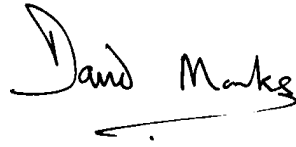


A meeting of the **STANDARDS COMMITTEE** will be held in **MEETING ROOM 1, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 17 DECEMBER 2003** at **4:00 PM** and you are requested to attend for the transaction of the following business:-

- | | Contact
(01480) |
|---|-----------------------------|
| <p>1. MINUTES (Pages 1 - 4)</p> <p>To approve as a correct record the Minutes of the meeting held on 10th September 2003.</p> | C Deller
388007 |
| <p>2. ANTI-FRAUD AND CORRUPTION STRATEGY (Pages 5 - 8)</p> <p>To consider the adoption of an Anti-Fraud and Corruption Strategy. A report by the Audit Manager is enclosed.</p> | D Harwood
388115 |
| <p>3. WHISTLEBLOWING - POLICY AND PROCEDURE (Pages 9 - 10)</p> <p>To consider a report by the Audit Manager regarding the annual review of the whistleblowing policy and procedure.</p> | D Harwood
388115 |
| <p>4. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATIONS) REGULATIONS 2003 (Pages 11 - 16)</p> <p>Further to Minute No. 12, to consider a draft procedure for the local investigation and determination of allegations against Councillors. A report by the Executive Director of Central Services and Monitoring Officer is attached.</p> | C Deller
388007 |
| <p>5. MODEL CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS (Pages 17 - 18)</p> <p>To consider a report by the Executive Director of Central Services following notification from the Standards Board for England of decisions made in respect of allegations against Councillors serving on Southoe and Midloe Parish Council and nine District Councillors serving on the Development Control Panel.</p> | C Deller
388007 |
| <p>6. APPLICATION FOR DISPENSATIONS (Pages 19 - 22)</p> <p>To consider a report by the Executive Director of Central Services and Monitoring Officer on an application received for dispensations from Huntingdon Town Council.</p> | C Deller
388007 |

Dated this 9th day of December 2003

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

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.

Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held at Meeting Room 1, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 10 September 2003

PRESENT: Councillor P J Brant - Chairman

Councillors Mrs B E Boddington, J A P Eddy, J D Fell, A Hansard, C W Looker and J Taylor.

Messrs D L Hall, D H Bristow and D MacPherson.

APOLOGIES: Apologies for absence from the meeting were presented on behalf of Messrs D Pattisson and G Watkins

10. MINUTES

The Minutes of the meeting of the Committee held on 25th June 2003 were approved as a correct record and signed by the Chairman.

11. CODES AND PROTOCOLS

By way of a report by the Head of Administration (a copy of which is appended in the Minute Book) the Committee were acquainted with background to the preparation of a series of codes and protocols in accordance with identified best practice in local government and specifically considered the content of a Planning Code of Good Practice and Protocols for Community Leadership by Members and on Member/Employee Relations.

In the light of the views expressed by the Development Control and Employment Panels in terms of the terminology used in parts of the draft Members' Planning Code of Good Practice and in relation to the question of employees' attendance at meetings of party political groups which was referred to in the Protocol on Member/Employee Relations, the Committee proposed variations to the text of each code to address the concerns raised by both Panels.

With regard to the application of the Planning Code of Good Practice and having acknowledged the training received by Members on the planning process, the Committee requested that the guidance offered should incorporate advice on how to respond to lobbying on individual applications by the public and information for applicants on the role of Members serving on the Development Control Panel in terms of the expectations of the Code of Good Practice. Whereupon, it was

RESOLVED

that, subject to the inclusion of the amendments proposed, the Council be recommended to adopt the Planning Code of Good Practice, the Protocol of Member/Employee Relations and the Protocol for Community Leadership by Members for incorporation in the District Council's Constitution.

12. LOCAL AUTHORITIES (CODE OF CONDUCT) (LOCAL DETERMINATIONS) REGULATIONS 2003

Pursuant to Minute No. 5, the Committee considered a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) to which was attached a copy of a new guidance booklet entitled "Standards Committee determinations" offering advice on the Local Determination Regulations and practical information for Monitoring Officers and Standards Committees on the determination of cases referred to them by the Standards Board for England.

In noting the guidance issued by the Board, the Committee requested the Monitoring Officer to prepare, for submission to the next meeting, a detailed procedure to assist with preparations for and the conduct of hearings in anticipation of the reference of cases to the Committee for local determination. Having been advised that the conduct of investigations locally might have resource implications for the District Council and mindful of the advice of the Standards Board for England in terms of the conduct of a hearing, it was

RESOLVED

- (a) that the guidance for Monitoring Officers and Standards Committees issued by the Standards Board for England on Local Determination Regulations and the proposal to fund any additional expenditure from the contingency reserve be noted; and
- (b) that in the event of cases being referred for determination locally, one of the Independent Members be elected as Chairman of the hearing required to consider the case.

13. APPLICATION FOR DISPENSATIONS

(Councillor A Hansard declared a personal interest in the following item as a Member of St. Neots Town Council but remained in the meeting and participated in the discussion and voting thereon).

A report by the Executive Director of Central Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding an application received from St. Neots Town Council for dispensation to enable Town Councillors to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and Ackerman Street Playing Field, (both registered as charitable trusts) to which they were appointed ex-officio as Trustees. The application also referred to the membership of two Town Councillors of the Management Committee of the Jubilee Hall, Eaton Socon, another

charitable trust. The Committee also had been requested to consider varying a previous decision which had granted dispensation to St. Ives Town Councillors to speak and vote on matters relating to the Norris Library and Museum Charity for the period ending 30th April 2004 as a consequence of the Government's decision to hold the local government elections in 2004 on 10th June.

Arising from their consideration of the application from St. Neots Town Council, the Committee questioned whether it was prudent for all Members of a local Council to act as trustees to a community facility on the basis that it might be in the better interests of the parish if other individuals unrelated to the local council were invited to act as trustees. While recognising this was a constitutional issue for local Councils to address, the Committee requested that representations be made to the Charity Commission, the relevant Government Office and the Local Government Association in this respect.

Members were reminded of the provisions of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and having been advised that business relating to the Management Committee for the Jubilee Hall, Eaton Socon would not be impeded because over 50% of the Members of St. Neots Town Council still would be entitled to participate in the meeting, the Committee

RESOLVED

- (a) that dispensation be not granted to St. Neots Town Councillors in respect of matters relating to the Jubilee Hall Management Committee;
- (b) that dispensation to speak and vote on matters relating to St. Neots Outdoor Swimming Pool and the Ackerman Street Playing Field, Eaton Socon be granted to St. Neots Town Councillors for the period ending 30th April 2007; and
- (c) that the period over which the dispensations granted to St. Ives Town Councillors to enable them to speak and vote on matters relating to the Norris Library and Museum be extended from 30th April to 4th June 2004.

14. PARISH COUNCIL'S CODE OF CONDUCT

(Mr D MacPherson declared a personal interest in the following item in view of his knowledge of the Parish Councillor concerned via their service on the Cambridgeshire Association of Local Councils but remained in the meeting for the duration of discussion thereon).

By reference to a report by the Executive Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) the Committee noted that the Standards Board for England had agreed not to take any further action in relation to a breach of the Parish Council's Code of Conduct by a Councillor serving on Catworth Parish Council.

15. THE CODE IN PRACTICE

The Committee viewed a video produced by the Standards Board for England which offered advice on the interpretation of the Model Code of Conduct. Members noted that the video would be used as a training aid when further advice sessions for town and parish councils were arranged.

Chairman

ANTI FRAUD & CORRUPTION STRATEGY (Report by the Audit Manager)

1. INTRODUCTION

- 1.1 The Council has in place a number of policies and procedures that deal with the treatment of reported or discovered fraud and corruption. It does not however have in place a strategy document that details its overall approach towards the tackling of fraud, corruption and theft. This report introduces such a strategy.

2. THE STRATEGY

- 2.1 Attached at Appendix A is a proposed Anti-Fraud and Corruption Strategy document.
- 2.2 The Strategy, which will be an accessible public document, contains:
- a statement that sets out the Council's attitude and commitment towards preventing fraud, corruption and theft.
 - details of the policies and procedures in place for tackling fraud, corruption and theft and how they will be used
 - information regarding the publicity of the Strategy
 - the process to be followed for reviewing the Strategy

3. CONCLUSION

- 3.1 The Council is already committed towards reducing fraud, corruption and theft. The Strategy document explains how that commitment will be transferred into positive actions.

4. RECOMMENDATIONS

- 4.1 The Employment Liaison Advisory Group, Employment Panel and Standards Committee are recommended to forward any comments on the draft strategy to the Cabinet for consideration; and
- 4.2 The Cabinet are recommended to
- a) approve the Anti-Fraud and Corruption Strategy, having regard to any comments forthcoming from the consultation referred to in paragraph 4.1; and
 - b) request that action is taken to publicise the Strategy both internally and externally.

BACKGROUND INFORMATION

The Council's Codes of Conduct for Members & Employees
The Council's Whistleblowing Policy & Procedure
The Council's Housing and Council Tax Benefits Anti-Fraud Strategy
The Council's Housing and Council Tax Benefit Prosecution Policy
The Council's Disciplinary Procedures

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HUNTINGDONSHIRE DISTRICT COUNCIL Anti-Fraud and Corruption Strategy

1. Introduction

- 1.1 Huntingdonshire District Council is determined that a culture of honesty, openness and accountability will always be promoted, and as such is wholly opposed to all forms of fraud, corruption or theft. The Council is committed to making sure that the risk of fraud, corruption and theft is reduced to a level that is proportionate to the resources required to achieve that reduction. The Council also recognises that all dishonest acts undermine the high standards of public service that it is aiming to achieve.
- 1.2 This Anti-Fraud and Corruption Strategy provides details of our approach to tackling fraud, corruption and theft. It gathers together, under the heading of one overall document, all of the Authority's policies and guidance that deal with this area.

2. Anti-Fraud and Corruption Statement

- 2.1 The Council is committed to the highest possible standards of honesty, openness and accountability. The Council will not tolerate any fraud, corruption or theft by Members, employees, consultants, contractors or service users. It will ensure that internal procedures are in place to deter and prevent the risk of fraud, corruption or theft, maintain clear and well publicised arrangements for receiving and investigating complaints and pursue prosecution where instances of fraud, corruption and theft are found.

3 The Principles of Conduct

- 3.1 Each individual Member and employee is responsible for playing a part in ensuring that public confidence in the services provided by the Council is maintained. They will lead by example in ensuring compliance with all legal requirements, rules, procedures and practices, and conduct themselves in accordance with both the spirit and letter of their respective Codes of Conduct.

4. Reducing the risk of fraud, corruption and theft

- 4.1 The Council has a number of procedures and rules to make sure that financial, administrative and organisational procedures are properly controlled. The most important of these procedures and rules are the:
- Code of Financial Management
 - Code of Procurement
 - Code of Conduct for Members
 - Code of Conduct for Employees
- 4.2 The Code of Financial Management makes clear that it is the responsibility of each Director and Head of Service to ensure that the services they manage are well controlled and that suitable levels of internal check are included in all working procedures, particularly financial procedures, to allow for the early detection of fraud, corruption and theft. All systems shall contain efficient, effective and well-documented controls.

5. Disclosure, investigation and prosecution policies

- 5.1 The Anti-Fraud and Corruption Strategy shall be supported by specific policies or procedures that deal with the issues of disclosure, investigation and prosecution. These policies and procedures are:

- The Whistle-blowing Policy
- The Whistle-blowing Procedure
- The Housing & Council Tax Benefit Anti-Fraud Strategy
- The Housing & Council Tax Benefit Prosecution Policy
- The Disciplinary Procedures

In addition to the above, detailed guidance notes have been written to assist staff who are required to undertake specific investigations.

5.2 The policies and procedures aim to ensure that the Council's commitment to the prevention of fraud, corruption and theft:

- is clearly defined
- actively encourages and promotes the prevention and detection of fraud, corruption and theft
- identifies clear reporting lines for those having knowledge or suspicion of irregularity
- establishes uniform procedures for handling allegations, ensuring consistent treatment
- ensures fair treatment for those against whom allegations are made
- encourages individuals and organisations who come into contact with the Council in the course of their business to recognise the Council's Anti-Fraud and Corruption Strategy.

5.3 Irrespective of who is involved, all matters of significant fraud and corruption identified, where its investigation is not covered by another policy or procedure, will be referred to the Police.

6. **Publicising the Strategy**

6.1 The Council will make suitable arrangements to publicise the Anti-Fraud and Corruption Strategy and supporting policies to all Members and employees.

6.2 Action will be taken to make the public and members of outside bodies aware of the Council's Anti-Fraud and Corruption Strategy.

6.3 Members and employees can obtain copies of the Codes and policies noted in this strategy from the Head of Personnel Services, the Head of Revenue Services or the Audit Manager. They are also available on the Intranet.

7. **Conclusion**

7.1 The Council is committed to tackling fraud, corruption and theft whenever it happens and any allegations received will be responded to in an effective and organised manner, following the principles and procedures within this document.

7.2 The S151 Officer and the Monitoring Officer will jointly review the Anti-Fraud and Corruption Strategy on an annual basis to ensure it remains effective. The outcome of the review will be reported to the Standards Committee who shall recommend to Cabinet any changes to the Strategy.

WHISTLEBLOWING: POLICY & PROCEDURE (Report by the Audit Manager)

1. INTRODUCTION

- 1.1 In response to the Public Interest Disclosure Act 1999 the Council adopted in February 2000, a policy and procedure which provides a framework for staff who, in good faith, make a disclosure (whistleblow) about wrong doing within the Council.

2. THE REVIEW

- 2.1 This is the third review of the policy and procedure. A report compiled following the review has been considered by both the Chief Officers Management Team and the Monitoring Officer, who have endorsed the conclusion that no changes are required to the current policy and procedure.
- 2.2 Since the last review there has been one whistleblowing allegation received.
- 2.3 A Code of Corporate Governance was adopted by the Council in September 2003. The section of the Code that refers to Standards and Conduct includes the following paragraph, 'The Council shall put in place arrangements for whistleblowing to which staff and all those contracting with the council have access'.
- 2.4 As part of the implementation of the Code the following actions have been agreed:
- Publicity is to be given to the whistleblowing policy both within and outside the Authority
 - The whistleblowing policy, procedure and electronic disclosure form are to be published on the Council's website
 - A standard whistleblowing condition shall be prepared and included in all contracts that exceed £30k.

3. CONCLUSION

- 3.1 The whistleblowing policy and procedure is part of the Council's governance and ethical framework. The annual review has concluded that the policy and procedure remain appropriate and do not need to be amended.

4. RECOMMENDATION

- 4.1 The Committee are asked to note the report and the actions to be taken from the Councils adoption of a Code of Corporate Governance.

BACKGROUND INFORMATION

Whistleblowing Policy & Procedure

Code of Corporate Governance

Contact Officer: David Harwood, Audit Manager ☎ 01480 388115

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**LOCAL AUTHORITIES (CODE OF CONDUCT)
(LOCAL DETERMINATIONS) REGULATIONS 2003
(Report by the Executive Director of Central Services and
Monitoring Officer)**

1. INTRODUCTION

- 1.1 At the meeting of the Committee on 10th September 2003 Members noted guidance issued by the Standards Board for England on the Local Determination Regulations and practical advice for Monitoring Officers and Standards Committees on the determination of cases referred to them by the Standards Board.
- 1.2 In noting the guidance issued by the Board, the Committee asked for a further report outlining a procedure to assist in preparations for and the conduct of hearings in anticipation of the reference of cases to the Committee for local determination.
- 1.3 The Committee may recall that it resolved that in the event of cases being referred for determination locally, an Independent Member should chair the hearings.

2. LOCAL DETERMINATION PROCESS

General

- 2.1 The main purpose of a Standards Committee's hearing is to decide in the light of a report by an Ethical Standards Officer from the Standards Board for England whether or not a Member has failed to follow the authority's Code of Conduct and, if so, to decide whether or not any penalty should be applied and what form any penalty should take. The Standards Committee must hold a hearing in relation to an allegation within three months of the Monitoring Officer receiving a report from the Standards Board for England. If the Standards Committee does not hear the matter within three months of receiving a report, the Committee will be failing in its legal duty and may face judicial review proceedings. The Committee cannot refer the matter back to the Standards Board for England.
- 2.2 Except in complicated cases, the Standards Committee should aim to complete a hearing at one sitting or in consecutive sittings of no more than one working day in total.
- 2.3 It is suggested that a small number of Members (three or five) should take part in a determination hearing and that the hearing be convened by the Executive Director of Central Services and Monitoring Officer. Currently, at least three Members of the Standards Committee, including at least one who is an Independent Member of the Committee, must be present at each meeting. If a case relates to a

Parish Councillor, one of the Committee Members present must be a Parish Councillor.

- 2.4 The Standards Board for England has prescribed a pre-hearing process and model documentation to support it. The process is intended to provide a consistent approach to administrative arrangements for a hearing and to
- ◆ identify whether the Member against whom the allegation has been made disagrees with any findings of fact in the ESO's report;
 - ◆ decide whether those disagreements are significant to the hearing;
 - ◆ decide whether to hear evidence about those disagreements during the hearing;
 - ◆ decide whether or not there are any parts of the hearings that should be held in private; and
 - ◆ decide whether or not any parts of the ESO's report or other documents should be withheld from the public.
- 2.5 It is suggested that the Monitoring Officer (or his representative) after consultation with the Chairman of the Committee should manage the pre-hearing process using the model documentation recommended by the Standards Board.

3. PROPOSED PROCEDURE FOR THE HEARING OF CASES

Attendance

- 3.1 The Councillor against whom an allegation has been made may arrange to be accompanied at the hearing at his/her own expense by a solicitor, counsel or friend.
- 3.2 If the Councillor is not present at the start of the hearing the Committee must decide whether to adjourn to enable the Councillor to attend, or to proceed in the absence of the Councillor. Where the Committee proceeds in the absence of the Councillor, the procedure for the meeting shall be adapted as necessary giving any representative of the Councillor who is present such rights as would otherwise be accorded to the Councillor.

Order of Business

- 3.3 The order of business at the meeting will be as follows:
- (i) Quorum: the Monitoring Officer or his/her representative must confirm that the hearing is quorate;
 - (ii) Introduction of the Committee: the Chairman must introduce the Committee, the Monitoring Officer (or his/her representative), the Investigating Officer (from the Standards Board for England), the Councillor and any representative of the Councillor;
 - (iii) Disclosures of interest: any disclosable interests will be made at this point in the proceedings;

- (iv) The Committee will receive representations from the Investigating Officer and the Councillor as to reasons why the hearing should exclude the press and public. The Committee shall determine whether to exclude the press and public (where the hearing decides that it will not exclude press and public, the Democratic Services Manager shall at this point provide copies of the agenda and reports to any members of the press and public who are present);
- (v) Presentation by the Investigating Officer of his/her report: the Investigating Officer will at this stage address only the issue of whether the Councillor has acted in breach of the Code of Conduct or local protocol. The Investigating Officer may introduce any witnesses required to substantiate any matter contained in that report which the Councillor has disputed in his/her written statement in response. Members of the Committee may question the Investigating Officer and any witnesses on their evidence. There will be no cross-examination by the Councillor, but the Councillor may request the Chairman of the meeting to direct appropriate questions to the Investigating Officer or to any witness whom he/she has introduced;
- (vi) Presentation by the Councillor: the Councillor will at this stage address only the issue of whether he/she has acted in breach of the Code of Conduct or local protocol. The Councillor may introduce witnesses required to substantiate any matter containing his/her written statement in response. Members of the Committee may question the Councillor and any witness on their evidence. There shall be no cross-examination by the Investigating Officer, but the Investigating Officer may request the Chairman of the meeting to direct appropriate questions to the Councillor or to any witness whom he/she has introduced;
- (vii) Where the Councillor seeks to dispute any matter in the Investigating Officer's report which he/she had not given notice of intention to dispute in his/her written statement in response, the Investigating Officer will draw this to the attention of the hearing. The hearing may then decide –
- ◆ not to admit such dispute but to proceed to a decision on the basis of the information contained in the Investigating Officer's report;
 - ◆ to admit the dispute, but invite the Investigating Officer to respond thereto, recalling any witness as necessary; or
 - ◆ to adjourn the meeting to enable the Investigating Officer to investigate and report on the dispute and/or to arrange for the attendance of appropriate witnesses as to the disputed information;
- (viii) At the conclusion of representations by the Councillor, the Chairman will ask the Investigating Officer whether there was any matter raised during the course of that presentation which was not raised on the Councillor's written statement in response. The Investigating Officer may then respond to any new such matter, or may request the hearing to adjourn to

enable him/her to investigate and report on that matter and/or to secure the attendance of witnesses as to the new matter;

- (ix) The Committee is required to come to a decision as to whether the Councillor acted in breach of the Code of Conduct or local protocol. Accordingly, it has to satisfy itself that it has sufficient information upon which to take that decision and Members of the Committee may question the Investigating Officer, the Councillor and any witness in order to obtain sufficient information to enable the hearing to come to a decision on this issue;
- (x) At the conclusion of the presentations of the Investigating Officer and of the Councillor and any questions from the Members of the Committee, the Members of the Committee will adjourn to another room with the Monitoring Officer or his representative where they will consider in private session whether the Member has acted in breach of the Code of Conduct or local protocol. At any stage in their consideration they may return to ask any further questions of the Investigating Officer or the Councillor or to seek legal advice;
- (xi) The Committee may at any time seek legal advice from its legal adviser. Such advice will on all occasions be given in the presence of the investigating officer and the Councillor.

The Findings

- (xii) At the conclusion of their consideration, the Committee will return and the Chairman will advise the Monitoring Officer and the Councillor of the decision as to whether the Councillor has acted in breach of the Code of Conduct or local protocol and the reasons for that decision;
- (xiii) If the Committee conclude that the Council has acted in breach of the Code of Conduct or local protocol, the Committee will then hear representations from the Investigating Officer and then the Councillor as to whether the Committee should take any action against the Councillor and what form any action should take. Members of the Committee may ask questions of the Investigating Officer and the Councillor and seek legal advice if they require it in order to satisfy themselves that they have the information upon which to take a proper decision;
- (xiv) The Committee will then adjourn into another room together with the Monitoring Officer or his representative where they will consider in private session whether to take any action against the Councillor and what form such action should take. The Committee will then return and the Chairman will advise the Investigating Officer and the Councillor of their decision, whether they have decided to take any action against the Councillor and what action they have decided to take and the reasons for those decisions;

- (xv) For District Councillors: the Committee will then consider in open session whether there are any recommendations which the Committee should make arising from their consideration of the allegation, eg providing recompense to any person who has suffered detriment as a result of the breach of the Code of Conduct or local protocol or related matters, for reviewing or reconsidering any decision which was the subject of the breach of the Code of Conduct, for rectifying any deficiency in the authority's decision-making procedures or for preventing or deterring any breach of the Code of Conduct;
- (xvi) For Town or Parish Councillors: the Committee will then consider in open session whether there are any recommendations which it should make to the Council of which the Councillor is a Member arising from their consideration of the allegation in the same circumstances as set out in paragraph (xv) ante.

The Written Decision

- (xvii) As soon as practicable after the Committee has completed its consideration and decision in respect of the allegation, the Monitoring Officer shall:
 - (i) send to the Councillor a written notice of the decision of the Committee which statement shall include a statement of any rights of appeal against that decision;
 - (ii) send a written report of the decision of the Committee to the next convenient meeting of the Council;
 - (iii) where the allegation relates to a Councillor in his/her capacity as a Member of a Parish/Town Council, send a written notice of the decision of the Committee to the Clerk to the Parish or Town Council;
 - (iv) take reasonable steps to inform the person(s) who made the allegation which gave rise to the investigation of the outcome of the hearing.
- (xviii) As soon as possible after the time limit for any appeal by the Councillor against the decision of the Committee has expired and provided that no such appeal has been lodged by the Councillor, the Monitoring Officer will send a report of the outcome of the investigation and the Committee's decision to the Standards Board for England.

4. CONCLUSIONS

- 4.1 In the event that a case is referred to them by the Standards Board for England, Members are requested to
 - ◆ authorise the Executive Director of Central Services and Monitoring Officer, after consultation with the Chairman of the Committee, to administer the pre-hearing process and to convene hearings as necessary; and

- ◆ approve the procedure for the hearing of cases by the Committee.

BACKGROUND PAPERS

Local Authorities (Code of Conduct) (Local Determination) Regulations 2003
Guidance for Monitoring Officers and Standards Committees on Standards
Committee Determinations published by the Standards Board for England

Contact Officer: Christine Deller, Democratic Services Manager
☎ 388007

MODEL CODE OF CONDUCT – STANDARDS BOARD NOTIFICATIONS (Report by the Executive Director of Central Services and Monitoring Officer)

1. INTRODUCTION

1.1 In accordance with the procedure adopted by the Standards Board for England for the investigation of allegations, the Monitoring Officer has been notified of the Board's decision in respect of:-

- ◆ allegations made by the Parish Council of Needingworth-cum-Holywell against nine District Councillors serving on the Development Control Panel (Case 1);
- ◆ allegations by the Chairman of Southoe and Midloe Parish Council against four of his colleague Parish Councillors (Case 2); and
- ◆ allegations by four Members of Southoe and Midloe Parish Council against their Chairman (Case 3).

2. DETAILS OF CASE 1

2.1 It had been alleged by the Parish Clerk to Needingworth-cum-Holywell Parish Council that at a meeting of the District Council's Development Control Panel on 15th September 2003 Councillors had pre-judged an application relating to development adjacent to Manor Farm, Back Lane, Holywell, determined the application with very little debate and gave consent to the development by way of a "legal loophole" contrary to planning policy.

2.2 On 12th November 2003, the Standards Board for England considered the allegations and decided not to refer the cases to an Ethical Standards Officer (ESO) for investigation.

2.3 The notification of the decision of the Board states "that the fact that a planning application was allegedly determined expeditiously does not of itself suggest that the Members involved predetermined the application in a manner which would indicate a failure to comply with the Authority's Code of Conduct. The Board noted that Members of the Panel approved the recommendation of the Authority's Development Control Officer".

2.4 Therefore, the Board decided not to take any further action in relation to these cases.

3. DETAILS OF CASES 2 AND 3

3.1 The background to Cases 2 and 3 concerns highways issues and the proposed solutions to the problems caused to villagers in Southoe and Midloe by the A1 Trunk Road.

3.2 Following the Parish Council meeting in August a letter and questionnaire had been despatched to residents in the village emphasising a preference for a particular traffic management scheme to which was attached a disclaimer stating that this represented the personal view of four Councillors and not the Parish Council. It had been alleged by the Chairman of the Parish Council that in circulating

the letter and questionnaire and in seeking to include the findings in a relevant item on the Parish agenda, the Members against whom allegations had been made had misused their positions as Parish Councillors and as a result brought their authority into disrepute. It was also alleged, in relation to a meeting of the Parish Council in July that upon an equal split vote, the Chairman should have had the casting vote.

- 3.3 With regard to Case 3, a number of allegations had been made by four Members of Southoe and Midloe Parish Council against their Chairman. Principally these related to the conduct of various meetings of the Parish Council and with bodies not sanctioned by the Council, the behaviour of the Chairman and his failure to declare relevant interests.
- 3.4 On 29th October 2003, the Standards Board for England considered the allegations received and in respect of the case made against the four Members of the Parish Council concluded that the complaint should not be investigated further as the alleged conduct would not have involved any failure to comply with the Authority's Code of Conduct. However, in terms of an allegation against the Chairman of the Parish Council, the Standards Board has agreed to refer the case to an Ethical Standards Officer (ESO) for investigation. As part of the investigative process, the Monitoring Officer will be contacted by the ESO in due course.
- 3.5 Members will recall that at the conclusion of the investigation, the ESO may conclude that:-
- ◆ there is no evidence that the Member has broken any part of their local code of conduct;
 - ◆ no further action needs to be taken in relation to the matter investigated;
 - ◆ the matter should be referred to the Monitoring Officer of the relevant authority; or
 - ◆ the matter should be referred to the Adjudication Panel for England.
- 3.6 A report on the outcome will be submitted to a future meeting.

4. CONCLUSION

- 4.1 The Committee is invited to note that the Standards Board for England has agreed not to take any further action in relation to allegations made against nine Members of the District Council's Development Control Panel and four ordinary Members of the Southoe and Midloe Parish Council but has referred to an ESO a complaint made against the Chairman of that Parish Council.

BACKGROUND PAPERS

Letters received from the Standards Board for England dated 30th October and 1st November 2003.

**Contact Officer: Christine Deller, Democratic Services Manager -
Tel: (01480) 388007.**

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

1. INTRODUCTION

- 1.1 A request for dispensations to speak and vote on matters relating to the budget allocation for twinning under the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 has been submitted by the Town Clerk of Huntingdon Town Council. The application relates to six Members of the Twinning Sub-Committee appointed by the Town Council. The request has been acknowledged and is now presented to the Committee for consideration.

2. LEGISLATIVE BACKGROUND

- 2.1 The Committee are reminded that the circumstances in which a Standards Committee may grant dispensations to Town/Parish/District Councillors 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 Members to either speak and not 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. DETAILS OF APPLICATION

- 3.1 Huntingdon Town Council appointed a Twinning Sub-Committee in May 2003 with the following terms of reference – “all matters relating to the involvement of the Town Council in twinning affairs with existing twinning towns, any matters relating to future twinning possibilities and liaison with the Huntingdon and Godmanchester Twinning Association”.
- 3.2 The Twinning Sub-Committee has been authorised to take decisions within the budget allocated to it for twinning purposes. This budget now includes the grant previously awarded to the Huntingdon and Godmanchester Twinning Association.
- 3.3 There are 11 Members of the Sub-Committee comprising 9 Town Councillors and 2 co-opted Members nominated by the Twinning Association. Of these 6 (including the co-opted Members) would be prevented from speaking and voting on financial matters by virtue of their membership of the Huntingdon and Godmanchester Twinning Association. Five Members of the Sub-Committee remain able to transact the business of the Sub-Committee
- 3.4 A Member may regard himself as not having a prejudicial interest in a matter if that matter relates to a body to which he has been appointed or nominated by the Authority as its representative. Only one of the Council Members is appointed by the Town Council to the Twinning Association but even that individual is also a Member of the Twinning Association (in her own right). One of the other Town Councillors on the Sub-Committee also serves as the Twinning Associations' Treasurer.

4. REPRESENTATIONS FROM THE TOWN COUNCIL

- 4.1 The Town Clerk has advised that the Town Council had specifically decided to establish a Twinning Sub-Committee to include Members of the Huntingdon and Godmanchester Twinning Association to build relationships between the two organisations and to involve their expertise in the decision making process. The Town Council considers that the purpose of this approach would be lost if Members were prevented from debating and voting on the allocation of funds specifically delegated to the Sub-Committee.
- 4.2 The Town Council are also of the view that were the Twinning Association not to exist then the Town Council would be required to administer the activities and affairs of twinning, organise the twinning event, agree budgets, approve expenditure etc. The Association operates and supports the Town Council to their mutual benefit.

5. PRELIMINARY ADVICE TO TOWN COUNCIL

- 5.1 At the last meeting, Members may recall that they questioned whether it was prudent for Members of a local Council to act as Trustees to a community facility on the basis that it might be in the better interests of the Parish if other individuals unrelated to the local Council were invited to act as Trustees.

- 5.2 Representations have been made to the Charity Commission, the relevant Government Office and the Local Government Association in this respect but to-date no response has been received.
- 5.3 The approach adopted by the Committee at their last meeting has been conveyed to the Town Council and the Monitoring Officer has also advised that he would feel uncomfortable in recommending that dispensation should be granted to 6 Members of a Sub-Committee which could find itself awarding funds to a twinning association upon which those 6 Members also serve.
- 5.4 Whilst the Committee may conclude that this issue is a constitutional matter which the Town Council need to address, Members might consider whether it would be appropriate to grant dispensations to the four Town Councillors and two co-opted Members to speak but not vote on the question of budget allocations thus retaining the expertise within the meeting but removing their entitlement to vote.

6. CONCLUSION

- 6.1 In view of the prejudicial interests declared, Huntingdon Town Council has requested that dispensations be granted to prevent the Town Council's business in connection with the budgetary function of the Twinning Sub-Committee from being impeded.
- 6.2 That part of the Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 which would enable dispensations to be granted is reproduced in paragraph 2.1 (i) ante.
- 6.3 The Town Council is due for re-election in May 2007. Should the Committee look favourably on the application it is suggested that dispensations be granted for the period ending 30th April 2007 after which time an application for the newly elected Town Councillors would need to be submitted.

BACKGROUND PAPERS

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

Correspondence received from the Town Clerk to Huntingdon Town Council.

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