

EXTRACT FROM LOG OF CODE OF CONDUCT ENQUIRIES

(last submitted to Committee: 6th March 2008)

Case No.	Date of Enquiry	District/Town/Parish Council	Nature of Enquiry (Brief Details)	Advice Given (Brief Details)	Code of Conduct Reference (Para No.)
14.	12.03.08	St. Ives Town Council	In the event of their election, the potential interests of candidates standing for election to the Town Council in relation to the ACE Group and Corn Exchange issues.	Advice given that should the candidates be elected, the new Councillors would have personal but not prejudicial interests vis-à-vis their membership of a local organisation/pressure group. (PW)	8 (i) 10 (i)
15.	17.03.08	Little Paxton Parish Council	Concerns about the financial propriety of arrangements adopted by the Parish Council.	I have no remit to enquire either into the constitution or activities of voluntary/ independent groups or into their relationship with Parish Councils as corporate bodies. Parish Councillors are required to register financial and other interests. These may include the membership of local and other groups, which in turn may require interests to be declared if issues associated with those groups come before the Council. <i>(PW's letter dated 20.03.08)</i>	
16.	09.04.08	Hilton resident	Advice on the organisation of a residents' meeting: invitation to local, sitting Member: code of recommended practice on local authority publicity in pre-election period	If going to proceed with the meeting, invite all candidates at the forthcoming District Council election. (PW).	6 (c)

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17.	16.04.08	Huntingdon	Enquiry by Councillor T Sanderson as to whether he should accept an invitation to attend a meeting on site with an agent applying for planning permission.	Advised Councillor Sanderson not to accept invitation and only to attend site meetings for planning applications, if site visit organised by Town Council staff. (RR)	5
18.	25.04.08	Earith Parish Council	Request for advice from Clerk to Parish Council about actions of a Councillor and seeking advice on draft letter warning him of conduct in meeting with developers of Minaar site prior to the submission of planning application. Enquiry made to CPALC who had advised Clerk to contact Monitoring Officer.	Advised Clerk that specific advice on wording of letter could not be given. Established that no clear evidence of Councillor meeting with developers, only supposition. Suggested that Clerk contact Councillor and ask him whether he had met developers and, if he had, to advise him that an individual member cannot take it upon himself to represent the authority at meetings without authorisation, that councillors should not attend meetings with developers which could lead to an allegation of them fettering their discretion and that actions of this action could lead to a complaint that a member had breached the code of conduct. (RR)	5 and 6

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19.	27/05/08	Little Paxton Parish Council	<p>Telephone enquiry from a Parish Councillor as to whether she has an interest in the siting of a MUGA. She had declared a personal interest when a possible site was being discussed previously but did not think it was close enough to her property to become a prejudicial interest. When the Council was to discuss an electricity supply to the MUGA, she was told by the Clerk before the meeting that she should declare a prejudicial interest on the basis of pre-determination as she had completed a questionnaire previously against the installation of floodlights for the MUGA.</p>	<p>I explained the differences between personal and prejudicial interests and the separate issue of pre-determination. Caller was told that only she could make a decision as to her interests although she was well advised to listen to advice. I advised her that if she had once declared a personal interest in an item, she should continue to do so unless circumstances changed. It was not possible to identify whether she had a prejudicial interest in the subject without knowing the precise locations of her house and the MUGA. However the question as to whether she did or not, was a matter for a member of the general public in the knowledge of all the relevant facts. She was also advised by me that whether she had predetermined a matter also was a matter of fact based upon the extent to which she may have made up her mind about an item before it was discussed. If she had made up her mind, she should leave the room while the item was being discussed. I also explained that she could speak as a member of the public if she had declared a prejudicial interest in an item if the Council had adopted the relevant part of the model code of conduct and made provision in its standing orders. After speaking on item however, she would have to leave the room and could take no further part in the meeting or vote. (RR)</p>	8,9,10

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20.	21.05.08	Little Paxton Parish Council	Enquiry from the Clerk regarding the interests of a newly elected Councillor	Advice given, on basis of circumstances described on personal and prejudicial interests and predisposition and predetermination. Advice also given on how to record declarations in the Minutes. (CD)	8, 9 and 10
21.	21.05.08	Little Paxton Parish Council	Enquiry from Councillor regarding personal and prejudicial interests, predisposition and predetermination	As previous entry but relative to Councillor's home address, its location adjacent to recreation ground, upon where MUGA is to be placed and her previous involvement in village lobby group opposing the MUGA. (CD)	8, 9 and 10
22.	21.05.08	Little Paxton Parish Council	Application for dispensation	Advice given to Councillor regarding rules for granting of dispensation. If considered to have a personal interest – retain entitlement to speak. If considered to have prejudicial interest, would still be entitled to speak under paragraph 12(2) of the Code of Conduct if adopted by the Parish Council. Unlikely to be granted dispensation in circumstances described. (CD)	8, 9, 10 and 12

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23.	21.05.08	St Ives Town Council	Enquiry from Clerk regarding various personal and prejudicial interests of newly elected Members given their link to ACE and in light of possible need for DDA renovation work to St Ives Town Hall	<p>Advised that Members of ACE had personal interest as membership of lobby group would be registered.</p> <p>Unlikely to have a prejudicial interest. Attention drawn to bias/pre-determination issues regarding the Corn Exchange.</p> <p>Regarding the DDA works – no personal or prejudicial interests but potential issue of bias/pre-determination dependent on individual circumstances. (CM)</p>	8, 9 and 10
24.	10.06.08	St Ives Town Council	Enquiry from Clerk regarding future of Town Hall and DDA compliance and potential use of Corn Exchange for meetings	Clerk reminded to give advice regarding pre-determination. (CM)	8, 9 and 10
25.	12.06.08	Huntingdonshire District Council	Councillor J D Sadler	As Governor of the Regional College in Huntingdonshire advised to declare prejudicial interest and withdraw from Council Meeting during discussion of relevant planning application. Also advised to consider declaring similar interest when petitions on the same subject presented. (PW)	10
26.	23.06.08	Huntingdonshire District Council	Councillor P J Downes	As member of "Friends of Hinchingsbrooke House" advised that interest was personal and that it was not necessary to withdraw from Council meeting when considering planning application for Regional College in Huntingdon. Advised of potential use of paragraph 12 (2) if necessary. (CD)	8 and 9

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27.	24.06.08	Huntingdonshire District Council	Councillors Mrs K E Cooper, R W J Eaton, D Harty, G S E Thorpe and P K Ursell	Councillors advised that they have personal and prejudicial interests in planning application relating to Huntingdonshire Regional College and should leave the meeting for the duration of voting and discussion.	8, 9 and 10
28.	24.06.08	Earith Parish Council	Whether it was necessary to seek dispensation from the Monitoring Officer to engage in negotiations with developer over potential Section 106 contributions to the Parish Council.	Advised that Parish Council should give authority to those involved in discussions to speak on their behalf with developers who should subsequently report back to Parish Council on the outcome. Councillors should declare their interest, if any, in the normal way in advance or discussion of the business at the subsequent Council meeting. Not necessary for dispensation to be granted by the Monitoring Officer.	