

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 Wednesday, 8 February 2012 and adjourned to 26th March 2012.

PRESENT: Mr P Boothman – Chairman.

Councillor A Hansard and Mr J Alexander.

79. MINUTES

The Minutes of the meeting of the Sub-Committee held on 29th November 2011 and adjourned to 19th January 2012 were approved as a correct record and signed by the Chairman.

80. MEMBERS' INTERESTS

No interests were declared by the Members present.

81. GUIDANCE TO ASSIST ASSESSMENT OF CASE

The Guidance produced by the former '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.

82. 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.

83. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 48(B)

The Monitoring Officer reported that he had been notified by a close family member that the complainant, Mr M Smith had sadly passed away. Although in these circumstances no further action was required, the Sub-Committee was made aware that the Deputy Executive Leader, Councillor N J Guyatt had made arrangements to meet Councillor Akthar, the Councillor against whom the complaint had been made. The Sub-Committee was hopeful that Councillor Akthar would be encouraged, in future, to respond expeditiously to enquiries from members of the public.

84. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 53

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

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

- additional emails provided by the Councillor against whom the complaint had been made dated 10th January and 6th February 2012 and sent after the complaint had been acknowledged; and
- Registration of Interests form.

85. CASE NO 53 - INITIAL ASSESSMENT

Having regard to the allegation made in the case of Councillor C R Hyams of Huntingdonshire District Council taking into account advice from the Monitoring Officer when required, the Sub-Committee

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.

86. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 54

Consideration was given to a complaint received concerning the conduct of a Member of Yaxley 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) –

- Original letter from complainant received on 19th January 2012;
- Response to complainant from Monitoring Officer and further comments received – email exchange dated 27th January 2012;
- Supporting email from Councillor K Gulson which had been copied to complainant dated 17th November 2011;
- Further emails from complainant dated 27th and 28th January 2012;
- Registration of Interests form; and
- Minutes of meetings of the Council held on 8th February and 11th September 2011 and of the Playing Fields Committee held on 31st May 2010.

Having given the complaint some initial consideration, the Sub-Committee requested the Monitoring Officer to collate additional material which would enable Members to come to a conclusion. Specifically, Members requested information on the allegation regarding a payment for car tyres and on the nature of the

relationship between the Councillor and a member of the public. The Sub-Committee also asked that a copy of the Standing Orders of the Parish Council be obtained.

Further discussion on the complaint was deferred pending the receipt of the information requested.

87. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 55

By reference to a letter dated 19th January 2012 (a copy of which is appended in the Minute Book) the Sub-Committee considered a complaint received regarding the conduct of a Councillor serving on Yaxley Parish Council. The following documents also had been collated by the Monitoring Officer to assist the Sub-Committee in their assessment of the complaint –

- Registration of interests form; and
- Minutes of meetings of the Council held on 8th February and 11th September 2011 and of the Playing Field Committee held on 31st May 2010.

Having given the complaint some initial consideration, the Sub-Committee requested the Monitoring Officer to collate additional material which would enable Members to come to a conclusion. Specifically this related to the process for the appointment of Solicitors following an incident on Council land, the source of the authority to attend Coroners Court and on the nature of the relationship between the Councillor and a member of the public.

Further discussion on the complaint was deferred pending the receipt of the information requested.

88. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 56

A Code of Conduct complaints form was submitted containing allegations about the conduct of a Member of Yaxley Parish Council. In addition to the complaints form, the following documents were submitted to the Sub-Committee to assess their assessment of the case (copies of all documents are appended in the Minute Book) –

- Registration of interests form; and
- Minutes of meetings of the Council held on 8th February and 11th September 2011 and of the Playing Fields Committee held on 31st May 2010.

89. CASE NO 56 - INITIAL ASSESSMENT

Having considered the allegation made in the complaint against Councillor D P Stafford of Yaxley Parish Council, seeking the advice of the Monitoring Officer as appropriate, and mindful of the similarity of an earlier complaint which had been investigated involving the

same Councillor, the Sub-Committee

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.

90. UPON RESUMPTION ON 26TH MARCH 2012

Present: Mr P Boothman (Chairman)
Councillor A Hansard
Mr J Alexander.

91. CASE NO 54 - INITIAL ASSESSMENT

Further to Minute No 86, the Sub-Committee received the following additional material (a copy of which is appended in the Minute Book)

–

- A copy of Standing Orders – Yaxley Parish Council;
- Email exchange with Clerk to Yaxley Parish Council following decision of the Sub-Committee to adjourn plus attachments which comprise Minutes of various meetings; and
- Related correspondence received since the original assessment from the complainant and from Councillor D Youles.

Having carefully considered all the evidence which had been submitted, taking advice from the Monitoring Officer as necessary, the Sub-Committee

RESOLVED

- (a) that no further action be taken in respect of the case involving Councillor C Thorne of Yaxley Parish Council for the reasons set out in the 'Decision Notice – No Further Action' appended to these Minutes;
- (b) that the Parish Council be advised that under no circumstances should employees be permitted to process personal purchases through the Parish Council's accounting systems and that they were hopeful that the District Auditor would issue strong instructions about this practice in the event that it becomes apparent during his review of the Council's accounts;
- (c) that, the Parish Council be advised that a grievance or disciplinary matter involving a Council employee should not be investigated by an individual Councillor; and
- (d) that given clear evidence that the Parish still were experiencing difficulty with the administration of Council business, the Monitoring Officer be requested to offer guidance to the Parish Council on matters of procedure and good practice and to suggest to the Chairman of the Council that some emphasis should be placed on the importance of the Parish Clerk's understanding of the Model Code of

Conduct and that this should be assessed during any annual appraisal process.

92. CASE NO 55 - INITIAL ASSESSMENT

Further to Minute No 87, the Sub Committee received the following additional material (copies of which is appended in the Minute Book)

–

- A copy of Standing Orders – Yaxley Parish Council;
- Email exchange with Clerk to Yaxley Parish Council following decision of the Sub-Committee to adjourn plus attachments which comprise Minutes of various meetings; and
- Related correspondence received since the original assessment from the complainant and from Councillor D Youles.

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

RESOLVED

- (e) 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;
- (f) that, despite this conclusion and given the evidence that suggested that the Parish had continuing difficulty in administering Council business the Monitoring Officer be requested to offer guidance on matters of procedure and good practice to the Parish Council.

Chairman