

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon on Thursday, 5 December 2013.

PRESENT: Councillor K M Baker – Vice-Chairman in the Chair.

Councillors W T Clough, G J Harlock and T D Sanderson.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington and A Hansard.

IN ATTENDANCE: Mr P McCloskey and Mrs D Townsend.

(The Independent Persons, Mr P Baker and Mrs G Holmes attended the meeting as observers and were introduced to the Committee.)

13. MINUTES

The Minutes of the meeting of the Committee held on 27th June 2013 were approved as a correct record and signed by the Chairman.

14. MEMBERS' INTERESTS

No interests were declared by the Members present.

15. DCLG GUIDANCE - OPENNESS AND TRANSPARENCY ON PERSONAL INTERESTS - IMPACT ON THE CODE OF CONDUCT

By way of a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book), the Committee was informed that the Department of Communities and Local Government (DCLG) had recently published revised guidance entitled "Openness and Transparency on Personal Interests". This had indicated that the interests to be registered and declared by Councillors should include membership of a trade union.

Members were reminded that this interest was not one specifically defined by the Government under Regulations issued following the Localism Act 2011 and, at that time, the Council had concentrated, when adopting its new Code of Conduct in July 2012, on complying with the Government's objectives to simplify the requirements of the new regime.

Whilst there was some doubt about the power of DCLG to require such a change by simply issuing "guidance", the Committee was of the view that if the Council was to amend its Code to require trade union interests to be registered and declared, it should take the

opportunity to review and potentially extend it to include other interests, similar to those included in the previous National Code and to that promoted by the National Association of Councils (NALC).

As it would appear to be sensible to avoid additional bureaucracy (which would be created if new declaration forms were required from Councillors before the next local elections) and given that the interim period would offer the opportunity to give advice and provide training both to Members and to Town and Parish Councils who might wish to make similar changes to their Codes, it was

RESOLVED

that the Head of Legal and Democratic Services and Monitoring Officer be requested to prepare a revised Code of Conduct to reflect any changes necessary for consideration at the next meeting and for implementation from the beginning of the new Municipal Year in May 2014.

16. ARRANGEMENTS FOR DEALING WITH STANDARDS ALLEGATIONS UNDER THE LOCALISM ACT 2011: PROPOSED AMENDMENTS

Referring to a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book), the Committee reviewed the adopted procedure for dealing with Code of Conduct standard complaints in the light of practical experience over the past 18 months.

The Committee was reminded that under Section 28 of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a Member of the authority or of a Parish Council within the authority’s area has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on those allegations. A protocol for this purpose was approved when the new Code of Conduct was adopted in July 2012.

Members were advised that several issues had emerged from working experience of the protocol since its introduction. In discussing the proposed suggestions for change, the Committee acknowledged that they would, for instance, seek to make clear to complainants that the Code of Conduct only applies when the Councillor is acting in an official capacity (or if they are claiming or giving the impression they are acting in an official capacity) rather than applying to the conduct or actions of the Councillors in their private lives.

As the Committee was of the opinion that the changes would clarify the arrangements and better manage the expectations of a complainant, it was

RESOLVED

that the proposed amendments to the “Arrangements for dealing with standards allegations under the Localism Act 2011” Protocol as set out in Appendix 1 to the report now

submitted be approved.

(Councillor T D Sanderson left the meeting at 4.30pm.)

17. UPDATE ON CODE OF CONDUCT AND REGISTER OF DISCLOSABLE PECUNIARY INTERESTS

The Monitoring Officer updated the Committee on the current position in respect of the receipt and publication of registers of interests of Members and co-opted Members of the District Council and of those Members serving on Parish Councils. Members were reminded that all registers were required to be published on the District Council's website.

Whilst noting that the current position was encouraging and represented a marked improvement on the level of returns reported previously, the Committee still was concerned that one Council had yet to adopt a Code of Conduct and that four had not yet published a register of Disclosable Pecuniary Interests.

Although the Committee concluded that it was no longer necessary for them to visit the Parish Councils where DPIs were outstanding (Minute No. 8 refers), the Monitoring Officer was requested to alert the Council's concerned that unless the position was rectified, it was his intention to draw their failure to comply with that part of the Localism Act relating to standards to the attention of the External Auditor before closing the 2013/2014 accounts.

18. UPDATE ON CODE OF CONDUCT COMPLAINTS

Since publication of the Committee's bulletin in September, the Monitoring Officer reported that he had, after consultation with the Independent Persons, decided that no further action was appropriate in three cases of five received alleging misconduct on the part of District or Parish Councillors. He added that one case had been resolved by agreement between the parties concerned and that one still remained outstanding pending the receipt of further information.

19. TRAINING UPDATE

The Committee was pleased to note, following their suggestion at the last meeting, that since Town and Parish Councils had been reminded of the opportunity that existed for the Monitoring Officer to attend local Council meetings to give training on the Code of Conduct, the Monitoring Officer had hosted four sessions over the Autumn at Needingworth, Hilton, Old Weston and Woodhurst. In addition to the host parishes, sessions had attracted 45 Councillors and Clerks from Alconbury, Bluntisham, Earith, Hemingford Grey and Pidley-cum-Fenton. The Committee also noted that preliminary arrangements had been made for a session at Perry Parish Council in January and that all sessions to-date had been well received.

Members also acknowledged the opportunity that they and the Independent Persons had been given to participate in joint training on the Code of Conduct, pre-determination and bias held in conjunction with South Cambridgeshire District Council.

20. DATE OF NEXT MEETING

It was noted that the next meeting of the Committee was scheduled to take place on Thursday 6th March 2014 at 4pm in the Civic Suite, Pathfinder House.

Chairman