

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

At a meeting of the Standards Committee held on  
Wednesday, 9 August 2006

Members:	RF Bryant	District Council Member, Independent Group
	EW Bullman	District Council Member, Conservative Group
	NN Cathcart	District Council Member, Labour Group
	Mrs GM Everson	Parish Member
	Mr M Farrar	Parish Member
	Mr D Gilbertson	Independent Member
	Mrs CA Hunt	District Council Member, Conservative Group
	Mr D Kelleway	Parish Member
	A Riley	District Council Member, Independent Group
	Mrs VM Trueman	District Council Member, Liberal Democrat Group
	Dr SEK van de Ven	District Council Member, Liberal Democrat Group

Councillors Dr DR Bard, SM Edwards, Mrs SA Hatton, MJ Mason, R Page, Mrs DP Roberts, Mrs DSK Spink MBE, RJ Turner and Mrs BE Waters and K Barrand (Cambridgeshire Association of Local Councils) were in attendance, by invitation.

Apologies for absence were received from Mr P Brindle, Independent Member.

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### **Procedural Items**

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### **Deputy Monitoring Officer in the Chair**

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#### **1. ELECTION OF CHAIRMAN**

Councillor RF Bryant, seconded by Mr M Farrar, proposed Mr D Gilbertson and Councillor Mrs CA Hunt, seconded by Mr D Kelleway, proposed Councillor A Riley. Mr Gilbertson and Councillor Riley left the room. A vote was held and it was

**RESOLVED** that Mr D Gilbertson be elected Chairman of the Standards Committee for the 2006/07 municipal year.

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### **Mr D Gilbertson in the Chair**

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#### **2. APPOINTMENT OF VICE-CHAIRMAN**

The Chairman asked that it be noted that he would not be taking part in any debate of this item.

The Deputy Monitoring Officer explained that the possibility of an independent Vice-Chairman as Chairman had arisen from a training course she had attended in July 2006, at which the forthcoming legislation was discussed. A White Paper was due for publication in October 2007, becoming statute at the start of 2008. Local authorities might

receive by 2007 amendments to existing regulations requiring an independent member as Chairman and the Committee was asked whether an independent member should therefore serve as Vice-Chairman to be able to undertake the Chairman's responsibilities as required.

The issue met with mixed response and, in light of the absence of Mr P Brindle, the other independent member, and of the length of time before the new requirements were expected, a vote was held and with the majority in favour it was

**RESOLVED** to defer the appointment of Vice-Chairman to the next regular Standards Committee meeting.

The Chairman appointed Councillor Mrs VM Trueman, Standards Committee Vice-Chairman during the 2005/06 municipal year, acting Vice-Chairman of the meeting.

### 3. INTRODUCTIONS

New and returning members of Standards Committee introduced themselves.

### 4. DECLARATIONS OF INTEREST

The Chairman reminded members of the Standards Committee of Counsel's opinion on declaration of personal, prejudicial, and personal and prejudicial interests. He drew the Committee's attention to their role as guardians of ethical standards and probity in South Cambridgeshire and expressed his hope that all were aware of the requirement to be, and to be seen to be, adhering to the Code of Conduct.

The following interests were declared:

Mrs GM Everson	Personal interest in Item 7 as a member of the Executive of the Cambridgeshire Association of Local Councils (CALC)
Mr M Farrar	Personal interest in Item 7 as a member of the Executive of the Cambridgeshire Association of Local Councils (CALC)
Councillor MJ Mason	Personal and prejudicial interest in Item 9 as a member of the Histon and Impington Recreation Ground Sub-Committee
Councillor A Riley	Personal interest in Item 6 as the letter might concern himself, and in Item 13 as the subject of a current investigation which might come to a hearing
Councillor Dr SEK van de Ven	Personal interest in Item 11 as a member of the <i>South Cambs Magazine</i> Editorial Panel

### 5. MINUTES OF PREVIOUS MEETING

The Chairman was authorised to sign as a correct record the minutes of the meeting held on 10 May 2006.

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#### Decision Items

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### 6. FEEDBACK FROM PARISH COUNCILS AND PARISH MEETINGS

### **Letter from the Standards Committee Chairman**

The Committee, at its 10 May 2006 meeting, had agreed that the Chairman write to all district and parish council members advising them about their requirements to ensure that the integrity of any local investigations not be compromised. The wording had followed closely Counsel's advice on a specific issue. In response to Councillor A Riley's report that it had met with bemusement and was seen as a further indication of the opacity of Standards Board for England procedures, the Chairman urged Committee members to help clarify to those they represent the general drive behind the advice in the letter: to ensure that the probity of an investigation not be perceived as compromised.

Councillor RF Bryant reported that the three parish councils within his ward all received the letter and read it aloud at their meetings, but that it had not met with any comment. Mr D Kelleway stated that parish councils held the Standards Board for England in general disrepute and, although noting that this was not the fault of the Chairman or the Committee, felt that government ministers should lead by example in a top-down approach with better standards of behaviour.

Councillor Dr SEK van de Ven explained that the parish councils in her ward had found the letter helpful and clarified matters, suggesting that it was best to err on the side of caution, and added that both parish councils were interested in standards matters. Councillor Mrs DP Roberts felt that many parish councils had seen the Code of Conduct as an imposition and had been seen as impeding parish councillors' intents to serve their local communities.

Some members reported that parish councils in their wards had not yet received the letter and the Democratic Services Officer undertook to provide members with evidence of when it had been sent and a further copy which could be brought to their councils' attention.

### **Feedback from Parish Councils and Parish Meetings**

There was strong support for a standing item on future agendas to receive feedback from parish councils and meetings via the parish members on the Committee. Mrs GM Everson volunteered to liaise with Mr K Barrand, Cambridgeshire Association of Local Councils (CALC), to invite feedback via the CALC bulletin, and Councillor Dr van de Ven suggested setting up an electronic contact form on the proposed Standards Committee website.

The Chairman reminded all of the existence of the Parish Council Standards Sub-Committee, which had a specific remit for parish council issues, but noted that it had not generated much work and had last met in 2002. He felt that it was unduly bureaucratic to hold separate meetings, which was supported by Mr Kelleway, who felt that allowing feedback to be received at the full meeting would help regain credibility for the Standards Committee amongst parish councils and meetings.

Councillor Mrs CA Hunt asked that a separate standing item be included for feedback from district councillors, but the Committee felt that district councillors who were not on the Committee were able to attend meetings by invitation and could also speak on matters at full Council.

The Standards Committee

#### **AGREED**

that all future agendas have a standing item for receiving feedback from parish councils and meetings, the conduit for receipt of information to be the parish members of the Standards Committee,

and the feedback to be received by the Democratic Services Officer in accordance with the Access to Information Procedure Rules in the Constitution.

**7. ADVICE TO, AND TRAINING OF, DISTRICT AND PARISH COUNCIL MEMBERS IN RELATION TO THE MEMBERS' CODE**

**Proposal for Training of Parish Council Chairmen and Clerks**

The Committee, at its 10 May 2006 meeting, had agreed that the Vice-Chairman, Deputy Monitoring Officer and General Secretary of the Cambridgeshire Association of Local Councils (CALC) liaise to prepare a report on delivery of focussed Code of Conduct training to parish council chairmen and clerks. The Chairman noted the poor attendance at a previous training event and the Committee had felt that it would be more efficient to train chairmen and clerks at this stage and ask them to cascade the information back to other parish councillors. Further training events for all parish councillors would be held once the new regulations and revised Code of Conduct had been published. The ideal would be to visit each parish council, but current resources were felt inadequate for such a task, which is why it was felt a locally-focused training DVD sent to each parish council and meeting would be more cost effective. The DVD would be considered further once the new regulations had been published.

It was hoped that the training sessions would be self-funding and CALC had recommended charging an attendance fee of £20 per person, noting that attendees likely would value training more highly if they had paid for it. There was some concern expressed that the fee could deter smaller parish councils, but there could be significant financial implications for the District Council if no fee were charged. The Resources, Staffing, Information & Customer Services Portfolio Holder explained that the annual member training budget for all topics was just £4,800, and asked that a reasonable figure be charged as the Council did not have the resources to offer free sessions. Councillor A Riley emphasised the importance of training, the costs of which were far outstripped by those of a hearing.

The recent training needs survey completed by parish councils had revealed the existence of some parish councillors being resistant to take advice from a clerk rather than from a peer. Councillor Dr SEK van de Ven suggested that parish councils be asked to nominate an attendee for training. The Deputy Monitoring Officer was asked to consult with parish council chairmen and clerks offering a range of possible training times, including evening and Saturday sessions, and possible fees, from which the Council would try to arrange events which suited the majority of respondents.

Mr K Barrant reported that CALC had put Cambridgeshire forward to pilot a training programme and, to ensure a level of uniformity across Cambridgeshire, had selected the option to develop a model compact between County Associations of Local Councils and the standards committees of the principal authorities in the area. The Standards Board for England (SBE) had made a joint funding bid with the National Association of Local Councils and the Society of Local Council Clerks to the Department for Communities and Local Government and the Local Government Association's capacity building programme, but the outcome was not yet known.

The Deputy Monitoring Officer agreed to move the CALC presentation on the basics of the Code of Conduct and the Register of Interests to the start of the training programme. The Democratic Services Officer was asked to draft a series of questions for parish and council members to take to all parish councils to gauge the level of interest of having Standards Committee members visit, with feedback to be reported at the next meeting.

The Standards Committee

**AGREED**

- (a) the general outline of the training programme
- (b) to host two days of training with three sessions in each day, held in two different weeks, dates and costs (if any) to be determined following consultation with parish councils;
- (c) to instigate a Standards Committee Newsletter published by the Deputy Monitoring Officer and Democratic Services Officer on the SCDC website; and
- (d) to request that all parish councils put the Standards Committee newsletter on their agendas.

**Training of District Councillors**

District councillor training was a critical priority and could reduce the significant time and financial investment being made on investigations and hearings. The Scrutiny and Overview Committee, at its 20 July 2006 meeting, had recommended that Code of Conduct and ethical standards training be mandatory for all district councillors. The Resources, Staffing, Information & Customer Services Portfolio Holder felt that the training should focus on the correct application of the complaints procedure and the inappropriateness of using it as a political tool. He asked if the Committee would like to combine district and parish councillor training sessions, but Committee members felt that the two sessions should remain separate to reflect the different needs and areas of determination, although it was acknowledged a joint session could reduce costs and help attendees to understand what was required of each other.

The training budget would be reviewed in October 2006 as part of the Council's Medium Term Financial Strategy, but the Resources, Staffing, Information & Customer Services Portfolio Holder cautioned that, despite cuts made as part of the previous year's capping exercise, the Council was required to make further year-on-year savings. He confirmed that he had responsibility for Standards Committee training as part of his portfolio.

The Chairman explained that the Standards Board for England held a small ring-fenced budget for training and it was felt that, given the number of cases within South Cambridgeshire and the devolution to local authorities responsibility for investigations, a strong case could be made for SBE funding.

The Deputy Monitoring Officer agreed to liaise with the Resources, Staffing, Information & Customer Services Portfolio Holder to consider the quotations received from external trainers, explaining that some district councillors had indicated that they would refuse to attend internal training sessions conducted by the Monitoring Officer or Deputy Monitoring Officer. The Chairman asked the Committee to note that by adopting such a position such members might unnecessarily commit the Council to significant expenditure to provide external trainers.

**Training of Standards Committee Members**

Due to limited resources in the Council's legal section, the Deputy Monitoring Officer explained that training might have to be delivered through an external trainer, although neighbouring authorities would be approached to attend joint sessions and help share the costs. Internal training, if it could be offered, could be undertaken sooner and at no cost. The Deputy Monitoring Officer agreed to meet with the Resources, Staffing, Information & Customer Services Portfolio Holder to discuss the best way forward.

**8. BRIDGING THE GAP: STANDARDS BOARD FOR ENGLAND FIFTH ANNUAL ASSEMBLY, BIRMINGHAM, 16-17 OCTOBER 2006**

The Chairman, who had attended the 2005 conference, commended it highly and offered to reduce costs by attending only the first day and collect and distribute all training material available. The Deputy Monitoring Officer reported that the conference costs were:

- £310 + VAT per delegate for one day, plus travel and accommodation; or
- £415 + VAT per delegate for both days, plus travel and accommodation.

The Resources, Staffing, Information & Customer Services Portfolio Holder was sympathetic to the Committee's views of the importance of the conference, but reminded those present of the Council's current financial position and that each section of the Council would receive invitations to conferences which were high priorities for their service area. Councillor NN Cathcart supported the attendance of the Chairman and the Deputy Monitoring Officer, who would feed back information to the benefit of the Committee.

Mr K Barrant, noting the importance of the conference to parish councils, offered to fund half the attendance costs of one parish member of the Standards Committee in return for that member reporting back to CALC and the District Council. The Committee accepted Mr M Farrar's offer to attend as a parish member if the District Council could provide the remaining funding. Councillor SM Edwards indicated that he would be unable to commit funding without first reviewing the budgetary figures and undertook to investigate whether the Deputy Monitoring Officer's attendance could be funded from the officer training budget.

The Standards Committee

**AGREED** that the Chairman should attend the fifth annual Standards Board Assembly and, if funding could be found, that he should be accompanied by the Deputy Monitoring Officer and Mr M Farrar, parish member.

The Chairman undertook to provide the notes of the 2005 conference to all Standards Committee members. The Standards Committee thanked Councillor Edwards for his comments and assistance.

**9. DISPENSATIONS: REQUEST FROM HISTON & IMPINGTON RECREATION GROUND SUB-COMMITTEE**

Councillor MJ Mason left the meeting for the duration of this item.

A dispensation request had been received from members of the Histon & Impington Recreation Ground Sub-Committee explaining that the number of Sub-Committee members who were prohibited from participating in the business of the Sub-Committee exceeded 50% of those Members entitled to and required to so participate. The Deputy Monitoring Officer drew the Committee's attention to the legal position set out in the Monitoring Officer's letter and confirmed that the information received fulfilled all legal requirements.

The Standards Committee

**AGREED** (a) to issue a dispensation to the following members of the Histon & Impington Recreation Ground Sub-Committee with regards to their direct involvement with Histon Hornets Football Club:

- Neil Davies (Histon Parish Council)
- Phil Gooden (Impington Parish Council)

- Mark Lawton (Impington Parish Council)
  - Steve Unwin (Impington Parish Council)
- for so long as they remain elected members of their respective parish councils; and
- (b) that the above-named members be required still to declare an interest in matters in which they have been granted this dispensation and to declare the existence of this dispensation.

Mr D Kelleway requested that covering reports be provided for all agenda items.

## 10. WHISTLEBLOWING POLICY

The Standards Committee received the Whistleblowing Policy, which had been re-drafted following the Committee having expressed concern about its adequacy. Mr P Brindle and Councillor RF Bryant had served as the Committee's representatives on the working group which had reviewed the policy, with the Deputy Monitoring Officer assisting with legal matters.

The Committee commended the document and supported subscribing to the Public Concern at Work "starter package", costing approximately £310 per annum, which provided a compliance toolkit, helpline subscription, posters to promote the policy and a newsletter. The Deputy Monitoring Officer explained that comments had not yet been received from the unions, but that their responses would be included in the report to Cabinet.

Committee members were asked to submit any comments to the Deputy Monitoring Officer before 31 August 2006, and Councillor Bryant undertook to present the comments to the working group.

The Standards Committee

**RECOMMEND** that the revised Whistleblowing Policy be adopted.  
**TO CABINET**

The Committee thanked the members of the working group for the updated policy.

## 11. STANDARDS COMMITTEE WEBPAGE

The Committee considered the options available for a webpage. Councillor Dr SEK van de Ven suggested that the Committee's purpose, to promote and maintain high standards of conduct within the district council and parish councils, be moved to the top of the page.

In response to concerns expressed by Mr D Kelleway about the timeliness of information on the site, the Democratic Services Officer explained that agendas were published directly to the site and draft minutes usually were available within ten working days after the meeting date.

The Standards Committee

**AGREED** to

- (a) delegate authority to the Deputy Monitoring Officer and Democratic Services Officer to decide what information should be included and a mechanism for keeping this under review;
- (b) nominate Councillor Dr SEK van de Ven to liaise with the Democratic Services Officer regarding creation and on-going maintenance of the webpage; and
- (c) promote the new website via the Winter 2006 edition of *South Cambs Magazine* as part of the proposed article about the

## Standards Committee.

**12. PROCEDURE FOR LOCAL INVESTIGATION OF REFERRED COMPLAINTS**

The Chairman introduced the draft procedure for local investigations and noted that representations had been made by two Committee members, copies of which were available on the Council's website and which would be circulated to all Committee members. Rather than attempt to re-draft the procedure at the current meeting, the Committee felt that this procedure and the associated Procedure for Local Standards Hearings be adjourned to an extra-ordinary meeting. The Deputy Monitoring Officer undertook to receive comments from Committee members before a set deadline, and would incorporate into a revised procedure all straightforward drafting issues then prepare a report on substantive issues of principle for discussion.

The Deputy Monitoring Officer explained that the original procedures had been drafted by Peter Keith-Lucas, a partner with the Bevan Brittan firm of solicitors in London, and had been included as part of a resource package at a recent training exercise. The procedures, once re-drafted by the Standards Committee, would be forwarded to the Constitution Review Working Party and then to full Council for incorporation into the Constitution. There was no immediate need for the procedures to be ratified, as the Constitution already contained a procedure for local hearings and the Standards Board for England had written guidance on local investigations.

Councillor A Riley supported the proposal for an extra-ordinary meeting and asked that Committee members receive copies of the Statutory Instruments underlying the procedures. He asked the Deputy Monitoring Officer seek clarification from the Standards Board for England why the procedure omitted the option for the Ethical Standard Officer to find evidence of a breach but take no further action. He further queried the existence in legislation of a local filtering process allowing the investigator to acknowledge evidence of a breach but not to require a hearing in instances where it was unlikely sanctions would be imposed. The Deputy Monitoring Officer confirmed that the comment in the July 2006 *Town and Parish Standard* publication from the Standards Board for England was the first time the Ethical Standards Officer filtering process had been acknowledged in writing.

Mr D Kelleway proposed the establishment of a sub-committee to review the procedures with the Chairman and Monitoring Officer before they returned to full Committee, but it was felt that an extra-ordinary meeting would suffice. The Democratic Services Officer undertook to circulate amongst Committee Members possible dates for the extra-ordinary meeting and Mr Kelleway asked that it be noted that the £210 annual co-optees' allowance for parish members was insufficient to cover his loss of earnings to attend meetings unless he took unpaid leave from work.

The Standards Committee

**DEFERRED** consideration of the procedure for local investigation of referred complaints to an extra-ordinary meeting to be held before the end of October 2006.

Mr Kelleway reiterated his request that all agenda items have covering reports.

**13. PROCEDURE FOR LOCAL STANDARDS HEARINGS**

The Standards Committee

**DEFERRED** consideration of the procedure for local standards hearings to an extra-ordinary meeting to be held before the end of October 2006.



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### Information Items

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#### 14. STANDARDS BOARD FOR ENGLAND ANNUAL REVIEW 2005-06

Copies of the July 2006 editions of the Standards Board for England *Bulletin* and *Town and Parish Standard* were circulated. Mrs GM Everson noted that the previous *Bulletin* had referred to a questionnaire for Standards Committee members and the Deputy Monitoring Officer confirmed that copies would be circulated to members according to the set criteria. A report and recommendations were expected from the SBE at the end of the process.

The Chairman reported that he had been approached by an accountant from the Council's external auditors offering to attend a Standards Committee meeting to speak on the role of the Standards Committee in terms of the Council's overall performance. Noting that there would be no financial implications from this presentation, the Standards Committee accepted the invitation.

The Standards Committee **NOTED** the Standards Board for England Annual Review 2005-06.

#### 15. APPOINTMENT OF INDEPENDENT MEMBERS

Mr D Kelleway queried the shortlisting and appointments process, which was confirmed as:

- initial advertisement in *South Cambs Magazine* inviting applications;
- shortlist prepared by the Deputy Monitoring Officer in line with the Council's recruitment and selection policy;
- interviews and selection by an appointments panel appointed by the Chairman in consultation with the Monitoring Officer, a streamlined procedure agreed by Council on 27 July 2006; and
- ratification by Council the recommendations from the appointments panel.

Mr Kelleway regretted that he had not been informed of the recent amendments to the Constitution and Councillor Dr SEK van de Ven recommended that the Council agenda on-line be consulted for full details. Mr Kelleway felt that Committee members should be informed of the names of all applicants and who had been shortlisted, but the Chairman explained that such information was, necessarily, confidential. Members of the appointments panel would receive copies of the application forms completed by the candidates attending interviews.

The Chairman warned that Committee members were in danger of disclosing exempt information and drew the debate to a close.

The Standards Committee **NOTED** the Chairman's appointment of Mr P Brindle, Councillor RF Bryant, Mrs GM Everson and Councillor Mrs VM Trueman to interview and appoint at least two independent members from the five shortlisted candidates, with Mr Brindle acting as Chairman of the panel.

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### Standing Items

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**16. OPERATION OF MEMBERS' CODE**

The Deputy Monitoring Officer reported a steady stream of queries on the Code of Conduct. She and the Chairman had been consulted on and advised on one recent incident where it was believed that a complaint was being made to the Standards Board for England.

**17. CASE TRIBUNAL REPORTS AND REFERENCES MADE TO ETHICAL STANDARDS OFFICERS**

The Deputy Monitoring Officer, conforming to the usual practice to give neither names nor details of local cases, reported that:

- the Ethical Standards Officer had found no failure to comply with the Code of Conduct in a case where a district councillor had self-referred the matter;
- the Ethical Standards Officer had decided not to investigate two related cases involving procedural matters at a parish council meeting;
- as reported previously an existing local investigation into allegations made against a district councillor had been returned to the Standards Board for England following allegations of potential interference and a draft report had not yet been issued;
- two cases involving district councillors were under investigation by the Standards Board for England; and
- two local investigations involving parish councillors remained in limbo due to the continuing absence of the Monitoring Officer.

The Deputy Monitoring Officer explained that interviews had been held for the two local investigations, but that the Monitoring Officer had not completed a report nor made any findings; if he were unable to return to work on his proposed return date of 24 August 2006, the investigations could have to be restarted. The circumstances were very unfortunate and sympathy was expressed for the continuing uncertainty to the individuals concerned, but the Chairman reminded the Committee that it was inappropriate to conduct a public debate or to directly or implicitly criticise a Council officer and drew discussion to a halt.

The Deputy Monitoring Officer agreed to provide the Standards Board for England case number in the future. Mr D Kelleway asked that the information be provided in a written report, supported by Councillor Mrs CA Hunt, who acknowledged the additional workload this would generate for the legal section but stated that Committee members reserved the right to have the full information. The Chairman agreed to receive a written report, but reminded members that the information would be publicly available as part of the agenda and reserved the right to reconsider the situation if a written report proved unsustainable in terms of officer time.

**18. OPERATION OF NATIONAL CODES OF CONDUCT AND OTHER STATUTORY FUNCTIONS OF THE MONITORING OFFICER**

Nothing to report.

**19. THE HANDLING OF COMPLAINTS AND INVESTIGATIONS BY THE OMBUDSMAN**

The Ombudsman's letter was circulated. No complaints relating to standards issues had been received.

**20. DATES OF FUTURE MEETINGS**

Mr D Kelleway gave his apologies for the meeting of 8 November 2006. The Chairman invited Mr Kelleway to prepare a report for the Standards Committee to consider his proposals for the consideration of evening meetings and an increased co-optees' allowance for parish members. Mr Kelleway explained that the existing allowance was insufficient to cover his loss of earnings and that could result in a lack of proper representation if parish and independent members of the Standards Committee were restricted to retired or wealthy residents. The Chairman advised that a written report and recommendations to the 14 February 2007 meeting would better assist the Standards Committee in coming to a decision, but Mr Kelleway felt that he had made all the points that he wished to raise and hoped that the Committee agreed with him. The Democratic Services Officer would provide Mr Kelleway upon request any background papers he required regarding the Members' Allowances Scheme.

The Standards Committee **NOTED** the dates of future meetings, held quarterly on the second Wednesday of each month at 10 am in the Council Chamber, except where this would conflict with other Council commitments:

- Extra-ordinary meeting before the end of October 2006
- Wednesday 8 November 2006
- Wednesday 14 February 2007
- Wednesday 16 May 2007
- Wednesday 8 August 2007
- Wednesday 14 November 2007

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**The Meeting ended at 2.00 p.m.**

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