

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 9 September 2009.

PRESENT: Mrs KM English (Independent Member) – Chairman
Mr AC Hampton (Independent Member) – Vice-Chairman

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| Members: | Mr RF Bryant | Parish Member |
| | Ms GJ Butcher | Independent Member |
| | NN Cathcart | District Council Member, non-group |
| | Mrs SJO Doggett | District Council Member, Independent Group |
| | Mr M Farrar | Parish Member |
| | Mr JL House | Independent Member |
| | Mrs JE Lockwood | District Council Member, Liberal Democrat Group |
| | Mrs CAED Murfitt | District Council Member, non-group |
| | AG Orgee | District Council Member, Conservative Group |
| | Mrs MS Pilfold-Allan | Independent Member |
| | Mr EM Revell | Independent Member |
| | A Riley | District Council Member, Independent Group |
| | Mr CF Tomsett | Parish Member |
| | Dr SEK van de Ven | District Council Member, Liberal Democrat Group |
| | Mr JG Williams | Independent Member |
| Officers: | Holly Adams | Democratic Services Officer |
| | Virginia Lloyd | Lawyer |
| | Fiona McMillan | Legal & Democratic Services Manager and Deputy Monitoring Officer |

Councillor Mrs DP Roberts was in attendance, by invitation.

Apologies for absence were received from Councillor R Hall and Mr DC Kelleway.

22. DECLARATIONS OF INTEREST

None.

23. APPOINTMENT TO STANDARDS COMMITTEE OF A PARISH COUNCIL MEMBER 2009-2013

The Standards Committee congratulated Mr Farrar on his re-election.

24. MINUTES OF PREVIOUS MEETING

The Chairman was authorised to sign the minutes of the meeting of 17 June 2009 as a correct record subject to the following amendments:

- Minute 8: "...member of the ~~Trustee~~ of the Recreation Ground..."
- Minute 18: "...agreed that this case **be** included..."
- Minute 19: "...just that he ~~wanted~~ **wondered** how it could be..."

25. CHAIRMAN'S ADDRESS

The Chairman set out her aims for the Standards Committee in 2009/10, which she believed went straight to the heart of the committee's purpose:

- (i) To publicise the Standards Committee and its work: she wanted to raise

awareness of the committee, and that Councillors worked very hard on behalf of the public and were held to high standards of conduct. An article about the committee had already been published in the autumn edition of *South Cambs magazine*.

- (ii) To reassure all staff that any concerns they raised about a member would be resolved promptly, and fairly to both the officer and the member(s) involved, without prejudice to the officer's career or how he or she was treated by councillors in the future.
- (iii) To focus on parish councils, particularly through the Parish Liaison Working Group, as parish councillors did not have the same opportunities as district councillors for training and advice.

The Chairman encouraged members to raise with her any practical suggestions for furthering these aims.

26. JOINT STANDARDS COMMITTEES

The Standards Committee (Further Provisions) (England) Regulations 2009 made provisions for two or more local authorities to establish a joint standards committee to discharge all or some of its functions. The Deputy Monitoring Officer had spoken to neighbouring authorities, several of which were interested in informal arrangements to share Monitoring Officer duties. East Cambridgeshire District Council (ECDC) had expressed an interest in formal arrangements for the discharge of the hearings (determination) function. Members considered a report setting out the method through which a joint committee could be established. If both authorities were minded to enter into joint arrangements, a further report and draft Terms of Reference would be produced for consideration at the 9 December 2009 meeting.

In response to questions, the Deputy Monitoring Officer confirmed that:

- Officers from both authorities felt that the hearings panel (determinations) stage offered the best opportunity for joint working. A joint hearings panel would be comprised of members from the parent Standards Committees from both authorities and would be likely to have 10-12 members as a pool from which a three-member panel would be drawn in the event of a local hearing. The membership of the two parent Standards Committees would remain unchanged and there would not be any requirement for an SCDC member to serve on the ECDC Standards Committee or vice versa;
- Unlike the statutory requirement for a parish council member to serve on a panel determining a parish council matter, there was no equivalent requirement for a district council member to serve when determining a district council matter;
- Appointments to a hearing panel would be made on a case-by-case basis, with the process set out clearly in the Terms of Reference, which would be subject to approval by the two District Councils. The Terms of Reference could provide that only SCDC committee members serve on panels determining South Cambridgeshire matters unless there were conflicts of interest precluding the participation of SCDC members;
- As with the existing hearings process, the subject member would be informed of the proposed membership of the hearing panel and the Terms of Reference could include a requirement that a subject member be asked whether he / she preferred local or external members to serve;
- The Terms of Reference would include a section on joint training;
- The administrative side of the process (Monitoring Officer, Democratic Services Officer) would be conducted by the authority responsible for the subject member;

- A three-year joint working trial was suggested, followed by a review and a decision whether or not to continue.

The Committee was unable to foresee the public perception of joint working arrangements and whether they would be considered to be more fair or more bureaucratic. Mr JG Williams suggested that hearings panels be comprised only of independent members to avoid the potential for district councillors' conflicts of interest, but it was felt that the subject member, if a district councillor, was likely to object if the panel did not include at least one district councillor.

The Chairman agreed to discuss with officers the matter of joint working and report back with officers' views on whether or not the proposal was preferable to the existing arrangements.

The matter was put to a vote and, with a show of hands, the Standards Committee **WAS MINDED** to enter into joint arrangements with the Standards Committee of East Cambridgeshire District Council for the discharge of the hearings (determination) function.

Ms GJ Butcher, Councillor Mrs SJO Doggett and Mr JG Williams recorded their opposition to the decision. Councillors AG Orgee and A Riley apologised for their late arrival in the middle of the debate on this item, as they were both members of the Employment Committee Appointment Panel which had been interviewing candidates for the Principal Solicitor post.

27. **FOXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**

The members of Foxton Parish Council had applied for dispensations for matters relating to Foxton Recreation Ground Trust, a registered charity of which Foxton Parish Council was the sole Trustee. The charity could exercise its power as Trustee only through the members of Foxton Parish Council.

The Standards Committee **AGREED** to grant until May 2011, the duration of the current Parish Council, dispensations for any matters concerning Foxton Recreation Ground to Foxton Parish Councillors Mr David Allars, Mr Geoffrey Barnes, Mr Steven Bentinck, Dr Colin Grindley, Mrs Rachael Macintyre, Dr David McKeown, Dr Nigel Oakley and Mr Peter Sutton, with the reminder that they were still to declare an interest in any matters concerning Foxton Recreation Ground and to declare that they have received a dispensation for that interest.

28. **2010 LOCAL GOVERNMENT CHRONICLE (LGC) AWARDS: STANDARDS AND ETHICS**

The Deputy Monitoring Officer explained that all local authorities had been invited to submit entries to the 2010 Local Government Chronicle (LGC) Awards, for which a Standards and Ethics category had been added in 2009. The Committee would have to demonstrate the work it had done in the latter half of 2008/09 and the first half of 2009/10, most of which had already been summarised in the Annual Report to Council and the 2009/10 Key Performance Indicators. In response to concerns expressed, the Deputy Monitoring Officer clarified that the award was for the work of the Standards Committee to raise its profile and increase public awareness of its role, not about the cases considered, and that the awards scheme was owned and run by the LGC and not Standards for England, although the latter was helping to promote the Standards and Ethics award.

The Standards Committee, with thirteen members in favour, **AGREED** that an entry be submitted to the 2010 Local Government Chronicle (LGC) Awards: Standards and Ethics

category.

Councillor NN Cathcart, Mr JL House and Councillor A Riley voted against the proposal and Councillor Dr SEK van de Ven abstained.

29. **STANDARDS COMMITTEE WORK PROGRAMME: KPIS FOR 2009/10**

The Committee received the updated Key Performance Indicators (KPIs) for 2009/10. The Chairman drew attention to KPI 13, which previously stated that the Committee should take responsibility for the Member-Officer Relations Protocol, but had been reworded to request that responsibility for it should be clarified. The Committee requested that the Constitution Review Working Party determine which body should have overall responsibility for the protocol. KPI 15, establishment of a local standards committee forum with neighbouring authorities, was deferred until after the October 2009 Annual Assembly of Standards Committees.

Members queried KPI 8, which referred to the Standards Committee's role to receive applications and make directions in relation to politically restricted posts under the s3A Local Government and Housing Act 1989. This power was passed to Standards Committees as part of the 2007 Code of Conduct, and effectively allowed the Committee to consider granting exemptions to senior District Council officers who were appointed to politically-restricted posts but were politically active, for example, as elected councillors outside South Cambridgeshire. The Deputy Monitoring Officer would provide a full report to the next meeting.

It was noted that Ms GJ Butcher and the Deputy Monitoring Officer had been invited to speak at the 2009 Annual Assembly.

The Standards Committee **AGREED** the updated set of Key Performance Indicators for 2009/10.

Councillors NN Cathcart and A Riley abstained from voting on the proposal.

30. **PARISH LIAISON WORKING GROUP**

The Standards Committee, at its meeting of 17 June 2009, had agreed to establish a Parish Liaison Working Group to look at ways to improve communication with, and training opportunities for, parish councillors and clerks. All members had been invited to participate on the Working Group and Mr RF Bryant, Councillor Mrs SJO Doggett, Mr M Farrar, and Mr CF Tomsett had volunteered to serve. Mr CF Tomsett had volunteered to be the Chairman.

The following areas of concern were suggested for the Working Group to consider and the Chairman explained that the first priority of the Working Group would be to look for practical ways to address issues, considering the wide range and diversity of parish councils in the district:

- Adherence to the Code of Conduct;
- Understanding of, and acting upon, correspondence received, not just noting that correspondence has arrived;
- Adherence to and understanding of financial regulations;
- Adoption of Standing Orders, although not mandatory, for the efficient and transparent running of meetings; and
- Making the public aware of what they could expect from their parish councils, particularly how meetings were conducted and where they could turn for advice.

It was **AGREED** that the list of areas of concern be circulated to members by e-mail along with potential dates for the first Parish Liaison Working Group meeting.

31. PUBLIC PERCEPTIONS OF ETHICS

The Committee **NOTED** Standards for England's report on Public Perceptions of Ethics, particularly the low overall percentage of respondents who were aware of their local authority's standards committee, which was an area the Committee had already taken steps to address.

32. STANDARDS FOR ENGLAND QUARTERLY STATISTICS

The Committee **NOTED** the quarterly return statistics, which now covered the full municipal year 2008-09.

33. CHAIRMAN'S DELEGATION MEETINGS: REVIEW OF PROTOCOL AND OPERATING PRINCIPLES

The Deputy Monitoring Officer explained that there had been a large number of parish and district councillors at the Planning Portfolio Holder's meeting on 1 September when the Chairman's Delegation Meeting (ChDM) Protocol and Operation Principles were discussed, and a report would be presented to the Planning Committee on 7 October for determination. Parish councils had sought originally to have speaking rights at ChDM, they were now asking only to be allowed to observe, to ensure that their local district councillor was reporting their views accurately. It was acknowledged that the local district councillor might not agree with the views of the parish council, but could make his or her own representations as long as the parish council's views were reported and a distinction was made between the parish council's views and the member's own views.

The Standards Committee's view remained that adequate democratic services and legal support was required at all ChDM.

34. UPDATE FROM ASSESSMENT AND REVIEW PANELS

The table was **NOTED**.

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

Although parish council administration was outside the Standards Committee's remit and was not a Code of Conduct issue, the Council often received Code of Conduct complaints about administrative matters and the Committee felt that there was a link between the operation of parish council meetings and public perception of parish councillors. As the Local Government Ombudsman did not consider complaints made about parish council administration, these issues were unenforced. The Deputy Monitoring Officer confirmed that Council sought to provide advice and support where necessary, and, if made aware of concerns, would take steps to warn parish councils which were in breach of their statutory requirements, especially as improved administration could pre-empt complaints made under the Code of Conduct in the absence of any other avenue.

Members noted the Parish Council Meeting Checklist which the Standards Committee had issued after its June meeting, and that the Cambridgeshire and Peterborough Association of Local Councils was distributing a more detailed version later this month. All Parish and District Council Committee members were urged to draw attention to these documents at their parish council meetings, to ensure that the documents had been received and their

importance understood.

The Deputy Monitoring Officer explained that the parish council forums had been re-scheduled for Wednesday 23 September, 10 am – 12 noon at the SCDC Offices, and Thursday 8 October, 7 – 9 pm at Sawston Village College. The Cambridgeshire and Peterborough Association of Local Councils (CPALC) had sent out the invitations and the response rate had been greatly improved. The Democratic Services Officer was meeting with the County Executive Officer of CPALC to discuss opportunities for joint working, including the provision of web-based training for parish councillors and clerks, as suggested at the last Standards Committee meeting.

Standards for England was about to issue a new DVD on local assessment, and Standards Committee members were invited to stay for lunch after the 9 December meeting to watch it.

36. FEEDBACK FROM PARISH COUNCILS

None received. It was **AGREED** that this item would be re-named Feedback from Parish Liaison Working Group.

37. LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO ETHICAL STANDARDS OFFICERS

The Deputy Monitoring Officer reported that an investigation was underway, concerning a parish council matter, and a report would be made to the Hearings (Consideration) Panel in due course.

38. OPERATION OF CODE OF CONDUCT AND OTHER STATUTORY FUNCTIONS OF THE MONITORING OFFICER

Members had received Standards for England's latest Bulletin by e-mail as it had been published the day after the agenda was completed. The Deputy Monitoring Officer summarised the headlines, noting that the revised Code of Conduct was now expected in "late autumn 2009", and that there might be an additional Standards Committee meeting if one were required to consider it.

39. OPERATION OF THE COUNCIL'S "WHISTLE-BLOWING" POLICY

The Committee received all whistle-blowing information available to officers and the Chairman explained that the internal auditor would provide an annual report to the Committee starting in December. The majority view of the Committee was that it preferred to continue receiving quarterly reports in addition to the annual report. The Deputy Monitoring Officer agreed to review the policy to ensure that it included guidance on what a whistle-blower should do if he or she had to continue working with the person about whom they had raised a complaint.

40. DATE OF NEXT MEETING

The next meeting would be on Wednesday 9 December 2009 at 10 am unless an additional meeting were required to consider the revised Code of Conduct.

The Meeting ended at 11.50 a.m.
