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## **Standards Committee**

### **Report of the meeting held on 21st June 2012**

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#### **Matter for Decision**

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#### **1. NEW STANDARDS REGIME**

The Committee has considered a report by the Head of Legal & Democratic Services and Monitoring Officer, a copy of which is reproduced as Annex A hereto, on the issues that require to be considered to ensure that the District Council is ready to comply with the requirements of Chapter 7 of the Localism Act 2011 and recently published Regulations in respect of new 'standards' and code of conduct arrangements.

The Council still is required to

- to promote and maintain high standards of conduct by elected Members and co opted Members of the Authority;
- adopt a Code dealing with the conduct that is expected of Members and co opted Members of the Authority when they are acting in that capacity; and
- have in place arrangements under which complaints can be investigated and under which allegations of misconduct can be made.

The Monitoring Officer must establish and maintain a Register of interests of Members and co opted Members and provide a means for disclosure on pecuniary and other interests. Because of the timescale imposed by the Government for the adoption of a new Code and given the range and volume of associated implications, the Committee has authorised the Head of Legal & Democratic Services and Monitoring Officer to take appropriate action, for instance, to establish and maintain registers, arrange training sessions for District, Town and Parish Councils, commence the process for the appointment of Independent Persons, act as 'Proper Officer' for the receipt of complaints and finalise a protocol responding to allegations of misconduct. These requirements are described in more detail in Annex A .

Matters relating to the Constitution and proposed variations to the Council Procedure Rules (Standing Orders) also have been considered by the Corporate Governance Panel and the views of that Panel will be reflected in the Report of their meeting in Item No 7(j).

The District Council and all Parish Councils within Huntingdonshire must adopt a new Code setting out the conduct expected of their Councillors when acting in their capacity as an elected Member. Having reviewed the merits of draft Codes compiled by the Cambridgeshire District and County Councils, the Department for Communities and Local Government, the National Association of Local Councils and the Local Government Association, the Committee has indicated a preference for the option reproduced at Annex B hereto which is based on a draft produced by a well regarded legal expert on ethical standards matters.

Whilst there is no longer a statutory duty to appoint a Standards Committee, there remains a need to respond to standards issues, consider complaints and potentially undertake investigations. For these purposes, existing Members considered that it remained convenient to retain a Standards Committee and, as this Committee would continue to have responsibility for dealing with complaints against Members of Parish Councils, for the membership to include Parish Council representatives as non voting Members of the Committee.

The new arrangements adopted by the Council must include provision for the appointment of at least one independent person. This individual must be appointed through a process of public advertisement and application. A Selection Panel appointed by the new Standards Committee will be required to shortlist and interview candidates for this position. Arrangements for the appointment of the successful candidate will be reported to the next meeting of the Council.

Lastly, and subject to the views of the Corporate Governance Panel, the changes to 'standards' arrangements will result in the requirement for variations to the Constitution.

Having discussed these matters in detail, the Committee

## **RECOMMEND**

- (a) that the Code of Conduct reproduced at Annex B hereto be adopted as the basis for the new Code of Conduct for Huntingdonshire and the Head of Legal & Democratic Services and Monitoring Officer authorised to finalise the preferred option after consultation with the Chairman of the Standards Committee;**
- (b) that a Standards Committee be appointed comprising seven elected Members of the District Council based on appropriate political proportionality and to include one Member who is a Member of the Executive (as currently constituted);**
- (c) that Parish Councils be invited to nominate two parish councillors to be co opted as non voting Members of the new Committee; and**

- (d) that the Head of Legal & Democratic Services and Monitoring Officer be authorised, after consultation with the Chairmen of the Standards Committee and Corporate Governance Panel to make any appropriate variations to the Constitution consequent upon the changes to the District Council's standards arrangements.**

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## **Matters for Information**

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### **2. APPLICATIONS FOR DISPENSATION**

To prevent the transaction of town and parish council business from being impeded by virtue of the interests that would need to be declared by Members of the Councils in question, the Committee has approved two applications for dispensation from St Ives Town and Great & Little Gidding Parish Councils. Granting the dispensations will enable Members of those Councils to speak and vote on matters relating to the community interest company set up to manage the Corn Exchange in St Ives and the Village Hall, Recreation Field and Great Gidding Charity for the period ending 30th April 2016 after which time an application for the newly elected Councillors will need to be submitted.

### **3 LOG OF CODE OF CONDUCT ENQUIRIES**

The Committee has noted the nature of the Code of Conduct enquiries recorded by the Monitoring Officer over the period December 2011 to June 2012.

### **4. TRAINING UPDATE**

The Monitoring Officer has reported that he has presented training on the code of conduct to St Ives Town Council, to the Society of Local Council Clerks and to newly elected District Councillors as part of their 'new Member induction'.

### **5. CASE DETAILS**

For interest and training purposes, the Committee has noted details of a case which had involved a Member seeking a judicial review of a decision taken by the Adjudication Panel for Wales in respect of an alleged breach of the local authority Code of Conduct. Given the strength of the right to freedom of expression and the fact that the majority of comments posted by a Councillor on his website were directed at other Councillors, it was held that the decision by the Adjudication Panel was a disproportionate interference with the Councillor's rights under the European Convention on Human Rights.

### **6. REPORTS OF SUB COMMITTEES**

Reports on the activities of the Referrals (Assessment), Review and Consideration & Hearing Sub Committees have been presented to the

Committee. Complaints considered over seven meetings have involved Members of the District and St Neots Town, Upwood & The Raveleys and Yaxley Parish Councils.

D L Hall  
Chairman