

**THE MINUTES OF THE MEETING OF THE
STANDARDS SUB-COMMITTEE
HELD ON TUESDAY, 12TH JULY, 2005**

Present: Councillor B. Joyce
Councillor B. Burn
Mr. W. Local
Mr. E. Smith
Councillor Mrs. M. Goyns

Councillor S. Huntington
Member's Representative: Mr. C. McAdam

Ethical Standards Officer Representative: Mr. D. Abrahams

Deputy Monitoring Officer: Mr B Garside

Legal Adviser to the Standards Sub-Committee:
Mrs C Prest

1. **ELECTION OF CHAIR**

RESOLVED that Mr. W. Local be elected Chair of the Standards Sub-Committee.

MR W LOCAL TOOK THE CHAIR

2. **APPOINTMENT OF VICE-CHAIR**

RESOLVED that Councillor B. Burn be appointed Vice-Chair of the Standards Sub-Committee.

3. **TO CONDUCT A HEARING INTO AN ALLEGATION OF A BREACH OF THE COUNCIL'S CODE OF CONDUCT BY COUNCILLOR S HUNTINGTON**

(a) **Exclusion of the Press and Public**

The Standards Sub-Committee considered a report under Section 64(2) of the Local Government Act 2000 from an Ethical Standards Officer (ESO) in relation to an allegation made against Councillor S Huntington. The allegation was that the Respondent sought to improperly influence a decision during a meeting of the Council's Working Executive

Councillor Huntington requested that the hearing be held in private to avoid stress and anxiety to his wife and family.

Mr Abrahams, agreed that the evidence of Ms J Johnson, Chief Executive, was likely to contain confidential information about an employee which would warrant that part of the hearing being held in private. That evidence was also likely to feature in submissions and it would not be practical to hold part of the hearing in private and part in public. Therefore Mr D Abrahams agreed that the press and public should be excluded for the full hearing but after the hearing, only the written statement of Ms J Johnson be treated as remaining an exempt document.

RESOLVED that in accordance with Section 100A (4) of the Local Government Act, 1972, as amended by the Local Government (Access to Information) Act, 1985 the press and public be excluded from the meeting for the following item of business on the grounds that it involved the disclosure of exempt information as defined in Paragraph 1, Part 1 of Schedule 12A of the Act.

(b) **Report of the Deputy Monitoring Officer**

The Deputy Monitoring officer advised that the allegation that Councillor S Huntington sought to improperly influence a decision during a meeting of the Council's Working Executive was referred to the Standards Board for England by the Council's Monitoring Officer, Mr D Taylor, on 29 September, 2004 following a formal complaint by the Council's Chief Executive. The allegation was investigated by an ESO of the Standards Board, who produced a report under Section 59 of the Local Government Act 2000, a copy of which had been circulated as Appendix 1 to the report.

The report of the ESO was also referred to Councillor Huntington for his comments, a copy of which had been circulated as Appendix 2 to the report.

Members were advised that the following facts in the ESO'S report were undisputed:-

- On 7 September, 2004 Working Executive considered a report on staffing structures which included a proposed restructuring of the Environmental Services Section.
- Councillor Huntington's son, Mr C Huntington was employed by the Council in a senior position in the Environmental Services Section and a change to Mr C Huntington's position was proposed in the report.
- Councillor Huntington participated in the discussion at Working Executive about the merits of the proposal under consideration.

Members were advised that the following facts were disputed: -

- Did the Monitoring Officer agree with Councillor Huntington that there had been no breach of the Code when Councillor Huntington spoke to him shortly after the meeting on 7 September, 2004? If so, to what extent was the Monitoring Officer aware of the part Councillor Huntington had played in the discussion of the restructuring proposal?

- Was Councillor Huntington seeking to influence a decision by participating in the discussion at Working Executive?
- Was the well-being of Councillor Huntington's son affected by the restructuring proposals which formed the basis of the report?
- Was Councillor Huntington attempting to protect his son's position within the authority and thus confer advantage upon him?

Mr Abrahams called the Monitoring Officer, Mr D Taylor, to give evidence as to the discussion with Councillor Huntington shortly after the Working Executive on 7 September 2004. Mr D Taylor confirmed that during the discussion he had agreed that no formal declaration of interest was necessary at Working Executive which was not a formal meeting of the Council. Mr D Taylor's advice to Councillor Huntington primarily related to the future consideration of the restructuring report and concentrated on the extent to which Councillor Huntington might be at liberty to speak on aspects of the report which did not affect the section in which his son was employed. Mr D Taylor was aware that Councillor Huntington had spoken on the report at Working Executive but was not aware that his contribution to the debate had included comments on the aspects of the report affecting his son.

Mr Abrahams then called the Chief Executive, Ms J Johnson, to give evidence on discussions she had held with Mr C Huntington relating to the proposed restructure of the department in which he worked. The Chief Executive's evidence was that Mr C Huntington was opposed to the substance of the proposals which were under consideration.

Mr McAdam called Mr C Huntington to give evidence on his response to consultation on the draft restructuring report and the meeting with the Chief Executive. Mr C Huntington's evidence was that he was critical of the lack of consultation prior to publication of the report concerning the section in which he worked. He denied that he had been opposed to the substance of the report on the grounds that it would place him at a disadvantage. He confirmed that having received no satisfaction from his Head of Service or the Chief Executive in response to his criticisms of the consultation approach adopted, he had reported the matter to Councillor Huntington in his capacity as Executive Member for Corporate Services.

The Sub-Committee had the benefit of access to the documents exhibited JR1 to JR8 in the ESO's report of 13th April, 2005.

Written representation was submitted on behalf of Councillor Huntington which included the following salient points: -

Councillor Huntington's son had advised him prior to the Working Executive meeting that there had been very limited consultation with regard to the proposed restructuring and that such consultation had not been completed.

The Chair and other Members of the Working Executive knew Councillor Huntington's son worked for the department that was being discussed. Councillor Huntington was fully aware of the rules and regulations with regard to discussing matters at a Working Executive and by definition paragraph 12 of the adopted Code of Conduct did not apply to the meeting. Whilst acknowledging his son worked for the department he would formally declare his interest at a defined meeting.

Councillor Huntington believed that it was commonly accepted by fellow Councillors that paragraph 12 did not apply to such meetings and that the Chair of any meeting should debar a Member from speaking if he believed that the Code of Conduct was being breached and the Chair was aware of his interest.

Councillor Huntington's son's well-being would not be affected by the change as his son would continue on the same wage and in the same job. He considered the proposed changes were not value for money and that further consultation was needed. No improper influence was intended or sought, nor was he intending to protect his son's position because no change would occur to his son's well-being and no advantage would be conferred upon him.

Councillor Huntington's son was aware of the restructuring proposals and as his son had informed him that his well-being would not be affected he concluded that in speaking at the meeting he would not be in breach of the Code of Conduct. It was his intention to request a further consultation procedure before implementation of the proposals

Mr. Abraham's submitted that Mr D Taylor's evidence indicated that his discussion with Councillor Huntington had taken place without any knowledge of events which had occurred at Working Executive apart from the information given by Councillor Huntington. It was acknowledged that no formal declaration of interest was necessary at such a meeting. He contended that Councillor Huntington was seeking to influence a decision by participating in the discussion. Whilst the Working Executive had no decision making powers it was comprised of the same Members who would shortly thereafter consider the report formally in their capacity as Members of the Executive.

Mr. Abrahams invited the Sub-Committee to prefer the Chief Executive's evidence to Mr C Huntington's evidence where there was a conflict on the issue as to whether he had opposed the substance and not simply the process of consultation adopted in connection with the restructuring proposals. Mr. Abrahams submitted that the clear implication of Councillor Huntington's participation in the discussion as exhibited by the minutes of the Working Executive was that he attempted to protect his son's position and confer advantage upon him.

At this point Members of the Sub-Committee retired from the meeting and returned stating that the following had been determined as facts.

- (a) the Monitoring Officer spoke to Councillor Huntington on 7 September 2004 and gave advice relevant to future consideration of the restructuring report rather than an interpretation of events at the Working Executive meeting

earlier that morning. The Monitoring Officer was not aware at the time of that discussion of the part Councillor Huntington had played in consideration of the report at Working Executive.

- (b) in participating strongly in the debate Councillor Huntington had to be seeking to influence the meeting and the content of future papers which would emerge from that meeting.
- (c) Councillor Huntington's son well-being was affected by the restructuring proposals because of the change in work type and the reduction in volume of work. If the duties linked to his post were halved that could affect the contents of a future CV and thereby his career prospects. The restructuring report had no financial affect on Councillor Huntington's son.
- (d) Councillor Huntington had attempted to protect his son's position within the authority and thus confer advantage on him. The Sub-Committee could have reached a different decision on that question if Councillor Huntington had participated in the debate but not mentioned his son when advancing his arguments.

Mr McAdam argued that any influence Councillor Huntington had sought to exert on the debate had not been improper. It was argued that Councillor Huntington was passing on the concerns of his son and other members of staff about the lack of consultation over the report. It was argued that he did not seek to confer an advantage on his son.

Mr Abrahams submitted that the references to Councillor Huntington's son in the minutes of Working Executive indicated that it was his position that Councillor Huntington was seeking to protect or advance.

At this point Members of the Sub-Committee retired from the meeting and returned stating the following: -

- (a) that Councillor Huntington sought by his actions improperly to confer an advantage upon his son, contrary to paragraph 5(a) of the Members' Code of Conduct.
- (b) that Councillor Huntington did seek to improperly influence discussion on a matter in which he had a personal and prejudicial interest during the Working Executive meeting on 7 September 2004 and failed to comply with paragraph 12(a)(iii) of the Members' Code of Conduct.

Mr Abrahams regarded this as a serious matter. It was a breach of paragraph 5(a) of the Code. This was the kind of conduct that the Code was intended to prevent. An experienced Member like Councillor Huntington should have appreciated that it was improper to participate in this discussion. It was suggested that the Sub-Committee might consider that in the circumstances a sanction of suspension or partial suspension perhaps linked to his role as Executive Member in which the breach had taken place would be appropriate.

Mr McAdam submitted that this breach was not severe. This was the first occasion on which Councillor Huntington had been accused of

breaking the Code even though he had been a Member for 30 years and his son had worked for the authority for 20 years. With hindsight he should have taken advice before the meeting when he would have handled matters differently. He now regularly declared interests when anything affecting the department in which his son worked was on the agenda. It was suggested that any sanctions should reflect the stress he had suffered over the last ten months as a result of the making of this complaint and the process leading to its determination.

At this point Members of the Sub-Committee retired from the meeting to decide on what penalty, if any, ought to be imposed.

The Standards Sub-Committee returned and advised that they had reached the following decision after consideration of all the written evidence and submissions of both parties.

RESOLVED that:-

- (i) Councillor Huntington be suspended for a period of 3 months from his role as Executive Member for Corporate Services this suspension to apply to meetings of the Executive, Working Executive and any other meeting he would normally attend in his capacity as an Executive Member.
- (ii) Councillor Huntington submit a written apology to everyone present at Working Executive on 7 September 2004.
- (iii) the sanction take effect from 12 July 2005.

In addition the Standards Sub-Committee made the following recommendation in relation to the promotion and maintenance of high standards of conduct by the Members and Co-opted Members of the authority: -

FURTHER RESOLVED that the District Council revisit the training given to Councillors and Co-opted Members in relation to the requirements of the Code stressing the duties imposed upon them at all times.

The Deputy Monitoring Officer advised that Councillor Huntington had the right to apply in writing to the President of the Adjudication Panel for England for permission to appeal against the Standards Sub-Committees finding. The President of the Adjudication Panel must receive written notice requesting permission to appeal within 21 days of the Member's receipt of notification of the Standards Sub-Committees finding.