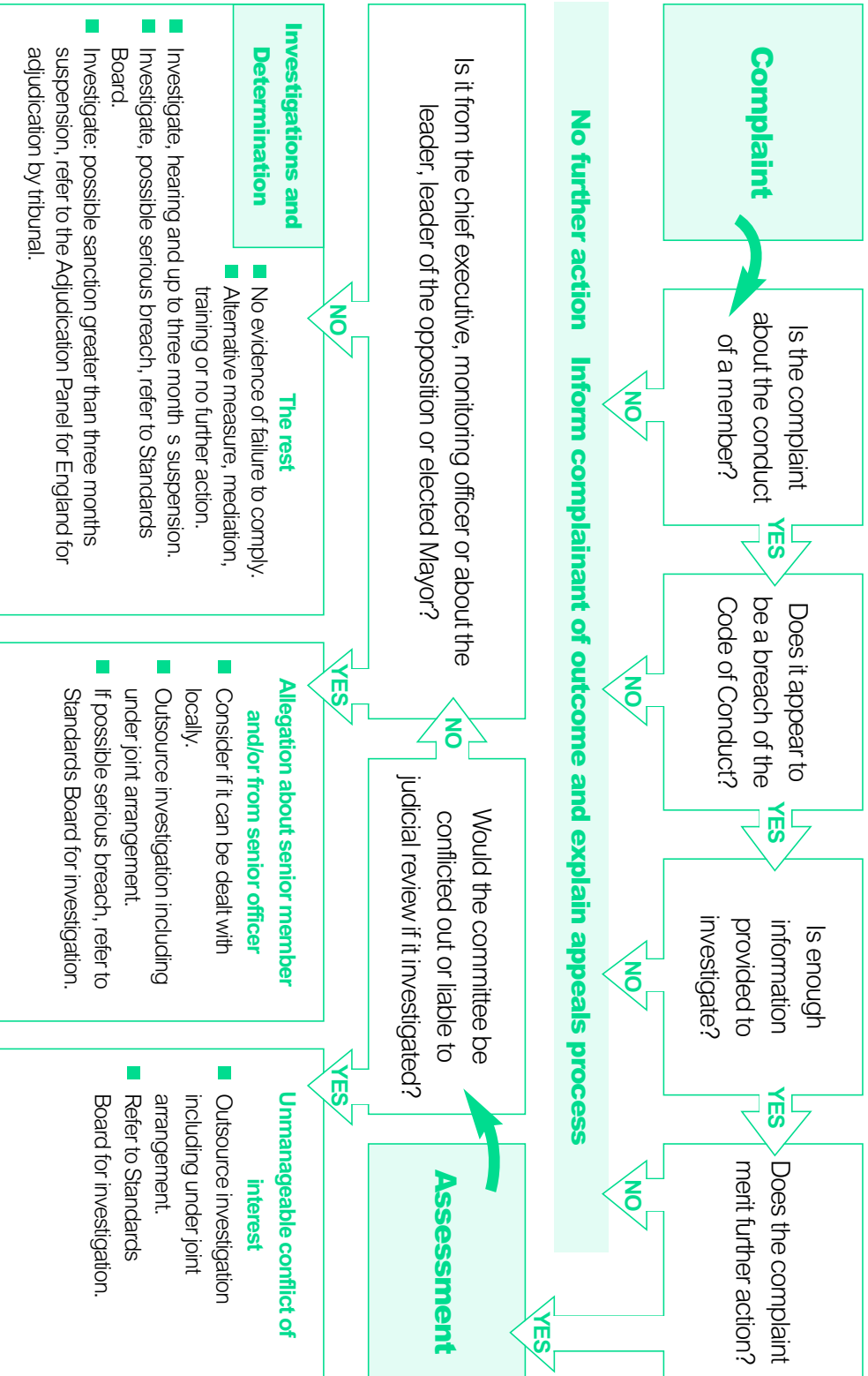
Which complaints are we unlikely to refer for investigation?

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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