

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Standards Committee held on  
Wednesday, 14 December 2011 at 10.00 a.m.

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

<b>Members:</b>	Diane Best	Independent Member
	Rick Bristow	Parish Council Member
	Nigel Cathcart	District Council Member, non-group
	Michael Farrar	Parish Council Member
	Roger Hall	District Council Member, Conservative Group
	Janet Lockwood	District Council Member, Liberal Democrat Group
	Simon Martin	Parish Council Member
	Cicely Murfitt	District Council Member, non-group
	Mary Pilfold-Allan	Independent Member
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Conservative Group
	Jim Stewart	District Council Member, Liberal Democrat Group
	James Williams	Independent Member
<b>Officers:</b>	Holly Adams	Democratic Services Team Leader
	Virginia Lloyd	Lawyer
	Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Councillor Tumi Hawkins was in attendance, by invitation.

Apologies for absence were received from Raith Overhill (Independent Member).

### **16. DECLARATIONS OF INTEREST**

Councillor Alex Riley declared a personal, non-prejudicial interest in item 5, Longstanton Parish Council Requests for Dispensations, as he was acquainted with all the members of Longstanton Parish Council. On the advice of the Deputy Monitoring Officer that his interest would not prevent his participation, he remained in the room during discussion of the item.

### **17. MINUTES OF PREVIOUS MEETING**

Subject to the removal of a duplicate paragraph under Declarations of Interest, the Chairman signed the minutes of the 14 September 2011 meeting as a correct record.

### **18. CHAIRMAN'S ADDRESS**

The Chairman noted the uncertainty surrounding the future involvement of the current independent members, but reported that she felt encouraged by the changes made to the Localism Bill following the representations made from across the country. She hoped that the new regime would allow for a clearer, faster process which would work well.

### **19. LONGSTANTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**

The Standards Committee, at its 14 September 2011 meeting, had granted dispensations to six of the eleven members of Longstanton Parish Council from matters relating to the

Village Institute Trust, which operated solely through members of the Parish Council under the terms of the Charity Scheme. The Committee had recommended at that time that the other members of the Parish Council seek identical dispensations as their interests were the same, and two further applications had been received.

The Standards Committee **AGREED** to grant dispensations until May 2012, the duration of the current Parish Council, to Longstanton Parish Councillors Dennis Harradine and Brian Robins in respect of issues concerning the Village Institute Charity policies and procedures, hire charges and fundraising, with the reminder that they are still to declare an interest in any matters concerning the Village Institute Charity and to declare that they have received a dispensation for that interest.

## 20. KINGSTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

*Urgent item accepted by the Chairman.*

Two of the five members of Kingston Parish Council had applied for dispensations from discussing the demolition of North Farm House. Three of the parish councillors lived opposite or adjacent to the planning application site, and the Parish Council quorum was three. Without dispensations, the Parish Council would be unable to comment on the application. Councillor Tumi Hawkins, local member for Kingston, explained the background and the urgency of it, as details of the planning application had been received by the Parish Council only a week earlier. The Standards Committee had previously granted similar dispensations to other parish councils on the grounds that parish councils were commenting on planning applications while the final decision rested with the District Council's Planning Committee.

The Standards Committee **AGREED** to grant dispensations to Kingston Parish Councillors Julie Conder and Tim Fitzjohn in respect of discussions of the demolition of North Farm House (Planning Application S/1092/11), with the reminder that they are still to declare an interest in any matters concerning North Farm House and to declare that they have received a dispensation for that interest.

## 21. FUTURE OF STANDARDS (LOCALISM ACT 2011)

The Deputy Monitoring Officer presented her report on the standards provisions in the Localism Act, which had received Royal Assent on 15 November 2011. In addition to the information set out in the report, she explained that:

- the Heads of Legal at Cambridgeshire County Council and the District Councils in Cambridgeshire were recommending that the same Code of Conduct be adopted by all authorities. The Cambridgeshire and Peterborough Association of Local Councils (CPALC) would urge all Cambridgeshire Parish Councils also to sign up to the joint Code to minimise the potential for members on more than one authority to be signed up to two or more different Codes;
- the Association of Council Secretaries and Solicitors (ACSeS) was awaiting advice from a barrister to clarify whether an independent member of a current Standards Committee could apply to serve as an Independent Person under the terms of the new regime. In the meantime, the Cambridgeshire Heads of Legal were considering the joint recruitment and training of a pool of Independent Persons which all authorities could draw upon as required;
- guidance notes would be issued to District and Parish Councillors shortly in a Standards Committee newsletter; and
- further details and clarifications were anticipated in the regulations, although the timescale for their publication was unknown.

The Committee welcomed the reduction in the bureaucracy involved in responding to standards allegations, but expressed concerns about the lack of specific references as to how the new system would work in relation to the district council's responsibility for implementing the new system with parish councils and how district and parish councils would need to work together. Concerns were also raised about the possibility of pressure being put on the Monitoring Officer and Independent Persons to reach particular outcomes with the increased decision-making responsibility of the Monitoring Officer role.

The Committee also agreed that the issue of the type of sanctions available in the event of a breach of the code, particularly in relation to parish councils, would be crucial to the success of the new system. In the absence of detailed information about the definition of pecuniary and other interests, and the outcome of a mid-January meeting of the Cambridgeshire Heads of Legal to consider a joint model Code of Conduct, the Committee considered that an additional meeting on 6 February 2012 was essential. Committee members were encouraged to e-mail detailed comments on the new regime to the Democratic Services Team Leader before 23 January 2012.

The Standards Committee **NOTED** the report on the future of standards and **AGREED** to hold an extraordinary meeting of the full Committee on Monday 6 February 2012 at 10 am to enable the Committee to make recommendations to the meeting of Full Council on 23 February 2012, so that the new arrangements would come into force on 1 April 2012, if that date continued to be the implementation date as currently anticipated.

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

The summary of cases considered by the Panels was **NOTED**.

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

The advice circulated was **NOTED**.

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

The Committee **NOTED** the summary of recent cases, including the outcome of the hearing held on 12 December 2011 into CORCOM 4601, and that another hearing would be held sometime early in 2012. The investigation of another matter was nearing completion.

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

Nothing to report.

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

The Committee was informed that a report would be brought to a later meeting.

**27. DATES OF NEXT MEETINGS**

The dates of the next two meetings were **NOTED**.

**28. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 7A of Part 1 of Schedule 12A of the Act).

**29. CORCOM 4523**

The Standards Committee **RECEIVED** the report of the Ethical Standards Officer, with a finding of no breach.

**30. CORCOM 4523A**

The Standards Committee **RECEIVED** the Ethical Standards Officer's report and **NOTED** the finding of a breach but that no further action need be taken.

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**The Meeting ended at 11.40 a.m.**

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