

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 15 September 2010 at 10.00 a.m.

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

Members:	Diane Best	Independent Member
	Bob Bryant	Parish Member
	Georgina Butcher	Independent Member
	Nigel Cathcart	District Council Member, non-group
	Michael Farrar	Parish Member
	Roger Hall	District Council Member, Conservative Group
	Cicely Murfitt	District Council Member, non-group
	Tony Orgee	District Council Member, Conservative Group
	Mary Pilfold-Allan	Independent Member
	Alex Riley	District Council Member, Independent Group
	Jim Stewart	District Council Member, Liberal Democrat Group
	Chris Tomsett	Parish Member
	James Williams	Independent Member
Officers:	Holly Adams	Democratic Services Team Leader
	Fiona McMillan	Acting Legal & Democratic Services Manager and Monitoring Officer

Apologies for absence were received from John House, Janet Lockwood, Raith Overhill and Eric Revell.

24. DECLARATIONS OF INTEREST

Chris Tomsett declared a personal interest in the update on Local Investigations, Hearings and References made to Standards for England, as a member of Gamlingay Parish Council.

25. MINUTES OF PREVIOUS MEETINGS

The Chairman was authorised to sign the minutes of the meetings held on 15 June and 19 August 2010 as correct records.

26. CHAIRMAN'S ADDRESS

The Chairman welcomed Diane Best and Jim Stewart to their first Committee meeting. She bid farewell to Georgina Butcher, who was standing down at the end of her four-year appointment, and thanked her for all the hard work and energy she had devoted to the Standards Committee. Ms Butcher replied, saying that she had found her appointment a privilege which she thoroughly enjoyed.

The Chairman made reference to the latest Bulletin, in which Standards for England stated its belief that it would be abolished by the end of 2011 at the earliest, and therefore it was likely that the Standards Committee would continue in its present form at least for the next year.

27. 2010/11 APPOINTMENTS TO STANDARDS COMMITTEE PANELS ESTABLISHED UNDER THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008

The newly-appointed members had been asked their panel preferences and both stated that they were willing to serve wherever they would be most able to help. It was **AGREED** that, for the remainder of the 2010/11 municipal year, Diane Best would serve on the Local Assessment Panel and Raith Overhill would serve on the Local Hearing Panel.

28. BASSINGBOURN-CUM-KNEESWORTH PARISH COUNCIL: APPLICATIONS FOR DISPENSATIONS

Applications for dispensations from items concerning Bassingbourn Recreation Ground Charities had been received from all members of Bassingbourn-cum-Kneesworth Parish Council. The Parish Council was the sole Trustee of the Charities, which could operate only through the members of the Parish Council.

The Standards Committee **AGREED** to grant dispensations until May 2014, the duration of the current Parish Council, to Bassingbourn-cum-Kneesworth Parish Councillors Danny Bunton, Bob Clarke, Brian Dickerson, Tony Geraghty, Geoff Goater, Mike Hallett, Brenda Mead-Blandford, Daniel Nichols, Curtis Pidgeon, Lynn Pidgeon, Peter Robinson, Simon Saggars, Mark Sappol, Valerie Vigus and Rupert Webb in respect of issues concerning Bassingbourn Recreation Ground Charities, with the reminder that they are still to declare an interest in any matters concerning Bassingbourn Recreation Ground Charities as described below, and to declare that they have received a dispensation for that interest

The Standards Committee further **AGREED** that the Parish Council be advised that any new parish councillors elected or co-opted to the Parish Council should apply for similar dispensations as soon as reasonably practicable after election or co-option.

29. CROYDON PARISH COUNCIL: APPLICATIONS FOR DISPENSATIONS

Applications for dispensations from interests for any planning matters had been received from all seven members of Croydon Parish Council. The Acting Monitoring Officer explained that one of the local District Councillors had recommended that the Parish Councillors seek these dispensations, but that the application forms did not provide reasons why these were sought. The Committee could still grant the dispensations and set out clearly in the covering letter that the dispensations could be used only when 50% or more of the Parish Councillors, having considered their interests in a specific item, would otherwise have been unable to participate without a dispensation from that interest. There was concern expressed that the Committee could be setting a precedent if it granted the dispensations without receiving any indication of how often Parish Council business was affected by more than half of the Parish Council being unable to participate, or if the requests had been prompted by a forthcoming issue; however, the Committee did not want to refuse the request outright because it wanted to support Parish Councillors who were considering their interests and seeking dispensations where appropriate.

The Standards Committee **DEFERRED** this item, pending receipt of more detailed information from Croydon Parish Council in respect of how often conflicts of interest arise which prevent 50% or more of the Parish Councillors from being able to participate.

30. FEEDBACK FROM PARISH LIAISON WORKING GROUP

Chris Tomsett, Chairman of the Parish Liaison Working Group, presented the Group's findings and recommendations to the Standards Committee, drawing attention to the low level of training received by Chairmen, and to the use of the Standards Newsletter to include some case summaries and "what if?" scenarios to encourage discussion at Parish Council meetings.

Members acknowledged that the low response level to the questionnaire reflected the workload of most parish councils, and that many parish councillors felt that the ethical standards requirements were a burden, but, as all of the recent cases before the Standards Committee had involved parish councils, a greater understanding of the Code of Conduct was clearly needed.

The Committee, considering the Council's financial situation and the uncertainty of the Standards regime, felt that, rather than organise a large parish council training event, district councillors, who usually made regular reports to their parish councils, could use these opportunities to point out key areas in the Code of Conduct where breaches were most likely to occur, and the steps parish councillors could take to avoid becoming the subject of a complaint. It was acknowledged that this approach would be successful only where there was mutual respect between the district and parish councillors involved.

The County Executive from the Cambridgeshire and Peterborough Association of Local Councils (CPALC) had met the Acting Monitoring Officer to consider CPALC's evolving parish councillor training programme, which would be presented to the Standards Committee at its next meeting. There could be opportunities to offer joint training in partnership with CPALC, especially as a large portion of the Standards Committee's annual budget had been committed to external investigations which the Council had been unable to undertake internally due to a lack of capacity.

The Standards Committee **DEFERRED** the introduction of a Parish Council training programme until its 8 December 2010 meeting when it would have received further details of proposals from the Cambridgeshire and Peterborough Association of Local Councils for the delivery of joint training, and by which time it was hoped that further clarification regarding the future of the Standards regime would be available.

The Committee thanked the Parish Liaison Working Group for its recommendations.

31. UPDATE FROM ASSESSMENT AND REVIEW PANELS

Nothing to update, as the Panels had not met since the last Standards Committee meeting.

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

As Parish Council training had been considered as part of the Parish Liaison Working Group item, the Committee focussed on delivery of training to District Councillors. The Acting Monitoring Officer anticipated that, in light of the uncertainty surrounding the standards regime, there would be a poor response if Code of Conduct training were offered generally, but officers would continue to offer advice and circulate guidance, and a more detailed look at the Code of Conduct would be offered to newly-elected members.

There had been no further information received on the proposals to adopt a revised Code of Conduct after the consultations in late 2008, and there had not been any indication from the government that it would consult on the Decentralisation and Localism Bill before it was laid before Parliament in the late autumn.

The Committee noted Standards for England's new guidance on the re-appointment of existing Independent Members, which would allow the Council to re-appoint an Independent Member before the end of his or her current term, without having to advertise the post, providing that the initial appointment had been conducted in accordance with the

regulations. The guidance had arrived at a time when there were not any vacancies for Independent Members, but likely would still be in effect during the summer of 2011 when the terms of those appointed in 2007 were due to expire.

Michael Farrar asked the Committee to review the appointments process for Parish Council Members to introduce a process which allowed the Standards Committee to consider the outcome of the election by the parish councils and make a recommendation to Council. Although the final decision ultimately rested with full Council already, not with the Standards Committee nor with the parish councils, it was felt that making the parish councils feel further removed from the process could cause a backlash from the parishes.

The guidance from Standards for England on blogging was welcomed as useful and practical advice not just for social networking but for wider use in any communications.

The Standards Committee **NOTED** the guidance.

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

The Acting Monitoring Officer reported that Melbourn Parish Council, after the conclusion of the case involving one of their parish councillors, had invited representatives from the Standards Committee to attend their Parish Council meeting on 22 November 2010. One of the Council's senior lawyers would give a talk on the Code of Conduct, and the Chairman and Vice-Chairman agreed to attend. The Acting Monitoring Officer undertook to see if Girton Parish Council still wished to arrange a similar visit.

CORCOM 3946

Kathy English, Chairman of the Hearing Panel on 6 September 2010, explained that the Panel had upheld the finding of no breach of the Code of Conduct, having been persuaded by the evidence it had heard and received at the hearing. The Committee acknowledged that it benefited their determination of a matter when the subject member was able to attend and provide clarification. The Panel had made recommendations to Caxton Parish Council not to conduct business by e-mail, and the Acting Monitoring Officer advised that a clear delegation scheme should be set up in the Parish Council's Standing Orders to deal with urgent business, with at least one elected Councillor working with the Clerk to represent the Parish Council's views.

CORCOM 4099

The Acting Monitoring Officer explained that the Hearing Panel on 10 September 2010 had found that, although the subject member had not taken part in a planning decision in which he had declared a personal interest, he had not withdrawn from the room in which the decision was being taken. As he had subsequently resigned from the Parish Council, the Panel was unable to require him to attend training, which would have been their preferred sanction, and had censured him. A recommendation had been made to Gamlingay Parish Council about the proper way to record in the minutes not only that interests had been declared, but also the nature of the interests and what action, if any, had been taken by the relevant councillor.

CORCOM 4058

The Chairman would appoint a panel to determine this matter at a public hearing, which had been scheduled for Monday 4 October 2010.

The Standards Committee **NOTED** the update.

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

The Standards Committee received two cases, one demonstrating how a neighbouring authority had taken other action in respect of a complaint, and one relating to a parish council matter which had been referred to the First-Tier Tribunal. The latter case highlighted the importance of Parish Councillors remembering that they were employers and needed to treat the Clerk appropriately as an employee. The Acting Monitoring Officer undertook to see if further information were available about the Cambridgeshire case.

The cases were **NOTED**.

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

Nothing to report.

36. DATE OF NEXT MEETING

The next meeting would be at 10 am on Wednesday 8 December 2010.

The Meeting ended at 11.35 a.m.
