

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 20 June 2012 at 9.30 a.m.

PRESENT: Alan Hampton – Vice-Chairman in the Chair

Members:	Diane Best	Independent 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
	Raith Overhill	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
Officers:	Holly Adams	Democratic Services Team Leader
	Maggie Jennings	Democratic Services Officer
	Virginia Lloyd	Lawyer
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer

Councillors Alison Elcox and Deborah Roberts were in attendance, by invitation.

Apologies for absence were received from Kathy English, Councillor Rick Bristow, John House and Mary Pilfold-Allan.

5. ELECTION OF CHAIRMAN OF THE STANDARDS COMMITTEE 2012/13

It was unanimously **AGREED** that Kathy English be elected Chairman of the Standards Committee 2012/13 until such time as the new regulations have been adopted by Council.

6. APPOINTMENT OF VICE-CHAIRMAN OF THE STANDARDS COMMITTEE 2012/13

It was unanimously **AGREED** that Alan Hampton be elected Vice-Chairman of the Standards Committee 2012/13 until such time as the new regulations have been adopted by Council.

7. DECLARATIONS OF INTEREST

None.

8. MINUTES OF PREVIOUS MEETINGS

The Vice-Chairman was authorised to sign the minutes of the meetings held on 5 April, 10 May and 11 June 2012 as correct records.

9. CHAIRMAN'S ADDRESS

The Vice-Chairman had nothing to report.

10. FUTURE OF STANDARDS (LOCALISM ACT 2011)

Prior to discussion on this and the following item for consideration, replacements of the SCDC Complaints Procedure Flowchart and Code of Conduct of Cambridgeshire Local Authorities were distributed to all those in attendance at the meeting. It was noted, however, that paragraph 13 - 13.2(d) within the Code of Conduct document had been replaced by the information provided at para 10 – 10.3(c).

The Legal and Democratic Services Officer and Monitoring Officer introduced this item by giving members an overview of various aspects contained in the report. Particular reference was made to the following issues:

- the requirement for members to declare disclosable pecuniary interests as failure to do so would be a criminal offence, with a penalty of a fine of up to £5,000 and disqualification from office for up to five years
- members must make their declarations of interest, together with those with whom they live as, spouse or, partner; these details must also be published on the Council's website
- it was noted that there had been no consultation process between the Government and Councils prior to publication of the Regulations relating to the registration and disclosure of pecuniary interests
- that the Council's Standing Orders should be amended to reflect that members continue to declare relevant interests at the beginning of meetings
- Explanations were given on the definition of a disclosable non-pecuniary interest and 'person with whom you have a close association'
- It was confirmed that the rules concerning disclosable pecuniary interests applied to Parish Councillors too and that training would be offered to all Parish Councils on the new regime
- Confirmation was given that Parish Councils would still be able to apply for dispensations in circumstances whereby the majority of councillors had an interest in a particular subject due to be discussed
- The Committee noted and agreed to recommend to Council that due to the short time frames that would be involved all dispensation requests should be delegated to the Monitoring Officer in consultation with the Independent Person and the Chairman authorised to discharge the Standards functions
- The transitional provisions allow current independent members of the existing standards committee to become the Council's 'independent person', however, that would be for a maximum of 12 months only.

The replacement Complaints Procedure Flowchart was considered and the following amendments were agreed for recommendation to Council:

- Under Preliminary test: replace – incident *over* 3 months to incident *under* 3 months
- Independent Person box: replace – recommendation to *Monitoring Officer* with recommendation to *Monitoring Officer or a Panel* (it was noted that if Council accepted this particular recommendation, there would be a requirement for a politically proportionate committee)

It was noted that there were no provisions for appeals as the government considered an appeal route existed by way of a Judicial Review and that any complaints received before 1 July 2012 and not yet completed would be dealt with under the new arrangements to be agreed by Council on 26 July 2012.

The Committee considered the recruitment pack for the appointment of Independent Person. The Legal and Democratic Services Officer and Monitoring Officer informed members that following a recent meeting with monitoring officers from nearby authorities it had been agreed that all those authorities would have the same recruitment pack and financial allowance. A fixed allowance of £1000 for the appointment of an Independent Person and £500 for a Deputy Independent Person had been recommended and this was endorsed by the Committee.

A recruitment process would be required and following discussion, it was agreed that following advertisement, interviews would be carried out by the Chairman of Council and the Monitoring Officer. The outcome of the recruitment process would be presented as a recommendation to Council on 26 July 2012.

In conclusion, the Standards Committee

- (i) Noted the content of the regulations concerning disclosable pecuniary interests, associated transitional arrangements and covering letter issued by the DCLG,
- (ii) Recommended to Full Council that Council Standing Orders be amended to state that Members with a disclosable pecuniary interest should make the nature of that interest known when such a matter arises at a meeting even where that interest has been included in the register of interests,
- (iii) Recommended to Full Council that Council Standing Orders should be amended to include a provision which requires a Member to withdraw from the room where he or she has a disclosable non-pecuniary interest in a matter provided that the member concerned was able to first make representations, answer questions or give evidence in relation to that interest or time of business before withdrawing,
- (iv) Recommended to full Council as amended at the meeting, the procedural flowchart for the handling of complaints, and
- (v) Noted the contents of the recruitment pack for the appointment of an Independent Person, subject to the amendments made at the meeting

11. CODE OF CONDUCT 2012

The Standards Committee considered the three Code of Conduct options as presented in the agenda papers and noted that Parish Councils would be recommended to adopt the same code as the District Council; the Cambridgeshire and Peterborough Association of District Councils (CAPALC) had agreed with that recommendation.

It was unanimously **RECOMMENDED** to full Council that the Code of Conduct of Cambridgeshire Local Authorities be adopted, subject to any further amendments to this Code which were agreed by the Monitoring Officer.

12. PROPOSED ESTABLISHMENT OF CIVIC AFFAIRS COMMITTEE

The Committee considered the appointment of a Civic Affairs Committee that would incorporate the functions of the existing Constitutional Review Working Party, Electoral Arrangements Committee and Standards Committee. Concerns were expressed by some members relating to proportionality, no apparent advantage to merging the three committees as all had focused agenda and that members of the Parent committee would be dealing with many issues.

On the proposal of Cllr Cicely Murfitt and seconded by James Williams, it was **RECOMMENDED** to Full Council that a separate Standards Committee be retained with the appointment of Parish Members, noting that co-opted members have no voting rights.

Cllr Roger Hall and Eric Revell abstained from voting.

13. STANDARDS COMMITTEE 2011-12 BUDGET

Prior to consideration of this item, the committee were informed that the amount relating to the inclusion of public notices in the *Royston Crow* should read £521.96 and the total (to date) be amended to £2494.54.

The Standards Committee **NOTED** the Standards Committee 2011/12 budget, subject to the amendments made at the meeting.

14. UPDATE FROM ASSESSMENT AND REVIEW PANELS

The Standards Committee **NOTED** the update relating to Assessment and Review Panels and that there had been an additional assessment panel held on 10 May 2012.

15. LOCAL INVESTIGATIONS AND HEARINGS

The Standards Committee **NOTED** the information provided in the agenda and that district councillors were only identified to the Committee when a breach of the code of conduct had been found.

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

The Standards Committee **NOTED** that the Monitoring Officer had appointed Gary Duthie, Senior Lawyer, as Deputy Monitoring Officer under the provisions of Section 5 of the Local Government & Housing Act 1989 (as amended).

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

Nothing to report.

18. DATE OF NEXT MEETING

Not applicable at this present time.

19. ACKNOWLEDGEMENTS

The Vice-Chairman gave his thanks to Holly Adams, Democratic Services Team Leader for her contribution to the standards processes during the last few years and gave his best wishes to her in her new post at Walham Forest.

The Legal and Democratic Services Manager thanked the members of the Standards Committee for their commitment to the various aspects of the committee.

The Meeting ended at 11.18 a.m.
