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12 June 2012

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

Members of the Standards Committee:

Diane Best	Independent Member
Rick Bristow	Parish Council Member
Nigel Cathcart	District Council Member, non-group
Roger Hall	District Council Member, Conservative Group
John House	Independent Member
Janet Lockwood	District Council Member, Liberal Democrat Group
Simon Martin	Parish Council Member
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, Conservative Group
Jim Stewart	District Council Member, Liberal Democrat Group
James Williams	Independent Member

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

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **WEDNESDAY, 20 JUNE 2012 at 9.30 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. Apologies**
Apologies have been received from Mr Rick Bristow, Mrs Kathleen English, Mr John House and Mrs Mary Pilfold-Allan.

2. **Election of Chairman of the Standards Committee 2012/13**
To elect a Standards Committee Chairman from 20 June 2012 until such time as the new regulations have been adopted by Council. The current regulations require that the Chairman must be a co-opted Independent (lay) Member.
 3. **Appointment of Vice-Chairman of the Standards Committee 2012/13**
To appoint a Standards Committee Vice-Chairman from 20 June 2012 until such time as the new regulations have been adopted by Council. The current regulations require that the Vice-Chairman must be a co-opted Independent (lay) Member.
 4. **Declarations of Interest**
 5. **Minutes of Previous Meetings** 1 - 8
To authorise the Chairman to sign the Minutes of the meetings held on 5 April, 10 May and 11 June 2012 as correct records.
 6. **Chairman's Address**
- DECISION ITEMS**
7. **Future of Standards (Localism Act 2011)** 9 - 40
For recommendation.
 8. **Code of Conduct 2012** 41 - 62
For recommendation.
 9. **Proposed establishment of Civic Affairs Committee** 63 - 72
For comment / recommendation.
- INFORMATION ITEM**
10. **Standards Committee 2011-12 Budget** 73 - 74
To note.
- STANDING ITEMS**
11. **Update from Assessment and Review Panels** 75 - 76
To note.
 12. **Local Investigations and Hearings** 77 - 78
To note.
 13. **Operation of Code of Conduct and other statutory functions of the Monitoring Officer**
To note that the Monitoring Officer has appointed Gary Duthie, Senior Lawyer, as Deputy Monitoring Officer under the provisions of Section 5 of the Local Government & Housing Act 1989 (as amended).
 14. **Operation of the Council's "whistle-blowing" policy**
To note that there is nothing to report.
 15. **Date of Next Meeting**
Members are asked to bring their diaries.

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

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

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- **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.

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

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Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

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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.

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Since 1 July 2008, the Council has operated a 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 Thursday, 5 April 2012 at 2.00 p.m.

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

Members:	Diane Best	Independent Member
	Rick Bristow	Parish Council Member
	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
	Tony Orgee	District Council Member, Conservative Group
	Raith Overhill	Independent Member
	Mary Pilfold-Allan	Independent Member
	Eric Revell	Independent Member
	Jim Stewart	District Council Member, Liberal Democrat Group
Officers:	Holly Adams	Democratic Services Team Leader
	Maggie Jennings	Democratic Services Officer
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer

Apologies for absence were received from John House, Alex Riley and James Williams.

34. DECLARATIONS OF INTEREST

None.

35. MINUTES OF PREVIOUS MEETINGS

The Chairman signed the Minutes of the meetings held on 14 December 2011 and 14 March 2012 as correct records.

36. CHAIRMAN'S ADDRESS

The Chairman thanked Michael Farrar, parish council member, for his nearly seven years of service on the Standards Committee, and offered the Committee's best wishes for his retirement.

37. COTON PARISH COUNCIL: REQUEST FOR DISPENSATION

Coton Parish Councillor David Cairns had applied for a dispensation from interests in matters concerning Coton Recreation Ground Trust, of which the Parish Council was the sole Trustee, and the functions of which could be exercised only through parish councillors. All other members of Coton Parish Council had applied for and received dispensations from this interest, and the Standards Committee had previously advised Coton Parish Council that any newly elected or co-opted parish councillors should apply for dispensations upon election or co-option.

The Standards Committee **AGREED** to grant a dispensation until 30 June 2012 to Coton Parish Councillor David Cairns, with the reminder that he was still to declare an interest in any matters concerning Coton Recreation Ground Trust, and to declare that he has received a dispensation for that interest.

38. FUTURE OF STANDARDS (LOCALISM ACT 2011)

The Monitoring Officer updated the Committee on the future of standards and the Committee considered the first drafts of the Cambridgeshire Councils Model Code of Conduct and a local assessment procedure.

Code of Conduct

The Localism Act required authorities to adopt a Code of Conduct, which must include the seven Nolan Principles of Public Life, and requirements for the registration and declaration of interests. Regulations defining the new categories of interest had yet to be published. The Localism Act used different wording for the Nolan Principles than that published in the original 2001 Order, and Councils were required to use the Localism Act wording.

The Heads of Legal Services from the Cambridgeshire authorities, including the Fire Authority and the Cambridgeshire and Peterborough Association of Local Councils (CAPALC) had drafted a model Code of Conduct. The aim of the Cambridgeshire Code was so all authorities operated under the same principles, to minimise confusion, particularly for dual- or triple-hatted members. The Cambridgeshire Code incorporated much of the previous Code of Conduct, which would support councillors and Monitoring Officers who could continue to refer to previous Standards for England guidance. The Standards Committee, having compared the draft Cambridgeshire Code with the draft Local Government Association (LGA) / Association for Council Secretaries and Solicitors (ACSeS) Code, preferred the Cambridgeshire Code for its precision.

Local Assessment Procedure

A draft local assessment procedure and flow chart were considered. It was confirmed by the parish council members that parish councils preferred to administer complaints made about their councillors, and agreed that the local assessment procedure would include a requirement that complaints made about parish councillors should be addressed to the parish council under their complaints process in the first instance. A complaint about a parish councillor would be considered by the District Council only once local avenues had been exhausted, in a similar manner to the operation of the Local Government Ombudsman.

The Monitoring Officer undertook to contact CAPALC about circulating to parish councils changes to standing orders which would establish a model local complaints process and how they would work in partnership with the District Council when matters had to be elevated.

Concern was expressed at the proposed amount of delegated responsibility to be placed on the Monitoring Officer to assess complaints following the new streamlined approach to assessment of complaints, as there was no longer a statutory requirement to have separate Assessment, Review and Hearings sub-committees. The first draft of an assessment procedure ensured that the view of the Independent Person would be sought and taken into account at the earliest possible stage in the process, but the final decision would ultimately rest with the Monitoring Officer, which could lead to undue pressure on that role. The Independent Person's views would also be sought on whether to grant a request for anonymity, as it could prove impossible for a subject member to respond to an anonymous allegation.

The draft assessment process allowed the Monitoring Officer to vary the procedure at his/her discretion, including the response times for the different stages. A protocol for the Monitoring Officer to follow would also be adopted to run alongside the draft assessment procedure.

The Standards Committee:

- (a) **NOTED** the first draft of a procedure for complaints under the new Code of Conduct which may be subject to further amendments before a finalised version was recommended for adoption;
- (b) **ENDORSED** the proposal to delegate to the Monitoring Officer the responsibility of undertaking a joint exercise to recruit an Independent Person(s) with the other councils in Cambridgeshire, subject to the approval of Full Council;
- (c) **NOTED** that transitional provisions were likely to be made to ensure that existing Independent Members were eligible to apply for the position of Independent Person(s) at South Cambridgeshire District Council;
- (d) **INDICATED** that it preferred the draft Cambridgeshire Councils Model Code of Conduct to the Local Government Association Model Code of Conduct;
- (e) **PROVISIONALLY APPROVED** the draft Cambridgeshire Model Code as the version of the Council's new Code of Conduct for Elected Members that would be recommended to Full Council subject to a further report/amendments once the Code has been issued in its final format;
- (f) **NOTED** that a further report would be brought to a future meeting once the Regulations were published;
- (g) **NOTED** that it might be necessary to convene a special meeting of Full Council to comply with the statutory timescales; and
- (h) **AGREED** that an additional meeting of Standards Committee be held on Thursday 10 May to enable recommendations to Council be able to be made.

39. UPDATE FROM ASSESSMENT AND REVIEW PANELS

The Chairman of the Local Assessment Panel had nothing to report. One request for review had been received and this would be considered on 10 May after the Standards Committee meeting.

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

Training would be a key issue for the new Standards Committee, in particular ensuring that all councillors understood the requirements about declaration and registration of interests, and the consequences of failing to do this properly. Training could not be made compulsory, but councillors needed to know that it was in their own best interests to understand the new provisions. Guidance notes would be available on the District Council website for those unable to attend any training events.

The Committee **NOTED** the advice circulated.

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

Two external investigations were currently underway and the Standards Committee would receive the investigation reports in due course.

The details of investigations and hearings were **NOTED**.

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

Nothing to report.

43. DATE OF NEXT MEETING

The next meeting would be on Thursday 10 May 2012 at 10 am in the Swansley Room.

The Meeting ended at 3.40 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Thursday, 10 May 2012 at 10.00 a.m.

PRESENT: James Williams (Independent Member) – Acting Chairman

Members: Roger Hall District Council Member, Conservative Group
Simon Martin Parish Council Member
Tony Orgee District Council Member, Conservative Group

Officers: Holly Adams Democratic Services Team Leader
Gary Duthie Senior Lawyer

Apologies for absence were received from Alan Hampton, Diane Best, Rick Bristow, Nigel Cathcart, John House, Janet Lockwood, Cicely Murfitt, Raith Overhill, Mary Pilfold-Allan, Eric Revell, Alex Riley and Jim Stewart.

1. DECLARATIONS OF INTEREST

None declared.

2. BARRINGTON PARISH COUNCIL: REQUEST FOR A DISPENSATION

Since the early twentieth century Barrington Parish Council has been custodian and sole trustee of The Green Charity Barrington; as a consequence, all members of Barrington Parish Council, as members of the Trust body, have a personal and prejudicial interest preventing them from voting on issues concerning Barrington Green. The Standards Committee had previously granted dispensations from this interest to all other members of Barrington Parish Council and had encouraged new members of the Parish Council to apply for the same.

Barrington Parish Councillor Rosamund Rhodes-Kemp had applied for a dispensation in the understanding that the standards regime was changing and that the dispensation could not be granted beyond the end of the current regime. The Standards Committee **AGREED** to grant a dispensation to Councillor Rosamund Rhodes-Kemp in respect of issues concerning Barrington Green, with the reminder that she was still to declare an interest in any matters concerning Barrington Green, and to declare that she had received a dispensation for that interest.

The Meeting ended at 10.02

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Monday, 11 June 2012 at 10.00 a.m.

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

Members:

Diane Best	Independent Member
Simon Martin	Parish Council Member
Cicely Murfitt	District Council Member, non-group
Tony Orgee	District Council Member, Conservative Group
Eric Revell	Independent Member

Officers: Gary Duthie Senior Lawyer
Maggie Jennings Democratic Services Officer

Apologies for absence were received from Councillor Rick Bristow, Roger Hall, John House, Janet Lockwood, Raith Overhill, Mary Pilfold-Allan, Alex Riley, Jim Stewart and James Williams.

3. DECLARATIONS OF INTEREST

None.

4. SHUDY CAMPS PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

Prior to consideration of this item, the Committee were informed that there had been an error in the agenda papers relating to the name of one of the Parish Councillors seeking a request for dispensation; the information was duly noted.

Requests for Dispensation had been received from 3 of the 5 members of Shudy Camps Parish Council to enable them to remain in meetings and comment on matters relating to planning application S/0914/12 (erection of a dwelling and garage and new vehicular access) as they live in adjacent properties.

The Standards Committee **AGREED** to grant dispensations until 1 July 2012, to Shudy Camps Parish Councillors Anthony Broscomb, Mark Hows and Roger Lemon with the reminder that they are still to declare an interest in any matters concerning planning application S/0914/12 and to declare that they have received a dispensation for that interest.

The Meeting ended at 10.05 a.m.

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REPORT TO: Standards Committee20th June 2012**AUTHOR/S:** Monitoring Officer /Legal & Democratic Services Manager

CHANGES TO STANDARDS REGIME UPDATE

Purpose

1. The purpose of this report is to update the Committee on the newly published Regulations and transitional arrangements along with the mechanisms for recruiting an Independent Person. The current Standards Committee's role will cease on 30th June 2012 and there will then be a short period of transition until the Full Council meeting on 26 July before the new arrangements for handling standards complaints is operative. The regulations state that procedures must be in place "on or after 1st July 2012".

Recommendation:

2. That members:
 - (i) Note the content of the regulations concerning disclosable pecuniary interests, associated transitional arrangements and covering letter issued by DCLG
 - (ii) Recommend to Full Council that Council Standing Orders should 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) Recommend 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 pecuniary interest in a matter provided that the member concerned is able to first make representations, answer questions or give evidence in relation to that interest or item of business before withdrawing.
 - (iv) Recommend to Full Council the procedural flowchart for the handling of complaints
 - (v) Note and comment upon the recruitment pack for the appointment of an Independent Person

BACKGROUND

3. On 8 June the Government issued Regulations about the registration and disclosure of pecuniary interests and a Commencement Order outlining associated transitional arrangements for the regulation of standards and conduct of members. These statutory instruments along with the covering letter sent from Communities and Local Government are attached to this report as Appendices A, B & C. Council is required to put procedures in place in order to comply with the provisions of the Localism Act 2011 on or after July 2011. Due to the delayed publication of these regulations it will not be possible to have procedures in place by the 1st July so there will be a short period of transition for the Council before a new system can begin operating.

CONSIDERATIONS

4. All relevant authorities will have to maintain a Register of Pecuniary Interests, which must be published on the Council's website. Similarly, members of Parish Councils are required to make disclosures of their interests which must also be published on the District Council's website and on the parish council website if there is one. A failure by any councillor to comply with the arrangements on Disclosable Pecuniary Interests ("DPIs") without reasonable excuse will be a new criminal offence, with a penalty of a fine of up to £5,000 and disqualification from office for up to five years. A member commits an offence if the information which is provided

under the disclosure provisions is false or misleading or he or she is reckless as to whether the information is true or misleading. A prosecution can only be instituted by or on behalf of the Director of Public Prosecutions within twelve months from the date upon which there is sufficient evidence in the opinion of the prosecutor to warrant proceedings, or in any case within three years.

5. Under the Localism Act a member of Council must notify the Monitoring Officer of any disclosable pecuniary interest which the Member has at the time the notification is given. Any notification must be made within twenty-eight days of becoming a Member of the Council.
6. A “pecuniary interest” is most easily defined as a “financial” interest and includes interests such as a member’s home, hob and landholdings. The new Regulations specify a member’s DPIs as pecuniary interests covering:
 - Employment, office, trade, profession or vocation;
 - Sponsorship
 - Contracts with the relevant authority
 - Land within the area of the relevant authority
 - Licences to occupy land within the area of the relevant authority for a month or longer
 - Corporate tenancies
 - Beneficial interests in securities

A “non-pecuniary interest” could be membership of a political party or interest group. There is some approximation between a DPI and the current prejudicial interests and between non-pecuniary interests and the current personal interests.

7. A pecuniary interest is disclosable by a Member if it is of a description specified in the regulations made by the Secretary of State and either:
 - a) It is an interest of the Member himself or herself; or
 - b) It is an interest of the Member’s spouse or civil partner; or
 - c) It is the interest of a person with whom a Member is living as husband and wife; or
 - d) A person with whom the Member is living as if they were civil partners and the member is aware that the other person has the interest.

Declarations of Interest

8. Section 31 of the Localism Act relates to pecuniary interest in matters which are considered at meeting of the Council. If a Member is present at a meeting of the Council and is aware that he has a disclosable pecuniary interest in any matter to be considered or which is being considered at the meeting, he or she must do the following:
 - a) If the interest is not interest on the Council’s register he or she must disclose that interest at the meeting;
 - b) If the interest is not entered in the Council’s register and is not the subject of a pending notification the member concerned must notify the Council’s Monitoring Officer of the interest before the end of twenty-eight days beginning with the date of the disclosure;
 - c) Not participate or participate further in any discussion of the matter at the meeting; and
 - d) Not participate in any vote or further vote taken on the matter at the meeting.
9. Council Standing Orders may provide for the exclusion of a Member or co-opted Member of the Council from a meeting whilst the discussion or vote takes place or in relation to which a Member may not participate. This is addressed further at paragraph 19 below.
10. In the legislation the phrase “pending notification” is used in relation to an interest and means where the interest itself has been notified to the Council’s Monitoring Officer but has not yet been entered in the register as a consequence of that notification.

Sensitive Interests

11. A sensitive interest may be omitted from any published version of the register. A sensitive interest is one which a Member has but is of a nature whereby the Member and the Council's Monitoring Officer consider that its disclosure could lead to the Member or a person who is connected with him or her being subject to violence or intimidation.

Dispensations

12. The Council can grant a dispensation from the restrictions which apply to a Member's participation in or voting in the discussion on any matter where he or she had a disclosable pecuniary interest. A written request for a dispensation must be made to the Monitoring Officer.
13. The Council may grant a dispensation if having regard to all of the relevant circumstances:
 - a) It is considered that without the dispensation the number of persons who would be prohibited from participating in a particular matter would be so great as to impede the transaction of the business;
 - b) That without the dispensation the representation of different political groups on the body would be so unbalanced as to alter the likely outcome of any vote;
 - c) The granting of the dispensations is in the interests of the persons living in the district; and
 - d) Each Member of the Executive would be prohibited from participating in a particular matter or it is considered otherwise appropriate to grant a dispensation.
14. A dispensation must specify the period for which it is to have effect and this period may not exceed four years.
15. The power to grant dispensations has been transferred from each council's Standards Committee to the local authority itself, meaning the authority can now choose to delegate dispensation decisions to either a committee or an officer. It is proposed that the consideration of a dispensation request should be delegated to the Monitoring Officer in consultation with the Independent Person and the Chairman of the Civic Affairs Committee when established. This is because it is usual for the existence of an interest to only become apparent after the agenda for a meeting has been published which would not allow the requisite time for any kind of committee meeting to be formally constituted to consider any such request. All dispensation requests and authorisations would be reported to the next meeting of the Civic Affairs Committee.
16. Section 33 of the Localism Act allows the Council to grant either or both of two types of dispensation:
 - a) A dispensation to participate in any discussion of the matter at the meeting (but not vote);
 - b) A dispensation to participate in any vote taken on the matter at the meeting.
17. It is anticipated that the type of dispensation set out in 16(a) above will be the most commonly used to replicate the existing situation when a member with a personal and prejudicial interest is allowed to address the meeting and answer any questions before leaving the room before the vote.

Possible Amendments to Standing Orders

18. The Committee may wish to consider making a recommendation to Full Council that Council Standing Orders should 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. The current process for

declaration of interests is known and understood by members and requires any declaration of interest to be made at the outset of the meeting. This means that the interest is known and understood by all present at the meeting where a decision is to be made and is a matter of public record. If such a declaration is not made, other than through the written register, it would not necessarily be apparent to anyone who is present at the meeting why a particular Member is not participating or voting in any matter.

19. The current Code of Conduct requires a member to withdraw where he or she has a prejudicial interest unless he or she has obtained a dispensation or where there are public speaking rights at a meeting, the Member is first allowed to make representations, answer questions or give evidence. The Committee may wish to consider it appropriate to make a recommendation to Full Council to insert a similar provision in Council Standing Orders to require a Member to withdraw from the room where he or she has a disclosable pecuniary interest in a matter provided that the member concerned is able to first make representations, answer questions or give evidence in relation to that interest or item of business. If thought appropriate this would mean there was much less need to make a request for a dispensation to enable this to happen as set out in paragraphs 16 & 17 above.

Transitional provisions

20. The Commencement Order includes two transitional measures. These relate to the appointment of someone who is currently the independent chair or member of the existing standards committee as the local authority's "independent person" and the ability of police authorities to continue to operate a local standards regime under previous legislation ahead of their abolition in November 2012.
21. The Commencement Order also sets out details of how complaints about a member's conduct that are not resolved by 1 July should be dealt with.

Complaints Handling Flowchart

22. An amended version of the Council's proposed Complaints Handling Flowchart, which the Committee approved at its meeting on 5th April subject to amendments, is attached as Appendix D for any final comments and recommendation to Full Council for approval. More detailed procedures accompanying this flowchart will also be drafted before Full Council.

Recruitment of Independent Person

23. The Committee decided at its meeting on 5th April 2012 to delegate to the Monitoring Officer the responsibility of undertaking a joint exercise to recruit a new Independent Person(s) with the other councils in Cambridgeshire, subject to the final approval of Full Council. A draft recruitment pack is attached as Appendix E for comment and noting. It is hoped that a recruitment exercise can take place shortly so that Full Council can ratify the appointment at its meeting on 26 July 2012.

Appendices :

Appendix A	Letter from Communities and Local Government to Local Authority Chief Executives dated 8 th June 2012
Appendix B	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
Appendix C	The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order 2012
Appendix D	South Cambridgeshire District Council Code of Conduct Complaints Handling Flowchart
Appendix E	Draft Recruitment pack for the appointment of an independent person

Background Papers: the following background papers were used in the preparation of this report:
Localism Act 2011

Contact officer: Fiona McMillan – Legal & Democratic Services Officer & Monitoring Officer

Telephone: (01954)713027

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8 June 2012

Chief Executives
Principal Local Authorities in England
Greater London Authority
Fire and Rescue Authorities in England
Police Authorities
The Broads Authority
National Park Authorities in England
Council of the Isles of Scilly

Dear Chief Executive,

LOCALISM ACT 2011: THE NEW STANDARDS AND CONDUCT ARRANGEMENTS FOR MEMBERS

I am writing to let you know that The Localism Act 2011 (Commencement No.6 and Transitional, Savings and Transitory Provisions) Order has now been made bringing the new arrangements for the standards and conduct of members into force on 1 July 2012. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 have also been made and laid before Parliament today; the regulations come into force on 1 July 2012.

The new arrangements for the standards and conduct of members include a code of conduct based on 'Nolan principles', the involvement of an independent person in allegations of misconduct, a register of members' pecuniary interests, and a new criminal offence for failing to declare or register pecuniary interests. These new arrangements apply to the members of relevant authorities as set out in the 2011 Act, which includes your authority.

We are aware that many authorities have already been preparing for the introduction of the new arrangements. On 11 April Bob Neill, the Parliamentary Under Secretary of State at the Department, wrote to local authority leaders with an example code of conduct to help local authorities in their preparations and to provide certainty to those who wish to adopt a lighter touch code compared with the model code under the old arrangements now being abolished. To avoid the Commencement Order creating any uncertainty about authorities' powers to continue their preparations, it partially commences certain provisions from 7 June, the day after the day on which the Order was made.

The Order provides for two transitional measures. First, it allows a local authority, if it so chooses, to appoint a person who is currently the independent chair or member of the existing standards committee as its 'independent person', having the statutory role

of giving views on any complaint about the conduct of a member of the authority. Secondly, it makes provision to enable Police Authorities in England and Wales, which come under the standards regime, to continue to operate a local standards regime under previous legislation until they are abolished in November.

The Commencement Order also puts in place measures to ensure that any complaints about a member's conduct not resolved by 1 July are taken forward to a conclusion. Until 1 July, any complaints arising in the authority will be dealt with by the local elements of the old regime, except that an authority's standards committee will not have any power of suspension. If not resolved by 1 July the complaint will be resolved using the new arrangements. The possibility also remains until 1 July for a standards committee to refer the case to the First-tier Tribunal, and the Order preserves the right to appeal a decision of a standards committee after 1 July.

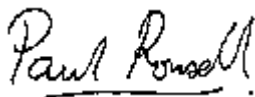
The new arrangements include requirements about the registration and disclosure of pecuniary interests which are specified in regulations under the 2011 Act. Members having such disclosable pecuniary interests must register and disclose them, and their involvement in any business of the authority connected with those interests is limited. Failure to comply with the arrangements on disclosable pecuniary interests without reasonable excuse is a criminal offence, with a penalty of a fine of up to £5,000 and disqualification from office for up to five years.

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 specify a member's disclosable pecuniary interests as pecuniary interests covering the member's 'employment, office, trade, profession or vocation', any 'sponsorship' of the member, including contributions towards their election expenses, any 'contracts' between the member and the authority, any 'land' the member has an interest in and lies within the area of the authority, any 'licences' the member holds to occupy land in the area, any 'corporate tenancies', and certain 'securities' the member may hold.

I enclose copies of the Commencement Order and the Regulations.

If you have any queries, please contact Steve McAllister (e mail stephen.mcallister@communities.gsi.gov.uk, TEL: 0303 44 42582)

Yours sincerely,



Paul Rowsell

STATUTORY INSTRUMENTS

2012 No. 1463 (C. 56)

HOUSING, ENGLAND AND WALES

LOCAL GOVERNMENT, ENGLAND AND WALES

LONDON GOVERNMENT

**The Localism Act 2011 (Commencement No. 6 and Transitional,
Savings and Transitory Provisions) Order 2012**

Made - - - -

6th June 2012

The Secretary of State for Communities and Local Government, in exercise of the powers conferred by section 240(2) and (7) of the Localism Act 2011^(a), makes the following Order:

Citation and interpretation

1.—(1) This Order may be cited as the Localism Act 2011 (Commencement No. 6 and Transitional, Savings and Transitory Provisions) Order 2012.

(2) In this Order—

“the Act” means the Localism Act 2011;

“the 2000 Act” means the Local Government Act 2000^(b); and

“police authority” means a police authority (in England or in Wales) established under section 3 of the Police Act 1996^(c).

Provisions coming into force in relation to England and Wales on the day after the day on which this Order is made

2. The following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on the day after the day on which this Order is made—

- (a) section 27, except paragraph (k) of subsection (6), so far as it enables a relevant authority to adopt a code of conduct which will take effect on or after 1st July 2012;
- (b) section 28 so far as it enables a relevant authority to make arrangements under which allegations can be investigated on or after 1st July 2012;
- (c) section 29 so far as it enables a monitoring officer of a relevant authority to prepare a register of interests which will take effect on or after 1st July 2012;

(a) 2011 c. 20.

(b) 2000 c. 22.

(c) 1996 c. 16. Section 3 is repealed by the Police Reform and Social Responsibility Act 2011 (c. 13) from a date to be appointed.

- (d) section 31(10) so far as it enables a relevant authority to make standing orders that will take effect on or after 1st July 2012;
- (e) section 33 so far as it enables a relevant authority to grant a dispensation which will take effect on or after 1st July 2012;
- (f) section 35;
- (g) section 153;
- (h) in Schedule 4, paragraphs 13(1), (2) and 31 so far as they repeal provisions which enable regulations to enable a standards committee of a relevant authority to suspend or partially suspend a person from being a member or co-opted member of the authority, and section 26 so far as it relates to those provisions;
- (i) Part 31 of Schedule 25 and section 237 so far as relating to that Part.

Provisions coming into force in relation to England and Wales on 18th June 2012

3. Sections 145 to 147 of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 18th June 2012.

Provisions coming into force in relation to England and Wales on 27th June 2012

4. Sections 81 to 85 of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 27th June 2012.

Provisions coming into force in relation to England and Wales on 1st July 2012

5. Subject to articles 6 and 7, the following provisions of the Act (so far as they are not yet in force) come into force in relation to England and Wales on 1st July 2012—

- (a) section 26 and Schedule 4 except insofar as the repeals and amendments made by that Schedule apply in relation to a police authority;
- (b) section 27 except paragraph (k) of subsection (6);
- (c) sections 28 to 34; and
- (d) Part 5 of Schedule 25 and section 237 so far as relating to that Part except insofar as the repeals set out in that Part apply in relation to a police authority.

Transitional, transitory and savings provisions

6. The following transitional, transitory and savings provisions have effect.

Transitional etc provisions: standards

7.—(1) Notwithstanding section 28(8)(b) of the Act, a person may be appointed by a relevant authority as the independent person under section 28(7) of the Act, if that person—

- (a) is not a member or co-opted member of the standards committee of the relevant authority on 1st July 2012; but
- (b) has held such a post at any time during the 5 years ending on 30th June 2012.

(2) Paragraph (1) only applies in relation to appointments made before 1st July 2013.

(3) Notwithstanding article 5, the provisions of the 2000 Act, and any regulations made under them, which are repealed or amended by sections 26 and 237 of, and Schedule 4 and Part 5 of Schedule 25 to, the Act continue to have effect for the purposes of—

- (a) the bringing of an appeal under regulation 21 of the Standards Committee (England) Regulations 2008(a);

(a) S.I. 2008/1085. Relevant amendments were made by S.I. 2012/22.

(b) proceedings before the First-tier Tribunal on a referral under section 64(3)(b) or 65(4) of the 2000 Act or under regulation 17 of the Standards Committee (England) Regulations 2008 or on an appeal under regulation 21 of those Regulations; or

(c) legal proceedings associated with proceedings on a referral or an appeal,

where proceedings were commenced before 1st July 2012 or relate to a decision by a standards committee made before 1st July 2012.

(4) This paragraph applies where, immediately before the commencement of the provisions referred to in article 5—

(a) an allegation or case that relates to a person who is a member or co-opted member of a relevant authority has been referred to the standards committee of the authority; and

(b) the standards committee has not made a finding in respect of that allegation or case.

(5) In paragraph (4), “standards committee”, “relevant authority”, “member” and “co-opted member” have the same meaning as in Part 3 of the 2000 Act.

(6) Where paragraph (4) applies, the allegation or case shall be treated as having been made under Chapter 7 of Part 1 of the Act.

(7) Notwithstanding the amendment of sections 49(6) and 83 of the 2000 Act by Schedule 4 to the Act, those sections shall continue to have effect in their un-amended form for the purposes of the definition of “relevant authority” in sections 92 and 101 of the 2000 Act.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

EXPLANATORY NOTE

(This note is not part of the Order)

Article 2 of this Order brings into force, on the day after the day on which the Order is made, in relation to England and Wales, the following provisions relating to standards for the purposes of certain preparatory work: sections 27, 28, 29, 31(10), 33 and 35 of the Localism Act 2011, as well as paragraphs 13(1), (2) and 31 of Schedule 4 (repeals relating to standards). It also brings into force on the same day, so far as not yet in force, section 153 (social housing: relationship between schemes and strategies) and Part 31 of Schedule 25 (repeals relating to London (housing and regeneration)).

Article 3 brings into force on the 18th June 2012, so far as they are not already in force, in relation to England and Wales, sections 145 to 147 (allocation).

Article 4 brings into force on 27th June 2012, in relation to England and Wales, sections 81 to 85 (community right to challenge).

Article 5 brings into force on 1st July 2012, in relation to England and Wales, the remaining sections of Chapter 7 of Part 1 of the Act and Schedule 4 (standards) except provisions relating to police authorities.

Articles 6 and 7 makes transitional, savings and transitory provision.

NOTE AS TO EARLIER COMMENCEMENT ORDERS

(This note is not part of the Order)

<i>Provision</i>	<i>Date of Commencement</i>	<i>S.I. No.</i>
Section 1 partially as to England and Wales	18th February 2012	2012/411
Section 1(7) and Schedule 4 as to England	4th April 2012	2012/1008

and Wales		
Sections 2 to 7 as to England	18th February 2012	2012/411
Section 8(2) partially as to England and Wales	3rd December 2011	2011/2896
Section 8 (so far as not yet in force) as to England and Wales	18th February 2012	2012/411
Sections 9 and 10 partially as to England and Wales	18th February 2012	2012/411
Sections 11 to 14 as to England and Wales	18th February 2012	2012/411
Section 15 as to England and Wales	3rd December 2011	2011/2896
Section 16 to 18 as to England and Wales	15th January 2012	2012/57
Section 19 as to England and Wales	3rd December 2011	2011/2896
Section 20 partially as to England and Wales	3rd December 2011	2011/2896
Section 20 as to England and Wales so far as not yet in force	15th January 2012	2012/57
Chapter 4 of Part 1 as to England and Wales, so far as not yet in force	15th January 2012	2012/57
Section 21 and Schedule 2 partially as to England and Wales	3rd December 2011	2011/2896
Section 21 and Schedule 2 partially as to England and Wales	15th January 2012	2012/57
Section 21 and Schedule 2 partially as to England and Wales	9th March 2012	2012/628
Section 22 and Schedule 3 partially as to England and Wales	15th January 2012	2012/57
Section 22 and Schedule 3 partially as to England and Wales	9th March 2012	2012/628
Sections 21 and 22 and Schedules 2 and 3 as to England and Wales so far as not yet in force	4th May 2012	2012/1008
Section 24 as to England and Wales	15th January 2012	2012/57
Section 26 and Schedule 4 partially as to England and Wales	31 January 2012	2012/57
Section 26 and Schedule 4 partially as to England and Wales	1st April 2012	2012/628
Section 30 partially as to England and Wales	31st January 2012	2012/57
Section 36 partially as to England and Wales	15th January 2012	2012/57
Section 46 as to England	1st April 2012	2012/628
Sections 48 to 57 as to England, Wales, Scotland and Northern Ireland	31st May 2012	2012/1008
Section 68 as to England	15th January 2012	2012/57
Section 69(8) as to England	3rd December 2011	2011/2896
Section 69(1) to (7) partially as to England	15th January 2012	2011/57
Section 69 as to England so far as not yet in force	1st April 2012	2012/628
Section 70 as to England and Wales	15th January 2012	2012/57
Sections 72 to 79 and Schedules 5 to 7 as to England and Wales	3rd December 2011	2011/2896
Section 115 as to England and Wales	15th January 2012	2012/57
Sections 116 and 121 and Schedules 10 to 12 partially as to England and Wales	15th January 2012	2012/57
Sections 116 and 121 and Schedules 9 to 12 partially as to England and Wales	6th April 2012	2012/628
Section 123 as to England and Wales	6th April 2012	2012/628

Section 124(2) partially as to England and Wales	15th January 2012	2012/57
Section 124 as to England and Wales so far as not yet in force	6th April 2012	2012/628
Sections 125 to 127 as to England and Wales	6th April 2012	2012/628
Section 128(2) and Schedule 13 partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 128 and Schedule 13 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Section 129 partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 129 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Sections 130 to 137 as to England, Wales and Scotland	1st April 2012	2012/628
Section 138(5) partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 138 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Sections 139 to 141 as to England, Wales and Scotland	1st April 2012	2012/628
Section 142(3) partially as to England, Wales and Scotland	15th January 2012	2012/57
Section 142 as to England, Wales and Scotland so far as not yet in force	1st April 2012	2012/628
Section 145 partially as to England and Wales	15th January 2012	2012/57
Sections 146 and 147(2)(3)(4) and (5) partially as to England and Wales	15th January 2012	2012/57
Sections 147(1) and (6) partially as to England and Wales	15th January 2012	2012/57
Section 150 partially as to England and Wales	15th January 2012	2012/57
Section 150 partially as to England and Wales	15th January 2013	2012/1008
Sections 151 and 152 as to England and Wales	15th January 2012	2012/57
Section 153 partially as to England and Wales	15th January 2012	2012/57
Section 154 partially as to England and Wales	15th January 2012	2012/57
Sections 154 to 157 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 158 partially as to England and Wales	15th January 2012	2012/57
Section 158 to 161 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Schedule 14 as to England and Wales	1st April 2012	2012/1008
Section 162 partially as to England and Wales	1st April 2012	2012/628
Sections 163 and 164	1st April 2012	2012/628
Section 165 partially as to England and Wales	15th January 2012	2012/57
Section 165 as to England and Wales	1st April 2012	2012/628
Section 166 as to England and Wales	1st April 2012	2012/628

Section 176 as to England and Wales	15th January 2012	2012/57
Section 178 and Schedule 16 partially as to England and Wales	15th January 2012	2012/57
Sections 178 and 179 and Schedules 16 and 17 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 184 as to England and Wales	6th April 2012	2012/628
Section 185 as to England and Wales	1st April 2012	2012/628
Section 186 partially as to England and Wales	15th January 2012	2012/57
Section 186 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 187(1) and (2) as to England and Wales	15th January 2012	2012/57
Section 187(3) and (4) partially as to England and Wales	15th January 2012	2012/57
Section 187 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 188 as to England and Wales	3rd May 2012	2012/1008
Section 189 as to England and Wales	1st April 2012	2012/628
Section 190 as to England and Wales	15th January 2012	2012/57
Section 191 partially as to England and Wales and	15th January 2012	2012/57
Section 191 as to England and Wales so far as not yet in force	31st March 2012	2012/628
Section 192 as to England and Wales	3rd May 2012	2012/1008
Sections 193 and 194 as to England and Wales	15th January 2012	2012/57
Section 195 partially and Schedule 19 as to England and Wales	15th January 2012	2012/57
Section 195 and Schedule 19 as to England and Wales so far as not yet in force	1st April 2012	2012/628
Section 195 and Schedule 20 as to England and Wales so far as not yet in force	31st March 2012	2012/628
Section 197 partially as to England and Wales	15th January 2012	2012/57
Sections 223 and 224 as to England and Wales	15th January 2012	2012/57
Section 225 and Schedule 23 as to England and Wales	3rd May 2012	2012/1008
Sections 226 to 229 as to England and Wales	3rd May 2012	2012/1008
Section 230 as to England and Wales	15th January 2012	2012/57
Section 231 as to England and Wales	3rd May 2012	2012/1008
Section 232 as to England and Wales	6th April 2012	2012/628
Section 233 and Schedule 24 as to England and Wales	30th March 2012	2012/628
Section 237 and Part 4 of Schedule 25 partially and Parts 11 to 13 and 25 of Schedule 25, as to England and Wales	15th January 2012	2012/57
Section 237 partially and Part 9 of Schedule 25 as to England	15th January 2012	2012/57
Section 237 and Part 5 of Schedule 25 partially as to England and Wales	31 January 2012	2012/57
Section 237 partially and Part 2 partially and Part 3 as to England and Wales	18th February 2012	2012/411

Section 237 partially and Part 4 of Schedule 25 as to England and Wales	9th March 2012	2012/628
Section 237 partially and Part 32 of Schedule 25 as to England and Wales	31st March 2012	2012/628
Section 237 partially and Parts 7 and 10 of Schedule 25 as to England	1st April 2012	2012/628
Section 237 partially and Parts 20 and 21 of Schedule 25 as to England, Wales and Scotland	1st April 2012	2012/628
Section 237 partially and Parts 26 and 27 and 31 (partially) of Schedule 25 as to England and Wales	1st April 2012	2012/628
Section 237 partially and Parts 18, 19, 30 and 34 of Schedule 25 as to England and Wales	6th April 2012	2012/628
Section 237 partially and Part 1 of Schedule 25 as to England and Wales	4th April 2012	2012/1008
Section 237 partially and Part 33 of Schedule 25 as to England and Wales	3rd May 2012	2012/1008
Section 237 partially and Part 4 of Schedule 25 as to England and Wales	4th May 2012	2012/1008

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 STATUTORY INSTRUMENTS

2012 No. 1464

LOCAL GOVERNMENT, ENGLAND
**The Relevant Authorities (Disclosable Pecuniary Interests)
Regulations 2012**

<i>Made</i> - - - -	<i>6th June 2012</i>
<i>Laid before Parliament</i>	<i>8th June 2012</i>
<i>Coming into force</i> - -	<i>1st July 2012</i>

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or section 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

(a) 2011 c.20.

(b) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of Chapter 7 of Part 1 of the Act are the interests specified in the second column of the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Grant Shapps
Minister of State

6th June 2012

Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of

(a) 1992 c. 52.

business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

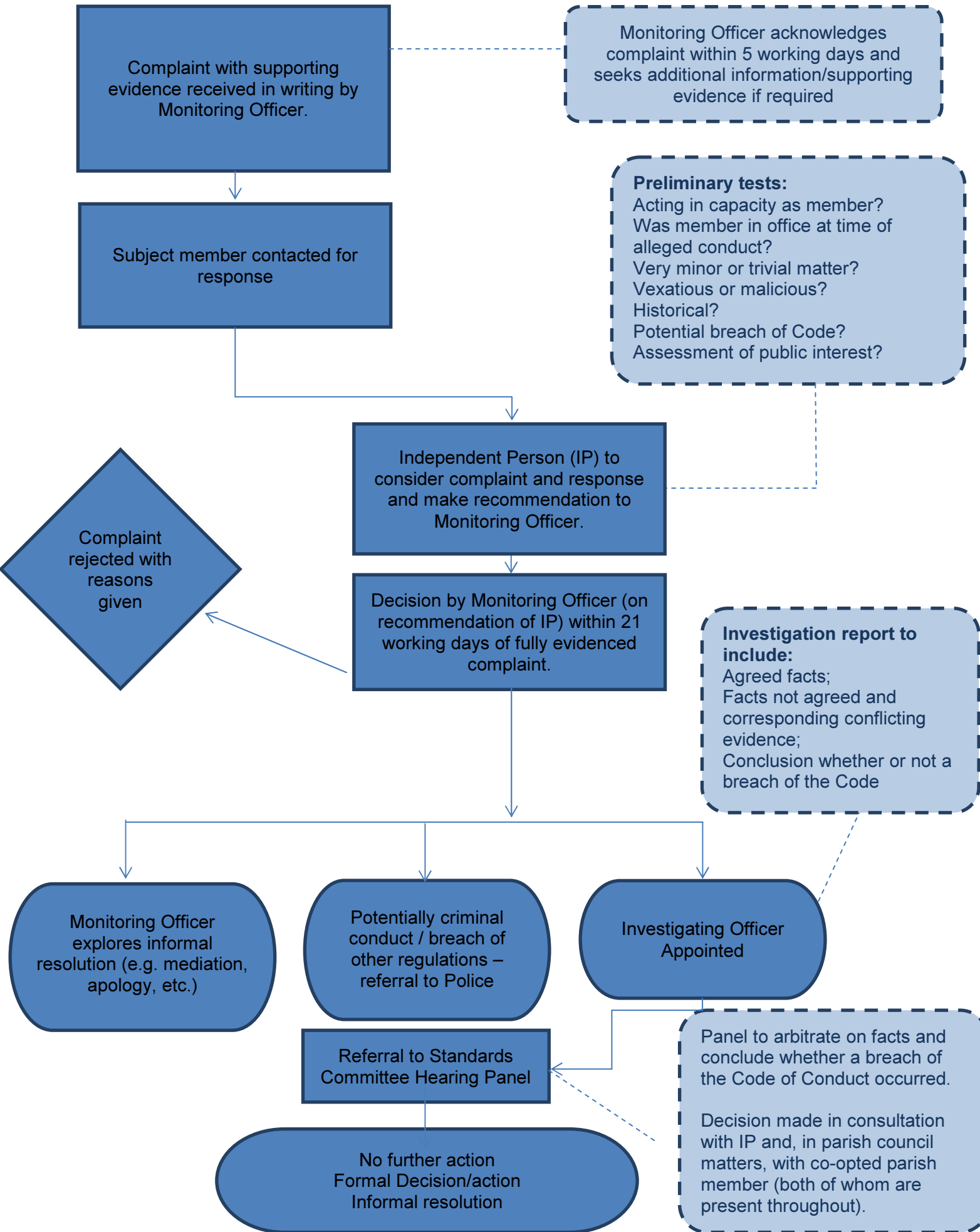
(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a relevant authority as defined in section 27(6) of the Localism Act 2011, on taking office and in the circumstances set out in section 31, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) of the Act sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

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South Cambridgeshire District Council Complaints Procedure Flowchart



Complaint with supporting evidence received in writing by Monitoring Officer.

Monitoring Officer acknowledges complaint within 5 working days and seeks additional information/supporting evidence if required

Subject member contacted for response

Preliminary tests:
 Acting in capacity as member?
 Was member in office at time of alleged conduct?
 Very minor or trivial matter?
 Vexatious or malicious?
 Historical?
 Potential breach of Code?
 Assessment of public interest?

Independent Person (IP) to consider complaint and response and make recommendation to Monitoring Officer.

Decision by Monitoring Officer (on recommendation of IP) within 21 working days of fully evidenced complaint.

Investigation report to include:
 Agreed facts;
 Facts not agreed and corresponding conflicting evidence;
 Conclusion whether or not a breach of the Code

Complaint rejected with reasons given

Monitoring Officer explores informal resolution (e.g. mediation, apology, etc.)

Potentially criminal conduct / breach of other regulations – referral to Police

Investigating Officer Appointed

Referral to Standards Committee Hearing Panel

Panel to arbitrate on facts and conclude whether a breach of the Code of Conduct occurred.
 Decision made in consultation with IP and, in parish council matters, with co-opted parish member (both of whom are present throughout).

No further action
 Formal Decision/action
 Informal resolution

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**RECRUITMENT PACK FOR
APPOINTMENT OF
INDEPENDENT PERSON**

THE CAMBRIDGESHIRE COUNCILS and CAMBRIDGESHIRE FIRE AUTHORITY

APPOINTMENT OF INDEPENDENT PERSON

Under the provisions of the Localism Act 2011, the Council is required to appoint an Independent Person to assist the Council in promoting and maintaining high standards of conduct amongst its elected members and town and parish councillors.

The Independent Person will be consulted on the decision to investigate complaints and before it makes a decision on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the member who is subject to an allegation.

A fixed allowance of [] is payable together with reimbursement of travel and subsistence expenses.

For further details, including an information pack and eligibility criteria, please visit the Council's website or contact:

Tel:

Email:

Website:

The closing date for applications is . Interviews will be held on .

APPOINTMENT OF INDEPENDENT PERSON – BACKGROUND INFORMATION

Under the provisions of the Localism Act 2011 the way that The Cambridgeshire Councils and Cambridgeshire Fire Authority will deal with conduct complaints about its elected members and town and parish councillors in its area is changing.

The statutory regulatory framework will be abolished and the District Council will be responsible for deciding how to deal with standards issues at a local level, including adopting its own local code and determining what arrangements it will adopt to deal with complaints.

The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included in this Recruitment Pack.

The new arrangements will come into effect on 1st July 2012 and the Council intends to agree what its new arrangements will be not later than the Council meeting on 19th June. The Council will also confirm the appointment of the Independent Person at this meeting.

It is intended to appoint an Independent Person together with a “Reserve” candidate to be in a position to act as Independent Person in the event that the person appointed is incapacitated or otherwise unable to act.

INDEPENDENT PERSON

SELECTION CRITERIA

SKILLS AND COMPETENCIES

The Independent Person will have:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in respect of exercising sound judgement.

The Independent Person will:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

Desirable additional criteria are:

- working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- knowledge and understanding of judicial/quasi-judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attend hearings which may be held in the day time and at relatively short notice.

Eligibility for Appointment

A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority.
- A member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

However, by virtue of transitional arrangements it is likely that this will not prevent existing independent members of the Council's Standards Committee from being eligible to apply for the role.

ROLE OF INDEPENDENT PERSON –

THE CAMBRIDGESHIRE COUNCILS and CAMBRIDGESHIRE FIRE AUTHORITY

ROLE DESCRIPTION

Responsible to: The Council

Liaison with: Monitoring Officer, members of the Standards Committee, officers and members of the District Council and Town and Parish Councillors within the district, key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct by elected and co-opted members of The Cambridgeshire Councils and Cambridgeshire Fire Authority and town and parish councillors and in particular to uphold the Code of Conduct adopted by the Council and the seven principles of public office, namely selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. To be consulted by the Council through the Monitoring Officer and/or the Standards Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel of the Standards Committee for this purpose.
3. To be available for consultation by the Monitoring Officer and/or the Standards Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same.
4. To be available for consultation by any elected member, including town and parish councillors, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within The Cambridgeshire Councils and Cambridgeshire Fire Authority and its town and parish councils.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the District Council's area.
7. To attend training events organised and promoted by the Council's Standards Committee.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

THE CAMBRIDGESHIRE COUNCILS

and

CAMBRIDGESHIRE FIRE AUTHORITY

APPLICATION FOR THE POSITION OF INDEPENDENT PERSON

Individuals who wish to be considered for appointment as Independent Person at The Cambridgeshire Councils and Cambridgeshire Fire Authority are requested to provide the following information to support their application. All information provided will be treated in the strictest confidence and will only be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

1. PERSONAL DETAILS

Name:

Address:

Postcode:

National Insurance Number:

Contact Details:

Daytime Telephone Number:

Daytime Fax Number:

Email Address:

2. QUALIFICATIONS

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

3. SUMMARY OF EXPERIENCE

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

4. RELEVANT EXPERTISE/SKILLS

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?

6. Please provide any additional information you may wish to give in support of your application:

7. References will be taken up for all applicants who are invited for interview

1. Name:	2. Name:
.....
Address:	Address:
.....
.....
.....
.....
Telephone No.	Telephone No.

I wish to apply to be an Independent Person.

In submitting this application, I declare that:

EITHER

- I am not and have not during the past five years been a Member or Officer of the District Council.
- I am not related to, or a close friend of, any Member or Officer of the District Council.
- I am not currently an Officer or Member of any other relevant authority (this includes parish, district, county and unitary councils and Police and Fire Authorities).
- I am not actively engaged in local party political activity. *

OR

- I am an existing independent member of the Standards Committee. *

Signed

Date

Please return this application form by 2012 addressed to:

Or the completed form to

(* Please delete as applicable)

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

20 June 2012

AUTHOR/S: Monitoring Officer / Legal and Democratic Services Manager

CODE OF CONDUCT 2012**Purpose**

1. The Localism Act 2011 introduces a new standards regime. The existing statutory Code of Conduct for Members will be repealed on 30 June 2012. Each local authority must adopt its own Code of Conduct to take effect "on or after 1st July 2012". The purpose of this report is to formally consider three draft Codes and to seek comments from the Committee on each to assist the Council at its meeting on 26 July 2012, when one will need to be adopted by Full Council.
2. This is a key decision because
 - it is likely to be significant in terms of its effects on communities living or working in an area of the District comprising two or more wards.
 - it raises new issues of policy.
 - it is of such significance to a locality, the Council or the services which it provides that the decision-taker is of the opinion that it should be treated as a key decision.and it was first published in the January 2012 Forward Plan.

Recommendations

3. That the Standards Committee consider all three draft Codes of Conduct and recommend to Council one for adoption.

Reasons for Recommendations

4. The Council is required to adopt a Code of Conduct for Elected Members.

Background

5. The Council is required to put procedures in place in order to comply with the provisions of the Localism Act 2011, which places a statutory duty upon the Council to promote and maintain high standards of conduct amongst its own elected members and any co-opted members. All Parish Councils within South Cambridgeshire will be under the same duty for their members.
6. Strong ethical governance is critical to the Corporate Governance of the Authority and supports the Council's decision making processes across the organisation as a whole. It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and transparent. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there are risks to the Council from a reputational management viewpoint and also to the integrity of the Councils corporate governance and decision making process. Equally the Council

must ensure frivolous or tit for tat complaints are discouraged if the process is not to fail into disrepute.

7. Any local code must be consistent with the Nolan principles of:
 - (a) Selflessness
 - (b) Integrity
 - (c) Objectivity
 - (d) Accountability
 - (e) Openness
 - (f) Honesty
 - (g) Leadership
8. With the objective of achieving a common way forward across the Cambridgeshire authorities so that all councillors at all three tiers of local government were subject to the same code and in the absence of any published national model code at the time, all the Monitoring Officers in the county have drafted a Cambridgeshire Code. This code draws on guidance obtained through national networks such as the Association of Council Secretaries and Solicitors (ACSeS), and is based on the first section of the current Code of Conduct. A copy of the Cambridgeshire Code is attached as **Appendix 1**.
9. On 11 April 2012, DCLG published an "illustrative text" for a Code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity. A copy of the DCLG Code is attached as **Appendix 2**. It provides an example of what a local authority's Code of Conduct for the new standards arrangement might look like.
10. Shortly afterwards, following discussions with Members, Officers and professional bodies, the Local Government Association (LGA), SOLACE and ACSeS published their own draft Code. A copy of the LGA Code is attached at **Appendix 3**.
11. The National Association of Local Councils (NALC) have also issued a model code of conduct for parish councils and this is attached at **Appendix 4**. Parish councils in South Cambridgeshire are awaiting guidance from district councils about which code they should adopt and the Chief Executive of the Cambridgeshire and Peterborough Association of Local Councils (CPALC) has previously indicated that he would support the same code throughout the county for parishes, districts and county alike.
12. On 8th June 2012 Regulations were issued by the Department of Communities and Local Government (DCLG) outlining what 'Disclosable Pecuniary Interests' (DPIs) Members will have to declare. No opportunity was given to comment on a draft before publication. These have been included in an updated Cambridgeshire Code. There may be other, non-pecuniary interests which each Council will wish to specify.
13. It would be helpful to have the Standards Committee's comments on each of the three Codes, in order to inform the Council's debate. An analysis of each of the Codes is set out, below.
14. All the other councils in Cambridgeshire are understood to prefer the Cambridgeshire Code.

Considerations and Options: Analysis of Codes

15. **Code 1 – The Cambridgeshire Code**

Pros

- All other councils in Cambridgeshire have or will opt for this model
- Will give consistency across the tiers of local government in Cambridgeshire
- Acceptable across political groups
- Members familiar with it
- Members have been trained on it
- Guidance on it available
- Common Code across Cambridgeshire will make it easier to monitor and enforce
- Based on the seven Nolan principles – selflessness, integrity, objectivity, accountability, openness, honesty, leadership
- Also includes provisions on respect, confidentiality, bullying and intimidation, abiding by the equalities legislation and disrepute (all part of the current code)
- Will promote and maintain high standards of conduct

Cons

- Based on Part 1 of statutory Code
- The statutory Code was part of the previous regime
- Previous regime “top down”, centrally imposed
- Not innovative
- May be seen as having been a vehicle for vexatious complaints
- Any other declarable interests will need to be defined
- Longer than Codes 2 and 3
- Wording may be seen as prescriptive

16. **Code 2 - DCLG Code**

Pros

- Light touch Code
- Endorsed by DCLG
- Will promote and maintain high standards of conduct
- Based on seven Nolan principles
- Shorter than Codes 1 and 3
- Outcome based
- Less prescriptive

Cons

- Regulations about DPIs not built in
- Any other declarable interests will need to be defined
- Members will need to familiarise themselves with it
- No guidance on it
- Does not include respect, bullying, etc.

17. **Code 3 – LGA Code**

Pros

- Light touch Code
- Endorsed by LGA with input from SOLACE & ACSes
- Will promote and maintain high standards of conduct
- Based on seven Nolan principles
- Shorter than Code 1

Cons

- Regulations required about DPIs are not built in
- Any other declarable interests will need to be defined
- Longer than Code 2
- Wording open to wide interpretation, what is meant

- Outcome based
 - Less prescriptive
 - Includes respect and stewardship
- by 'championing the needs of local residents'?
 - No guidance on it

Implications

18. Financial	None specific.
Legal	As detailed in the body of the report.
Staffing	None specific.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No. The Code of Conduct will apply to all councillors and co-opted members equally.
Climate Change	None specific.

Consultations

19. The Heads of Legal Services (or equivalent) at the Cambridgeshire councils have consulted their respective standards committees throughout the process. The South Cambridgeshire District Council Standards Committee indicated its preference for the Cambridgeshire Code at its 5 April 2012 meeting.

Consultation with Children and Young People

20. Not relevant.

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

Localism Act 2011

Contact Officer: Fiona McMillan – Legal and Democratic Services Manager & Monitoring Officer
Telephone: (01954) 713027

CODE OF CONDUCT OF CAMBRIDGESHIRE LOCAL AUTHORITIES

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should be borne in mind when interpreting the meaning of the Code:

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

PART 1 GENERAL PROVISIONS

1. INTRODUCTION AND INTERPRETATION

- 1.1. This Code applies to **you** as a member of South Cambridgeshire District Council ("SCDC")
- 1.2. The term "**the Authority**" used in this Code refers to South Cambridgeshire District Council.
- 1.3. "**Member**" means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –
"**Meeting**" means any meeting of
 - (a) The Authority;
 - (b) The executive of the Authority;
 - (c) Any of the Authority's or its executive's committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (d) Any of the Authority's advisory groups and executive boards, working parties and panels.

1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. SCOPE

2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.

2.2. Where you act as a representative of the Authority:

- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct;
- (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. GENERAL OBLIGATIONS

3.1. You must treat others with respect.

3.2. You must not:

- (a) do anything which may cause the Authority to breach the equality enactments;
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct;
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4. You must not:

4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority.

4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not:

5.1. use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage;

6. You must:

- 6.1. when using or authorising the use by others of the resources of your authority:
- (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly or for party political purposes;
- 6.2. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**PART 2
INTERESTS**

7. DISCLOSABLE PECUNIARY INTERESTS

- 7.1. Breaches of the rules relating to Disclosable Pecuniary Interests may lead to criminal sanctions being imposed.
- 7.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners; and you are aware that that other person has the interest.

8. REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL INTERESTS

- 8.1. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of:
- (a) this Code being adopted or applied by the Authority; or
 - (b) your election or appointment (where that is later),
- notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and / or Personal Interests you have at that time.
- 8.2. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest / Personal Interests or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change, pursuant to sub-paragraph 8.1 above.

9. DISCLOSABLE PECUNIARY INTERESTS IN MATTERS CONSIDERED AT MEETINGS OR BY A SINGLE MEMBER

- 9.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting,
- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary or Personal Interest in that matter. If you have not already done so, you must also notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
 - (b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer – (i) apart from making representations, giving evidence or answering questions prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

Single member action

- 9.2. If you are empowered to discharge functions of the Authority acting alone, and are aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with,

by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

10. SENSITIVE INTERESTS

10.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 9.1 above.

11. PERSONAL INTERESTS

11.1. You have a personal interest in any business of your authority where either—

- (a) it relates to or is likely to affect—
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body—
 - (aa) exercising functions of a public nature; or
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);
 - (viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer;

- (b) or a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

11.2. In sub-paragraph 11.1(b), a relevant person is—

- (a) a member of your family or any person with whom you have a close association; or
- (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
- (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
- (d) any body of a type described in sub-paragraph 11.1(a)(i) or (ii).

**PART 3
RELATED DOCUMENTS**

- 13. The procedures that apply in relation to any alleged breach of this Code are attached at Appendix 1.
- 14. The Authority's Procedural Guidance for Members and Officers in Planning and Licensing is attached at Appendix 2.
- 15. The Authority's Protocol on Member / Officer Relations is attached as Appendix 3
- 16. The procedures under which registration and declaration of interests are to be made are attached at Appendix 4.
- 17. The Gifts, Hospitality and Sponsorship Policy: Guidance for Members is attached at Appendix 5.

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Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

DRAFT

Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

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As a Member of [*X authority*], my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the [county][borough][Authority's area] or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.



NALC's template code of conduct for parish councils

As explained in paragraph 13 of LTN 80 – 'Members' conduct and the registration and disclosure of their interests (England)', NALC has produced a template code of conduct for parish councils because:

- it does not recommend that parish councils adopt the LGA's template code of conduct and
- parish councils may not want to draft their own or adopt their principal authority's code of conduct.

Unlike the LGA's template code of conduct, the attached NALC template code of conduct has the following features:

1. It uses concise and clear language to define members' obligations in respect of their conduct.
2. It incorporates members' mandatory obligations in respect of disclosable pecuniary interests. These are yet to be defined by regulations which are expected to be made before 1 July 2012 and will be inserted in Appendix A of the NALC template.
3. It sets out other pecuniary interests and non pecuniary interests in Appendix B of the NALC template about which members have obligations with regard to registration, disclosure, and speaking at meetings.
4. It describes the circumstances in which a parish council may grant a dispensation for members to participate and vote on a matter at a meeting.
5. It accommodates variations to be made to it except in relation to members' mandatory obligations about disclosable pecuniary interests in Appendix A. Substantive amendments to the NALC template code of conduct are not recommended because it establishes (i) the minimum standards for members' conduct which are consistent with the Nolan principles of conduct in public life and (ii) a proportionate range of pecuniary and non pecuniary interests which members are subject to.

It is likely that some of the interests presently included in Appendix B of the NALC template will constitute disclosable pecuniary interests, prescribed by regulation, and that any such interests will need to be included in Appendix A. NALC will publish the final version of its template code of conduct after regulations which define disclosable pecuniary interests have been made.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services



NALC template code of conduct for parish councils

Introduction

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.



Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.



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9. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'. A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.
13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and



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withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.



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Appendix A

Such interests, as prescribed by regulations, are.....

Appendix B

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect;

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any employment or business carried on by the member;
- (iv) any person or body who employs or has appointed the member;
- (v) any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (vi) any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);



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- (vii) any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- (ix) any land in the Council's area in which the member has a beneficial interest;
- (x) any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- (xi) any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Constitution Review Working Group 10 July 2012
AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services
Manager

CIVIC AFFAIRS COMMITTEE**Purpose**

1. To consider the appointment of a Civic Affairs Committee, incorporating the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee.
2. This is not a key decision but has been brought to the Standards Committee in order that its comments may be incorporated into the report going to full Council. It was first published in the July 2012 Forward Plan.

Recommendations

3. That the Standards Committee note the proposed establishment of the Civic Affairs Committee and recommend to Council whether or not the Council should co-opt parish council representatives as non-voting members for those meetings when the Civic Affairs Committee is considering standards matters.

Reasons for Recommendations

4. The proposed Civic Affairs Committee will be assuming responsibility for standards functions and the views of the existing Standards Committee are sought.

Considerations

5. Council, on 24 May 2012, resolved that the Constitution Review Working Group prepare terms of reference for the establishment of a new Civic Affairs Committee, which would discharge the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee. Proposed terms of reference, for incorporation into Part 3 of the Council's Constitution (responsibility for Council functions), are attached as **Appendix A**.
6. The Localism Act 2011 removed the requirement for the Council to appoint a Standards Committee, as long as there is a body with authority to discharge the standards functions to:
 - (a) Promote and maintain high standards of conduct by councillors and co-opted members;
 - (b) Assist the councillors and co-opted members to observe the Members' Code of Conduct;
 - (c) Advise the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) Monitor the operation of the Members' Code of Conduct;
 - (e) Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

- (f) Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
- (g) Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
- (h) Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (i) The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- (j) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
- (k) Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct; and
- (l) Maintain an overview of the Council's 'whistle-blowing' policy.

These responsibilities are set out in Article 9 of the Constitution, and an amended version of Article 9, showing the ethical standards functions of the Civic Affairs Committee, is attached as **Appendix B**. As a public body of the authority, standing orders relating to public attendance at meetings and the right of the public to ask questions would apply. The Civic Affairs Committee, once established, could also consider whether or not to adopt a public speaking protocol similar to that adopted by the Planning Committee.

7. The full Standards Committee meets quarterly, and its panels met as required. The previous statutory requirement for assessment and review panels has been removed and the initial determination powers of these bodies delegated to the Monitoring Officer, in conjunction with an 'Independent Person' appointed by full Council to advise the Monitoring Officer.

Co-opted parish council members

8. Since 2000, the Standards Committee has had independent (lay) and parish council members, co-opted by full Council, as required by the Local Government Act 2000. The Localism Act 2011 removed the requirement for any co-opted members; Council has the right to co-opt any person(s), but it cannot grant voting rights to co-optees.
9. The vast majority of standards allegations made since 2007 have concerned parish councillors, and the terms of reference for the Standards Committee required that a parish council member, co-opted by full Council, be present when any matters relating to parish councils or parish councillors were being discussed. The new arrangements for discharging the Council's standards functions, as supported by the Standards Committee at its 5 April 2012 meeting, required that allegations about parish councillors be referred to parish councils in the first instance to be considered under their own complaints process.
10. If the full Council decides to retain co-opted parish council members on the Civic Affairs Committee when that body considers standards issues, the italicised text in **Appendices A and B** will remain part of the Constitution.

Political proportionality

11. Although the Standards Committee was not politically balanced, the Localism Act 2011 removes the requirement that any body discharging standards functions be excluded from political balance calculations. Due to its responsibility for standards matters, however, appointments to the Civic Affairs Committee should be made by full Council on the recommendation of the political groups rather than by automatic acceptance of the group nominations, in order to demonstrate the Council's duty under the Localism Act to promote and maintain high standards of conduct by having appointments made which command the support of the whole authority.
12. When the rules of political proportionality are applied to a 13-member committee, the allocation of seats to that body would be:
- | | |
|-------------------|----------|
| Conservative | 8 (7.53) |
| Liberal Democrat | 4 (3.65) |
| Independent Group | 1 (1.37) |
13. However, when calculating political balance under the requirements set out in the Local Government & Housing Act 1989, what must take precedence is the notional entitlement to seats based on the **total** number of seats available, which is:
- | | | |
|-------------------|-------------------|---------------------------------|
| Conservative | 47 (46.80) | previously 44 (43.80) – gain 3 |
| Liberal Democrat | 23 (22.69) | previously 21 (21.24) – gain 2 |
| Independent Group | 8 (8.51) | previously 8 (7.96) – unchanged |
| TOTAL | 78 (78.00) | |
14. The political group leaders would be required to meet prior to any Council decision on establishment of a Civic Affairs Committee to make a recommendation to Council on the overall allocation of seats based on the notional entitlement. This could have an impact on the appointments to existing committees made by Council on 24 May 2012.

Options

15. Not to make any comments on the proposal.

Implications

16. Financial	<p>Establishment of a new committee to discharge the functions previously discharged by three separate bodies will reduce expenditure spent on meetings.</p> <p>The Standards Committee Chairman currently receives a special responsibility allowance (SRA) of £443 per annum. The Independent Panel on Members' Remuneration should be requested to consider whether an SRA should be paid to the Civic Affairs Committee Chairman and, if so, of what amount. Appendix G is a revised role description for the Civic Affairs Committee Chairman and Vice-Chairman and Appendix H shows a revised Members' Allowances Scheme 2012-13.</p>
Legal	As outlined in the report.
Staffing	As above, having one body discharge the functions previously discharged by three bodies will reduce the staff resources required for support.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact	Not specifically, although the EQIA completed for the schedule

Assessment (EQIA) completed	of Council meetings takes into account many of the financial, staffing and climate change implications arising from additional meetings.
Climate Change	A more efficient decision-making mechanism will minimise the number of journeys to and from the Council office, in accordance with the 2012/13 Council approach to promote low-carbon and sustainable living, and the South Cambridgeshire Climate Change Action Plan, which states "The vision is for South Cambridgeshire, by the end of 2013, to stand out as a local area leader in its contribution towards the national target of reducing greenhouse gas emissions by a third in the next ten years".

Consultations

17. All district councillors are invited to comment on the proposals and to attend the Constitution Review Working Group's 10 July 2012 meeting; they will also have the opportunity to comment at full Council, which has the authority to agree the terms of reference and to make appointments.
18. Parish councils will be consulted through the June 2012 Standards Committee Newsletter.

Consultation with Children and Young People

19. Not relevant.

Effect on Strategic Aims

20. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: the new Civic Affairs Committee would provide focussed approach to determining matters relating to the Constitution, electoral arrangements and standards, without incurring additional cost and use of officer resources to support a separate meeting.

Conclusions / Summary

21. A new Civic Affairs Committee would enable the transparent and efficient discharge of functions previously delegated to three separate bodies.

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

SCDC Constitution
 Local Government Acts 1972, 1989, 2000, 2007, 2009
 Localism Act 2011
 Standards Committee Annual Reports to Council

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

Responsibility for Functions

The Council has established the following committees with the respective composition of members to carry out the functions set out in the second column of the Table One below subject to the delegation of functions prescribed in the third column thereof. Except for the Employment Committee, where further delegation is not appropriate, all functions of the Council can be further delegated downwards to sub-committees, panels or officers, subject to law and the Delegation Rules as the relevant committee may determine.

Employment Committee: Although this is constituted as a standing committee of the Council, its functions demand that it meets only when necessary to deal with relevant business.

Responsibility for Council Functions (Table One)

Civic Affairs Committee		
Membership	Functions	Delegation of functions
<p>13 councillors, appointments to be subject to the requirements of political proportionality.</p> <p><i>[At least two parish council members to be co-opted to attend only when the committee is dealing with parish council ethical standards functions.]</i></p>	<p>Constitution Review:</p> <ul style="list-style-type: none"> to bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, excluding those matters which are specifically included within the remit of other bodies on the Council. <p>Electoral Arrangements: Determination as follows:</p> <ul style="list-style-type: none"> review district or parish electoral arrangements including boundaries and report recommendations to Council give parish meetings powers of parish council increase / reduce number of parish councillors change parish electoral arrangements where agreed including parish warding appoint temporary parish councillors, s. 91 LGA, 1972 <p>Recommend to Council:</p> <ul style="list-style-type: none"> district and district ward boundary changes arising from review parish warding and boundary changes where not agreed Periodic Electoral Review new parish establishment <p>Ethical Standards: As set out in Article 9.03</p>	<p>May appoint sub-committees to:</p> <ul style="list-style-type: none"> consider an Investigating Officer's final report; consider determination hearings (the "Hearings Panel") in accordance with the hearings procedure set out in Part 5 of the Constitution; determine any matter relating to parish councils or Parish Members (the "Parish councils sub-committee")

Article 9: Ethical Standards functions of the Civic Affairs Committee

9.01 Composition

- (a) **Membership.** The Civic Affairs Committee will be composed of at least 13 district councillors [*and at least 2 members of parish councils¹ in the Council's area (Parish Members) who have been co-opted by the Council to advise on the discharge of ethical standards functions*].
- (b) The Council will appoint the **Council Members** proportionally on the recommendation of the groups rather than by automatic acceptance of the group nominations (see Part 5 A – Principles of Proportionality). This is because the ethical standards functions are to be seen as being above party politics and comprised of representatives that command the support of the whole authority.
- (c) The Chairman and Vice-Chairman will be elected by the Committee and the Vice-Chairman will deputise for the Chairman in the Chairman's absence.
- (d) The Civic Affairs Committee will meet at least quarterly and will make an annual report to Full Council on its business.
- (e) **[Parish Members**
- *At least one Parish Member must be present when ethical standards matters relating to parish councils or their members are being considered;*
 - *Parish Members will not be entitled to vote at meetings;*
 - *A district councillor may not be a Parish Member;*
 - *Parish Members may not be closely connected to district councillors;*
 - *Parish Member candidates shall be nominated by parish councils at their Annual Meeting, where an election has been held for that parish council, or at the earliest scheduled parish council meeting after the commencement of the appointments process, nominations to include a statement supporting the candidate, not exceeding one side of A4 paper. In the case of more than the requisite number being nominated by the deadline set, the candidates' statements will be sent with a voting paper to all parish councils in the District and the votes received by the deadline set will determine the candidates to be elected;*
 - *In the event of a tied vote, the successful candidate will be identified by the Monitoring Officer drawing lots;*
 - *The Council will co-opt the candidate elected by the parish councils or identified by the Monitoring Officer drawing lots;*
 - *A Parish Member shall cease to be a member of the committee if he / she is no longer a member of a parish council. Otherwise he / she shall retire after a term of four years' service, but shall be eligible for re-nomination and co-option for a further term or terms;*
 - *A clear and strict deadline will be set for both receipt of nominations and, if a vote is required, voting slips. These deadlines will apply equally to all parish councils, including those of existing or retiring Parish Members.]*
- (f) **Independent Person(s).**
- The Council will appoint one or more Independent Person as required under Section 28(7) of the Localism Act;

¹

'Parish councils' in this context refers to any parish or community councils within South Cambridgeshire.

- The Independent Person must be appointed through a recruitment process of public advertisement, application, shortlisting, interview and recommendation to Council by an Appointments Panel;
 - Appointment must be by a positive vote of a majority of all members of the Council (not of those present and voting);
 - The Independent Person must meet all criteria specified in the relevant legislation, and any additional criteria which the Civic Affairs Committee may from time to time agree;
 - The Independent Person will work alongside the Monitoring Officer to initially consider complaints that a member has breached the Code of Conduct and to decide on an appropriate course of action for that complaint as set out in the Complaints flow-chart in Part 5 of this Constitution;
 - The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but will not be entitled to vote at meetings;
 - An Independent Person shall retire after four years but shall be eligible for re-appointment for a further term or terms.
- (g) **Removal of a Council Member:** The Council reserves the right to remove any Member from the Civic Affairs Committee if it considers that it is no longer in the best interests of the Council for that member to remain. Any such motion shall be carried only if at least two thirds of the members present at the Council meeting are in favour (Standing Order 2.2). The Council may remove a Council Member from the Civic Affairs Committee if that member has missed four consecutive meetings of the body concerned (Standing Order 18.2).
- (h) **[Removal of a Parish Member:** *The Council reserves the right to remove any Parish Member from the Civic Affairs Committee if it considers that it is no longer in the best interests of the Council, the parish councils and the residents of South Cambridgeshire for that member to remain. Written notice of motion, giving reasons, signed by or on behalf of at least fifteen parish councils from within South Cambridgeshire, or by five members of the Civic Affairs Committee, must be delivered to the Monitoring Officer not later than seven working days before the date of the Council meeting. Any such motion shall be carried only if at least two thirds of the members present at the Council meeting are in favour (Standing Order 2.2). The Council may remove a Parish Member from the Civic Affairs Committee if that member has missed four consecutive meetings of the body concerned (Standing Order 18.2).]*
- (i) **Quorum and Deputies.**
- The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members *[of whom at least one shall be a Parish Member if ethical standards matters relating to parish councils or parish councillors are being considered]*. For hearings panels under the hearing procedure described in Part 5 of this Constitution, the number of members on the panel shall be three.
 - Except in the case of hearings panels, normally where the number of members of any sub-committee is less than the number of the committee, any Civic Affairs Committee member *[or Parish Member]* who is not a member of the sub-committee may be appointed by the equivalent sub-committee member to act as his or her deputy in his or her place to attend and (in the case of District Council members) vote at any meeting of the sub-committee; the minutes of any sub-committee meeting shall record deputised attendance.

9.02 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees to:

- consider an Investigating Officer's final report
- consider determination hearings (the "Hearings Panel") in accordance with the hearings procedure set out in Part 5 of the Constitution
- determine any matter relating to parish councils or Parish Members (the "Parish councils sub-committee")

At least three members of the Civic Affairs Committee must be present throughout a meeting of any sub-committee for it to be valid. *[These three members must include at least one parish member if the matter relates to parish council ethical standards.]*

9.03 Role and Function

The Civic Affairs Committee will have the following ethical standards role and functions:

- (a) Promote and maintain high standards of conduct by councillors and co-opted members;
- (b) Assist the councillors and co-opted members to observe the Members' Code of Conduct;
- (c) Advise the Council on the adoption or revision of the Members' Code of Conduct;
- (d) Monitor the operation of the Members' Code of Conduct;
- (e) Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- (f) Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
- (g) Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
- (h) Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (i) The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- (j) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
- (k) Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct; and
- (l) Maintain an overview of the Council's 'whistle-blowing' policy.

The Civic Affairs Committee's roles and functions relating to Electoral Arrangements are set out in Part 3, Table 1 of this Constitution.

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee 20 June 2012
AUTHOR/S: Executive Director (Corporate Services) / Legal and Democratic Services
 Manager & Monitoring Officer

STANDARDS COMMITTEE 2011/12 BUDGET

Purpose

1. To note the budget spend in 2011/12.

Recommendations and Reasons

2. That the Standards Committee **note** the report.

Considerations

3. The Standards Committee budget for 2008/09 through 2011/12 was £15,040. There was a total spend in 2008/09 of £13,838.23, in 2009/10 of £4,835 and in 2010/11 of £12,614.10. The significant difference in spend between 2008/09 and 2009/10 related to the deferral of 2009/10 training in anticipation of a new Code of Conduct; in 2008/09 the cost of such training was £10,220.
4. The following costs were incurred in 2011/12:

Public Notices in <i>Royston Crow</i> of findings of the Hearings Panels CORCOM 4601	£626.35
as required by The Standards Committee (England) Regulations 2008	
External Investigations (CORCOM 4929 and 4934, work undertaken to 31 March 2012)	£1,972.58
Total (to date)	£2,958.93

5. 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.
6. Costs relating to committee and panel meetings, and public hearings, are charged to the Democratic Representation budget.

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

Standards Committee 2008/09, 2009/10, 2010/11 Budget Reports

Contact Officer: Holly Adams – Democratic Services Team Leader
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Assessment Panel

Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages	PC Ref
35	15-Apr-12	Public	PC	Investigate	02-May-12	3	13	13.0	B
36	17-Apr-12	Public	PC	Investigate	02-May-12	3	11	12.0	B
38	18-Apr-12	Public	PC	Investigate	02-May-12	3	10	17.7	B
39	18-Apr-12	Public	PC	Investigate	02-May-12	3	10	11.0	B
45	24-Apr-12	Public	PC	Investigate	11-Jun-12	3	31	15.0	F
46	24-Apr-12	Public	DC	Investigate	11-Jun-12	2	31	17.7	-
51	30-Apr-12	Public	PC	MO Declined					H
52	01-May-12	Public	PC	MO Declined					H
53	02-May-12	PC	DC	More info needed					-

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 18 working days.**

Review Panel

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

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 -- working days.**

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SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

20 June 2012

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 report be noted.

Cases

4. **CORCOM 4929 and 4934 (Standards Committee Local Assessment Panel 17 February 2012)**
As reported to the Standards Committee on 5 April 2012, two allegations about two district councillors were received on 8 and 15 February 2012 and the Assessment Panel referred both matters to the Monitoring Officer for investigation. The investigations, which are being conducted by an external investigator, are underway.
5. **CORCOM 4945 (Standards Committee Local Assessment Panel 9 March 2012)**
An allegation about a district councillor was received on 21 February 2012. The Assessment Panel has decided to take no further action. The complainant requested a review of this decision and the Review Panel upheld the decision to take no further action.
6. **CORCOM 35, 36, 38 and 39 (Standards Committee Local Assessment Panel 2 May 2012 and 11 June 2012)**
Four allegations about the same parish councillor were received in mid-April 2012. The Assessment Panel initially referred the allegations for investigation as one matter but, following notification to the Monitoring Officer of further developments, the Monitoring Officer returned the matter to the Assessment Panel for reconsideration, in line with the Council's protocol. The Assessment Panel, having considered the further information, again referred the allegations for investigation as one matter.
7. **CORCOM 45 and 46 (Standards Committee Local Assessment Panel 11 June 2012)**
Two allegations were received about a member who is both a district and parish councillor, one relating to District Council business and one to Parish Council business. The Assessment Panel has referred the allegations for investigation as one matter.

CORCOM 51 and 52

8. Two allegations about two parish councillors at the same authority were received in late April and early May 2012. The Monitoring Officer advised the complainant that allegations relating to administrative matters should be considered by the parish council's own complaints process; guidance was supplied on the Code of Conduct and the standards process. No further complaint has been submitted.

CORCOM 53

9. An allegation about a district councillor was received on 23 May 2012. The Monitoring Officer requested on the same day that the complainant supply the evidence referred to in the complaint before the allegation can be considered by the Assessment Panel. The evidence has not yet been received.

CORCOM [to be assigned]

10. An allegation about a district councillor was received on 6 June 2012. The Monitoring Officer has provided guidance on the Code of Conduct and the standards process, and advised that the complaint as submitted does not fall within the remit of the Standards Committee.

Conclusion

11. Since 1 April 2012, the Monitoring Officer has received seven allegations about four parish councillors from three parish councils and three allegations about the conduct of two district councillors, one of whom is also one of the four parish councillors.

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

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

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