

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the meeting of the STANDARDS COMMITTEE held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Thursday, 27 June 2013.

PRESENT: Councillor A Hansard - Chairman
Councillors K M Baker, Mrs L A Duffy and G J Harlock.

ALSO IN ATTENDANCE: Mr P McCloskey and Mrs D Townsend.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors Mrs B E Boddington, W T Clough and P K Ursell.

3. MINUTES

The Minutes of the meeting of the Committee held on 6th December 2012 were approved as a correct record and signed by the Chairman.

The Chairman welcomed Mr P McCloskey and Mrs D Townsend, Town and Parish Council representatives, to their first meeting of the Committee.

4. MEMBERS' INTERESTS

No interests were declared by the Members present.

5. APPOINTMENT OF NEW LEAD AND DEPUTY INDEPENDENT PERSONS

By way of a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book), the Committee was reminded that the Localism Act 2011 had required the District Council to appoint at least one Independent Person. Under transitional arrangements, Messrs M Lynch and D Hall, former Independent Members of the Committee had been appointed to the roles but were only eligible to serve until 30th June 2013.

Having been reminded of the role of the Independent Person(s), the allowances payable to the appointed persons and the steps taken to advertise the positions, the Panel

RESOLVED

- (a) that the Chairman and Vice-Chairman of the Committee and Councillor T D Sanderson be appointed to comprise the Panel to interview and recommend to the Council on 25th September 2013 candidates for appointment as Lead and Deputy Independent Persons for a three year term; and

- (b) that the Committee place on record its gratitude for the excellent contributions made by Messrs M Lynch and D Hall to the former current standards regime and the Democratic Services Manager be requested to convey these sentiments to the gentlemen concerned.

6. PROTOCOL BETWEEN CAMBRIDGESHIRE AND PETERBOROUGH MONITORING OFFICERS AND CAMBRIDGESHIRE POLICE

The Monitoring Officer reported that he had signed, on behalf of the Committee, a protocol between the Monitoring Officers of Cambridgeshire and Peterborough and Cambridgeshire Police which had established a procedure to follow when reporting or sharing information relating to a potential criminal offence under Section 34 of the Localism Act 2011. A copy of the protocol between Cambridgeshire and Peterborough Monitoring Officers and Cambridgeshire Police is appended in the Minute Book.

The Committee was advised that the protocol had become necessary given the Government's decision to make it a criminal offence and potentially impose sanctions for –

- ◆ participation in any discussion or vote on a matter in which a Councillor has a disclosable pecuniary interest (without a dispensation); and
- ◆ knowingly or recklessly providing information that is false or misleading in notifying the Monitoring Officer of a disclosable pecuniary interest or in disclosing such interest to a meeting.

Having been informed that Cambridgeshire Police had agreed that the Information Management Unit at Thorpe Wood, Peterborough would act as single point of contact for Councils, Members noted that the criminal penalties available to a Court on conviction were to impose a fine not exceeding £5,000 and disqualification from being a Councillor for up to five years. The Committee acknowledged that the protocol was easy to understand, good practice and a positive example of partnership working between Cambridgeshire Authorities.

7. CHANGES TO NOLAN PRINCIPLES

The Committee received and noted a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) on the conclusions of the 14th Report of the Committee on Standards in Public Life in relation to local government. The Committee had particularly considered the descriptions of the seven principles of public life.

Members were interested to note that the Committee had expressed concern about the impact of the regime introduced by the Localism Act 2011 and had considered the area to be a current risk. Furthermore, the Committee had considered that “the new slimmed down arrangements had yet to prove themselves sufficient for their purpose” and that “we have considerable doubt that they will succeed in doing so”.

The Monitoring Officer indicated his intention to undertake a review of the Code of Conduct after the 2014 local elections and suggested that it might be pertinent to include the descriptions of the seven principles, in full, in any revised Code given that there had been occasions, thus far, when it had been helpful to interpret the Code by reference to the principles. Members also were alerted to a suggestion that consideration might be given to the incorporation of elements of the NALC Code into a new District Council Code. In the event that the Code of Conduct was revised in 2014, the Monitoring Officer confirmed that all other related documents also would be updated at the same time.

8. UPDATE ON CODE OF CONDUCT AND REGISTER OF DISCLOSABLE PECUNIARY INTERESTS

The Committee received and noted a report by the Head of Legal and Democratic Services and Monitoring Officer (a copy of which is appended in the Minute Book) which reminded Members of the duty placed on the Monitoring Officer by the Localism Act 2011 to establish and maintain a register of interests of Members and Co-opted Members and of those Members also serving on Parish Councils. All registers should be published on the District Council's website. Details of the type of Code of Conduct adopted by Town and Parish Councils in Huntingdonshire also were presented.

Whilst generally of the view that the return of DPis was satisfactory, the Committee drew attention to those Parish Councils where a number of forms still were outstanding. To encourage a return from those Parish Councils who had so far been slow to respond, Members suggested that they or the Chairman of the Committee should give notice of their intention to visit meetings of these Parish Councils to explain how important it was for their Members to complete the forms. The Monitoring Officer undertook to write again to those Parish Councils where concerns had been raised before involving Members as suggested.

9. UPDATE ON CODE OF CONDUCT COMPLAINTS

The Monitoring Officer updated Members on the number of complaints he had received since the last meeting. Of the twelve complaints received, three had been closed and copies of the respective Decision Notices published on the District Council's website. Three complaints had been referred to the Independent Persons with one case almost concluded and ready to publish. There had been a particular increase in complaints relating to the conduct of existing Councillors and candidates around the County Council elections in May which remained to be determined. It was explained that, in general, complaints had originated from both the public and Councillors and involved Members serving on the District Council, St. Neots Town and Hilton and Yaxley Parish Councils.

For the information of Members, the Monitoring Officer described the approach he had taken, thus far, to handling complaints. He confirmed that he agreed a determination following consultation with the Lead or Deputy Independent Person in each case. Whilst potentially serious or clear breaches of the Code would be referred for investigation, the Monitoring Officer indicated that he would be

reluctant to pursue less serious cases through to investigation given the limited sanctions available to him and the cost of the process. In circumstances where there had been an exchange of words between Councillors, for instance, the Monitoring Officer suggested that he would seek to resolve such cases by apology, training or mediation.

The Committee indicated their support for this approach.

10. TRAINING UPDATE

Having noted a report on the training presented by the Monitoring Officer on the Code of Conduct since the last meeting, the Committee suggested that Town and Parish Councils be reminded of the opportunity that existed for the Monitoring Officer to attend local Council meetings to give training on the Code. It was further proposed that those Councils who were slow to send in their DPs should be especially targeted.

In receiving preliminary details of the arrangements being made for a joint training session on the "Code of Conduct, Predetermination and Bias" in conjunction with South Cambridgeshire District Council on 3rd October 2013, the Committee requested the Monitoring Officer to ensure that the newly appointed Independent Persons would be offered the opportunity to attend.

11. REVIEW OF THE ROLE, RESPONSIBILITIES AND TERMS OF REFERENCE OF THE COMMITTEE

The Committee was informed that during a recent review of the District Council's Constitution, the Corporate Governance Panel had recommended that its terms of reference be varied such that it either became a Panel with responsibility for Standards or, that the terms of reference of the existing Standards Committee be extended to comprise, for example, matters relating to governance, the Constitution and complaints about Council services. Although there appeared to be no preferred model across Cambridgeshire Authorities for dealing with standards, governance and constitutional issues, the Council at its April meeting had

RESOLVED

that, in consultation with the Deputy Executive Leader and the Chairman of the Standards Committee, the Corporate Governance Panel be requested to review its role, responsibilities and terms of reference and that of the Standards Committee with a view to a report on the outcome being submitted to the Panel meeting on 26th March 2014, for potential implementation with effect from the Annual Meeting in May 2014."

To assist the Chairman in the early stages of this review, the Committee suggested that matters relating to whistleblowing, complaints and the Constitution might be areas which could potentially become the Committee's responsibility.

12. ARTICLE OF INTEREST - LOCAL GOVERNMENT LAWYER

The Committee noted an extract from the publication entitled “Local Government Lawyer” published in April 2013 relating to the comments of the Committee for Standards in Public Life following its assessment of the state of local government standards.

Of interest to Members was the suggestion by the Committee that they had placed the post Localism Act local government standards regime on a “Watching Brief” suggesting that the lack of available sanctions and independent scrutiny risked damaging public confidence in the probity of local government.

Chairman