

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in Room CVSO1A, Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 21 June 2012.

PRESENT: Mr D L Hall - Chairman

Councillors P J Downes, Ms L Duffy, R S Farrer, G J Harlock and A Hansard.

Messrs J Alexander, P Boothman, and G Watkins and Mrs S Stafford.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillor Mrs B E Boddington and Mr M Lynch.

27. ELECTION OF CHAIRMAN

RESOLVED

that Mr D L Hall be elected Chairman of the Committee for the period ending 30th June 2012.

28. MINUTES

The Minutes of the meeting of the Committee held on 1st December 2011 were approved as a correct record and signed by the Chairman.

The Chairman welcomed new Councillor Ms L Duffy to her first meeting of the Committee.

29. MEMBERS' INTERESTS

No interests were declared by the Members present.

30. APPOINTMENT OF VICE-CHAIRMAN

RESOLVED

that Mr P Boothman be appointed Vice-Chairman of the Committee and Chairman of the Referrals (Assessment) Sub Committee for the period ending 30th June 2012.

31. REPORTS OF THE SUB-COMMITTEES

Reports on the activities of the Referrals (Assessment), Review and Consideration & Hearing Sub Committees were presented to the Committee by the Chairmen present. In total, seven meetings of the Sub Committees had taken place since the last meeting and these had involved the consideration of allegations relating to Members of the District and St Neots Town, Upwood & The Raveleys and Yaxley Parish Councils

32. NEW STANDARDS REGIME

The Committee considered a report by the Head of Legal & Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) on the issues that required to be considered to ensure that the District Council was 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. A further example of a potential Code of Conduct that might be adopted by the Council was tabled and a copy of this document also is appended in the Minute Book.

Members understood that the Council still was 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.

It was also noted that the Monitoring Officer was required to establish and maintain a Register of Interests of Members and co opted Members and provide a means for disclosure of pecuniary and other interests. Whilst there was no continuing requirement for a Member to keep their declaration up to date except on re-election/re-appointment, the Committee considered that it would be good practice for Members to review their registered interests regularly and update their declaration as necessary.

The Committee was further advised that the District Council and all Parish Councils within Huntingdonshire were required to 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 indicated a preference for the option which had been tabled which was based on a draft produced by a well regarded legal expert on ethical standards matters.

Having discussed these and other matters consequent upon the adoption of a new Code and the publication of new Regulations, the Committee

RESOLVED

- (a) that the Council be recommended to adopt the Code of Conduct appended hereto 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 the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain a new register of Members' Interests in compliance with the requirements of the Localism Act 2011 and the Council's Code of Conduct and ensure it is available for public inspection in accordance with the Act;
- (c) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain new registers of interest for each Parish Council in Huntingdonshire in compliance with the Localism Act 2011 and the Code of Conduct adopted by the respective Parish Council and ensure that they are available for public inspection in accordance with the Act;
- (d) that, after consultation with the Chairman of the Committee, the Head of Legal & Democratic Services and Monitoring Officer be requested to arrange sessions to train District, Town and Parish Councillors on the new registration and disclosure requirements;
- (e) that the Council be recommended to appoint a Standards Committee 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);
- (f) that the Council be recommended to invite Parish Councils to nominate two parish councillors to be co opted as non voting Members of the new Committee;
- (g) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to commence the process for the appointment of at least 2 independent person(s) (one permanent and one able to act in reserve) and to undertake a review of the role and remuneration of the position;
- (h) that a Selection Panel comprising three Members of the Committee be established to short list and interview candidates for the position of independent persons and to recommend an appointment to Council;
- (i) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to pursue, if appropriate, the possibility of a joint recruitment exercise with Cambridgeshire Authorities to appoint independent persons.
- (j) that, the Head of Legal & Democratic Services and Monitoring Officer be authorised to finalise the protocol for the discharge of functions in relation to allegations that a Member of Huntingdonshire District Council or Parish Council in the District failed to comply with the

adopted Code of Conduct;

- (k) that the Head of Legal & Democratic Services and Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct and authorised to determine allegations in accordance with the agreed protocol;
- (l) 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;
- (m) that the Corporate Governance Panel be requested to consider amending the Council's Procedure Rules (Standing Orders) to require that a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest; and
- (n) that the arrangements for granting dispensations requested by District Councillors as described in paragraph 7.6 of the report now submitted be endorsed.

33. APPLICATIONS FOR DISPENSATION

A report by the Head of Legal & Democratic Services and Monitoring Officer was submitted (a copy of which is appended in the Minute Book) regarding two applications received for dispensation from St. Ives Town and Great & Little Gidding Parish Councils.

It was explained that following elections in both parishes, the Clerks to these authorities had written formally to request dispensations to allow business in relation to community facilities in both parishes to be conducted during the new terms of office of the Councils. Therefore, 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 the Members of the two Councils in question, the Committee

RESOLVED

- (a) that dispensation be granted to enable the thirteen Councillors of St Ives Town Council, who act as Board Members to a Community Interest Community set up to manage the Corn Exchange, St Ives, to speak and vote on matters likely to affect the company at Council or Committee meetings for the period ending 30th April 2016; and
- (b) that dispensation be granted to enable the seven Members of Great & Little Gidding Parish Council to speak and vote on business arising at Council

meetings concerning the Village Hall and Recreation Ground and the Great Gidding Charity for the period ending 30th April 2016.

34. LOG OF CODE OF CONDUCT ENQUIRIES

The Committee received and noted the Code of Conduct enquiries which had been recorded by the Head of Legal & Democratic Services and the Monitoring Officer since the last meeting in December (an extract of the log is appended in the Minute Book).

35. TRAINING UPDATE

The Monitoring Officer reported that he had presented training on the new 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'.

36. CASE DETAILS

For interest and training purposes, the Committee 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 a local authority Code of Conduct. Given the strength of the doctrine of '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.

37. DATE OF NEXT MEETING

Having noted that there was now no requirement for the Committee to meet, as previously scheduled, on Thursday 5th July 2012, the Chairman, Mr Hall thanked Members for their support of him during his Chairmanship and for their forbearance and contributions during the detailed consideration of the new standards arrangements.

Chairman