

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Standards Update

Meeting/Date: Standards Committee – 26th June 2014

Executive Portfolio: Strategic Economic Development & Legal

Report by: Head of Legal and Democratic Services and
Monitoring Officer

Ward(s) affected: All

Executive Summary:

At the meeting in March, Members made a series of recommendations to the Council in respect of changes to the Code of Conduct and membership of the Committee and to the Corporate Governance Panel in respect of its terms of reference. This report updates the Committee on the response to these recommendations.

The opportunity also is taken to advise the Committee on an impending change to the position of the District Council's Monitoring Officer and update the Committee on recent complaints received.

Recommendation:

That the report and information be received and noted.

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1. WHAT IS THIS REPORT ABOUT/PURPOSE?

- 1.1 It is the purpose of this report to bring Members up to date on the response of the Council and the Corporate Governance Panel to recommendations made by the Committee at its last meeting in March and any action taken subsequently.

2. BACKGROUND AND UPDATE

- 2.1 **Changes to the Code of Conduct** – The Committee may recall that it had recommended to Council a series of changes to the Members' Code of Conduct to take into account general matters that had arisen since it was first introduced in 2012 and other interests, similar to those included in the previous National Code, which had been promoted by guidance issued by the Government entitled 'Openness & transparency on personal interests'.

- 2.2 At its meeting on 30th April, the Council endorsed the recommendation of the Committee and adopted a revised (new) Code of Conduct to take effect from the date of the Annual Council meeting on 4th June 2014.

- 2.3 As a consequence, the Monitoring Officer has –

- ◆ Issued a new Code of Conduct and advised all Parish Councils who previously had adopted the HDC Code to adopt the new Code of Conduct at its first available meeting in the new municipal year;
- ◆ Revised the declaration of interests form to include the new category of 'Non-Statutory Disclosable Interests' relating to bodies exercising functions of a public nature, those directed towards charitable purposes and those whose principal purposes included the influence of public opinion or policy;
- ◆ Issued revised forms to all District and relevant Parish Councillors to complete; and
- ◆ Updated the Briefing Note for Members and Frequently Asked Questions advice and included this on the updated 'Standards & Conduct' pages on the District Council's website.

- 2.4 Although very early days in the process, the Monitoring Officer will update the meeting on the number of completed DPI forms received from District and Parish Councillors so far and the position in respect of the adoption of the new HDC Code by Parish Councils.

- 2.5 **Membership of the Committee** – The terms of office of the Parish Council representatives were due to expire on 30th April 2014 and the appointments of the Lead and Deputy Independent Persons were required to be reaffirmed annually by the Council. Whilst these requirements had originally been imposed for good reason, the Committee was of the view that that the terms of office of both the Parish Council representatives and the Lead and Deputy Independent Persons should be extended to 30th April 2016 (equivalent to a four year and three year term respectively) without the requirement in the case of the Independent Persons for any further ratification by the Council. Whilst the Committee had the authority to vary the term of office of the Parish Council representatives, it was for the Council to make the decision in respect of the appointment of the Independent Persons. Therefore, on the recommendation of the Committee, the Council, on 30th April, reaffirmed the appointment of Mrs Gillian Holmes and Mr Peter Baker to the posts of Lead and Deputy Independent Persons respectively for the remainder of their three year term to 30th April 2016 without the requirement for further annual ratification.

- 2.6 **Terms of Reference** – The Committee was of the view that its terms of reference could be extended by the transfer of functions from the Corporate Governance Panel and Elections Working Group.

The Corporate Governance Panel acknowledged that whilst there was merit in transferring some functions to the Committee, it was felt that oversight of the Constitution should remain with the Panel given its association with the Codes of Financial Management and Procurement. On the recommendation of the Panel, the Council approved the transfer to the Committee of the following functions from the Panel and the Elections Working Group –

- (i) determination of the Council's Customer Feedback Procedure, monitoring compliance with the procedure, compensatory payments to complainants and formulation of recommendations to the Cabinet or Council on any action to be taken as a consequence;
- (ii) consideration of reports by the Local Government Ombudsman, approval of compensatory payments to complainants and formulation of recommendations to the Cabinet or Council or any remedial action to be taken as a consequence;
- (iii) review of the District and Parish electoral arrangements including boundaries;
- (iv) matters relating to the powers of a Parish Council, number of Parish Councillors and new Parish Councils and Parish Wards;
- (v) District and District Ward boundaries arising from any review; and
- (vi) the periodic electoral review.

A copy of Article 9 – Standards Committee and the Committee's new terms of reference are enclosed as Appendices A and B.

3. ROLE OF THE MONITORING OFFICER

- 3.1 Relevant local authorities, including the District Council, have a duty to designate one of their Officers to be known as the Monitoring Officer. This Officer cannot be the Head of Paid Service nor the S151 Officer/Chief Finance Officer. In terms of standards issues, it is the function of the Monitoring Officer to support the Standards Committee, to assess Code of Conduct complaints and to conduct investigations. As the Committee is aware, the Head of Legal and Democratic Services is currently the District Council's Monitoring Officer. The present incumbent is due to retire from the Council's service on 31st July. The District Council will be required to appoint a replacement Monitoring Officer at its meeting to be held on 30th July. Recent changes to the Council's senior management structure and ongoing discussions on the potential for legal services to be shared with another authority has meant the source of any future appointment to the Monitoring Officer post is not yet known and that the issue remains outstanding. It may be possible to give a further update on the position at the meeting.

4. COMPLAINTS UPDATE

- 4.1 Since the last meeting 4 complaints have been received. One against a parish councillor was withdrawn by the complainant pending the outcome of the

recent elections. Another was rejected by the Monitoring Officer in accordance with the Council's assessment criteria, as the alleged incidents were over 12 and 18 months ago and no special circumstances were put forward by the complainant to justify the delay. Two others are very recent and have been referred to the Members in question for their comments.

5. LIST OF APPENDICES INCLUDED

Appendix 1 – Article 9 - Standards Committee
Appendix 2 – Extract from Constitution – Table 2

BACKGROUND PAPERS

Council Minutes – 30th April 2014
District Council's Constitution

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