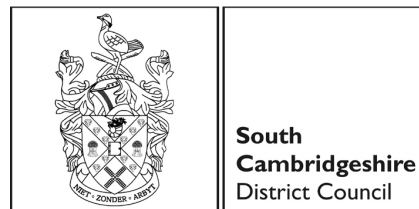


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27 May 2011

To: Chairman – Kathy English
Vice-Chairman – Alan Hampton

Members of the Standards Committee:

Diane Best	Independent Member
Nigel Cathcart	District Council Member, non-group
Michael Farrar	Parish Member
Roger Hall	District Council Member, Conservative Group
John House	Independent Member
Janet Lockwood	District Council Member, Liberal Democrat Group
Cicely Murfitt	District Council Member, non-group
Tony Orgee	District Council Member, Conservative Group
Raith Overhill	Independent Member
Mary Pilfold-Allan	Independent Member
Eric Revell	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

and to I Dewar (County Executive Officer, Cambridgeshire & Peterborough Association of Local Councils (CPALC)), for information.

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **SWANSLEY ROOM, GROUND FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 8 JUNE 2011** at **10.00 a.m.**

Yours faithfully
JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PAGES

PROCEDURAL ITEMS

- 1. Election of Chairman of the Standards Committee 2011/12**
- 2. Appointment of Vice-Chairman of the Standards Committee 2011/12**

3. **Apologies**
To receive apologies for absence from committee members.
4. **Declarations of Interest**
5. **Minutes of Previous Meeting** 1 - 4
To authorise the Chairman to sign the Minutes of the meeting held on 9 March 2011 as a correct record.
6. **Chairman's Address**

DECISION ITEMS

7. **2011/12 Appointments to Standards Committee Panels Established under the Standards Committee (England) Regulations 2008** 5 - 10
8. **BARRINGTON Parish Council: Request for a Dispensation** 11 - 16
9. **FOXTON Parish Council: Requests for Dispensations** 17 - 20

INFORMATION ITEM

10. **Standards Committee Budget 2010/11** 21 - 22
To note.

STANDING ITEMS

11. **Updates from Assessment and Review Panels** 23 - 24
To note.
12. **Advice to, and training of, District and Parish Council Members in relation to the Members' Code**

Document	Weekly Bulletin / E-mail
Standards Committee Newsletter Spring 2011	16 March 2011
Future of Standards Survey	16 March 2011, 11 May 2011
Consultation on change of number of Parish Council members on Standards Committee in light of a resignation	4 April 2011

To note the above.

13. **Feedback from Future of Standards Working Group** 25 - 36
To receive notes of the 16 May 2011 Future of Standards Working Group meeting and the preliminary survey responses from district and parish councillors, parish clerks and Council officers are attached for information. The survey closing date is Friday 10 June 2011 and any further responses will be reported to the Future of Standards Working Group to inform their work programme.
14. **Local Investigations, Hearings and References made to Standards for England** 37 - 38
To note.

15. Operation of Code of Conduct and other statutory functions of the Monitoring Officer

To note that the only known change to the draft version of the Localism Bill where it relates to standards is that Councils will be obliged to publicise details of their standards arrangements with regards to adopting a code and local framework.

16. Operation of the Council's "whistle-blowing" policy

Nothing to report.

17. Date of Next Meeting

Wednesday 14 September 2011 at 10 am.

OUR VISION

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. Until such time as the Council's Constitution is updated to allow public recording of business, the Council and all its committees, sub-committees or any other sub-group of the Council or the Executive will have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) for the duration of that meeting to enable the recording of business, including any audio / visual or photographic recording in any format or use of social media to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a new Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 9 March 2011 at 10.00 a.m.

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

Members:	Diane Best	Independent Member
	Alan Brett	Parish Member
	Bob Bryant	Parish Member
	Michael Farrar	Parish Member
	Roger Hall	District Council Member, Conservative Group
	John House	Independent Member
	Cicely Murfitt	District Council Member, non-group
	Raith Overhill	Independent Member
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Independent Group
	James Williams	Independent Member

Officers:	Holly Adams	Democratic Services Team Leader
	Virginia Lloyd	Lawyer
	Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Apologies for absence were received from Councillor Nigel Cathcart, Janet Lockwood, Tony Orgee, Mary Pilfold-Allan, Jim Stewart and Chris Tomsett.

54. DECLARATIONS OF INTEREST

None declared.

55. MINUTES OF PREVIOUS MEETING

The Chairman signed the minutes of the 19 January 2011 meeting as a correct record.

The Deputy Monitoring Officer updated members on the following items:

- The local Members of Parliament had acknowledged receipt of the Standards Committee's representations on the Localism Bill, but there had not been any response from the Department for Communities and Local Government (CLG) nor the Secretary of State;
- The CLG had not republished the erroneous statement about the District Council's advice on matters of predetermination and bias, but it had continued to be reported elsewhere. The Deputy Monitoring Officer undertook to learn whether or not the Leader had asked the CLG to withdraw its previous statement;
- The Deputy Monitoring Officer's offer to serve on a joint working party to develop a national model code of conduct had been premature, as the group had yet to be established, but her offer would be kept in mind.

56. CHAIRMAN'S ADDRESS

The Chairman paid tribute to Bob Bryant, at his last meeting before retirement and thanked him for all his hard work and input over the years, both as a parish member of the Committee and previously as one of the inaugural district council member of the Committee. She also thanked all committee members for their continuing interest and

input in standards, which was much appreciated especially at a time of significant change. Members were reminded that the next Standards Committee meeting would be the first meeting of the 2011/12 civic year at which a new Chairman would be elected, and that all 2010/11 travel and expense claims should be submitted before 30 April 2011.

57. HAUXTON PARISH COUNCIL: REQUEST FOR DISPENSATION

Four of the seven members of Hauxton Parish Council were members of the Hauxton Parish Plan Steering Group, which was seeking funding from the Parish Council for the printing of a questionnaire and of the final report of the parish plan project, due for completion within eighteen months. Two of the four members seeking dispensations had been nominated by the Parish Council to serve on the Steering Group, in agreement with recommendations for parish council representation on parish plan steering groups.

The Standards Committee **AGREED** to grant eighteen-month dispensations, to begin 6 April 2011, to Hauxton Parish Councillors Susan Cook, Alan Hooper, Owen Patman and Jane Ward with the reminder that they are still to declare an interest in any matters concerning the Hauxton Parish Plan Steering Group by stating "I declare a personal interest as a member [or Chairman, in the case of Councillor Hooper] of the Hauxton Parish Plan Steering Group, for which I have been granted a dispensation by the Standards Committee".

58. ANNUAL STANDARDS COMMITTEE REPORT TO COUNCIL 2011

The draft of the third annual report to Council was considered, to which further details about the future of Standards would be added to reflect work undertaken by the Standards Committee between March and May 2011. Members commended the report and asked that the following details be included:

- the 'other action' taken in relation to one of the standards cases;
- the Committee's visits to Parish Councils;
- the Future of Standards Working Group; and
- the Chairman and Vice-Chairman attending the 29 March 2011 Cabinet / Parish Council Liaison meeting to speak about the future of standards in South Cambridgeshire.

The Standards Committee **ADOPTED** the Annual Report to Council subject to amendments to be made to reflect work undertaken by the Committee between this meeting and the Council Annual General Meeting on 26 May 2011, such amendments to be circulated to all members prior to publication.

59. FUTURE OF STANDARDS

The Standards Committee considered recent publications concerning the future of standards, with the 19 January 2011 committee report for information as not much had changed since that meeting. The Deputy Monitoring Officer drew attention to the fact that:

- the Impact Assessment from the Department for Communities and Local Government (CLG) assumed that local authorities would retain some aspects of the standards framework, although it was not clear which aspects the CLG considered "valuable" for retention;
- there was no clear demonstration of the savings which could be made from establishment of a local protocol and administrative framework, but the Standards Committee's existing £15,000 budget had been agreed for 2011/12;
- the Future of Standards Working Group would need cross-party acceptance of any proposals for the future of standards;
- the unpopularity of the standards regime was not unique to any one party, and that

- this was largely due to the bureaucracy and the amount of time it took to finalise cases, particularly when the framework was first introduced;
- it appeared that there was acceptance locally that standards of conduct had greatly improved in recent years and there was a high risk of an impact on Council performance if this changed;
 - the CLG was proposing to monitor ethical standards regimes in local authorities once the Localism Bill had been enacted;
 - the existing legal position on issues of predetermination and bias had been reiterated in the Localism Bill, but not actually changed from the existing common law position.

Members supported the establishment of a Future of Standards Working Group and agreed its composition. There were particular concerns expressed about the lack of voting rights for co-opted independent and parish council members if the Localism Bill were not amended, and the Chairman confirmed that she had made representations personally to the Public Bill Committee considering the Localism Bill to retain voting rights for co-opted members. Although it was accepted that a national model code of conduct, to which local issues could be added if thought appropriate, was the ideal, the Committee acknowledged that development of such a code and accompanying framework for regulating it could take many months and might not be complete before the current regime ended in April 2012, therefore work should begin immediately on a local code and procedures.

The Chairman and Vice-Chairman reported that they had had a very positive and productive meeting with the Chief Executive, who supported the continuation of some form of a standards framework and of the Standards Committee, and had been positive that this would receive the support of local councillors. The Chief Executive would be involved with the Future of Standards Working Group as an ex officio member.

The Standards Committee **AGREED**

- (a) to make representations to the Local Government Association (LGA) urging that body to lead development of a national model code of conduct;
- (b) to establish a Future of Standards Working Group to report to the Standards Committee, with the intention of the Committee making recommendations to Council on the following:
 - (i) whether the district council should adopt of a local code of conduct and associated administrative framework, including a framework for the handling of complaints;
 - (ii) possible wording for a local code of conduct;
 - (iii) a possible framework for the administration of the code of conduct including handling of complaints;
 - (iv) the future of the Standards Committee, including its role and composition, and whether any or all of its work should be assigned to another Council body; and
 - (v) whether or not the district council will continue to have responsibility for parish council matters, even if not obliged to by law, if requested by parish councils; and
- (c) to make the following appointments to the Future of Standards Working Group:
 - Councillor Nigel Cathcart – Labour Group;
 - Mrs Kathleen English – independent co-opted member and Standards Committee Chairman;
 - Michael Farrar – parish council co-opted member;
 - Councillor Janet Lockwood or Councillor Jim Stewart – Liberal Democrat Group [confirmed after the meeting as Councillor Janet Lockwood];
 - Councillor Cicely Murfitt – independent non-group;

- Councillor Tony Orgee (substitute Councillor Roger Hall) – Conservative Group;
- Eric Revell – independent co-opted member; and
- Councillor Alex Riley – Independent Group.

It was further **AGREED** that the Future of Standards Working Group would finalise its Terms of Reference at its first meeting.

60. UPDATE FROM ASSESSMENT AND REVIEW PANELS

There had been one case assessed since the previous Standards Committee meeting. Members discussed generally the requirement for councillors to declare details of their pensions. The Deputy Monitoring Officer advised that each case would have to be considered independently.

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

It was **NOTED** that there had not been as great an emphasis on training, as it was unlikely that many councillors would be motivated to attend training when there remained so much uncertainty about the future of standards. The Chairman asked members to let her have ideas for future Committee training to be held after meetings.

62. FEEDBACK FROM PARISH LIAISON WORKING GROUP

Nothing to report.

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

The report was **NOTED** and the Committee acknowledged that the cost of publishing notices in local newspapers would be saved if this requirement were dropped. In future it would be sufficient to post a notice on the council's website rather than incur costs publishing externally.

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

Nothing to report which had not already been discussed earlier in the meeting.

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

The Corporate Governance audit, reported at the previous Standards Committee meeting, had now been finalised and the Council had been given a green light for the work of the Standards Committee and for its whistle-blowing policy.

66. DATE OF NEXT MEETING

NOTED.

The Meeting ended at 11.35 a.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

ESTABLISHMENT OF STANDARDS COMMITTEE PANELS UNDER THE STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008**Purpose**

1. To make appointments to the Standards Committee Local Assessment Panel, Hearings Panel and Review Panel for the 2011/12 civic year. These three bodies will meet following the 8 June 2011 Standards Committee meeting to elect their 2011/12 Chairmen. This is not a key decision.

Recommendations

2. That the Standards Committee re-appoint the 2010/11 panel memberships to continue as the Standards Committee Local Assessment Panel, Standards Committee Local Hearings Panel and Standards Committee Review Panel for 2011/12. The panel memberships are attached at **Appendix A**.
3. That the Standards Committee agree that all members of the Committee 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 or were otherwise unavailable.

Reasons for Recommendations

4. In light of the forthcoming changes to the Standards regime, it is felt that to maintain the existing panel membership will best suit the Committee's ability to discharge its responsibilities as panel members have already had the relevant training for their roles. Extending the opportunity to serve on a panel to all members of the Committee ensures that quorate panels can be established.

Background

5. On 8 May 2008 the Standards Committee (England) Regulations 2008 ("the Regulations") transferred responsibility for assessment of allegations of misconduct from Standards for England (SfE) to local Standards Committees.
6. The Regulations specify that there must not be any overlap in membership of the Assessment and Review Panels, but members of the Assessment and Review Panel may serve on the Hearing Panel to consider or determine any matter, even if they have served previously during the assessment or review stages of that particular case.
7. Any legislative changes which arise during the municipal year will be considered by the Future of Standards Working Group and its recommendations will be reported to the Standards Committee. Extraordinary meetings could be convened if necessary to respond to consultation or to adopt new operating procedures.

Considerations

- 8. The Standards Committee currently has seventeen members, of whom only two are parish council representatives. All the allegations received in the past two years have concerned parish council members, and it is necessary to ensure that the workload is balanced between the two parish council representatives. The flexibility built into the second recommendation, enabling any other member of the Committee to serve on any panel, will allow equal sharing of assessment panel work if necessary, with the other parish council representative remaining available to serve on a review panel.

Options

Number of Panels? Fixed or Floating Panels?

- 9. The legislation provides that a Standards Committee may establish a separate Investigation Reports Panel to consider local investigation reports (consideration meetings) and Hearings Panel to determine allegations at a hearing (determination meetings). The Standards Committee has always chosen to have one panel to discharge both these functions.
- 10. As an alternative to having fixed panel membership, the Standards Committee could opt for floating panels in line with appointments procedure for sub-committees of the Licensing Committee (2003 Act) and:
 - (a) appoint to the Standards Committee Local Assessment Panel, Standards Committee Review Panel and Standards Committee Hearings Panel all members of the Standards Committee, excepting any members who choose not to be so appointed, with all Independent Members to act as Chairmen of the Panels as required, subject to the Chairmen having received, or giving a commitment to undertake, the appropriate training required for the role; and
 - (b) authorise the Democratic Services Team Leader, in consultation with the Chairman of the Standards Committee and Monitoring Officer, to appoint three Standards Committee members to any Panel when it is required to meet, comprising an Independent Chairman from the pool agreed in (a) above and two members of the Standards Committee, dependent on availability and having regard to potential conflicts of interest and the requirements of the relevant legislation regarding participation of a parish council member for matters concerning parish councils.
- 11. If the Standards Committee is minded to change its appointments procedure for panel membership to three floating panels comprising all members of the Standards Committee, the three panels will not need to meet to elect their Chairmen following the meeting of the full Committee on 8 June 2011.
- 12. Officers recommend that the Standards Committee not make any changes at this time in light of the forthcoming changes to the Standards regime.

Implications

13.	Financial	None specific.
	Legal	The appointments must meet the legislative requirements that an independent member serve as Chairman of each panel, and that the membership of the assessment and review panels be different.
	Staffing	None specific.

Risk Management	Having a floating membership with appointments made based on expressions of willingness to serve, availability, training and lack of any known conflicts of interest before each and every case could create a delay in the initial assessment process beyond the National Indicator target of twenty working days.
Equality and Diversity	None specific
Equality Impact Assessment completed	No. Not relevant.
Climate Change	None specific.

Consultations, including consultation with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to being a listening council: The Standards Committee understands the importance of a timely and fair assessment of an allegation of misconduct and demonstrates this through balanced appointments to panels, taking into consideration committee members' preferences, availability and training.
16. Commitment to making South Cambridgeshire a place in which residents feel proud to live: As above, it benefits the community to have a swift but balanced decision made about any allegations of misconduct.
17. Commitment to providing a voice for rural life: It is a legislative requirement that a Parish Council member of the Standards Committee be involved during any meetings concerning parish council matters, allowing the local knowledge and experience of the role of parish councillor to inform decisions.

Conclusions / Summary

18. A table is attached (**Appendix A**) showing the proposed panel membership.

Background Papers: the following background papers were used in the preparation of this report:

Standards Committee (England) Regulations 2008
 Reports to Standards Committee on Panel Membership Appointments, June 2009 and June 2010

Contact Officer: Holly Adams – Democratic Services Team Leader
 Telephone: (01954) 713030

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**Standards Committee Panels 2011/12
Proposed Membership**

Standards Committee Local Assessment Panel

Diane Best	Independent 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

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
Raith Overhill	Independent 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
Mary Pilfold-Allan	Independent Member
Chris Tomsett	Parish Council Member
James Williams	Independent Member

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services Manager

BARRINGTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Purpose

1. The eight Barrington Parish Councillors wish to apply formally for dispensations in respect of any issues concerning Barrington Green. This is not a key decision.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Barrington Parish Councillors Cooper, Day, Fletcher, Hardman, Monk, Petter, Van de Weyer and Whybrow in respect of issues concerning Barrington Green, with the reminder that they are still to declare an interest in any matters concerning Barrington Green as described below, and to declare that they have received a dispensation for that interest
3. 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.

Background

4. Barrington Green, in the centre of the village, was designated as common land and established as a charity in the early twentieth century, of which the Parish Council was nominated as Custodian and sole Trustee of The Green Charity Barrington. The Charity, therefore, can exercise its power as Custodian Trustee only through the members of Barrington Parish Council.
5. The Standards Committee, at its meeting of 3 October 2002, granted a four-year dispensation to the (then) six Parish Councillors in Barrington from any items concerning Barrington Green and noted that any new Barrington Parish Council members would need to apply for a dispensation. This dispensation was renewed by the Standards Committee at its meeting of 7 June 2007.
6. Under *The Standards Committee (Further Provisions) (England) Regulations 2009*, the Standards Committee may grant a dispensation to a member in the following circumstances:
 - (a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because
 - (i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or

- (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
- (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
- (c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.

7. Nothing in paragraph 3 above shall permit a dispensation to be granted
- (a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
 - (b) where the effect of the mandatory provisions from which a dispensation is sought is that
 - (i) a member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of an authority relating to a decision made by any body of which that person was a member at the time the decision was taken; or
 - (ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by that member solely.

Considerations

8. Parish Council members must still declare an interest in matters in which they have been granted a dispensation. As a matter of good practice, members should also state that they have been granted a dispensation.
9. The Monitoring Officer, writing to the Parish Clerk in 2002 and again in 2007, noted that, in point of fact, the individual Parish Councillors were not Trustees, but were members of the Custodian Trustee, and therefore should declare that "I am a member of the Custodian Trustee of The Green Charity Barrington".

Options

10. Not to grant a dispensation in respect of issues concerning Barrington Green would leave the Charity unable to operate, as the Charity operates only through the Parish Council as Custodian Trustee.
11. The Standards Committee has been asked to grant dispensations for the duration of the current Parish Council, although it could grant dispensations for a shorter term.

Implications

12. Financial	None.
Legal	Parish Council members must still declare an interest in matters in which they have been granted a dispensation. As a matter of good practice, members should also state that they have been granted a dispensation, by stating that, "I declare an interest as a member of the Custodian Trustee of The Green Charity Barrington, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.

Risk Management	None.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

13. Mrs M Goding, Barrington Parish Clerk.

Consultations with Children and Young People

14. None.

Effect on Strategic Aims

15. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barton, Bassingbourn-cum-Kneesworth, Coton, Eltisley, Foxton and Gamlingay Parish Councils, all of which were Trustees of local charities.
16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Barrington Ground is an amenity which the Parish Council maintains for the benefit of residents.
17. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

Background Papers: the following background papers were used in the preparation of this report:

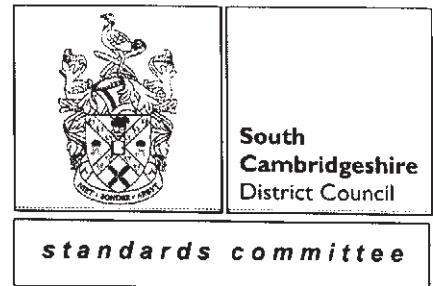
- The Standards Committee (Further Provisions) (England) Regulations 2009
- Dispensation Applications from Barrington Parish Councillors (available on the SCDC website)
- Letter from Barrington Parish Clerk 27 April 2007
- Letter from Monitoring Officer 22 May 2002
- Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007

Contact Officer: Holly Adams – Democratic Services Team Leader
Telephone: (01954) 713030

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Parish Council Member's Application for a Dispensation

To: Standards Committee, South Cambridgeshire District Council

Under Section 81 of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Parish Council unless he / she has first obtained a dispensation from the Standards Committee of South Cambridgeshire District Council. The powers to grant a dispensation are governed by the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002. You may apply for a dispensation by completing this form and sending it to the Monitoring Officer of South Cambridgeshire District Council. Please do so as soon as you are aware of the possible conflict, before South Cambridgeshire District Council Standards Committee is due to meet and before the matter is due to be considered by the Parish Council. Please complete the attached form as fully as possible as the request for dispensation must be written and explain why the dispensation is desirable.

Please note that for Standards Committee to conclude that it is appropriate to grant a dispensation it must have regard to the reason for the request, the content of the written application and to all the other circumstances of the case.

If you are granted a dispensation, please note that the Standards Committee must be notified if the circumstances under which it was granted change.

Your Name and Parish Council :

**BARRINGTON PARISH COUNCIL
 Mrs M R Goding, Clerk**

What is the matter which is shortly to be considered and in respect of which you seek a dispensation?

**MANAGEMENT OF THE GREEN CHARITY BARRINGTON, OF WHICH BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE
 THE NEWLY ELECTED PARISH COUNCIL SEEKS A DISPENSATION FOR ITS TERM OF OFFICE, AS HAS BEEN ASSIGNED BY SCDC FOR MANY YEARS**

Is this matter to be considered by the Parish Council as a whole or by a sub-committee? If the latter please provide the name of the sub-committee.

BY BARRINGTON PARISH COUNCIL AS A WHOLE

What is the nature of your prejudicial interest?

BARRINGTON PARISH COUNCIL IS THE CUSTODIAN TRUSTEE

What is the date of the meeting at which this matter is to be considered?

ALL AND ANY MEETINGS AS MAY NEED TO BE CALLED

What is the date of the meeting at which this matter is to be considered?

**ALL AND ANY MEETINGS AS MAY NEED TO BE CALLED
THE FIRST BUSINESS MEETING OF THE NEW PARISH COUNCIL AND THAT OF THE
GREEN CHARITY TAKE PLACE ON MAY 24 2011, AND THE COUNCILLORS WILL BE
OBLIGED BY LAW TO CONDUCT THEIR USUAL BUSINESS.**

The grounds for dispensation is that the number of Members of the body that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate. Please provide details confirming this:

ALL COUNCILLORS FORM THE TRUSTEE OF THE GREEN CHARITY

Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding four calendar years.

FOR THE LIFETIME OF THIS PARISH COUNCIL, ie four years May 2011 – May 2015

Please set out below the reasons why you consider the Standards Committee should grant this dispensation:

SCDC HAS GRANTED DISPENSATION IN THE MANNER REQUESTED FOR MANY YEARS AND I SEE NO REASON FOR THIS TO BE REFUSED. THIS IS BECAUSE BARRINGTON PARISH COUNCILLORS ARE THE LEGAL CUSTODIAN TRUSTEE OF THIS CHARITY. A DISPENSATION REQUIREMENT IS A MODERN ANOMALY.

Signed: Cllr Cooper Signature
[Redacted Signature]

(Clerk) Date **May 24th 2011**

Cllr Cooper:

Cllr Day: Cllr Day Signature
[Redacted Signature]

Cllr Fletcher Signature
[Redacted Signature]

Cllr Fletcher: [Redacted Signature]

Cllr Hardman: Cllr Hardman Signature
[Redacted Signature]

Cllr Monk: Cllr Monk Signature
[Redacted Signature]

Cllr Potter: Cllr Potter Signature
[Redacted Signature]

Cllr Van de Weyer: Cllr Van de Weyer Signature
[Redacted Signature]

Cllr Whybrow: Cllr Whybrow Signature
[Redacted Signature]

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services
Manager

FOXTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**Purpose**

1. The members of Foxtton Parish Council wish to apply formally for a dispensation to enable all nine members, who are Trustees of Foxtton Recreation Ground, to remain in meetings and vote on matters relating to the Foxtton Recreation Ground Trust.

Recommendations and Reasons

2. That the Standards Committee grant dispensations until May 2015, the duration of the current Parish Council, to Foxtton Parish Councillors Geoffrey Barnes, Malcolm Bore, Liam Elliott, Colin Grindley, Rachael Macintyre, Ronald McCreery, Christine McFadzean, Nigel Oakley and Peter Sutton in respect of issues concerning Foxtton Recreation Ground, with the reminder that they are still to declare an interest in any matters concerning Foxtton Recreation Ground as described below, and to declare that they have received a dispensation for that interest
3. 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.

Background

4. Foxtton Recreation Ground is a registered charity, created March 2000, of which Foxtton Parish Council is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Foxtton Parish Council.
5. The Foxtton Parish Council website describes the Recreation Ground Trust thus:
This charity came in to being in March 2000 when Councillors were making preparations for the future management of the new community facilities.

The Trust "owns" that part of the recreation ground acquired by the War Memorial Trust in the 1920's. Other parts of the recreation ground including where the tennis courts and bowls club are situated were purchased by the Parish Council.

The main objective of the Trust is the provision and maintenance of the recreation ground.

The Trust is viewed as the "landlord" of the village hall and sports pavilion under a lease.

All Parish Councillors are automatically Trustees of the Recreation Ground Trust.

The Trust holds in investment accounts the monies raised in overage arising out of the development of former Trust and Parish Council owned land. Income from these investments has enabled the Trustees, for the first time, to pay for maintenance and works on the recreation ground so having a beneficial effect on the level of parish precept.

The Trustees are seeking to establish a sinking fund for the long term repair and maintenance of the village hall, roadway etc. They are also seeking to acquire an extension to the recreation ground to re-establish the long lost allotments, provide cricket nets, provide a garden for pre school children and some general relaxation space. Registration of land held in trust is a precursor to this purchase.

Once these transactions have been completed, a new trust deed will be required dealing with the widened responsibilities of the Trustees.

6. The Standards Committee, at its meeting of 9 September 2009, granted a dispensation until May 2011 to the (then) eight Parish Councillors in Foxton from any items concerning Foxton Recreation Ground and noted that any new Foxton Parish Council members would need to apply for a dispensation. The Standards Committee asked the Parish Council to re-apply, if necessary, following the May 2011 elections, which the Parish Council has now done.
7. Under *The Standards Committee (Further Provisions) (England) Regulations 2009*, the Standards Committee may grant a dispensation to a member in the following circumstances:
 - (a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because
 - (i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
 - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
 - (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
 - (c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.
8. Nothing in paragraph 3 above shall permit a dispensation to be granted
 - (a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
 - (b) where the effect of the mandatory provisions from which a dispensation is sought is that
 - (i) a member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of an authority relating to a decision made by any body of which that person was a member at the time the decision was taken; or

- (ii) a member of the authority’s executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by that member solely.

Considerations

- 9. The members of Foxtton Parish Council have applied in writing for four-year dispensations in respect of any matters concerning Foxtton Recreation Ground.
- 10. Foxtton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.

Options

- 11. Not to grant a dispensation would leave the Parish Council unable to discuss any matters relating to Foxtton Recreation Ground as all Parish Councillors are members of the Trust.

Implications

12. Financial	None.
Legal	Parish Council members must still declare an interest in matters in which they have been granted a dispensation. As a matter of good practice, members should also state that they have been granted a dispensation, by stating that, “I declare an interest as a Trustee of Foxtton Recreation Ground Trust, for which I have been granted a dispensation by the Standards Committee”.
Staffing	None.
Risk Management	None.
Equal Opportunities	None.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

Consultations

- 13. Dr Nigel Oakley, Chairman, Foxtton Parish Council

Consultations with Children and Young People

- 14. None.

Effect on Strategic Aims

- 15. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has previously granted similar dispensations to the members of Barton, Barrington, Bassingbourn-cum-Kneesworth, Coton, Eltisley and Gamlingay Parish Councils, all of which were Trustees of local charities.
- 16. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Foxtton Recreation Ground is a village amenity for which the Parish Council, as sole Trustee, has responsibility.

17. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

Background Papers: the following background papers were used in the preparation of this report:

The Standards Committee (Further Provisions) (England) Regulations 2009
Dispensation Applications from Foxtton Parish Councillors (available on the SCDC website)
E-mail from Foxtton Parish Council Chairman, 15 April 2011
Agendas and Minutes of Standards Committee 9 September 2009

Contact Officer: Holly Adams – Democratic Services Team Leader
Telephone: (01954) 713030

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

AUTHOR/S: Executive Director (Corporate Services) / Acting Legal and Democratic Services Manager

STANDARDS COMMITTEE 2010/11 BUDGET

Purpose

- To note the budget spend in 2010/11.

Recommendations and Reasons

- That the Standards Committee note the report.

Considerations

- The Standards Committee budget for 2008/09 through 2010/11 was £15,040. There was a total spend in 2008/09 of £13,838.23 and in 2009/10 of £4,835. The significant difference in spend relates to the deferral of training during 2009/10 for members and officers in anticipation of a new Code of Conduct; in 2008/09 the cost of such training was £10,220.

- The following costs were incurred in 2010/11:

External Investigation (CORCOM 3886, work undertaken from 1 April 2010)	£608.73
External Investigation (CORCOM 3946)	£1,077.66
External Investigation (CORCOM 4099)	£1,044.07
External Investigation (CORCOM 4058)	£4,139.47
External Investigation (CORCOM 4297)	£2,163.97
Public Appointment in <i>Cambridge News</i> seeking Independent Members 2010-14, as required by The Relevant Authorities (Standards Committee) Regulations 2001	
Public Notices in <i>Cambridge News</i> of findings of the Hearings Panels	
CORCOM 3768-3798-3799	£918.00
CORCOM 3886	£397.80
CORCOM 4099	£489.60
CORCOM 4058	£489.60
CORCOM 4297	£550.80
as required by The Standards Committee (England) Regulations 2008	

Total (to date)**£12,614.10**

- The £2,150.00 paid in April 2010 by the Standards Committee for advance booking of places at the 2010 Annual Assembly of Standards Committees was refunded in full following the June 2010 cancellation of the Assembly.

6. Officer time, including time spent on investigations conducted internally, are not a charge on the Standards Committee budget. Their time is a salary cost to the authority. Time spent on investigations amounts to approximately 30 hours per investigation.

Background Papers: the following background papers were used in the preparation of this report:

Standards Committee 2008/09, 2009/10 Budget Reports

Contact Officer: Holly Adams – Democratic Services Team Leader
Telephone: (01954) 713030

Assessments and Reviews 2010-11

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Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages
4125	20-Apr-10	Public	PC (x2)	Other Action	10-May-10	4	13	13.0
4297	19-Sep-10	Public (x3)	PC	Investigate	29-Sep-10	5	8	10.5
4442	27-Jan-11	Public	PC	No Action	11-Feb-11	3	11	10.7
4496	18-Mar-11	Public	PC	No Action	04-Apr-11	3	11	10.8
4498	25-Mar-11	Other	PC (x3)	Refer to SfE	04-Apr-11	6	6	9.8

Standards for England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the local assessment of complaints. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *‘the assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint’*. It further recommends that: *‘following a decision the relevant parties will be notified of that decision. The relevant parties are the complainant and the subject member. If the subject member is a parish or town councillor, their parish or town council must also be notified. We suggest that the standards committee sends out its decision notice within five working days of the decision being made’*.

Counting the working day following receipt of a complaint as day 1 and also counting the day the Assessment Panel meets to make an assessment of that complaint, the **Assessment Panel achieved a rolling average of 9.8 working days in 2010/11**.

Review Panel								
Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages

Standards Board England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the review of 'no further action' decisions. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *‘the review sub-committee must carry out its review within a maximum of three months of receiving the request. We recommend that the review sub-committee adopts a policy of undertaking the review within the same timescale as the initial assessment decision is taken, aiming to complete the review within an average of 20 working days.’*

No requests for review were received in 2010/11.

Assessments and Reviews 2011-12

Assessment Panel

Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages
4510	03-Apr-11	PC	PC (x2)	Refer to SfE	04-Apr-11	5	1	1.0
4523	13-Apr-11	PC (x2)	PC	Refer to SfE	15-Apr-11	4	2	1.5

Standards for England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the local assessment of complaints. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *'the assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint'*. It further recommends that: *"following a decision the relevant parties will be notified of that decision. The relevant parties are the complainant and the subject member. If the subject member is a parish or town councillor, their parish or town council must also be notified. We suggest that the standards committee sends out its decision notice within five working days of the decision being made"*.

Counting the working day following receipt of a complaint as day 1 and also counting the day the Assessment Panel meets to make an assessment of that complaint, the **Assessment Panel is currently achieving a rolling average of 1.5 working days**.

Review Panel

Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages
4496	21-Apr-11	Public	PC		08-Jun-11	3	28	28.0

Standards Board England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the review of 'no further action' decisions. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *'the review sub-committee must carry out its review within a maximum of three months of receiving the request. We recommend that the review sub-committee adopts a policy of undertaking the review within the same timescale as the initial assessment decision is taken, aiming to complete the review within an average of 20 working days.'*

Counting the working day following receipt of a complaint as day 1 and also counting the day the Review Panel meets to make an assessment of that complaint, the **Review Panel is currently achieving a rolling average of 28 working days**.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Notes of a meeting of the Future of Standards Working Group held on
Monday, 16 May 2011 at 1.30 p.m.

PRESENT:	Kathy English Janet Lockwood Tony Orgee Alex Riley	Michael Farrar Cicely Murfitt Eric Revell
Officers:	Holly Adams Philly Sewell	Fiona McMillan

1. ELECTION OF CHAIRMAN

It was **AGREED** that Kathy English be elected Chairman.

2. DECLARATIONS OF INTEREST

None.

3. FUTURE OF STANDARDS WORKING GROUP: TERMS OF REFERENCE

It was **agreed** that the point (i) should be amended to read: "*whether the district council should adopt a local code of conduct...*" and the 1 April 2012 ending date be removed from the final paragraph.

4. FUTURE OF STANDARDS

The District Council, Parish Councils and Standards Framework

It was generally thought that parish councils would not adequately manage their affairs if given sole responsibility, as the commitment from members and workload for clerks was believed to be too much. Feedback from the Cabinet / Parish Council Liaison forum showed that clerks were strongly against undertaking the responsibility involved to administer and advise on a standards framework and that most parish councils did not want their own framework.

One parish council had queried whether, if it adopted its own Code of Conduct, the District Council would agree to undertake the administration and Monitoring Officer role. Officers had felt that this could lead to a logistical nightmare not only for those having to administer, advise on and monitor different Codes of Conduct and standards frameworks, but also for dual-hatted members trying to operate under two different Codes.

Those parish councils who had wanted to pay for cases only when issues arose likely would be shocked at the cost. Other authorities had estimated that administrative costs averaged £150 per case from receipt of an allegation to the conclusion of the local assessment stage. A retainer fee was thought to be a sensible approach.

Parish councils could struggle with the administration of cases and, in the absence of any other bodies to support the parishes, it was likely that the District Council would still receive requests for help and advice even from those parish councils which opted out of a common Code and framework, or from members of the public with concerns about a parish council which was operating under its own procedures.

The extent to which the District Council would provide standards-related services to parish

councils would be for full Council to determine, as would the level of fees, if any. These would not be decisions to be taken lightly.

The Working Group's view was that parish councils would benefit from continued SCDC support, if a common Code of Conduct and standards framework were adopted and parish councils given the option to sign up, the SCDC website would include a list of those parish councils who were participating.

Local Code of Conduct and Standards Framework

The Council would have to decide how it would discharge its duty to uphold and maintain high standards of conduct. Cambridgeshire County Council had initiated discussion with the Heads of Legal Services at all Cambridgeshire authorities about adopting a county-wide Code of Conduct. Not all Heads of Legal Services were yet at a stage in discussions with their councillors to be able to answer on behalf of their authority. The complexity and resources required to administer a county-wide framework would be an issue.

The existing Code of Conduct would remain in place at least until 2012. It had been suggested at a Monitoring Officer conference that the simplest option would be for councils to choose to adopt as their local Code the first part of the current Code (paragraphs 1-7) and the Nolan Principles, with the paragraphs relating to declarations of interest being replaced by new legislation.

Council would also have to consider what the public perception would be if it chose not to adopt a Code of Conduct. It was felt that adopting a Code of Conduct would be more likely to be welcomed by councillors if the associated framework for dealing with breaches were more palatable, as many councillors felt that natural justice was not being served. A local framework would address the lack of opportunities for the subject member to have input at the assessment stage, and could include opportunities for conciliation at the start of the process.

The Future of Standards Working Group would review how cases had been handled under the local procedures to assess what could be done in the future to ensure an efficient and consistent process which would be seen to be fair and open, and which could be supported by councillors and the public.

Standards Committee Composition

If Council chose to abolish the Standards Committee and make its responsibilities part of another committee, such as Corporate Governance Committee, the political proportionality rules would take effect and this would not be acceptable to many councillors. There was value in having independent representation, and it gave the public confidence in the process. All professional bodies involved independent members on their standards (or equivalent) boards, as they brought a sense of objectivity. The removal of voting rights for co-opted members was a legislative matter and Council could not overrule the legislation to give co-opted members a vote; however, the Standards Committee had always operated by consensus and had never had to determine matters by a vote.

Localism Bill

The current version did not make any reference to the Monitoring Officer's responsibility for maintaining councillors' registers of interest. The third reading was being undertaken in the week commencing 16 May 2011, but nothing about Standards appeared to have been debated during the Committee Stage.

Conclusions

The Working Group agreed that officers should not progress a local Code of Conduct and Standards Framework until the national and / or county picture was clearer, as the Council

should not invest resources in a project which could be superseded.

It was agreed that a report be made to Council once more information was available and that all timescales be removed from the Working Group's work programme.

5. DATE OF NEXT MEETING

Officers to arrange once more information was available.

The Meeting ended at 2.30 p.m.

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Parish Council E-mailed Survey Responses

Bar Hill Parish Council (from minutes of 20 April 2011 meeting)

Standards Committee Newsletter – Localism Bill

RH stated that he had a prejudicial interest and could make no decision. This was debated at length as the Parish Council had a decision to make on the following: Does your Parish Council plan to adopt a voluntary code of conduct? If so, does your Parish Council plan to adopt a framework of dealing with allegations relating to your voluntary code? If the District Council adopts a voluntary code of conduct and framework, would your Parish Council consider signing up to it? If so, what do you think would be an appropriate fee? Does your Parish Council plan to appoint an independent monitoring officer or to ask the District Council's Monitoring Officer to continue to have responsibility for the registration of members' interests? Do you want District Council to continue to have responsibility for Parish Council guidance, advice and training in matters relating to member conduct?

Taking all the above questions in to consideration MP proposed that, in principle, the Parish Council would go along with the District Council's code of conduct and framework and would be guided by their decisions. With regard to a fee, it was felt that an annual fee of £50 would be appropriate. This was seconded by BG. All in favour. Therefore the Clerk would write back to SCDC with our decision.

Barrington Parish Council

At its Meeting yesterday, the Parish Council considered the section of your Newsletter under the heading 'What we need from you' and respond as follows:

- The Parish Council has adopted a model Code of Conduct again this year, and has had one in force for some 6 years now. Each Councillor has a copy.
- There is no plan to adopt a local framework for dealing with allegations relating to the voluntary code other than that which is in our Code of Conduct.
- There is no intention to sign up to the District Council's voluntary code/framework, nor of paying a fee to do so.
- There is no intention to appoint an independent monitoring officer or to ask the District Council's monitoring officer to continue to have responsibility for registration of members' interests nor to pay a fee for this service. We have submitted completed copies of the appropriate SCDC registration form for each Councillor.
- The Parish Council does not want the District Council to continue to have responsibility for guidance/advice/training in relation to member conduct, nor to pay an annual fee for legal advice.

The basis for these decisions is a belief that our Parish Council would be able to deal with any such problem. There is a lot of goodwill amongst the Councillors, who are very familiar and conversant with local issues and the locality. The Councillors felt that because the District Council did not attend our meetings or participate in our work generally, that they were not going to be able to assist us.

Duxford Parish Council

Further to SCDC's recent Standards Committee newsletter, the response from Duxford Parish Council to the questions posed are as follows :-

- 1 The Parish Council will re-adopt the existing Code of Conduct
- 2 The Parish Council would prefer SCDC to provide a local framework to administer members conduct.
- 3 The question of how much the Council is willing to pay for SCDC to provide a framework is impossible to answer at this stage. Any cost must be subject to the number of Council's who sign up and whether there is an annual subscription or fees charged on a case-to-case basis.
- 4 The Council would choose not to appoint the Clerk as Monitoring Officer. The Clerk has confirmed that he is not at present prepared to take on this responsibility. The cost of SCDC providing an officer is again subject to the reasons given above (3) and also dependent on how many Councillors a particular Council has.
- 5 The Council do not feel that SCDC need to provide guidance and training re member conduct as this is already provided by CPALC of which Duxford PC is a member.

Trusting the above comments will be of assistance at this stage.

Histon Parish Council

believe that SCDC, although not obligated, should continue to have responsibility for Parish Council Code of Conduct issues and would suggest a suitable charge to be a basic cost user fee augmented by a usage cost

Impington Parish Council

- does your parish council plan to adopt a voluntary code of conduct? **YES**
- if so, does your parish council plan to adopt a framework for dealing with allegations relating to your voluntary code? **YES**
- if the District Council adopts a voluntary code and framework, would your parish council consider signing up to it? If so, what would do you think would be an appropriate annual fee? **As no payment was due for the Standards Committee, the Parish Council would not wish to pay for it**
- does your parish council plan to appoint an independent monitoring officer or to ask the District Council's Monitoring Officer to continue to have responsibility for the registration of members' interests? **To ask the District Council's Monitoring Officer to have responsibility**
- do you want the District Council to continue to have responsibility for parish council guidance, advice and training in matters relating to member conduct? **YES**

The Parish Council also raise the question as to why the matter is not being dealt with at County Level?

When advised that this consultation was being undertaken by the District Council's Standards Committee to help inform South Cambridgeshire District Council's decisions, the PC Chairman responded to say: *"The fact that the District Council has historically had a responsibility for Parish Councils is not a reason, IMHO, for the question again to be raised as to whether they might in the future.*

"Since there is now no requirement for Districts to "look after" Parishes, it might make more sense to have this done at County, when economies of scale etc might kick in."

Longstowe Parish Council

Please find responses from Longstowe Parish Council to the Future of Standards questions as follows:

Do you plan to adopt a voluntary code – **Longstowe is a very small parish without the necessary expertise to form it's own code**

would you consider signing up to the district council's voluntary code/framework – **Yes most definitely**

what do you would be an appropriate annual fee for this service – **difficult to estimate without knowing amount of work involved**

do you plan to appoint an independent monitoring officer or to ask the district council's monitoring officer to continue to have responsibility for registration of members' interest – **the district council to continue**

what do you think would be an appropriate annual fee for this service – **same comment as above**

do you want the District Council to continue to have responsibility for parish council guidance/advice/training in relation to member conduct?- **Yes**

what do you think would be an appropriate annual fee for legal advice – **would be guided by district council**

These responses were approved by the Council at the meeting held on 21st April 2011.

Milton Parish Council

· does your parish council plan to adopt a voluntary code of conduct? **Yes.**

· if so, does your parish council plan to adopt a framework for dealing with allegations relating to your voluntary code? **See next answer.**

· if the District Council adopts a voluntary code and framework, would your parish council consider signing up to it? **Yes in principle.** If so, what would do you think would be an appropriate annual fee? * **The more villages that signed up to this the lower should be the fee.**

· does your parish council plan to appoint an independent monitoring officer or to ask the District Council's Monitoring Officer to continue to have responsibility for the registration of members' interests? **Ask the District Council**

· do you want the District Council to continue to have responsibility for parish council guidance, advice and training in matters relating to member conduct? **Yes in principle. Much depends on the legislation, additional information and charges*.**

Orwell Parish Council

- There will be a continuing need for a local code of conduct.
- In principle we plan to adopt a local code
- As a Parish Council we do not have the resources nor the expertise to draw up or operate a Parish Council Code.
- We would seriously consider signing up to a District Council voluntary code/framework.
- We would also consider asking the District Councils monitoring officer to continue to have responsibility for registering of members interests.

- Such is the professionalism of the present South Cambs team it would be far preferable to have them providing the Standards guidance, advice and training. Clearly the above statements can only be considered in "principle" since although we are well satisfied with the present arrangements there is no assurance it will be the precisely the same in the future nor is there any indication of what such a service is worth or what the fee is likely to be.

Unlikely in our view but this could be another example of the need to shop around amongst other authorities seeking best value.

It is to be hoped this response is helpful but one can only emphasise the large measure of uncertainty at this time not only with the future of how a local code will evolve but also the fourth coming elections means there will be a large turnover within the Orwell P C.

Swavesey Parish Council

Swavesey Parish Council does not intend to adopt its own framework for dealing with allegations or appoint its own independent monitoring officer. The Parish Council would prefer to see a County wide voluntary code to which all parishes sign up to, with responsibility at a County level for registration of members' interests, advice and training. Also Monitoring Officer responsibility resting at County level, which could be via a District Council with County overseeing responsibility.

We feel that the local Parish Council Clerk having to act as Monitoring Officer within its own Council is too close and could cause conflicts and problems. Also the new potential for a criminal conviction if interests are not recorded in the correct way, would mean a considerable change to a Clerk's responsibility and terms and conditions of employment. With so many Parish and Town Clerks positions within a District area, this could lead to a huge variation of views, therefore it would be much safer to have the Monitoring Officer role at County (or District) level.

Parish Council On-Line Survey Responses

Introduction

Please tell us if you are answering:

- as a parish councillor – 3
- on behalf of the parish council – 0
- as a parish clerk – 6
- Name of Parish Council (optional): Barrington, Fen Ditton, Hinxton, Linton, Swavesey

Standards Arrangements

Does your parish council plan to adopt a voluntary code of conduct?

- yes – 80% (4 responses)
- no – 20% (1 response)
- skipped question – 4
- Comments (optional): “We would welcome guidance from SCDC on format and content”
- “It does not plan to adopt its own voluntary code but if there is a District or County-wide voluntary code, then it will most probably adopt that.”

If so, does your parish council plan to adopt a local framework for dealing with allegations relating to the voluntary code?

- yes – 80% (4 responses)
- no – 20% (1 responses)
- skipped question – 4
- Comments (optional): “We would welcome guidance from SCDC on format and content”
- “Again, not its own, however it would adopt a District or County-wide framework.”

Standards Arrangements: District Council Support

Would you consider signing up to the District Council's voluntary code / framework?

- yes – 40% (2 responses)
- no – 0% (0 responses)
- would need more information first – 60% (3 responses)
- skipped question – 4
- Comments (optional): “We would need to know if there are any cost implications”

What do you think would be an appropriate annual fee for this service?

- “We are unlikely to sign up if there is more than a nominal fee, e.g. £30”
- “X”
- “£0”
- “I cannot say at present. Perhaps a fee for use, rather than an annual fee would be more appropriate?”
- “Needs to reflect the size of the Council. For a small council such as Hinxton, perhaps £20 max”
- skipped question – 4

Monitoring Officer Arrangements

Do you plan to appoint an independent monitoring officer or to ask the District Council's monitoring officer to continue to have responsibility for registration of members' interests?

- appoint an independent Monitoring Officer – 0 (0% responses)

- ask the District Council's Monitoring Officer to continue – 5 (100% responses)
- Comments (optional): "We would need to know the cost implications and would prefer to have it on an ad hoc basis"
- "Or perhaps the County could provide the Monitoring Officer role?"
- skipped question – 4

What do you think would be an appropriate annual fee for this service?

- "We would prefer an ad hoc basis rather than an annual fee"
- "X"
- "£0"
- "I would have hoped it would be included in the fee which would already be paid (see previous questions)."
- "Again, a fee for use rather than an annual fee."
- skipped question – 4

Training and Support

Do you want the District Council to continue to have responsibility for parish council guidance / advice / training in relation to member conduct?

- Yes – 80% (4 responses)
- No – 20% (1 response)
- Skipped question – 4
- Comments (optional): "We would like to know the alternatives."
- "Or perhaps the County?"

What do you think would be an appropriate annual fee for legal advice about member conduct?

- "We would like this to be on an ad hoc basis, i.e. a fee only when we ask for advise"
- "X"
- "A fee should only be charged when legal advice required. Scale of fees should be available"
- "A fee per use/as necessary would be better."
- "£0"
- skipped question – 4

Other

Do you have any other comments to help the Future of Standards Working Group develop its proposals? (optional)

- skipped question – 7
- "The Parish Council does not want the Clerk to have to take responsibility for monitoring and reporting on possible infringements in relation to members' declaration of interests."
- "I would be very concerned if parishes had to administer their own Monitoring Officer role. Many parish clerks are not qualified for this, even if they are CiLCA qualified. Monitoring Officers are present are usually Legal officers. Also it is far better to have an independent Monitoring Officer to refer to, rather than Parish Councils having to refer to their own Clerk on these matters."

District Council On-Line Survey Responses

Introduction

Please tell us if you are answering:

- as a district councillor – 2
- as an officer - 4

Standards Arrangements

Should the district council plan to adopt a voluntary code of conduct for members?

- yes – 33% (1 response)
- no – 33% (1 response)
- need more information – 33% (1 response)
- skipped question – 3
- Comments (optional): “The existing code of conduct has been nothing but a source of grief, a complete waste of time, and a sickening waste of money.

If so, should the district council plan to adopt a local framework for dealing with allegations relating to the voluntary code?

- yes – 33% (1 response)
- no – 33% (1 responses)
- need more information – 33% (1 response)
- skipped question – 3
- Comments (optional): “or any other apparatus for making mountains out of mole hills”

Standards Arrangements: Parish Council Support

Should the District Council invite parish councils to sign up to the District Council's voluntary code / framework?

- yes – 0% (0 responses)
- no – 50% (1 response)
- need more information – 50% (1 response)
- skipped question – 4

What do you think would be an appropriate annual fee for this service?

- “enough to recover the council's costs”
- “double what would cover our costs”
- skipped question – 4

Monitoring Officer Arrangements

If requested by parish councils, should the District Council's monitoring officer continue to have responsibility for registration of members' interests?

- Yes – 50% (1 response)
- No – 50% (1 response)
- skipped question – 4

What do you think would be an appropriate annual fee for this service?

- “enough to recover the council's costs”
- “double what would cover our costs”
- skipped question – 4

Training and Support

Should the District Council to continue to have responsibility for parish council guidance / advice / training in relation to member conduct?

- Yes – 50% (1 response)

- No – 50% (1 response)
- Skipped question – 4
- Comments (optional): “parish councillors find assurance in their dealings with the immediate next up principal authority

What do you think would be an appropriate annual fee for parish councils seeking legal advice about member conduct?

- “cost recovery”
- “double what would cover our costs”
- skipped question – 4

Other

Do you have any other comments to help the Future of Standards Working Group develop its proposals? (optional)

- skipped question – 4
- “Why is any proposed code of conduct voluntary? As an elector I expect anyone who puts themselves forward to be an elected representative to sign up to a code of conduct - why would they not want to do this and if so, shouldn't the electorate be told?”
- “don't”

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

8 June 2011

AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services
Manager

**LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS
FOR ENGLAND****Purpose**

1. To update members on local investigations and hearings.
2. On 10 December 2008 the Standards Committee resolved that cases in which no breach of the Code of Conduct has been found or no further action is to be taken should be anonymised for the purposes of reporting back to the Committee and that only in cases where a breach has been found should the relevant member be identified to the Committee.

Recommendations

3. That the Standards Committee note the report.

Cases

4. **CORCOM 4496 (Standards Committee Local Assessment Panel, 4 April 2011)**
The Monitoring Officer received this allegation about a parish councillor on 18 March 2011. The Local Assessment Panel determined not to take any further action. The complainant appealed the decision on 21 April 2011 and the Local Review Panel is scheduled to meet on 8 June 2011 following the Standards Committee meeting. An update will be provided to the Standards Committee at its 14 September 2011 meeting.
5. **CORCOM 4498, 4510 and 4523 (Standards Committee Local Assessment Panel, 4 April 2011 and 15 April 2011)**
Three related allegations about parish councillors at one authority were received in late March and early April 2011. Due to the complexities of the matter and the potential for apparent conflicts of interest if the District Council undertook any investigative role, the Local Assessment Panel referred all three to Standards for England. Standards for England determined to take no action on two of the allegations and is investigating the third. The Ethical Standards Officer's report will be presented to the Standards Committee Local Hearings Panel at a later date.

Background Papers: the following background papers were used in the preparation of this report:

Local Assessment Panel Decision Notices
Local Authorities (Code of Conduct) (Local Determination) Regulations 2003
Standards Committee (England) Regulations 2008
SCDC Constitution

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