

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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

PRESENT: Kathy English (Independent Member) – Chairman
Alan Hampton (Independent Member) – Vice-Chairman

Members:	Bob Bryant	Parish Member
	Georgina Butcher	Independent Member
	Nigel Cathcart	District Council Member, non-group
	Sandra Doggett	District Council Member, Independent Group
	Michael Farrar	Parish Member
	John House	Independent Member
	Cicely Murfitt	District Council Member, non-group
	Tony Orgee	District Council Member, Conservative Group
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Independent Group
	Chris Tomsett	Parish Member
	Susan van de Ven	District Council Member, Liberal Democrat Group
	James Williams	Independent Member

Officers:	Holly Adams	Democratic Services Officer
	Fiona McMillan	Acting Legal & Democratic Services Manager and Deputy Monitoring Officer
	Guy Moody	Democratic Services Officer

Councillor Deborah Roberts was in attendance, by invitation.

Apologies for absence were received from Roger Hall (District Council Member), Dave Kelleway (Parish Council Member), Janet Lockwood (District Council Member) and Mary Pilfold-Allan (Independent Member).

22. DECLARATIONS OF INTEREST

Mr CF Tomsett declared a personal interest in item 6(a): Gamlingay Parish Council – Requests for Dispensations, as a member of Gamlingay Parish Council. He remained in the room during discussion of this item to provide clarification about the requests, but abstained from the vote.

23. MINUTES OF PREVIOUS MEETING

The Chairman was authorised to sign the minutes of the meeting held on 9 September 2009 as a correct record, subject to the following amendments:

Chairman's Address (minute 25)

- (ii) To reassure all staff that their any concerns **they raised about a member** would be resolved promptly...

Standards Committee Work Programme: KPIs for 2009/10 (minute 29)

It was noted that Ms GJ Butcher, ~~Mr M Farrar~~ and the Deputy Monitoring Officer had all been invited to speak at the 2009 Annual Assembly.

Matters Arising

Joint Standards Committees (minute 26)

The Deputy Monitoring Officer explained that East Cambridgeshire District Council had asked that this item be deferred until March 2010 as they had not had the resources to progress the draft Terms of Reference.

Standards Committee Work Programme: KPIs for 2009/10 (minute 29)

The Deputy Monitoring Officer would provide a report to the next meeting on the role of the Standards Committee in granting exemptions to senior District Council officers appointed to politically-restricted posts.

Advice to, and Training of, District and Parish Council Members in relation to the Members' Code (minute 35)

The Cambridgeshire and Peterborough Association of Local Councils had circulated to all parish clerks a checklist to follow to ensure the successful administration of parish council meetings.

24. CHAIRMAN'S ADDRESS

All members were reminded of the lunchtime seminar to follow the meeting at which the new Standards for England DVD, *Assessment made clear*, would be shown. Any members unable to remain for lunch were invited to contact the Deputy Monitoring Officer or Democratic Services Officer to borrow the DVD.

South Cambs magazine

The editorial deadline for the spring 2010 edition was in early January and the following topics were suggested for inclusion in the Chairman's article:

- That the four-year terms of two independent members and one parish council member were coming to an end in 2010 and what the appointments process for their replacements would be. This could include a note that the composition of the Committee had changed significantly from its initial establishment, with more than half its members being independent or from parish councils;
- Highlight the Committee's record in assessing complaints promptly and well within the completion target of twenty working days from the date of receipt, and that the Committee has undertaken its new role without exceeding its budget;
- The formation of the Parish Liaison Working Group and the need for effective two-way communication between the district and parishes;
- A reminder that the Committee's meetings are open to the public;
- Items of interest from the Annual Assembly;
- Emphasising that nothing in the Code of Conduct prevents members from open and honest debate or speaking vigorously on an issue.

Standards Committee Newsletter

The next newsletter to District and Parish Councillors would be published in early 2010 and many of the same topics could be included in greater detail. The Chairman invited Committee members to submit their own articles, and encouraged the Parish Liaison Working Group to use the newsletter to introduce themselves and their work programme.

The Chairman asked that the Committee's best wishes for a speedy recovery be sent to Councillor Janet Lockwood.

25. IMPACT OF SUSPENSION ON MEMBERS' ALLOWANCES

Attendees at the Annual Assembly of Standards Committees in October 2009 had been asked to consider whether their authority included in its Members' Allowances Scheme clarification of whether or not a fully or partially suspended member would continue to receive an allowance during the suspension. The Deputy Monitoring Officer confirmed

that making a recommendation to the Independent Panel on Members' Remuneration and to Council was within the remit of the Standards Committee as the issue flowed from the Committee's work.

The Deputy Monitoring Officer clarified that employment law and individual contracts would govern whether an officer could be suspended on full or partial pay during an investigation, but that this proposal referred specifically to elected members and would not take effect until after an investigation and hearing had concluded that there had been a breach of the Code of Conduct and a full or partial suspension had been applied as the penalty. A suspension would not take effect until any appeal process had concluded.

The Committee felt that the proposals were eminently sensible and that the public would expect a member on full or partial suspension to have limited or no access to public funds during the term of the suspension, and **RECOMMENDED TO COUNCIL AND TO THE INDEPENDENT PANEL ON MEMBERS' ALLOWANCES** that the South Cambridgeshire District Council Members' Allowances Scheme be amended as follows:

- (a) Insert as paragraph 3 (2): "Where a member is fully suspended from his or her responsibilities or duties as a member of this authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, the part of basic allowance payable to him or her in respect of the period for which he or she is suspended will be withheld by the authority."
- (b) Insert as paragraph 4 (4): "Where a member is suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, and where that member receives a special responsibility allowance, the special responsibility allowance payable to him or her in respect of the period for which he or she is suspended will be withheld by the authority."
- (c) Insert as paragraph 4 (5): "Where a member is partially suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, and where that member receives a special responsibility allowance for responsibilities or duties relating to body to which the partial suspension has been applied, the special responsibility allowance payable to him or her in respect of the period for which he or she is partially suspended will be withheld by the authority."
- (d) Insert after paragraph 23: "Where a member is suspended or partially suspended from his or her responsibilities or duties as a member of an authority in accordance with part III of the Local Government Act 2000 or regulations made under that Part, that member will not be able to claim for dependants' carers' and travel and subsistence allowances for duties and responsibilities relating to the body or bodies from which the member has been suspended."

Councillor NN Cathcart abstained from the decision. Mr EM Revell stated that he agreed with the recommendation, but abstained because he was unsure whether or not this matter was within the Standards Committee's remit.

26. HORSEHEATH PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Six of the seven members of Horseheath Parish Council had applied for dispensations from any items concerning land availability for low-cost housing and planning applications on exception sites; the seventh member, having considered the issue carefully, had declined to apply as she did not believe that she would have a prejudicial interest in any such matters. The Standards Committee had granted similar dispensations to four of the then-members of Horseheath Parish Council in 2007, and further dispensations were sought to ensure that the Parish Council would be quorate when discussing general issues about low-cost housing and related planning matters. Once specific sites had been

identified, the parish councillors would need to reconsider whether or not they had prejudicial interests and, if appropriate, re-apply for dispensations.

The Standards Committee **AGREED** to grant dispensations from any items concerning land availability for low-cost (affordable) housing and planning applications on exception sites to Horseheath Parish Councillors R Daynes, DV Gouldstone, M Howell, D Lindsell, S Miller and C Newman until May 2011, the duration of the current Parish Council, or until specific sites had been identified, whichever is sooner, with the reminder that they were still to declare an interest in such items and that they must also declare that they had received a dispensation for that interest.

Mr M Farrar abstained from voting and Mr RF Bryant opposed this decision.

26. GAMLINGAY PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

The members of Gamlingay Parish Council applied for dispensations to enable the Parish Council to remain quorate when discussing matters concerning the Gamlingay Community Centre for which the Parish Council was the holding / custodian trustee. Mr CF Tomsett declared a personal interest as a member of Gamlingay Parish Council, and provided an update on the current membership of the Parish Council, from which two members recently had resigned. Mr Tomsett remained in the room, but did not participate in the general discussion and abstained from voting.

The Deputy Monitoring Officer confirmed that all the applications had now been received and that she had advised all parish councillors to apply for dispensations as, although only three of the parish councillors currently served on the community centre management committee, a member of the public could reasonably consider that any member of the Parish Council might have a prejudicial interest when discussing and voting on matters concerning the centre's financial affairs or matters involving regulatory issues such as planning permission, contracts or licensing.

It was acknowledged that many other parish councils held similar roles as trustees to local public amenities, but that only a handful had applied for dispensations, and the Committee felt that an article in the next newsletter could encourage other parish councils to consider the public perception of the potential for conflicts of interest and to apply for dispensations.

The Standards Committee **AGREED** to grant to Gamlingay Parish Councillors Mrs J Colebrook, Mrs C Emery, Mr M Giles, Mrs S Groom, Mrs M Halliday, Mrs S Round, Mr I Simpson, Mr N Telford-Reed, Mr C Tomsett and Mrs JW Wright four-year dispensations from any financial or regulatory matters relating to Gamlingay Community Centre, with the reminder that they are still to declare an interest in any such matters and to declare that they have received a dispensation for that interest.

The Standards Committee **AGREED** to advise Gamlingay Parish Council that any new elected or co-opted parish councillors should apply for similar dispensations immediately upon election or co-option.

Mr CF Tomsett abstained from voting.

27. 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES - BRINGING STANDARDS INTO FOCUS, 12-13 OCTOBER 2009

In addition to the written summaries included in the agenda, attendees at the 2009 Annual Assembly of Standards Committees commented that:

- There were considerable differences between authorities' operational

arrangements for the standards framework, and it was surprising that Standards for England had not directed a more uniform approach;

- The District Council's Planning and Licensing Committees already were following the correct procedures to minimise the appearance of pre-determination and bias;
- Detailed notes from the sessions were available on-line;
- A recent memorandum of understanding signed between the two agencies meant that the Committee's annual return to Standards for England would be shared with the Audit Commission to form part of the Comprehensive Area Assessment, informing the Council's overall governance score;
- The District Council was ahead of other authorities by having adopted a pre-assessment procedure for the Monitoring Officer which allowed discretion to filter out vexatious complaints;
- A written response from Standards for England, when queried about the range of different opinions about the work of the Assessment Panel, confirmed that the District Council's procedures were exactly right;
- Each authority set the remit for its own Standards Committee, and some of the powers exercised by Standards Committees of other authorities were undertaken at South Cambridgeshire by the Corporate Governance Committee.

28. SOCIAL NETWORKING, TWITTER AND THE CODE OF CONDUCT: GUIDANCE NOTE

The guidance note on social networking had been forwarded to all district councillors and parish councils. The Deputy Monitoring Officer cautioned all elected representatives to remember that electronic communication could still be subject to scrutiny via Freedom of Information Act requests and to remember how easy it was for the tone in emails to be misconstrued.

The Standards Committee **NOTED** the guidance note on social networking.

29. UPDATE FROM ASSESSMENT AND REVIEW PANELS

Mr EM Revell, Chairman of the Local Assessment Panel, highlighted that the Assessment Panel continued to complete its work well within the target of twenty working days.

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

The recent Parish Forum events had been relatively well attended and the feedback received had been extremely positive. The Legal Office had seen an increased number of follow-on queries about issues discussed at the Forum, which was a good indicator that parish councils were reviewing their working arrangements in light of what they had learned at the Forum.

The Standards Committee **CONFIRMED** that it would like to see the Parish Forum become an annual event.

31. FEEDBACK FROM PARISH LIAISON WORKING GROUP

The Parish Liaison Working Group had held its first meeting on 30 November 2009 and Mr CF Tomsett, Chairman of the Group, outlined the discussions held. It was hoped that a representative of the Cambridgeshire and Peterborough Association of Local Councils could attend future meetings, as there was a role for partnership working.

The Group recognised that, in many parish councils, there was a lack of respect for the Code of Conduct and resentment of its imposition by the government, and that these

attitudes would be harder to address than simply providing training on the Code's requirements.

There could be scope for supporting parish clerks with administrative issues and promoting examples of best practice, as many Code of Conduct complaints about parish councils arose due to inconsistent administration or management of meetings, and absence of robust policies and procedures. The Parish Council Toolkit, hard copies of which had been sent to all parish councils and meetings in July 2009, provided model procedures for all aspects of parish council administration which, if followed, should eliminate many problems experienced.

The Group felt that its ability to construct a viable work programme was hampered by a lack of concrete evidence about working arrangements and the Standards Committee **AGREED** that the Parish Liaison Working Group should prepare a questionnaire, for distribution to all parish councils and meetings in spring 2010, to help identify areas of best practice and areas where support and advice was needed, this questionnaire to be brought to the Standards Committee at its March 2010 meeting before distribution.

32. LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS FOR ENGLAND

Two new complaints had been received and would be considered by the Local Assessment Panel on 15 December.

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

The revised Code of Conduct was still awaited, but no further details were available from Standards for England.

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

The Chairman reported that, at the lunchtime seminar she and the Vice-Chairman had held with Council officers, the whistle-blowing policy had been discussed and it was clear that, although all officers were aware of the policy, many did not currently distinguish between it and the Code of Conduct.

35. DATE OF NEXT MEETING

The date of the next meeting was **NOTED**.

The Meeting ended at 11.53 a.m.
