

COUNCIL

THURSDAY, 26 APRIL 2007

DECISIONS

Set out below is a summary of the decisions taken at the meeting of the Council held on Thursday, 26 April 2007. The wording used does not necessarily reflect the actual wording that will appear in the minutes.

If you have any queries about any matters referred to in this decision sheet please contact Richard May.

MINUTES OF THE LAST COUNCIL MEETING COUNCIL RESOLVED

That the Minutes of the meeting held on 22 March 2007 be confirmed as a correct record and signed by the Chairman.

MINUTES OF THE TRANSFORMATION COMMITTEE HELD ON 21 NOVEMBER 2006 COUNCIL RESOLVED

That the Minutes of the Transformation Committee held on 21 November 2006 be approved as a correct record and signed by the Chairman.

IMPROVEMENT PLAN (CABINET, 12 APRIL 2007)

Council **RESOLVED** that the Improvement Plan (the latest version of which was circulated at the meeting) be approved, and that the Chief Executive, in consultation with the Leader of the Council, be authorised to agree any further changes to the plan prior to submission to the Audit Commission.

POLICY FOR THE AWARD OF DISCRETIONARY HOUSING PAYMENTS (CABINET, 12 APRIL 2007)

Council **RESOLVED** that the policy for the award of discretionary housing payments be adopted in order to facilitate future awards from the financial year 2007/08 onwards.

MILTON COUNTRY PARK - FUTURE MANAGEMENT (CABINET, 12 APRIL 2007)

Council **RESOLVED** that the disposal of the SCDC land in the park, and the land on a 999-year lease from the Stokes, be approved in principle, on the basis of a 99-year lease on a peppercorn basis to the organisation which is selected to take on the management.

REVIEW OF THE CONSTITUTION - RECOGNITION OF MEMBERS' ROLES AND RESPONSIBILITIES WITHIN THE CONSTITUTION AND AGREEMENT OF A REVISED PROTOCOL ON MEMBER OFFICER RELATIONS (CONSTITUTION REVIEW WORKING PARTY, 12 APRIL 2007)

Council **RESOLVED**:

- (1) That the following additions to Article 2 of the Constitution be approved:

Recognition of political groups

"Members shall be entitled to join political groups. In accordance with the Local Government (Committees and Political Groups) Regulations 1990, a

political group shall be treated as constituted when there is delivered to the Chief Executive a notice in writing which:

- (i) is signed by two or more Members of the Council who wish to be treated as a political group;
- (ii) states that Members of the Council who have signed wish to be treated as a political group;
- (iii) states the name of the political group;
- (iv) states the name of the Member who shall be the Leader of the political group.”

Definitions of Controlling and Opposition Groups

“The Political Group or groups of the Council whose Members have been appointed to the Cabinet by the Leader of the Council shall be identified as the Controlling Group or Groups. For the purposes of political control, the Cabinet shall collectively be identified as the Executive.

“The Political Group with the largest number of seats on the Council and whose Members have not been appointed to the Cabinet by the Leader of the Council shall be identified as the Major Opposition Group.

“Other Political Groups with seats on the Council and whose Members have not been appointed to the Cabinet by the Leader of the Council shall be identified as Minor Opposition Groups.”

- (2) That the Protocol on Member / Officer Relations be approved, replacing the existing version at Section H of Part 5 of the Constitution, subject to the inclusion of changes recommended by the Scrutiny and Overview Committee.
- (3) That the Member role descriptions be approved and incorporated into Part 5 of the Constitution, subject to the inclusion of further minor recommended changes circulated prior to the meeting.
- (4) That the following recommendation of the Independent Remuneration Panel be approved:

“That a Special Responsibility Allowance equivalent to 30% of the Special Responsibility Allowance paid to the Leader of the Council be paid to the Leader of the Major Opposition Group, with effect from the start of the 2007-2008 civic year.”

- (5)
 - (a) That the role of Opposition Spokespersons at Portfolio Holder meetings be recognised within Part 4 of the Constitution.
 - (b) That the recognition of a ‘Shadow Cabinet’ be not supported.
 - (c) That the Leader of the Major Opposition Group be required to produce an annual report to Council.

REVISED CODE OF CONDUCT

Council **RESOLVED** that the revised Code of Conduct be adopted for incorporation into the Constitution with effect from 3 May 2007.

MEMBER TOOLKIT AND CONTRACT

Council **RESOLVED**:

- (1) That the following local procedure be agreed and included in the Member Toolkit, to be followed where there are potential breaches of the Code of Conduct and other protocols:
- If a complaint is made to the Chief Executive or Monitoring Officer about the behaviour of a Member that Member will receive a written invitation from the Chief Executive and/or Monitoring Officer to attend a meeting to discuss the issue. The Member's relevant group leader will also be invited to attend the meeting and the Chairman of the Standards Committee may also be invited to attend. If the complaint is deemed to be a valid complaint following initial investigation by the Chief Executive and/or Monitoring Officer, the Member will be asked to apologise, where appropriate, or receive a written warning that such behaviour is not welcome at the Council and asking that there be no recurrences. The Member will be warned at this stage that if the type of behaviour happens again then it will be recommended that a complaint be made to the Standards Board for England.
 - If the Chief Executive or Monitoring Officer, following an initial investigation of the facts, deems that a complaint against a Member is likely to be upheld and that under the SBE system the conduct is of a type likely to attract a penalty (other than censure or a recommendation for training) then such a complaint would be referred directly to the SBE.
 - If a Member has previously been found to have breached the Code of Conduct (either by the Council or the SBE) and a similar complaint is made again (*and the Chief Executive or Monitoring Officer, following an initial investigation of the facts, deems that a complaint against a Member is likely to be upheld*) such a complaint will also be referred directly to the SBE.

If, following an initial investigation, the Chief Executive or Monitoring Officer is unable to ascertain the facts at issue in a complaint against a Member and it concerns a possible breach of the Code of Conduct then it will be recommended that a referral is made to the SBE so that a full investigation can take place.

- (2) That the following Member undertaking be approved for signing at the Annual Meeting of Council, at which Members will be issued with their copies of the Member Toolkit:

"I acknowledge the need to establish a culture of high ethical standards within South Cambridgeshire District Council and understand that by signing this undertaking I am demonstrating my commitment to achieving this.

I agree to abide by and respect the rules, procedures, policies, protocols and guidance set out in the Member Toolkit as follows:

- Letter to all Members introducing Member Toolkit from the Chairman of Council, Leader of Council & Chief Executive
- Breach of code/protocols procedure
- 10 General Principles of Conduct (Statutory Instrument 2001/1401)
- SCDC Code of Conduct (2007)

- Statutory guidance issued on the revised Code of Conduct
- Councillor’s Guide to Pre-Determination & Bias
- Gifts & Hospitality – additional guidance for Councillors
- Procedural Guidance for Planning & Licensing Committees
- Whistleblowing Policy
- Member/Officer Relations Protocol
- Member Role Descriptions
- Skills Framework for Elected Members (IDeA)
- Protocol on the Use of IT by Members
- A Councillor’s Guide (IDeA)

Signed

.....
 District Councillor

Dated.....”

(3) That the contents of the Member Toolkit be approved, subject to (1) and (2) above.

SECOND ANNUAL SCRUTINY AND OVERVIEW COMMITTEE REPORT TO COUNCIL
 Council **RESOLVED** that the proposals be referred to the Constitution Review Working Party for detailed consideration.