

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 16 June 2010 at 10.00 a.m.

PRESENT:	Bob Bryant	Parish Member
	Georgina Butcher	Independent Member
	Kathy English	Independent Member
	Alan Hampton	Independent Member
	John House	Independent Member
	Janet Lockwood	District Council Member, Liberal Democrat Group
	Cicely Murfitt	District Council Member, non-group
	Mary Pilfold-Allan	Independent Member
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Independent Group
	Chris Tomsett	Parish Member
	James Williams	Independent Member
Officers:	Holly Adams	Democratic Services Team Leader
	Fiona McMillan	Acting Legal & Democratic Services Manager and Deputy Monitoring Officer

Councillors Lynda Harford and Deborah Roberts were in attendance.

Apologies for absence were received from Nigel Cathcart, Michael Farrar, Roger Hall, Tony Orgee and Jim Stewart.

1. ELECTION OF CHAIRMAN OF STANDARDS COMMITTEE 2010/11

On the nomination of Alan Hampton, seconded by Cicely Murfitt, and there being no further nominations, it was **RESOLVED** that Kathy English be re-elected Chairman of the Standards Committee for 2010/11.

2. APPOINTMENT OF VICE-CHAIRMAN OF STANDARDS COMMITTEE 2010/11

On the nomination of Cicely Murfitt, seconded by John House, and there being no further nominations, it was **RESOLVED** that Alan Hampton be re-appointed Vice-Chairman of the Standards Committee for 2010/11.

3. DECLARATIONS OF INTEREST

None declared.

4. MINUTES OF PREVIOUS MEETING

The Chairman was authorised to sign the minutes of the 10 March 2010 meeting as a correct record.

5. CHAIRMAN'S ADDRESS

Kathy English thanked the Committee for her re-election as Chairman. Since the 10 March 2010 Committee meeting, members and officers had attended the Local Government Chronicle Awards, for which the Council had been shortlisted for the Standards and Ethics prize. She said that it had been an honour to be shortlisted and thanked the officers and all those involved in helping the Council reach the finalist stage.

In light of the recent announcements about the future of “the Standards Board regime”, Mrs English noted that, on 11 June 2010, the Department for Communities and Local Government published a requirement for Standards for England (SfE) to make efficiency savings equalling 18% of their 2010/11 budget, but had not abolished SfE outright. As part of her work as Standards Committee Chairman for the coming year, she would seek to ensure that, whatever happened, South Cambridgeshire District Council would retain a process through which the public and officers could raise issues of unreasonable member behaviour.

6. 2010/11 APPOINTMENTS TO STANDARDS COMMITTEE PANELS ESTABLISHED UNDER THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

The Deputy Monitoring Officer introduced the report and explained that officers were recommending that the existing system of fixed panels be retained until the government published further information about its statement to “abolish the Standards Board regime”. An alternative would be to appoint all Standards Committee members to each of the three panels as pools from which panels would be drawn on a case-by-case basis, similar to the arrangements used for the Licensing Committee, but the administration required could prove time-consuming.

Having had regard to the legislative requirement that no members serve on both the Assessment and Review Panels, the Standards Committee **AGREED** that the following fixed panels be appointed for 2010/11:

Standards Committee Local Assessment Panel

Bob Bryant	Parish Council Member
Michael Farrar	Parish Council Member
Alan Hampton	Independent Member
Janet Lockwood	District Council Member
Eric Revell	Independent Member
Jim Stewart	District Council Member

Standards Committee Hearings Panel

Bob Bryant	Parish Council Member
Georgina Butcher	Independent Member
Kathy English	Independent Member
Michael Farrar	Parish Council Member
Alan Hampton	Independent Member
John House	Independent Member
Cicely Murfitt	District Council Member
Tony Orgee	District Council Member
Alex Riley	District Council Member
Chris Tomsett	Parish Council Member

Standards Committee Review Panel

Nigel Cathcart	District Council Member
Roger Hall	District Council Member
Dave Kelleway	Parish Council Member
Mary Pilfold-Allan	Independent Member
Chris Tomsett	Parish Council Member
James Williams	Independent Member

The Standards Committee **FURTHER AGREED** that all members of the Committee would be eligible to serve on any of the panels as required, for example, if any of the appointed members were unable to participate due to a conflict of interest.

7. STANDARDS COMMITTEE WORK PROGRAMME: REVIEW OF 2009/10 AND KPIS FOR 2010/11, INCLUDING 2010 ANNUAL RETURN TO STANDARDS FOR ENGLAND

The Chairman presented the list of Key Performance Indicators (KPIs) and congratulated everyone on the successful achievement of the 2009/10 targets. Of the new and on-going targets for 2010/11, members noted that:

- Parish Council training would be a priority;
- Web-based training would be a complement to, not a replacement of, face-to-face training; and
- The Standards Committee member training target would have been achieved if training on the revised Code of Conduct had been scheduled, but the government delays on adopting a new Code led to the training being postponed indefinitely.

The Chairman drew attention to KPI 19: Responding to proposals to abolish the Standards Board regime – “To ensure that, whatever legislative changes there might be, SCDC continues to take appropriate action to promote and maintain high standards of conduct among district and parish councillors”, which was supported unanimously by the Committee. The Deputy Monitoring Officer advised that, if the entire system were abolished, the Council could have a local procedure, as many authorities did before the Local Government Act 2000, but that there might not be any requirement for Parish Councils to participate, although they could be offered the opportunity to opt-in.

The Deputy Monitoring Officer undertook to contact Standards for England about the status of the training CD / DVD they had planned to issue to Parish Councils.

The Standards Committee **NOTED** the completed 2009/10 Key Performance Indicators (KPIs) and **AGREED** the list of new and on-going KPIs for 2010/11, subject to the deletion of KPI 15, Attendance at the 2010 Annual Assembly, following the announcement of the Assembly’s cancellation.

8. AMENDMENTS TO THE CONSTITUTION - ARTICLE 9 - THE STANDARDS COMMITTEE

The Standards Committee considered the amendments to Article 9 of the Constitution (The Standards Committee), a decision on which had been deferred from the 10 March 2010 meeting. The Chairman explained that the major change had been to remove the specific criteria for Independent Membership of the Committee and, as there had been some interest in reviewing the criteria, advised that this could be considered in the autumn once the current appointments process had concluded and further information was available on the future arrangements for Standards Committees.

The Standards Committee made two amendments to the proposals in Appendix A:

- **9.02(d) Parish Members**, fifth bullet point: “Parish Member candidates shall be nominated by parish councils at their Annual Meeting, where an election **has been** held for that parish council, or at the earliest scheduled parish council meeting after the commencement of the appointments process, ...”
- **9.02(f) Term of Appointment**: “...A **Parish Member** shall cease to be a member of the committee if he / she is no longer of ~~the a~~ **a** Parish Council ~~which nominated him / her. ...~~”

Subject to the above changes being incorporated, the Standards Committee unanimously **RECOMMENDED TO COUNCIL** adoption of the amendments made to Article 9 of the Constitution (The Standards Committee).

9. 2010 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES: A PLACE FOR STANDARDS - BIRMINGHAM, 18-19 OCTOBER 2010

The Standards Committee **NOTED** the cancellation of the 2010 Annual Assembly of Standards Committees and the forthcoming refund of the booking fees.

10. PARISH COUNCIL TRAINING: RECOMMENDATION FROM THE PARISH LIAISON WORKING GROUP

Chris Tomsett, Chairman of the Parish Liaison Working Group (PLWG), presented the responses received to the Parish Council Questionnaire and apologised that the PLWG had not been able to meet before the full Committee meeting to form a response. He thanked officers for the summary of responses and outline analysis, and highlighted that:

- There had been a 30% response rate;
- There had been some encouraging information, but also some areas for concern, such as those Parish Councils which had not adopted obligatory Financial Regulations;
- 2/3 of the Chairmen who responded had not had any specific Code of Conduct training, nor had 1/3 of the Clerks;
- 6 Parish Councils reported that the distinction between personal and prejudicial interests was not fully understood;
- All the respondents had paid Clerks, and more than half of the Clerks had obtained a CiLCA (Certificate in Local Council Administration) or other qualification;
- 21 of 27 respondents found the Standards Committee newsletter helpful and 23 of 27 respondents used the Parish Council Toolkit.

In light of the possible changes to the Standards framework, the Committee felt that it was appropriate to wait until the September 2010 meeting before finalising a Parish Council training programme, and that officers contact those parishes which did not respond to invite them to complete the questionnaire within the next fortnight to better inform the PLWG consideration of responses.

The Standards Committee **NOTED** the responses received to the Parish Council Questionnaire and **AGREED** that the Parish Liaison Working Group use the findings to develop the 2010/11 Parish Council training programme.

11. GAMLINGAY PARISH COUNCIL: FURTHER REQUEST FOR DISPENSATION

Councillor Nick Howard, Gamlingay Parish Council, had applied for a four-year dispensation from matters concerning Gamlingay Community Centre, for which the Parish Council was the holding / custodian trustee. The Standards Committee previously had granted identical dispensations to all other members of Gamlingay Parish Council, and had advised any newly co-opted or elected Parish Councillors to apply for the same dispensation as soon as possibly after co-option or election.

The Standards Committee **AGREED** to grant a four-year dispensation to Councillor Nick Howard of Gamlingay Parish Council from matters concerning Gamlingay Community Centre, with the reminder that he must still declare an interest in such issues and that he has been granted a dispensation from that interest.

11 (a) ELTISLEY Parish Council: Request for Dispensations

Late item accepted as urgent with the permission of the Chairman, as to defer a decision on granting dispensations would leave Eltisley Parish Council unable to discuss matters relating to the Village Green Trust or the Allotments for the Labouring Poor.

The Standards Committee, at its 17 June 2009 meeting, had granted one-year dispensations to all members of Eltisley Parish Council from matters concerning Eltisley Village Green Trust and the Allotments for the Labouring Poor, charities for which the Parish Council was the sole trustee, and which can operate only through the members of Eltisley Parish Council. Eltisley Parish Councillors were asked to re-apply for dispensations following the 2010 elections, the applications having been received the day before the Standards Committee meeting.

The Standards Committee **AGREED** to grant four-year dispensations to Councillors Sheila Childerley, Mike Copley, Martin Lines, Roger Pinner, John Pettifor and Angela Weldon of Eltisley Parish Council from matters concerning Eltisley Village Green Trust and the Allotments for the Labouring Poor, with the reminder that they must still declare an interest in such issues and that they have been granted dispensations from that interest.

12. **STANDARDS COMMITTEE BUDGET 2009/10: REVIEW**

The Standards Committee budget for 2010/11 remained at £15,040, unchanged from the previous year. Following the cancellation of the Annual Assembly, a full refund for which had been promised, the spend on the current year's budget was £3,388.79. The Deputy Monitoring Officer explained that there had not been any external investigations work during 2009/10, as all investigations had been conducted internally, and that, once the investigator returned from her maternity leave, it was anticipated that she would resume local investigations as required.

The payment of travel and subsistence expenses, and co-optees' allowances, for the Independent and Parish Council Members was paid from the Democratic Representation budget as part of the Members' Allowances Scheme. There had been £4,718.99 paid to co-opted members in 2009/10, including allowances.

Members welcomed Standards for England's recommendation that decision notices be published on an authority's website, rather than the legislative requirement for publication in a local newspaper, which would save nearly £1,000 per notice, although it remained to be seen whether the government would act on this proposal.

The Standards Committee **NOTED** the budget report.

13. **STANDARDS FOR ENGLAND REVIEW OF THE FRAMEWORK: VERSION 2.0 - THE PROPORTIONALITY UPGRADE**

The Standards Committee **NOTED** the Standards for England review of the local framework.

14. **WHISTLEBLOWING POLICY: INTERNAL AUDIT MANAGER'S ANNUAL REPORT 2009/10**

The Standards Committee **RECEIVED** the internal audit manager's annual report, which demonstrated that the Whistleblowing Policy was working and that people were aware of it, and also that the anonymity of whistleblowers was protected.

The Deputy Monitoring Officer undertook to clarify with the internal audit manager that the Standards Committee did not have the responsibility "to monitor the implementation of the recommendation(s) of the investigation".

15. **UPDATE FROM ASSESSMENT AND REVIEW PANELS**

Eric Revell, Chairman of the Local Assessment Panel 2009/10, presented the update on cases received and noted that there had been a tendency to use the Code of Conduct complaints process to try to address issues outside its scope, such as working relationships between the parish council and other village committees. With only one exception at the very start of the civic year, all the allegations received had related to parish councillors.

It was clarified that complainants identified as "Other", rather than as parish or district councillors, could refer to council officers, parish clerks, contractors employed by parish councils, and members and employees of, for example, the local fire and police authorities.

Members commended the average of 10.4 working days between receipt of a complaint and a local assessment decision, well within the 20 working day national target.

The Standards Committee **RECEIVED** the updates from the Assessment and Review Panels.

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

The Standards Committee, on 10 December 2008, had resolved that cases in which no breach of the Code of Conduct had been found or where no further action was to be taken, would be anonymised for the purposes of reporting back to the Committee. Although there was one recent case where no breach had been found, the issue had received publicity in the local paper and, with the permission of the subject member, the full report was included on the agenda.

CORCOM 3768-3798-3799 (Hearing Panel, Determination Meeting, 12 April 2010)

The Deputy Monitoring Officer explained that the subject member, Councillor Norma Kay of Waterbeach Parish Council, had appealed against the decision of the Hearing Panel to censure her after finding breaches of the Code of Conduct relating to bullying, failure to treat others with respect, and bringing her office as parish councillor into disrepute, but that the First-Tier Tribunal (Local Government Standards in England), formerly the Adjudication Panel for England, had not granted permission to appeal as it did not consider that the appeal would have any reasonable prospect of success.

Members discussed the hearing, and previous hearings:

- Members of the Hearing Panel rejected absolutely Councillor Kay's allegation that she would not have had a fair hearing but, as the Panel could make its determination based only upon the evidence presented to it, Councillor Kay's decision to resign and leave the hearing meant that the Panel could proceed only upon the Investigating Officer's report and the statements of the complainants;
- Censure was the only sanction available to a local panel when the subject member was no longer a district or parish councillor;
- The complainants were fully entitled to sit with the Investigating Officer as they had been called to attend the hearing as the Investigating Officer's witnesses;
- A last-minute demand to accommodate a Planning Inquiry had resulted in a previous hearing being conducted around a table at the side of the Council Chamber as the only facilities available with ten minutes' notice before the start of the hearing. Previous remarks about inconsistency had already been taken on board and the Standards Committee had agreed some time ago that all hearings be held in a formal setting in the Council Chamber;
- There were very different circumstances surrounding Councillor Kay's hearing and

that held for Councillor Corney in May 2009: Councillor Corney had accepted that she had breached the Code of Conduct and had asked for training, she had not disputed any of the evidence in the Investigating Officer's report nor called any witnesses, and the complainant declined to participate. As a consequence, the hearing did not last as long nor involve as many people;

- A Hearing did not cease when the subject member resigned, as the complaint still had been made and investigated, and must be addressed.

Other Cases

The Deputy Monitoring Officer reported that the Hearing Panel had considered two cases on 9 June 2010, and both had been referred to public hearings. The final report in a third investigation had now been issued and the draft report for a fourth investigation was expected soon, so a Hearing Panel meeting would be required soon to consider these two latest investigation reports.

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

The Deputy Monitoring Officer had provided a mini-session on the Code of Conduct for the nine new district councillors in mid-May 2010, and a more detailed session was planned for late June or early July.

The Standards Committee **NOTED** the training materials provided and mini-sessions conducted.

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

The Deputy Monitoring Officer drew attention to two recent case summaries from Standards for England, both dealing with Fenland District Councillors who had allegedly disclosed confidential information, a situation on which there had been few previous case summaries. She undertook to find more detailed decision notices and forward them to Standards Committee members, as the Committee felt that the summaries were not sufficiently detailed to enable them to determine what had happened.

The Standards Committee **NOTED** the case summaries from Standards for England and from the First-Tier Tribunal (Local Government Standards in England).

19. DATE OF NEXT MEETING

The Standards Committee **NOTED** that the next meeting would be on Wednesday 15 September 2010 at 10 am.

20. MEETINGS OF STANDARDS COMMITTEE PANELS

Following the Standards Committee meeting, the Standards Committee panels met to elect their Chairmen for the 2010/11 Civic Year. Chairmen were elected as follows:

Body	Chairman
Standards Committee Hearing Panel	Georgina Butcher, Independent Member
Standards Committee Local Assessment Panel	Eric Revell, Independent Member
Standards Committee Review Panel	James Williams, Independent Member

The Meeting ended at 11.45 a.m.
