

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the REFERRALS (ASSESSMENT) SUB COMMITTEE held in the Corporate Training Suite, Eastfield House, Latham Road, Huntingdon, Cambs on Thursday, 3 September 2009.

PRESENT: Mr M Lynch – Chairman.
Councillor Mrs B E Boddington, and
Mr G Watkins.

85. MINUTES

The Minutes of the meeting of the Sub-Committee held on 18th August 2009 were approved as a correct record and signed by the Chairman.

Further to Minute No. 82, the Monitoring Officer reported that Councillor S Codling, Little Paxton Parish Council had indicated that he would apologise, as requested by the Sub-Committee, to the complainant involved in Case No. 18.

86. MEMBERS' INTERESTS

Councillor Mrs B E Boddington declared a personal interest in Minute No. 89 post having attended the meeting of the Development Management Panel at which the incident subject to the complaint had allegedly occurred.

Mr G Watkins declared a personal interest in Minute No. 89 post by virtue of a casual acquaintance with Councillor C Thorne.

87. GUIDANCE TO ASSIST ASSESSMENT OF CASE

The guidance produced by Standards for England and collated by the Monitoring Officer to assist the Sub-Committee in their assessment of the case submitted was received and noted.

88. EXCLUSION OF THE PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

89. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 20

Members considered the following documents collated by the Monitoring Officer (a copy of which are appended in the Minute Book) to assist the Sub-Committee in their deliberations in respect of a

complaint against a Councillor serving on Yaxley Parish Council:-

- (a) copy of complaint form submitted by Mr C Bolton; and
- (b) declaration of financial and other interests - Councillor C Thorne.

90. INITIAL ASSESSMENT - CASE NO. 20

The Sub-Committee considered the allegation made against Councillor C Thorne of Yaxley Parish Council but on the basis of the evidence before them, found it difficult to reach any conclusion on the case. To enable the Sub-Committee to form a view, Members requested that the complainant provide further information to substantiate his allegation or a statement from another person able to corroborate the exchange between himself and Councillor Thorne. Whereupon, it was

RESOLVED

that the meeting be adjourned until 6th October 2009 to allow the Sub-Committee to assess the complaint in the light of any additional evidence submitted.

91. ON RESUMPTION

At a meeting of the Referrals (Assessment) Sub-Committee held in Room D6, Third Floor, Pathfinder House, St. Mary's Street, Huntingdon on Tuesday 6th October 2009.

PRESENT: Mr M Lynch - Chairman
Councillor Mrs B E Boddington and Mr G Watkins.

92. INITIAL ASSESSMENT - CASE NO. 20 (CONTINUED)

Following the meeting held on 3rd September 2009, the Monitoring Officer had requested the complainant in the case to substantiate his allegation or to produce a statement from another person able to corroborate the exchange between himself and Councillor C Thorne. As a consequence, the following evidence had been submitted:-

- ◆ further correspondence received from the complainant - Mr C Bolton; and
- ◆ email received from Mr A Bartle.

In the light of this further material and having consulted the Monitoring Officer for advice during their deliberations, the Sub-Committee

RESOLVED

- (a) that the allegation made against Councillor C Thorne, that he failed to comply with paragraph 3 (1) of Yaxley Parish Council's Code of Conduct in relation to "failing to treat others with respect" be referred to the Monitoring Officer for investigation, having regard to the conduct expected of an elected Member and given the opportunity an investigation would present to

Councillor Thorne to give his version of events and to clarify any remarks which may have been made; and

- (b) that the allegation made against Councillor C Thorne that he failed to comply with paragraph 3 (2) (b) of Yaxley Parish Council's Code of Conduct in relation to bullying another person be not referred for investigation and that no further action be taken in the case for the reasons set out in the "Decision Notice: No Further Action" appended to these Minutes.

93. MEMBERS' INTERESTS

Mr M Lynch declared a personal interest in Minute No. 99 by virtue of a casual acquaintance with Councillor C Saunderson.

94. EXCLUSION OF PRESS AND PUBLIC

RESOLVED

that the public be excluded from the meeting because the business to be transacted contains exempt information under paragraph 7 (c) relating to the deliberations of a Sub-Committee of the Standards Committee established under the provisions of Part 3 of the Local Government Act 2000.

95. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE 21

With the assistance of the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on Yaxley Parish Council:-

- (a) copy of complaint form submitted by Mr G Mold;
- (b) copy of email attachment received from Mr A Bartle in support of Mr Mold's complaint;
- (c) copy of email to and from Parish Clerk, Yaxley Parish Council;
- (d) copy of Minutes of Yaxley Parish Council dated 14th July 2009;
- (e) registration of interests form - Councillor D P Stafford.

96. INITIAL ASSESSMENT - CASE NO. 21

The Sub-Committee considered the allegation made in the case against Councillor D P Stafford of Yaxley Parish Council seeking the advice of the Monitoring Officer as necessary.

On the basis of the evidence before them, the Sub-Committee

RESOLVED

that the allegation made against Councillor D P Stafford that he had failed to comply with paragraphs 9, 10 (1), 10 (2) and 12 of Yaxley Parish Council's Code of Conduct be referred

to the Monitoring Officer for investigation for the reasons set out in the "Decision Notice : Referral for Investigation" appended to these Minutes.

97. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 22

With the assistance of the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on Earith Parish Council:-

- (a) original letter of complaint dated 10th September 2009;
- (b) email from the Parish Chairman, Earith Parish Council;
- (c) Minutes of the meeting of the Earith Parish Council dated 2nd July 2009; and
- (d) registration of interests - Councillor R J Hodge.

98. INITIAL ASSESSMENT - CASE NO. 22

The Sub-Committee considered the allegations made in the case against Councillor R J Hodge of Earith Parish Council seeking the advice of the Monitoring Officer as necessary. On the basis of the evidence before them, the Sub-Committee

RESOLVED

that the allegations made against Councillor R J Hodge that he had failed to comply with paragraph 3 (1) of Earith Parish Council's Code of Conduct be not referred for investigation and that no further action be taken in the case for the reasons set out in the "Decision Notice: No Further Action" appended to these Minutes.

The Chairman agreed to admit the following item to the Agenda in accordance with Section 100 B (4) of the Local Government (Access to Information) Act 1985 given Standards for England advice to assess cases submitted within 20 working days of their receipt.

99. PRE-ASSESSMENT REPORT AND ENQUIRIES - CASE NO. 23

Having regard to the following documents collated by the Monitoring Officer (copies of which are appended in the Minute Book) the Sub-Committee considered a complaint against a Councillor serving on St. Ives Town Council:-

- (a) copy of complaint form submitted by Mrs A Dickinson;
- (b) covering letter from Mrs Dickinson;
- (c) statement from Councillor R Fuller;
- (d) statement from Mrs A Dickinson; and
- (e) declaration of financial and other interests - Councillor C Saunderson.

100. INITIAL ASSESSMENT - CASE NO. 23

Having considered the allegation made in the case against Councillor

C Saunderson of St. Ives Town Council seeking the advice of the Monitoring Officer as necessary and on the basis of the evidence before them, the Sub-Committee

RESOLVED

that Councillor C Saunderson be offered the opportunity to apologise to the complainant but in the event that an apology is not forthcoming the allegation made against Councillor C Saunderson that he had failed to comply with paragraph 3 (1) of St. Ives Town Council's Code of Conduct be referred to the Monitoring Officer for investigation for the reasons set out in the "Decision Notice-Referral for Investigation" appended to these Minutes.

101. REFERRAL OF MATTERS TO MONITORING OFFICER FOR STEPS OTHER THAN INVESTIGATION - UPDATE ON CASES

Following recent decisions of the Referrals (Assessment) Sub-Committee and in accordance with paragraph 13(4)(c)(i) of the Standards Committee (England) Regulations 2008, the Monitoring Officer reported that -

- ◆ in respect of Case Nos. 13 and 15 - training on the Code of Conduct had been presented to Godmanchester Town Council on 10th September 2009 and the Member subject to the original complaint (Councillor G M Wilson) had been present in addition to 13 other Members of the Town Council; the Monitoring Officer had ensured that the training session also had covered the "Code of Recommended Publicity";
- ◆ in respect of Case No. 18 - Councillor F Owens had presented a written apology, the wording of which was agreed in advance with the Monitoring Officer, to Little Paxton Parish Council on 3rd September 2009. Councillor Owen also had given his assurance that such breaches would not recur; and
- ◆ in respect of Case No. 19 - Councillor S Codling had presented a written apology, the wording of which was agreed in advance with the Monitoring Officer, to Councillor F Owens and this had been accepted by the Member concerned.

Having expressed their satisfaction with the action taken by the Monitoring Officer in the cases described, the Committee

RESOLVED

that it be confirmed that the Monitoring Officer had dealt with the aforementioned matters in accordance with the directions received.

