

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 10 March 2010.

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
	Michael Farrar	Parish Member
	John House	Independent Member
	Dave Kelleway	Parish Member
	Janet Lockwood	District Council Member, Liberal Democrat Group
	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
	Steve Hampson	Executive Director, Operational Services
	Fiona McMillan	Acting Legal & Democratic Services Manager and Deputy Monitoring Officer

Apologies for absence were received from Sandra Doggett, Roger Hall and Mary Pilfold-Allan.

36. DECLARATIONS OF INTEREST

Mr CF Tomsett declared a personal interest in item 40(b): Gamlingay Parish Council – Further 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.

37. MINUTES OF PREVIOUS MEETING

The Chairman was authorised to sign the minutes of the meeting held on 9 December 2009 as a correct record.

38. CHAIRMAN'S ADDRESS

The Chairman congratulated the Committee for being shortlisted for the Local Government Chronicle Standards and Ethics Award 2010, the results of which would be announced at an awards ceremony on 24 March 2010. She thanked committee members and officers for their work over the years to improve standards, and also councillors for listening to and accepting the Committee's advice.

The Committee had again been featured in *South Cambs magazine* and the Chairman invited topics for, or submissions of, a further article for the summer 2010 edition.

Members were reminded that there would be elections for the 2010-11 Chairman and Vice-Chairman at the Committee's June 2010 meeting.

39. **AMENDMENTS TO THE CONSTITUTION - ARTICLE 9 - THE STANDARDS COMMITTEE**

The Democratic Services Officer presented a report on proposed amendments to Article 9 – The Standards Committee, which aimed to clarify the existing wording in the Constitution, to ensure that there was equal accountability for all three categories of member on the committee, and to address the current national debate about ensuring that processes were in place for the removal of parish and independent members should circumstances arise where such a course of action were necessary. It was emphasised that none of the proposed changes were being introduced in response to a local situation.

There followed a full and frank debate during which the following points were raised:

- All members of the committee should be equally accountable for the committee's work and the proposed procedures for removal of any member of the Committee were designed to be used only in exceptional circumstances;
- Although a council or parish member of the Standards Committee could be suspended from elected office or partially suspended from the Standards Committee if found to be in breach of the Code of Conduct, no procedure currently existed to suspend or partially suspend independent members found in breach;
- Any allegations that any member of the Standards Committee had breached the Code of Conduct would be referred to Standards for England for consideration and would not be assessed locally;
- The procedure to remove independent or parish members for reasons other than non-attendance or disqualification was an exact quotation from Standing Order 2.2, which applied already to council members of the Standards Committee and of all other committees when it was felt that it was "no longer in the best interests of the Council for that member to remain". To address concerns that a coalition of council and parish members could petition Council to remove an independent member, the process in Article 9 could be amended to state that at least two or three of the five members required to give Council written notice of intention to remove must be independent members;
- Some independent members expressed concern that the Council could be given the right to remove independent members from the committee. It was explained that, as the Council made the appointments of all members to the committee, it was logical that only the Council had the power to remove members, a power which it held for all other committees;
- Other independent members felt that the independent members were not "above the law" and that there ought to be a process for removal of those members who were found in breach of the Code of Conduct, were no longer independent or who failed to attend four or more consecutive meetings;
- The list of specific criteria for independent membership could be replaced with a paragraph stating that independent members must meet all criteria as set out in the relevant legislation and Standards for England guidance and any criteria set by the Standards Committee.

It was noted that the criteria for independent members had been agreed by the Standards Committee Appointments Process Task and Finish Group and was not the subject of the report currently before the Committee. It could be reconsidered, but only once the current appointments process had concluded.

On the proposal of Dave Kelleway, seconded by Susan van de Ven, and with ten votes in favour, no votes against and three members abstaining, the Standards Committee **RECOMMENDED TO THE CONSTITUTION REVIEW WORKING PARTY AND TO COUNCIL** that the following addition be made to Article 9 – The Standards Committee, as

9.02 (g) and subsequent paragraphs to be renumbered:

“9.02(g) **Removal of a Member due to non-attendance:** The Council may, on the recommendation of the Standards Committee, remove a Council, Independent or Parish Member from the Standards Committee if that member has missed four consecutive meetings of the body concerned (see Council Standing Order 23).”

It was felt that issues raised during debate rendered the matter too complicated for determination at this meeting and the Standards Committee **DEFERRED** further consideration of amendments to Article 9 to an extraordinary meeting and requested that all members e-mail their specific concerns and suggestions to the Democratic Services Officer, copied to the Chairman, prior to the publication of the extraordinary meeting agenda.

40. DISPENSATIONS

40 (a) BARTON Parish Council: Requests for Dispensations

Seven of the nine members of Barton Parish Council, all of whom were also Trustees and members of the management committee of the Barton Recreation Ground Improvement Group (BRIG), had applied for dispensations to enable them to remain in meetings and vote on all matters relating to BRIG. The parish councillors sought four-year dispensations but, having considered that the parish council was scheduled for an election in May 2011, the Standards Committee felt that dispensations would be appropriate to the end of the current parish council and that parish councillors be invited to re-apply for four-year dispensations after the 2011 elections.

The Standards Committee **AGREED** to grant dispensations until May 2011 from items relating to Barton Recreation Ground Improvement Group (BRIG) to Barton Parish Councillors Hugh Greenfield, Mary MacDonald, Margaret Penston, Tim Scott, Nigel Siddall, Jane Walker and Karen Wilkins, with the reminder that they are still to declare an interest in any matters concerning BRIG by stating, “I declare an interest as a Trustee and member of the management committee of Barton Recreation Ground Improvement Group, for which I have been granted a dispensation by the Standards Committee”.

The Standards Committee **ADVISED** Barton Parish Council that any new elected or co-opted Parish Councillors who are also Trustees and members of the management committee of Barton Recreation Ground must apply for dispensations immediately upon their election or co-option.

40 (b) GAMLINGAY Parish Council: Further Request for Dispensation

The Standards Committee, at its 9 December 2009 meeting, had granted dispensations the ten current members of Gamlingay Parish Council from any matters concerning Gamlingay Community Centre, and advised the parish council that any newly elected or co-opted members to the two vacancies apply for similar dispensations upon election or co-option. Two new parish councillors had since been co-opted and had applied for dispensations in exactly the same terms as their colleagues, as advised by the Standards Committee.

The Standards Committee **AGREED** to grant dispensations to Gamlingay Parish Councillors Gerald Burne and Richard Halpin from any matters concerning Gamlingay Community Centre, with the reminder that they are still to declare an interest and that they have been granted a dispensation by stating, “I declare an interest as a member of the holding / custodian trust for Gamlingay Community Centre, for which I have been granted a dispensation by the Standards Committee”.

40 (c) HAUXTON Parish Council: Request for Dispensation

Late item accepted by the Chairman as urgent on the grounds that the parish councillor concerned could require the dispensation before the Standards Committee next met on 16 June 2010.

Of the seven members of Hauxton Parish Council, three councillors were also Trustees of the Hauxton Townsland Charity. Hauxton Parish Councillor and Chairman AG Allison had applied for a three-year dispensation from any matters relating to the governance of the Hauxton Townsland Charity and administration of Hauxton Village Green. It was understood that further applications would be received from the other two parish councillors.

The Standards Committee **AGREED** to grant a three-year dispensation to Hauxton Parish Councillor Anthony George Allison from any matters relating to the governance of the Hauxton Townsland Charity and the administration of Hauxton Village Green, with the reminder that he is still to declare an interest and that he has received a dispensation for that interest by stating, "I declare an interest as a de-facto Trustee of Hauxton Townsland Charity and elected Chairman of that body, for which I have been granted a dispensation by the Standards Committee".

41. 2010-11 MEETING DATES

The Standards Committee considered its 2010-11 meeting dates and times. It was noted that there were additional costs incurred by evening meetings and a number of members identified conflicts with parish council meetings and other local commitments if the Standards Committee met in the evenings.

The Standards Committee **AGREED** to meet on the following dates and times in 2010-11:

- Wednesday 16 June 2010 at 10 am
- Wednesday 15 September 2010 at 10 am
- Wednesday 8 December 2010 at 10 am
- Wednesday 9 March 2011 at 10 am

42. PARISH LIAISON WORKING GROUP: PARISH COUNCIL QUESTIONNAIRE

Chris Tomsett, Chairman of the Parish Liaison Working Group, presented the Group's questionnaire, which had been drafted to provide an evidence base upon which the Committee could develop a training programme.

The Deputy Monitoring Officer undertook to investigate and report back on the NALC model procedures which appeared to be advising each parish council to establish their own standards committee.

The Standards Committee **AGREED** that the Parish Liaison Working Group's questionnaire, as amended, be distributed to all South Cambridgeshire Parish and Community Councils, with a deadline for completion of 12 May 2010. The Standards Committee **FURTHER AGREED** that a similar questionnaire be drafted for South Cambridgeshire Parish Meetings.

43. APPOINTMENT TO THE STANDARDS COMMITTEE OF INDEPENDENT MEMBERS 2010-14

Georgina Butcher and Eric Revell left the room for the duration of this item as both were

eligible for re-appointment.

It was confirmed that any current committee members who sought re-appointment must participate in the same appointments process as any new applicants, in order to be fair to all candidates. The Standards Committee expressed support in principle to three-member appointments panels comprising one council, one independent and one parish member.

The Standards Committee **AGREED** to appoint Bob Bryant, Kathy English and Alex Riley as the Independent Member Appointments Panel for the 2010-14 appointments process.

44. 2010 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES: A PLACE FOR STANDARDS - BIRMINGHAM, 18-19 OCTOBER 2010

The Standards Committee had pre-booked five places for the 2009 Annual Assembly, identifying specific attendees later in the process, and it was confirmed that the same arrangements were in place this year.

The Standards Committee **AGREED** to pre-book five places for the Chairman, Vice-Chairman, and one representative each of the Council, Independent and Parish members. A decision on which specific members would attend would be made at the next meeting, 16 June 2010.

45. ANNUAL STANDARDS COMMITTEE REPORT TO COUNCIL 2010

The Standards Committee considered the draft second annual report to Council and asked for inclusion of the on-going overview of the whistleblowing policy and that comparison of the policy to those in place at neighbouring authorities confirmed that it was fit for purpose.

Subject to inclusion of the amendments made at the meeting, the Standards Committee **AGREED** to delegate authority for finalisation of the Second Annual Standards Committee Report to Council to the Chairman, Vice-Chairman and Deputy Monitoring Officer, with electronic copies to be sent to all Standards Committee members.

46. JOINT STANDARDS HEARING (DETERMINATIONS) COMMITTEE: DRAFT TERMS OF REFERENCE

Nothing to report.

47. POLITICALLY RESTRICTED POSTS

The Deputy Monitoring Officer presented an information item on the Standards Committee's powers to supervise, to receive applications for and to make directions relating to politically restricted posts. She explained that the Local Democracy, Economic Development and Construction Act 2009 had changed the criteria under which a post would be designated politically restricted. Previously, all posts with a salary of £36,730 or higher ("Category B" posts) were so designated; but from January 2010, designation was based upon the postholder's actual duties ("Category D" duties) rather than salary. The Council's Human Resources team was undertaking a review of all posts to determine which should be designated as politically restricted. The Standards Committee would become involved only if an officer appealed against such designation, or if the Committee had identified on its own initiative a post for which the duties were Category D duties but which had not been designated by Human Resources as politically restricted.

The Standards Committee **NOTED** the report.

48. STANDARDS FOR ENGLAND - NEW 'RISK RATING' SYSTEM

The Deputy Monitoring Officer drew attention to the item on the 'risk rating' system referred to in the latest Standards for England (SfE) Bulletin, and which had been the subject of a presentation by the SfE Risk Manager at a February 2010 Monitoring Officer conference. The intention was to assist SfE in its regulatory role by identifying where support was most needed, allowing it to allocate resources accordingly. There would be a six-month consultation period, likely starting in April 2010, and it was yet unknown how the system married with the just-published local standards framework review.

The Standards Committee **NOTED** the report.

49. STANDARDS FOR ENGLAND ANNUAL RETURN 2010

The Standards Committee received the draft questions for the 2010 Annual Return to Standards for England (SfE). The Deputy Monitoring Officer explained that, following a Memorandum of Understanding signed by the Audit Commission and SfE, the Council's responses in its annual return would feed into the authority's Use of Resources and Good Governance Comprehensive Area Agreement score.

The Standards Committee **NOTED** the 2010 Annual Return and that the completed form would be included on the agenda for the next meeting.

50. ASSESSING THE IMPACT OF STANDARDS COMMITTEES

The Standards Committee considered the research report commissioned by Standards for England (SfE), for which a number of committee members and officers had been interviewed. The committee had been selected as a national example of notable practice for its recruitment and retention of independent members, and recommendations had been made to other authorities to follow the SCDC model. The Monitoring Officer highlighted the on-going parish liaison work of the Council's Partnerships Team, which could be featured in the next Standards Committee newsletter.

The Standards Committee **NOTED** the report.

51. QUALITATIVE ASSESSMENT OF ADVICE AND GUIDANCE

The Standards Committee **NOTED** the report.

52. UPDATE FROM ASSESSMENT AND REVIEW PANELS

Eric Revell, Chairman of the Local Assessments Panel, reminded members that the Code of Conduct applied to electronic communications, including posts on internet message boards, and that concluding such posts with statements such as "these are my personal comments only" did not automatically exclude the poster from being seen to be acting in an official capacity.

It was noted that one further complaint had been received since publication of the Standards Committee agenda, and that the rolling average remained eleven working days.

The Standards Committee **NOTED** the update.

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

The Standards Committee **NOTED** the most recent guidance and information circulated to district and parish councillors.

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

In addition to the cases described on the agenda, the Standards Committee **NOTED** that a further case, relating to allegations about the conduct of a parish councillor, had now been referred for local investigation.

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

The Standards Committee **NOTED** that the revised Code of Conduct was further delayed until after the general election, and the subsequent impact that this had had upon district councillor training during 2009-10, as training had been postponed on the understanding that the revised Code of Conduct would be published during the civic year.

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

The Standards Committee **NOTED** that an annual report was forthcoming.

The Meeting ended at 12.15 p.m.
