

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 Thursday, 9th December 2004.

PRESENT: Councillor A Hansard – Vice-Chairman.
Councillors Mrs B E Boddington,
Mrs K P Gregory and J Taylor.
Messrs D L Hall, D Pattison and G Watkins.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor I R Muir and Mr D H Bristow.

18. MINUTES

The Minutes of the meeting of the Committee held on 16th September 2004 were approved as correct record and signed by the Chairman.

19. LOCAL INVESTIGATION REGULATIONS

Further to Minute No. 24 of the meeting held on 24th March 2004, the Committee considered a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) regarding the coming into force on 4th November 2004 of the Local Authorities (Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and the Standards Board for England (Functions) Order 2004. Members also received a copy of Statutory Guidance on the Regulations for Monitoring Officers and Standards Committees.

Members noted that the Regulations would enable local authority Monitoring Officers to carry out investigations into alleged breaches by Members of their Code of Conduct which had been referred to them by a Ethical Standards Officer prior to his or her having carried out or concluded an investigation. The Regulations also provided for local authority Standards Committees to make determinations following Monitoring Officer reports on the investigation of such breaches.

Their attention having been drawn to the potential for a defamation claim from a Councillor or any other person mentioned in a report by an Investigation Officer, the Committee concurred with the suggestion that the Council's insurers should be requested to indemnify against the legal cost which might accrue from the defence of any such claim and any damages which might be awarded.

As the Regulations now were in place, the Committee

RESOLVED

- (a) that the coming into force of the Local Authorities

(Code of Conduct) (Local Determination) (Amendment) Regulations 2004 and the publication of guidance on local investigations by the Standards Board for England be noted together with advice which urged Standards Committees to take into account the guidance issued by the Board, to become familiar with the Regulations and to have effective procedures in place for conducting local investigations and determinations; and

- (b) that, in the event of the reference by an Ethical Standards Officer of a case of misconduct by a Councillor, the Director of Central Services and Monitoring Officer be authorised, after consultation with the Chairman of the Committee, to arrange for the local investigation of the allegations and to negotiate the terms of an indemnity with the Council's insurers against the risk involved from any potential claim for defamation against an Investigating Officer.

20. MODEL CODE OF CONDUCT - STANDARDS BOARD NOTIFICATIONS

By reference to a report by the 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 decided not to take any further action in relation to allegations in respect of current and former Councillors serving on Southoe and Midloe Parish and Ramsey Town/Huntingdonshire District Councils.

Following concern nationally at the time being taken by the Standards Board to process cases, the Committee were acquainted with details of a new referral process intended to focus on serious allegations of misconduct with the potential to damage the reputation of local government. Members noted that, in future, and in order for an allegation to be considered for investigation it would be required to comply with four basic rules and subsequently satisfy a clear criteria to be referred for investigation. It was the intention that this more rigorous approach would exclude vexatious or relatively minor allegations.

21. PREJUDICIAL INTERESTS: APPLICATION FOR DISPENSATION

The Committee were acquainted, via a report by the Director of Central Services and Monitoring Officer (a copy of which is appended in the Minute Book) with an application received from Colne Parish Council for dispensation to allow nine of their members to speak and vote on matters relating to the village hall and playing field should they arise at meetings of the Parish Council.

Having regard to the advice received from the Monitoring Officer, the Committee

RESOLVED

- (a) that dispensation to speak and vote be granted to nine Members of Colne Parish Council for the period ending

30th April 2007; and

- (b) that the Parish Council be advised to contact the Charity Commission for assistance in reviewing the suitability of their trustee arrangements to overcome continuing conflicts of interest.

22. STANDARDS - CURRENT ISSUES

Members received and noted a report by the Democratic Services Manager (a copy of which is appended in the Minute Book) regarding several issues of interest to the Committee.

In commenting on the disappointing attendance at training sessions offered to newly elected parish councillors and co-opted Members on the ethical framework and code of conduct during September, the Committee suggested that it might be of increased benefit if the Monitoring Officer offered to attend Parish Council meetings and particularly those where a number of vexatious complaints had been received or arranged training sessions in locations away from Pathfinder House to which Parishes local to the venue could be invited. It was also suggested that CALC might be able to suggest ways to make the training activity a more attractive proposition.

In particular, the Committee noted the Council's decision to approve the payment of an co-optee's allowance to the current Chairman equivalent to the amount which would be paid were an elected Member Chairman of the Committee, the potential for a special meeting to participate in consultation on the review of the Code of Conduct and the commencement in the new year of a Select Committee enquiry into the role and effectiveness of the Standards Board for England.

23. NEXT MEETING

Members were reminded that the next meeting of the Committee would take place on Thursday 10th March 2005 at 4 pm.

Chairman