

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

At a meeting of the Standards Committee held on  
Wednesday, 10 May 2006

**PRESENT:** D Gilbertson (Independent Member) – Chairman  
Councillor Mrs VM Trueman (District Council Member) – Vice-Chairman

<b>Members:</b>	P Brindle	Independent Member
	RF Bryant	District Council Member
	EW Bullman	District Council Member
	NN Cathcart	District Council Member
	Mrs GM Everson	Parish Council Member
	M Farrar	Parish Council Member

Councillor Mrs DP Roberts and Mr K Barrand (Cambridgeshire Association of Local Councils) were in attendance, by invitation.

Apologies for absence were received from Mr CA Tucker, Monitoring Officer.

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### **Procedural Items**

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#### **1. DECLARATIONS OF INTEREST**

None.

#### **2. MINUTES OF PREVIOUS MEETINGS**

The Chairman was authorised to sign as correct records the minutes of the meetings held on 24 January 2006 and 8 February 2006.

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### **Standing Items**

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#### **3 (a) Operation of Members' Code**

There had been a lot of issues recently, with a number of investigations and reports underway. The amount of activity now formed a large part of the Chairman's, the Monitoring Officer's and the Deputy Monitoring Officer's work. The Deputy Monitoring Officer confirmed that the number of local cases had resulted in a dedicated Ethical Standards Officer at the Standards Board for England (SBE) being appointed just to work on South Cambridgeshire issues. The workload of the Standards Committee and officers was expected to increase as more powers were devolved to local authorities from the SBE.

The Chairman agreed that there were a number of quite serious inquiries being run, and that Counsel's advice was not to discuss any of the details with the Committee members to avoid any appearance of predetermination should any of the cases result in a local hearing panel. As the Monitoring Officer must consult the Chairman on any cases, Mr Gilbertson was therefore conflicted out of participation on any local hearing panels. This

issue was addressed in the latest Standards Board *Bulletin*.

Although district council members of the Standards Committee were expected to be objective if asked to consider a case involving a district councillor, there could be particular instances where it would be difficult for any district council member to participate in a hearing panel. The appointment of an additional parish council member and an additional independent member would increase the pool from which a panel could be drawn, once they had received the necessary training. It was difficult for the Monitoring Officer and Deputy Monitoring Officer to be involved in particular cases due to conflicts of interest, and all other Cambridgeshire local authorities had been contacted with a request for assistance. East Cambridgeshire District Council was the only authority to respond with an offer of assistance.

A hearing panel to consider the allegations made against District Councillor Alex Riley was scheduled for Monday 15 May 2006 at 10.00 am in the Swansley Room: Mr Brindle would be Chairman of the Panel, and the other members would be Mr John Jones of Luton Borough Council's Standards Committee and Councillor Eustace Bullman. East Cambridgeshire District Council's Head of Legal Services had been appointed the legal advisor to the hearing panel. An independent member of Luton Borough Council's Standards Committee had been appointed to the Standards Committee solely for the purposes of this hearing, and, following a procurement exercise, the Monitoring Officer role would be filled by a solicitor from Mills & Reeve. All were reminded that this was not a meeting of the Committee but, although there was not a general invitation to all Committee members and District Councillors, it was not a confidential hearing and anyone who attended would do so as a member of the public. Expenses could not be claimed.

### **3 (b) Advice to, and training of, District and Parish Council Members in relation to the Members' Code**

Mr Barrant confirmed that the Cambridgeshire Association of Local Councils (CALC) would be holding training sessions in each of the three districts where elections had been held, and that the local Monitoring Officers would attend the relevant session. Training would be provided through exercises and scenarios, which had been found the most successful method of improving understanding of the Code. A record of attendees would be kept, although parish councillors could not be compelled to attend. CALC had also piloted a test scheme in Peterborough at which all newly-elected parish councillors were invited to the Town Hall to meet the Chief Executive and Leader, and to receive information about the role and responsibilities of a parish councillor.

The Committee commented on the role of the Parish Clerk as the conduit for delivery of advice on the Code of Conduct, for cascading information to councillors, and for policing the Code. The Parish Council training survey, as reported to Committee in February, had demonstrated that many Clerks saw a need for further training, but that some parish councillors did not. It was a fact of village life that parish councillors would know most residents to some extent and thus needed to be aware of the terms of the Code of Conduct, particularly with regards to declaring interests.

Members supported the need to work with CALC to go out to the villages to provide training sessions, to show support for parish councillors and to remind them of the existence of the Code of Conduct and the consequences of not following it, but noted the potential costs involved. Resources could be best focussed on training Clerks and Chairmen and it was important to counteract negative media publicity about the Code by showing it in a positive way and giving confidence to the parish councillors that they had support from the Standards Committee and from CALC.

The Standards Committee

**AGREED** that the Vice-Chairman, Deputy Monitoring Officer and General Secretary of CALC liaise to prepare a report for the 9 August 2006 Standards Committee meeting on how to deliver focussed training on the Code of Conduct to Parish Council Clerks and Chairmen.

The Deputy Monitoring Officer reported that the Standards Board for England (SBE) had just taken back a matter that had been referred to the Monitoring Officer for local investigation. The SBE had the powers to do this under Regulation 5(6)(a) of the Local Authorities (Code of Conduct) (Local Determination) Regulations 2003 (as amended). In this particular case the Ethical Standards Officer (ESO) decided to take back the case both in the light of concerns about the integrity of a local investigation and in view of the potential seriousness of the allegation against the member, should it be proven. The Chairman said he understood that it was comparatively rare, but not unheard of, for an ESO to take back a case.

A broader issue had arisen about the relationship between complainants, witnesses and Members who were the subject of allegations. District and parish members were to be reminded via a letter from the Standards Committee that, to preserve the integrity of an investigation, they should not, if they were involved in or had knowledge of a local investigation, speak to anyone else involved in the investigation about the matter until after that investigation had been completed. The member against whom an allegation had been made could seek advice about the investigation from the Monitoring Officer or the SBE, and was free to speak to the complainant or any witnesses on other matters *as long as the subject of the investigation, or the matter which led to an investigation, was not discussed*. It was a key part of the responsibility of the Standards Committee to ensure that all involved in an investigation were aware that the integrity of the investigation must be preserved.

The Standards Committee

**AGREED** that the Chairman write to all district and parish councillors, with a copy being sent to CALC, advising them that they should not, if they were involved in or had knowledge of a local investigation, speak to anyone else involved in the investigation *about the investigation* until after that investigation had been completed, so that the integrity of such investigations was not or did not appear to be compromised in any way.

### 3 (c) Dispensations

A request for a dispensation had been received from Eltisley Parish Council. Four of the five parish councillors live at Caxton End, Eltisley, and sought a general dispensation to allow them to discuss matters concerning Caxton End since, should all four have to declare a prejudicial interest and leave the meeting, the meeting would become inquorate. There were two vacancies on the council, which would be filled by co-option.

The request had been precipitated by a letter to all Parish Clerks from the Monitoring Officer, reminding members of their obligations under the Code of Conduct, and of the opportunity to apply to the Standards Committee for a dispensation.

The Standards Committee was advised that a dispensation could be granted to the three members who lived in Caxton End, but that the dispensation could be granted on the basis that it would fall automatically if the co-option of the new members altered the balance in the parish council so that more than fifty per cent of the members did not live in Caxton End. The dispensation would apply only in cases where more than fifty per cent of the members had a prejudicial interest in an item involving Caxton End, and if their withdrawal

from the meeting would render the meeting inquorate and prevent the council from carrying out its business. Alternatively, the dispensation could be for named members only and could be time-limited.

Mr Farrar arrived midway through discussion of this item and apologised for his late arrival due to his attendance at the Development and Conservation Control Committee meeting. He asked that his objection to the dispensation be recorded, as it was for individuals to decide whether or not they had a prejudicial interest to declare and that granting a dispensation in this instance would lead to further requests from other parish councils.

The Standards Committee, with six in favour and one against,

**AGREED**

(a) that a dispensation be granted to Eltisley Parish Councillors:

- Michael Cropley;
- David Lee;
- Roger Pinner; and
- Daphne Spink

from any item concerning Caxton End, Eltisley, the dispensation to:

- i) be in place initially for twelve months and then reviewed by the Standards Committee;
  - ii) fall if the co-option of new members alters the balance of the parish council so that the meeting does not become inquorate if these members must declare an interest and withdraw from the meeting; and
- (b) that the above-named Parish Councillors be required still to declare an interest in matters in which they have been granted this dispensation and to declare the existence of this dispensation.

### **3 (d) Case Tribunal reports and references made to Ethical Standards Officers**

The Deputy Monitoring Officer, conforming to the usual practice to give neither names nor details of local cases, reported that:

- An existing local investigation into a complaint made against a district councillor had been returned to the Ethical Standards Officer following allegations of potential interference;
- One complaint regarding a district councillor was currently with the Ethical Standards Officer;
- One new allegation about a district councillor had been received but the Standards Board had decided not to investigate and noted that, if the alleged incident had occurred, it was not a breach of the Code of Conduct;
- The Ethical Standards Officer's investigation into an allegation about a parish councillor was on hold as the original information provided was insufficient to proceed;
- The Ethical Standards Officer had decided not to investigate further following an allegation about a parish councillor; and
- Two local investigations into allegations made against parish councillors were underway: interviews had been conducted and a report to the Standards Committee was being prepared.

### **3 (e) Operation of National Codes of Conduct and other statutory functions of the Monitoring Officer**

Nothing to report.

### 3 (f) Operation of the Council's "whistle-blowing" policy

The Finance and Resources Director's letter to the Chairman, providing a progress update on the whistleblowing policy, was circulated and the Committee was pleased that the new policy would be ready for consideration at the Committee's August meeting. Mr Brindle apologised for being unable to attend the February meeting with Councillor Bryant and officers to begin the policy revision, and Councillor Bryant stated that the meeting had highlighted how much work was required to bring the existing policy up-to-date. The Deputy Monitoring Officer was providing legal advice on the Public Interest Disclosure Act to the officer group.

The Chairman noted that the policy was key to the way officers and members behaved in terms of personal and professional probity, and was a standing item on the Standards Committee agenda.

### 3 (g) The handling of complaints and investigations by the Ombudsman

The Chief Executive had agreed to refer to the Monitoring Officer any perceived breaches of the Code of Conduct found in the Ombudsman's report. There was nothing to report at this meeting as the Ombudsman's annual report had not yet been received.

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#### Information Items

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#### 4. APPOINTMENT OF A HEARING PANEL

The Standards Committee **NOTED** the appointment of the Hearing Panel for 15 May 2006.

#### 5. APPOINTMENTS TO THE PARISH COUNCIL AND INDEPENDENT MEMBER VACANCIES

The Democratic Services Officer reported that two residents had applied for the parish member vacancy: one according to the agreed procedures as sent to all Parish Clerks, and the other by e-mail. The second had been advised of the correct procedure, but had not yet responded. One resident had applied for the independent member vacancy, but had not yet completed the application form, and an advertisement for independent members would be included in the summer edition of *South Cambs Magazine*.

The appointment of parish members was detailed in the SCDC Constitution, Part 2, Article 9.02(d) as follows:

- The Parish Members shall be nominated by Parish Councils at their annual Parish Council meeting, 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 position will be filled by the Monitoring Officer drawing lots
- 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.

A letter had been sent to all Parish Councils in February 2006 advising of the vacancy and

asking that all applications be received by the Monitoring Officer by Wednesday 31 May 2006. In the event that a vote were required, all parish councils would be asked to return their voting slips by Friday 30 June 2006.

The Standards Committee

**AGREED** that all interested parties, even if they were unsuccessful in being appointed to the Standards Committee vacancies at this time, be invited to attend Committee meetings.

## 6. STANDARDS BOARD BULLETIN

The Standards Committee remarked positively on the latest edition of the Standards Board *Bulletin*, particularly with regards to the lead article providing guidance on the Code of Conduct. The Chairman reminded members that the Standards Committee had an important role to play and that, if it were considering a case, it was paramount to remember that real people and their reputations were involved and must be dealt with sympathetically within the regulations. The Committee asked that the *Bulletin* be distributed to all District Councillors via the SCDC Weekly Bulletin.

Members noted the forthcoming Fifth Annual Assembly of Standards Committees in Birmingham fro 16-17 October, and those who had already attended the conference in previous years commended it as a useful and informative event, but budget cuts at SCDC and ever-increasing attendance costs at the conference meant that only one member would be able to attend this year. The Chairman agreed to write to the Information and Customer Services Portfolio Holder and Finance and Resources Director for an increase to the budget to allow two or more Committee members to attend, along with the Monitoring Officer and a member of Management Team to show the Council's commitment to the ethical standards agenda. He proposed that attendees plan to stay for the first day only, without overnight accommodation or the evening meal, to save costs, and it was noted that officer attendance would come from a separate budget.

The Deputy Monitoring Officer had signed up to the new *Case Alert* bulletin and a link was put in the SCDC Weekly Bulletin.

## 7. DATE OF NEXT MEETING

The date of the next meeting was **NOTED**. Agenda items would include a report on training of Parish Clerks and Chairmen, the whistleblowing policy, and the introduction of the new parish and independent members.

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**Presentation and Mini-  
Training Session**

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## 8. STANDARDS BOARD DVD: "GOING LOCAL: INVESTIGATIONS AND HEARINGS"

Following the meeting the Committee watched the new Standards Board DVD, a copy of which would be made available to all District Councillors and officers upon request. The DVD was loaned to the Chairman of Council to seek her opinion on whether it should be broadcast before a meeting of the full Council.

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**The Meeting ended at 12.40 p.m.**

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