

A meeting of the **STANDARDS (HEARINGS) SUB-COMMITTEE** will be held in **CIVIC SUITE 0.1B, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **TUESDAY, 28 NOVEMBER 2017** at **9:30 AM** and you are requested to attend for the transaction of the following business:-

**Contact
(01480)**

1. ELECTION OF CHAIRMAN

To elect a Chairman for the meeting.

2. MEMBERS INTERESTS

To receive from Members declarations as to disclosable pecuniary and other interests in relation to any Agenda Item.

3. PROCEDURE FOR LOCAL HEARINGS (Pages 5 - 6)

To note the Procedure for the Hearing.

Monitoring Officer.

4. EXCLUSION OF THE PRESS AND PUBLIC

To resolve –

that the press and public be excluded from the meeting because the business to be transacted contains exempt information relating to individuals and information that is likely to reveal the identity of an individual.

5. ALLEGATION OF BREACHES OF THE MEMBER CODE OF CONDUCT (Pages 7 - 76)

To conduct a Hearing following an investigation into an allegation that a Member of Huntingdon Town Council may have breached the Council's Code of Conduct for Members.

A copy of the Investigating Officer's Report is attached.

Dated this 20th day of November 2017



Head of Paid Service

Notes

1. Disclosable Pecuniary Interests

- (1) *Members are required to declare any disclosable pecuniary interests and unless you have obtained dispensation, cannot discuss or vote on the matter at the meeting and must also leave the room whilst the matter is being debated or voted on.*
- (2) *A Member has a disclosable pecuniary interest if it -*
 - (a) *relates to you, or*
 - (b) *is an interest of -*
 - (i) *your spouse or civil partner; or*
 - (ii) *a person with whom you are living as husband and wife; or*
 - (iii) *a person with whom you are living as if you were civil partners*

and you are aware that the other person has the interest.
- (3) *Disclosable pecuniary interests includes -*
 - (a) *any employment or profession carried out for profit or gain;*
 - (b) *any financial benefit received by the Member in respect of expenses incurred carrying out his or her duties as a Member (except from the Council);*
 - (c) *any current contracts with the Council;*
 - (d) *any beneficial interest in land/property within the Council's area;*
 - (e) *any licence for a month or longer to occupy land in the Council's area;*
 - (f) *any tenancy where the Council is landlord and the Member (or person in (2)(b) above) has a beneficial interest; or*
 - (g) *a beneficial interest (above the specified level) in the shares of any body which has a place of business or land in the Council's area.*

Non-Statutory Disclosable Interests

- (4) *If a Member has a non-statutory disclosable interest then you are required to declare that interest, but may remain to discuss and vote providing you do not breach the overall Nolan principles.*
- (5) *A Member has a non-statutory disclosable interest where -*
 - (a) *a decision in relation to the business being considered might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the council tax payers, rate payers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority's administrative area, or*
 - (b) *it relates to or is likely to affect a disclosable pecuniary interest, but in respect of a member of your family (other than specified in (2)(b) above) or a person with whom you have a close association, or*
 - (c) *it relates to or is likely to affect any body –*
 - (i) *exercising functions of a public nature; or*
 - (ii) *directed to charitable purposes; or*
 - (iii) *one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union) of which you are a Member or in a position of control or management.*

and that interest is not a disclosable pecuniary interest.

2. Filming, Photography and Recording at Council Meetings

The District Council supports the principles of openness and transparency in its decision making and permits filming, recording and the taking of photographs at its meetings that are open to the public. It also welcomes the use of social networking and micro-blogging websites (such as Twitter and Facebook) to communicate with people about what is

happening at meetings. Arrangements for these activities should operate in accordance with guidelines agreed by the Council and available via the following link [filming, photography and recording at council meetings.pdf](#) or on request from the Democratic Services Team. The Council understands that some members of the public attending its meetings may not wish to be filmed. The Chairman of the meeting will facilitate this preference by ensuring that any such request not to be recorded is respected.

Please contact Democratic Services Team, Tel : 01480 388169 / email: Democratic.Services@huntingdonshire.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 Committee/Panel.

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 Elections & 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.

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Standards (Hearings) Sub-Committee Procedure – Tuesday 28 November 2017

1. The Sub-Committee will hear the Investigating Officers report, call such witnesses as necessary and make representations to substantiate the conclusion that the Member has failed to comply with the Code of Conduct.
2. Relevant questions may be asked of the Investigating Officer by the :
 - (i) Complainant
 - (ii) The Member
 - (iii) Sub- Committee
3. The Complainant will then have the opportunity to present his case, including any witnesses.
4. Relevant questions may be asked of the complainant and any witnesses by:
 - (i) Investigating Officer
 - (ii) The Member
 - (iii) Sub- Committee
5. The Member will then have the opportunity to present his case, call such witnesses as necessary and make representations to the Sub-Committee as to why he considers that he did not fail to comply with the Code of Conduct.
6. Relevant questions may be asked of the Member and any witnesses by:
 - (i) Investigating Officer
 - (ii) Complainant and any witnesses
 - (iii) Sub- Committee
7. A summary of their respective cases may then be presented by:
 - (i) The Investigating Officer
 - (ii) Complainant
 - (iii) The Member
8. The Independent Person will then provide their view.
9. The Sub-Committee will then determine their findings.
10. On resumption the Chairman will announce the outcome.

DECISION OF THE SUB-COMMITTEE

If the Hearings Panel, with the benefit of any advice from the Independent Person, concludes that the Member did not fail to comply with the Code of Conduct, they will dismiss the complaint.

If the Sub-Committee concludes that the Member did fail to comply with the Code of Conduct, the Chairman will inform the Member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee should take as a result of the Member's failure to comply with the Code of Conduct.

Where the Sub-Committee find that a Member has failed to comply with the Code of Conduct it may -

- (a) censure or reprimand the Member;
- (b) publish its findings in respect of the Member's conduct;
- (c) report its findings to Council [or to the parish council] for information;
- (d) recommend to the Member's Group Leader (or in the case of un-grouped Members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (e) in the case of an Executive Member, recommend to the Executive Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) the case of the Executive Leader recommend to Council that the Member be replaced as Executive Leader;
- (g) instruct the Monitoring Officer to [or recommend that the parish council] arrange training for the Member;
- (h) remove [or recommend to the parish council] that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the Council;
- (i) withdraw [or recommend to the parish council that it withdraws] facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access; or
- (j) exclude [or recommend that the parish council exclude] the Member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Sub-Committee has no power to suspend or disqualify the Member or to withdraw Members' or Special Responsibility Allowances.

Agenda Item 5

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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