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2 February 2011

To: Chairman – Kathy English
Vice-Chairman – Alan Hampton
Members of the Standards Committee:

Dear Sir or Madam

This is a supplement to the previously-published agenda for the meeting of **STANDARDS COMMITTEE** on **WEDNESDAY, 19 JANUARY 2011**, containing the representations made by the Standards Committee to the Secretary of State for Communities and Local Government and to the Public Bill Committee considering the Localism Bill.

Yours faithfully
JEAN HUNTER
Chief Executive

Requests for a large print agenda must be received at least 48 hours before the meeting.

AGENDA

6. Future of Standards

Chapters 4 and 5 of the Localism Bill, relating to predetermination (Chapter 4) and standards (Chapter 5) are available on the Council's website, www.scambs.gov.uk/meetings as part of the agenda for the Standards Committee meeting. Hard copies will be provided by Democratic Services if requested no later than 48 hours before the meeting.

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The Rt Hon Eric Pickles, MP
Secretary of State for Communities and Local Government
Department for Communities and Local Government
Eland House
Bressenden Place
London
SW1E 5DU

Our ref: SC101143

Your ref:

24 January 2011

Democratic Services Section

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Dear Secretary of State

Localism Bill: the Future of Standards

South Cambridgeshire District Council's Standards Committee has asked me to write to you outlining its views on the changes to the ethical standards regime under the proposed Localism Bill. The Committee regrets that councils have not been consulted or given the opportunity to comment on the changes to the ethical standards regime before the Localism Bill was published.

The Standards Committee share the concerns raised by Sir Christopher Kelly, the Chairman of the Committee for Standards in Public Life that it would be unwise to abandon a national code of conduct as it provides a consistency of approach and advice and minimises confusion for councillors and residents alike in knowing what is required of them. The Committee noted that the Secretary of State, in answer to a question raised in the House of Commons in October about how members of the public will be able to hold councils and councillors to account, stated "*We have been in discussions with the Local Government Association and we will have a code of conduct, which seems to me to be a sensible way of doing that*". The Committee was surprised to note that this view has apparently changed.

The Committee does welcome the broad principles of removing the overly-bureaucratic regime for responding to complaints; however, it has serious concerns that there will be too great a dichotomy between the few sanctions remaining to a Standards Committee and criminal prosecution as the only means of dealing with complaints of misconduct. The Standards Committee believes that the Bill should include a middle ground to reassure the public that allegations are taken seriously and addressed proportionately without placing an undue burden on the resources of the police, courts and Crown Prosecution Service.

The Standards Committee feels that the possibility of facing criminal charges for failing to register an interest correctly (albeit by mistake or inadvertence) will discourage candidates from standing for election, especially at a time of a national campaign to encourage people to become local councillors. The legislation must set out clearly the definitions of interests and the

rules for their registration, in view of the seriousness of the charges which could result from a failure to follow the proper process. The Standards Committee also notes with concern the absence from the Bill of a prohibition on bullying, which is of particular importance not only to all residents, but specifically to local authority employees, including parish council clerks and other staff. The Committee would welcome further clarification in the Bill on the issue of parish councils: it is not clear whether, if this district council were to adopt a voluntary code of conduct for its own members, it would continue to have any overseeing remit for the 105 settlements in our district.

Finally, the Committee notes the recent misreporting in the national press of advice from this Council's legal team, purporting to be guidance on predisposition and bias when it was actually a briefing note, issued many years ago, to members on how personal and prejudicial interests could be interpreted under the old Code of Conduct. This Council has never issued guidance to its members in the way that has been reported. The press reports were based upon press releases issued by the Department for Communities and Local Government (CLG) which appear to have repeated the remarks as fact. We ask that the CLG correct its publications and cease repeating an error.

Yours sincerely



Mrs Kathleen English

Chairman and Independent Member,
South Cambridgeshire District Council Standards Committee

cc: The Rt Hon Andrew Lansley, MP, Secretary of State for Health
The Rt Hon James Paice, MP, Minister of State for Agriculture and Food

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Our ref:
Your ref:
31 January 2011

Democratic Services Section
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Localism Bill: the Future of Standards

Summary

1. South Cambridgeshire District Council's Standards Committee has asked me to write to you outlining its views on the changes to the ethical standards regime under the proposed Localism Bill. The Committee regrets that councils were neither consulted nor given the opportunity to comment on the changes to the ethical standards regime before the Localism Bill was published, but welcomes the opportunity now offered to submit evidence to the Public Bill Committee.

Evidence

2. The Standards Committee share the concerns raised by Sir Christopher Kelly, the Chairman of the Committee for Standards in Public Life that it would be unwise to abandon a national code of conduct as it provides a consistency of approach and advice and minimises confusion for councillors and residents alike in knowing what is required of them. The Committee noted that the Secretary of State, in answer to a question raised in the House of Commons in October about how members of the public will be able to hold councils and councillors to account, stated "*We have been in discussions with the Local Government Association and we will have a code of conduct, which seems to me to be a sensible way of doing that*". The Committee was surprised to note that this view has apparently changed.
3. The Committee does welcome the broad principles of removing the overly-bureaucratic regime for responding to complaints; however, it has serious concerns that there will be too great a dichotomy between the few sanctions remaining to a Standards Committee and criminal prosecution as the only means of dealing with complaints of misconduct. The Standards Committee believes that the Bill should include a middle ground to reassure the public that allegations are taken seriously and addressed proportionately without placing an undue burden on the resources of the police, courts and Crown Prosecution Service.
4. The Standards Committee feels that the possibility of facing criminal charges for failing to register an interest correctly (albeit by mistake or inadvertence) will discourage candidates from standing for election, especially at a time of a national campaign to encourage people to become local councillors. The legislation must set out clearly the definitions of interests and the rules for their registration, in view of the seriousness of the charges which could result from a failure to follow the proper process.

5. The Standards Committee also notes with concern the absence from the Bill of a prohibition on bullying, which is of particular importance not only to all residents, but specifically to local authority employees, including parish council clerks and other staff.
6. The Committee would welcome further clarification in the Bill on the issue of parish councils: it is not clear whether, if this district council were to adopt a voluntary code of conduct for its own members, it would continue to have any overseeing remit for the 105 settlements in our district.
7. Finally, the Committee notes the recent misreporting in the national press of advice from this Council's legal team, purporting to be guidance on predisposition and bias when it was actually a briefing note, issued many years ago, to members on how personal and prejudicial interests could be interpreted under the old Code of Conduct. This Council has never issued guidance to its members in the way that has been reported. The press reports were based upon press releases issued by the Department for Communities and Local Government (CLG) which appear to have repeated the remarks as fact. We have asked the CLG to correct its publications and cease repeating an error.



Mrs Kathleen English

Chairman and Independent Member,
South Cambridgeshire District Council Standards Committee