

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO, 1A, Civic Suite, Pathfinder House, St. Mary's Street, Huntingdon, Cambs, PE29 3TN on Thursday, 6 September 2012.

PRESENT: Councillors K M Baker, Mrs B E Boddington, Mrs L A Duffy, A Hansard, G J Harlock and T D Sanderson.

APOLOGY: An apology for absence from the meeting was submitted on behalf of Councillor P J Downes.

1. ELECTION OF CHAIRMAN

RESOLVED

that Councillor A Hansard be elected Chairman of the Committee for the remainder of the Municipal Year.

2. MINUTES

The Minutes of the meeting of the Committee held on 21st June 2012 were approved as a correct record and signed by the Chairman.

3. MEMBERS' INTERESTS

No interests were declared by the Members present.

4. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Councillor Mrs B E Boddington be appointed Vice-Chairman of the Committee for the remainder of the Municipal Year.

Before proceeding to consider the remaining business on the Agenda, the Monitoring Officer gave a presentation on the new Code of Conduct and associated arrangements.

5. APPOINTMENT OF LEAD AND DEPUTY INDEPENDENT PERSONS

Further to Minute No. 32 (g) of the meeting held on 21st June 2012, the Committee considered a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding progress in the process for the appointment of a Lead and Deputy Independent Person.

Having noted that Independent Persons should be appointed after public advertisement, application and interview, that the posts would attract allowances of £1,000 and £500 respectively and that the Lead Independent Person could attend meetings of the Committee as a non-voting co-optee, Members

RESOLVED

- (a) that the Chairman and Vice-Chairman and Councillor T D Sanderson together with the Monitoring Officer be appointed to comprise the Panel to interview candidates for appointment to posts of Lead and Deputy Independent Person; and
- (b) that the Panel be authorised to report to the Council the names of those candidates recommended for appointment.

6. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

Further to Minute No. 32 (f) and having regard to a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) Members considered how best to approach the appointment of Parish Council representatives to the new Committee.

Bearing in mind how important it was that these representatives should have the trust of Town and Parish Councils in the authority's area and given also the experience and knowledge held by the former Town and Parish Council representatives on the Committee, Members considered that it would be reasonable to:-

- ◆ invite the former Town and Parish Council representatives to express an interest in the two posts;
- ◆ invite the views of the Cambridgeshire and Peterborough Association of Local Councils on the appointment process and, if appropriate, seek the two nominations required through their membership; and
- ◆ invite all Parish Councils to request their Members to express an interest in the positions.

Whereupon, it was

RESOLVED

- (a) that the decision to appoint two Town or Parish Councillors to act as co-opted and non-voting Members of the Committee be reaffirmed;
- (b) that an allowance of £231 per annum be made payable to the two appointed Town and Parish Council representatives plus reimbursement for any subsistence or travelling costs incurred in attending meetings of the Committee or training events;
- (c) that expressions of interest be invited from Town and Parish Councils following the approach recommended

by the Committee; and

- (d) that on the conclusion of the process described in (a) – (c) ante, the Monitoring Officer be authorised to appoint two Town or Parish Council representatives after consultation with the Chairman of the Committee.

7. PROPOSED TERMS OF REFERENCE - STANDARDS COMMITTEE

Referring to a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) Members considered the content of Article 9 of the Constitution, the current terms of reference of the Committee and proposed amendments required to reflect the way in which it was envisaged that the Committee might operate in the future.

Having discussed the range of minor amendments required to Article 9 which were largely required to take account of changes in legislation and having noted that the Head of Legal & Democratic Services and Monitoring Officer had previously been authorised by the Council to vary the Constitution in these circumstances after consultation with the Chairmen of the Committee and the Corporate Governance Panel, it was

RESOLVED

- (a) that a Sub-Committee comprising three Members be appointed when it is necessary to hear complaints of misconduct by Councillors and to consider urgent requests for dispensation from District Councillors; and
- (b) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to convene meetings of the Sub-Committee when necessary.

8. NEW STANDARDS REGIME - PROGRESS

By way of a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee was updated on the arrangements which had been made to ensure that the District Council complied with the requirements of the Localism Act 2011 since the Council adopted a new Code of Conduct at its meeting in July.

Members noted that the Monitoring Officer had issued guidance for District Members and Town and Parish Councils on the adoption of a new Code and on the completion of the Declaration of Interest Forms together with an Advice Note to Parish Clerks on the granting of dispensations. Action also had been taken to encourage interest in the posts of Lead and Deputy Independent Members (Minute No. 5 refers).

Furthermore, the Committee were advised that under the former model Code of Conduct, specific circumstances were prescribed when a Member could exclude themselves from having to declare a prejudicial interest and leave the room when business arose in connection with that interest. As there were no similar exclusions in

the recent Regulations, the Committee

RESOLVED

that a dispensation be granted for the period ending 30th April 2016 to enable all Members to speak and vote in the following circumstances in which it was considered that they would have a disclosable pecuniary interest –

- (i) setting the Council Tax and budget under the Local Government Finance Act 1992; and
- (ii) setting the allowances, payments or indemnities given to Members.

9. MONITORING OFFICER PROTOCOL AND FLOWCHART

Further to Minute No. 32 (j), the Head of Legal & Democratic Services and Monitoring Officer circulated to the Committee draft Model Arrangements for dealing with standards allegations under the Localism Act 2011 and a draft complaints procedure flow chart. (Copies of both documents are appended in the Minute Book).

The Committee reaffirmed its view that the new protocol should include a requirement for complaints made about Parish Councils to be referred, in the first instance, to the relevant Parish Council for local resolution and only considered by the Monitoring Officer once these measures had been exhausted or should such a course of action not be practicable. The Committee also confirmed that there shall be no right of appeal against the outcome of a complaint referred to a Hearings Panel.

Subject to a review of the arrangements after 12 months operation, it was

RESOLVED

that the final version of the protocol and flow chart to be used by the Monitoring Officer when responding to allegations of misconduct by a Member of the District Council or a Parish Council in the District be approved.

10. PROPOSED TRAINING PROGRAMME

Having regard to a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) and having reaffirmed their view that it remained the role of the Committee to give advice and training on matters relating to the Code of Conduct, Members endorsed proposals for a programme of training sessions to be held in the Autumn at various locations in the District for Town and Parish Councils and for several drop-in sessions to be held in advance of scheduled meetings of District Council Panels and Committees in the current cycle.

Following discussion on the response thus far by the District and Parish Councillors to the requirement for completion of new 'interest' forms, the Monitoring Officer undertook to discuss with the Chairman the action which might need to be taken should forms not be returned.

11. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee would be held on Thursday 6th December 2012 at 4pm.

Chairman