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A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 25 JUNE 2003** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

APOLOGIES

1. ELECTION OF CHAIRMAN

To elect a Chairman of the Committee.

2. MINUTES (Pages 1 - 6)

To approve as a correct record the Minutes of the meeting held on 26th March 2003.

3. APPOINTMENT OF VICE-CHAIRMAN

To appoint a Vice-Chairman of the Committee.

4. APPOINTMENT OF INDEPENDENT MEMBERS AND TOWN AND PARISH COUNCIL REPRESENTATIVES

To note the appointment by Council of Messrs D H Bristow, D L Hall and D Pattison as Independent Members to the Standards Committee.

The Council also have invited the Cambridgeshire Association of Local Councils to nominate two representatives, to serve on the Standards Committee for the ensuing Municipal Year. Confirmation of the names of the representatives is awaited.

5. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATION) REGULATIONS 2003 (Pages 7 - 10)

To consider a report by the Executive Director of Central Services and Monitoring Officer on the recent publication of regulations on the procedures to be followed by the Committee when considering allegations of misconduct.

6. ALLEGATION OF MISCONDUCT (Pages 11 - 12)

To consider a report by the Executive Director of Central Services and Monitoring Officer regarding the receipt, by the Standards Board for England, of an allegation of misconduct against a Member of a local Council in the District.

7. APPLICATIONS FOR DISPENSATIONS (Pages 13 - 16)

To consider a report by the Executive Director of Central Services and Monitoring Officer on applications received for dispensations from three town and parish councils.

8. EXCLUSION OF PRESS AND PUBLIC

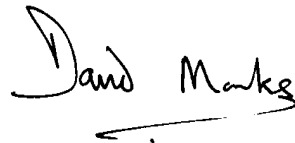
To resolve:

that the public be excluded from the meeting in accordance with Section 100A(4) of the Local Government Act 1972 because the business to be transacted relates to the recipient of a service provided by the Council and that persons financial affairs.

9. HOUSING BENEFIT COMPLAINT: AWARD OF COMPENSATION (Pages 17 - 18)

To consider a report by the Head of Revenues Services regarding the payment of compensation under the Council's complaints system.

Dated this 17th day of June 2003

A handwritten signature in black ink that reads "David Marks". The signature is written in a cursive style with a long horizontal stroke at the end.

Chief Executive

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007 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.

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 Item 2

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 26 March 2003.

PRESENT: Councillor P J Brant - Chairman
Councillors Mrs D E Crossman, J D Fell, C W Looker, Mrs P Newbon and J Taylor.

IN ATTENDANCE: Councillors M G Baker, P J Downes, D A Giles, D P Holley, Mrs J Meiklejohn and D Patisson.

21. MINUTES

The Minutes of the meeting of the Committee held on 18th December 2002 were approved as a correct record and signed by the Chairman.

22. REVIEW OF COUNCIL CONSTITUTION

In response to a request by the Council at their meeting held on 24th April 2002 and by reference to a report by the Head of Administration (a copy of which is appended in the Minute Book) the Committee reviewed the operation and content of the Constitution. In conjunction with the review, the Committee also considered Motions relating to the appointment of substitute Members to Committees, Panels and Advisory Groups, procedures for a recorded vote and questions to Council which had been referred to them by the Council at their meeting held on 11th December 2002. (The text of the original Motions is contained in Appendix A to the report now submitted). Proposed amendments to the Code of Financial Management resulting from recent publication of the Accounts and Audit Regulations 2003 were circulated at the meeting (a copy of the amendments also are appended in the Minute Book).

The Committee were advised that the Cabinet and all Panels had been offered the opportunity to comment collectively on those aspects of the Constitution which affected their terms of reference, that Members also had been invited to submit comments individually and that Chief Officers and Heads of Service similarly had been requested to highlight issues which had arisen based on practical experience of the operation of the Constitution since its implementation with effect from 15th May 2002.

As movers of the original Motions, Councillors D A Giles, P J Downes and J Taylor were invited to address the Committee in support of their Motions. The Leader of the Council, Councillor D P Holley and the Leader of the Opposition, Councillor M G Baker were invited to contribute to the debate. In their consideration of Councillor Downes' Motion, the Committee requested clarification of the procedure whereby Members could ask questions of a Portfolio holder or

Chairman of a Panel or Committee on a report by an Officer on subject matter which might appear on the Council Agenda. As it was established that there was no current provision in the Constitution for addressing that issue, the Executive Director of Central Services undertook to draft an appropriate clause for consideration by the Council. Following detailed discussion on the Motions submitted and the changes proposed to the Constitution and having noted that a series of minor textual changes had been made to correct typographical errors and to update the text, the Committee

RECOMMENDED

- (a) that the Motion concerning Rule 14.4 of the Council Procedure Rules relating to “recorded votes” as submitted by Councillor D A Giles be not supported;
- (b) that, subject to the inclusion of an additional paragraph relating to oral questions without notice, the Motion concerning Rule 8 relating to “Questions by Members” submitted by Councillor P J Downes be supported and a proposed procedure drafted for approval by full Council and incorporation within the Council’s Constitution;
- (c) that the Motion concerning the “appointment of substitute Members to Committees, Panels and Advisory Groups” as submitted by Councillor J Taylor be not supported;
- (d) that the Membership of the Standards Committee be varied to comprise three Independent Members and two Members representing the interests of town and parish Councils;
- (e) that the Employment Panel be charged with responsibility for matters associated with an Officers’ Code of Conduct and the functions of the Standards Committee and Employment Panel varied accordingly;
- (f) that an Elections Panel comprising seven Members be established to consider, determine and to report directly to the Council on all functions relating to elections contained in the Functions and Responsibilities Regulations, other than the appointment of the Electoral Registration Officer and Returning Officer;
- (g) that, with regard to the Access to Information Procedure Rules, Rule 20 be re-titled as DECISIONS BY INDIVIDUAL MEMBERS OF THE CABINET “AND OFFICERS” and Rule 20.1 amended as follows:-

“an individual Member of the Cabinet shall not make a decision and an Officer shall not make a key decision until he/she has taken into account a written report and he/she will not make the decision until at least five clear days

after receipt of that report”;

- (h) that the revised Codes of Financial Management and Procurement be adopted as set out in Annexes D and E of the report now submitted;
- (i) that, with regard to the Overview and Scrutiny Procedure Rules –
 - ◆ the scope of the two Overview and Scrutiny Panels be retained unchanged unless there are significant variations to the Portfolio areas of responsibilities;
 - ◆ the Rules be amended to authorise the Chairman of a Panel or the Vice Chairman (in his absence) to request the attendance of a Member/Senior Officer at meetings of the Panel;
 - ◆ the period for convening a meeting after call-in and for the implementation of any decision following call-in be increased from 7 to 10 days;
 - ◆ the relevant Portfolio holder(s) and Senior Officer(s) be required to attend a meeting subsequently convened following a call-in unless otherwise directed by the Chairman of the Panel (or the Vice Chairman in his absence);
 - ◆ Members of the relevant Overview and Scrutiny Panel be permitted to call in executive decisions by the Cabinet and key decisions by Officers with any call in restricted to three Members of that Panel only;
 - ◆ a Member who has a qualifying prejudicial interest under the Members Code of Conduct be precluded from exercising a right to call-in that item for scrutiny;
- (j) that paragraph D of the Officer Employment Procedure Rules be amended to provide for appeals against dismissal or disciplinary action to be heard by a Panel of Officers and a representative of the Employees Side; and
- (k) that the Council be recommended to authorise the Executive Director of Central Services to vary the Constitution accordingly with a view to implementation with effect from 14th May, 2003.

23. APPOINTMENT OF INDEPENDENT MEMBERS

By way of a report by the Democratic Services Manager (a copy of which is appended in the Minute Book) and in the light of the requirements of the Relevant Authorities (Standards Committee) Regulations 2001, Members considered progress made in the

process for appointing Independent persons to serve on the Committee with effect from commencement of the Municipal Year 2003/04.

The Committee noted that following advertisement, six applications had been returned from individuals wishing to be considered for the position of Independent Member. Mindful of their recommendation to the Council regarding the future composition of the Committee and in order to further progress the selection process, it was

RECOMMENDED

that a Members' Panel comprising the Chairman of the Committee, Councillor C W Looker and one other Member to be nominated by the Majority Group be appointed to recommend to Council candidates for appointment as Independent Members of the Standards Committee for the Municipal Year commencing 14th May 2003.

24. APPLICATIONS FOR DISPENSATIONS

By way of a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee were apprised of applications received from Buckden and the Stukeleys Parish Councils and St Ives Town Council requesting the Committee to grant dispensations to allow Members of those Councils to discuss and vote on matters relating to particular circumstances in their parishes.

Having been acquainted with the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and been satisfied that approval was required to prevent the transaction of town/parish Council from being impeded, the Committee

RESOLVED

that dispensations to speak and vote on matters relating to specific community premises in their parishes be granted to the following town/parish councils for the periods specified –

The Stukeleys Parish Council – to 30th April 2006;

St Ives Town Council – to 30th April 2004; and

Buckden Parish Council – to 30th April 2006.

25. ALLEGATIONS OF MISCONDUCT

The Committee received and noted a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding the outcome of investigations by the Standards Board for England into allegations of misconduct against ten Huntingdon Town Councillors.

Members were informed that the Board had established that there was no evidence of failure to comply with the Code of Conduct under

Section 59(4)(a) of the Local Government Act 2000 by nine of the ten town councillors against whom allegations had been made. However, with regard to the remaining case and whilst concluding that the town councillor concerned had both a personal and prejudicial interest which should have been declared, the Board found, in the light of several mitigating factors, that no further action needed to be taken with regard to the complaint. The Committee acknowledged that a summary of findings in all ten cases was available to read on the website of the Standards Board for England.

26. STANDARDS - CURRENT ISSUES

A report by the Democratic Services Manager was submitted (a copy of which is appended in the Minute Book) regarding progress on the introduction of Section 66 Regulations and information on the second Annual Assembly of Standards Committees to be held in Birmingham on 9th and 10th June, 2003.

Members noted that following delays to the publication of the Regulations, the Government had decided to incorporate within the draft Local Government Bill 2003 provision for local authorities to play a more active role in dealing with cases of misconduct. These changes resulted from consultation on the proposed regulatory framework to which the Committee had contributed. Members noted that further Regulations to offer guidance on the proposed regime would be required but that the programme for the production of these currently continued to be unclear.

Having noted that the Second Annual Assembly of Standards Committee would offer the opportunity for Members to discuss issues such as the Code of Conduct, Section 66 Regulations and confidence in local democracy, it was

RESOLVED

that the Chairman, Councillor C W Looker, a town and parish Council representative and one Independent Member be authorised to attend the Second Annual Assembly of Standards Committees Conference to be held in Birmingham between 9th – 10th June 2003.

27. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting in accordance with Section 100A(4) of the Local Government Act 1972 because the business to be transacted relates to the recipient of a service provided by the Council and that persons financial affairs.

28. LOCAL SETTLEMENT OF OMBUDSMAN INQUIRY

In accordance with the Council's Scheme of Delegation, the Committee received and noted a report by the Head of Administration (a copy of which is appended in the Minute Book) detailing action taken in the interests of achieving a local settlement of a complaint

referred to the Local Ombudsman.

Chairman

STANDARDS COMMITTEE

25TH JUNE 2003

**LOCAL AUTHORITIES (CODE OF CONDUCT)
LOCAL DETERMINATION REGULATIONS 2003
(Report by the Democratic Services Manager)**

1. INTRODUCTION

- 1.1 Members may recall that, at their meeting in June 2002 (Minute No. 02/6 refers) the Committee responded to a Government consultation paper relating to local investigations and determination of misconduct allegations. The paper suggested that the Standards Board should continue to be the initial recipient of all allegations of breaches of the code of conduct to ensure consistency but that, where appropriate some complaints might be referred to local Standards Committees for investigation, report and determination.
- 1.2 Section 66 of the Local Government Act 2000 provides for the Secretary of State to make Regulations to assist authorities in implementing these proposals and principally to advise Monitoring Officers when dealing with matters referred to them by Ethical Standards Officers (ESO) at the Standards Board.
- 1.3 The Government has now made Regulations on the procedures to be followed by Standards Committees when considering allegations of misconduct. In addition, amendments to the Local Government Act 2000 have been proposed and are included in the Local Government Bill currently before Parliament. If those amendments are passed, further Regulations are likely to provide for the local conduct of investigations by Monitoring Officers or others acting on their behalf. It is anticipated that these Regulations will be published in the Autumn.

2. BACKGROUND

- 2.1 The Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 subsequently were made on 5th June 2003 and will come into force on 30th June 2003. The Regulations reflect the contributions made by over 1,000 respondees during consultation and are published in three parts. Part One - makes general provision regarding commencement and application, Part Two – makes provision in respect of consideration by Standards Committees of matters referred by Ethical Standards Officers (ESO); and Part Three – makes provision generally regarding appeals. Essentially, it is Parts II and III which contain the main thrust of the Regulations and these are briefly described in Sections 3 and 4 below. A copy of the Regulations are available on request.

3. PART II – CONSIDERATION BY STANDARDS COMMITTEES

- 3.1 Where a matter is referred to the Monitoring Officer he is required to send a copy of the report received from the ESO to the Member who is the subject of the report and arrange for the Standards Committee to meet to consider the case.

3.2 Hearings

The Standards Committee -

- ◆ will be required to meet to conduct a hearing in relation to allegations of failure to comply with an authority's Code of Conduct within three months of the receipt of a written report from the ESO (but not until 14 days after the date on which the Monitoring Officer has sent a copy of the report to the Member who is to be the subject of the hearing unless that Member agrees to the hearing being held earlier);
- ◆ will be required to conduct a hearing in accordance with guidance to be issued by the Standards Board;
- ◆ must offer the Member, who is the subject of the report, the opportunity to present evidence in support of his/her case and to make representations either orally or in writing either personally or with prior permission of the Committee through any representative ie. Counsel, solicitor or a friend;
- ◆ will be required to make appropriate arrangements for the attendance of witnesses;
- ◆ may consider an allegation and make a determination in the absence of a Member or adjourn a hearing to an alternative date in the event that the Member concerned fails to attend.

3.3 Following a hearing, the Standards Committee is required to make one of the following findings –

- (a) that there had been no failure on the part of the Member who was the subject of the hearing to comply with the Code of Conduct;
- (b) that there had been a failure to comply with the Code but that no action was required; or
- (c) that there had been a failure to comply with the code of conduct and that a sanction should be imposed.

3.4 If the finding concerned a person who was no longer a Member of the authority the Committee could censure that person.

3.5 Where the Committee makes a finding against a Member the following sanctions or combination of sanctions can be imposed to take effect immediately after its imposition by the Committee or to commence on a date within six months of the decision –

- (i) censure of that Member;
- (ii) restriction for a maximum period of three months of that Member's access to the premises of the authority and his/her use of the resources of the authority provided that such restrictions –
 - ◆ are reasonable and proportionate to the nature of the breach; and
 - ◆ do not unduly restrict the Member's ability to perform his/her functions and duties as a Member;

- (iii) partial suspension of that Member for a maximum period of three months;
- (iv) partial suspension of that Member for a maximum period of three months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee;
- (v) suspension of that Member for a maximum period of three months; or
- (vi) suspension of that Member for a maximum period of three months or until such time as he/she submits a written apology or undertakes any training or conciliation specified by the Standards Committee.

3.6 Notification of Findings

As soon as reasonably practicable a Standards Committee must give written notice of a finding and the reasons for it to the Member concerned, the ESO, any relevant parish council, and the person who made the allegation which gave rise to the investigation. A summary of the finding is to be published in one or more newspapers circulating in the area of the authority concerned. The Regulations prescribe the form and content of the notice to be sent to the Member.

4. PART III – APPEALS

- 4.1 Part III of the Regulations makes provision generally regarding arrangements for seeking permission to appeal from the President of the Adjudication Panel a body established under Part III of the Local Government Act 2000 and if such permission is granted the conduct of the appeal and matters relating to the composition of the appeal tribunal and notification and publication of its decision.

5. CONCLUSION

- 5.1 The Committee is invited to note the publication and broad content of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 and the anticipated emergence of guidance from the Standards Board for England to support the Committee in the application of the Regulations in practice.

BACKGROUND PAPERS

The Local Authorities (Code of Conduct) Local Determination Regulations 2003.

**Contact Officer: Christine Deller, Democratic Services Manager –
Tel: 388007.**

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STANDARDS COMMITTEE

25TH JUNE 2003

**ALLEGATIONS OF MISCONDUCT
(Report by the Executive Director of Central Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 The purpose of this report is to inform the Committee of the action taken by the Standards Board for England in response to a complaint of misconduct against a Member of St. Ives Town Council.

2. DETAILS OF CASE

- 2.1 In accordance with the procedure adopted by the Standards Board for the investigation of allegations, the Monitoring Officer has been notified that a Councillor serving on St. Ives Town Council has been accused of bringing that Council into disrepute. The complainant alleged that the Councillor (in his personal capacity) had posted anti-semitic comments/opinions on a website message board.
- 2.2 On 7th May 2003, the Standards Board considered this allegation and decided not to refer the case to an Ethical Standards Officer for investigation.
- 2.3 The Board concluded that based on the information provided by the complainant that there was insufficient detail to substantiate the allegation and that there was no connection between the conduct in question and it bringing the Council into disrepute. As there was no individual misconduct on the part of the Member, the Board has decided not to take any further action in relation to the case.

3. CONCLUSION

- 3.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to an allegation of misconduct against a Councillor serving on St. Ives Town Council.

BACKGROUND PAPERS

Letter received from the Standards Board for England dated 12th May 2003.

**Contact Officer: Christine Deller, Democratic Services Manager –
Tel: 388007.**

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STANDARDS COMMITTEE

25TH JUNE 2003

**APPLICATIONS FOR DISPENSATIONS
(Report by the Executive Director of Central Services
and Monitoring Officer)**

1. INTRODUCTION

- 1.1 Three applications have been received from town and parish councils in Huntingdonshire requesting the Standards Committee to grant dispensations to enable their Councillors to speak or vote on matters relating to specific community premises in their parishes.

2. BACKGROUND

- 2.1 To assist Members – the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councils are prescribed in the Relevant Authorities (Standards Committee Dispensations) Regulations 2002. These are restricted to cases where the transaction of business of the authority would, otherwise be impeded because –

- (i) the number of Members of the authority that are prohibited from participating exceeds 50% of those Members that are entitled or required to so participate; or
- (ii) the authority is not able to comply with any duty which applies to it under Section 15 (4) of the Local Government and Housing Act 1989.

- 2.2 The reference in the foregoing paragraph to the duty under the 1989 Act relates to the requirement for principal Councils, ie. not town/parish councils, to allocate seats on Committees, etc. proportionately according to the representation of political groups in full Council.

- 2.3 Having regard to the circumstances of an application, Standards Committees are required to consider whether it is appropriate to grant dispensations and their extent, ie. whether it is appropriate that the dispensations allow the Members to either speak and not vote or to fully participate and vote or to fully participate and vote. The dispensations cannot apply for a period longer than four years.

- 2.4 Where dispensations are granted, Standards Committees must ensure that their nature and duration are recorded.

3. APPLICATIONS RECEIVED

- 3.1 The Committee has previously granted dispensations to allow the sixteen Members of Huntingdon Town Council to discuss and vote on matters relating to Huntingdon Commemoration Hall Charity. Dispensations cannot apply for a period longer than 4 years and usually are granted to coincide with the terms of office of the Councillors concerned. At the meeting of the Committee held on 18th

December 2002, dispensation was granted to Huntingdon Town Councillors for the period ending 30th April 2003 after which time an application for newly elected Town Councillors was to be submitted. This application is the one now being considered by the Committee. However the Town Clerk has requested that dispensations be granted to enable the sixteen Town Councillors, who act as trustees, to speak at meetings of the Town Council or at any of its Committees/Sub-Committees on matters relating to both facilities at the Commemoration Hall and the King George V Playing Fields.

- 3.2 As Members of Great Gransden Parish Council, nine Parish Councillors have declared prejudicial interests in respect of their positions as Trustees to Charities known as the Great Gransden Reading Room and Great Gransden Public Recreation Ground. Financial matters relating to these two charities are discussed at Parish Council meetings from time to time and to enable the business to continue to be conducted, the Parish Council have requested that dispensation be granted to the Members for this purpose.
- 3.3 The Chairman and Vice-Chairman of Grafham Parish Council serve on the Grafham Village Hall Management Committee as part of the Trust Agreement set up to manage the village hall. Currently there are six Members on the Parish Council and one vacancy. The Parish Council has applied for dispensation to allow their Chairman and Vice-Chairman to speak and vote on matters relating to the Village Hall should they arise at meetings of the Parish Council because of the likelihood that their meetings could become inquorate with the Chairman and Vice-Chairman, having declared their prejudicial interest, required to leave the meetings.

4. CONCLUSION

- 4.1 In each of the circumstances described, dispensations are required to prevent the transaction of Parish/Town Council business from being impeded.
- 4.2 That part of the Relevant Authorities (Standards Committee) Dispensation Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 4.3 Should the Committee look favourably on these applications, it is suggested that consideration should be given to granting dispensations to speak and to vote for the periods specified –

Huntingdon Town Council – to 30th April 2007;
Great Gransden Parish Council – to 30th April 2007; and
Grafham Parish Council – to 30th April 2007; -

after which time applications for the newly elected Councillors would need to be submitted.

BACKGROUND PAPERS

The Parish Council's (Model Code of Conduct) Order 2001.

The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002.

Letters received from the Town Clerk to Huntingdon Town Council and Parish Clerks to Great Gransden and Grafham Parish Councils.

**Contact Officer: Christine Deller, Democratic Services Manager –
Tel: 388007.**

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Agenda Item 9

By virtue of paragraph(s) 4 and 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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