

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 11 March 2009.

PRESENT: Ms GJ Butcher (Independent Member) – Chairman
JG Williams (Independent Member) – Vice-Chairman

Members:	RF Bryant	Parish Member
	NN Cathcart	District Council Member, non-group
	Mrs SJO Doggett	District Council Member, Independent Group
	Mrs KM English	Independent Member
	Mr M Farrar	Parish Member
	R Hall	District Council Member, Conservative Group
	AC Hampton	Independent Member
	JL House	Independent Member
	Mrs JE Lockwood	District Council Member, Liberal Democrat Group
	Mrs CAED Murfitt	District Council Member, non-group
	AG Orgee	District Council Member, Conservative Group
	Mrs MS Pilfold-Allan	Independent Member
	Mr EM Revell	Independent Member
	Mr CF Tomsett	Parish Member
	Dr SEK van de Ven	District Council Member, Liberal Democrat Group
Officers:	Holly Adams	Democratic Services Officer
	Catriona Dunnett	Principal Solicitor
	Virginia Fu	Lawyer
	Fiona McMillan	Senior Lawyer and Deputy Monitoring Officer

Apologies for absence were received from Mr DC Kelleway and A Riley.

68. DECLARATIONS OF INTEREST

There were no declarations of interest.

69. MINUTES OF PREVIOUS MEETING

The Deputy Monitoring Officer noted the concern expressed by Councillor A Riley that he did not recollect the Standards Committee agreeing part (c) in minute 53:
Recommendation to Council to Amend Assessment Panel Procedure: "in order to assist his / her deliberations upon receipt of a complaint, the Monitoring Officer shall invite councillors to notify him / her in writing if they wished to be notified immediately if a complaint was made against them". She explained that Council had already agreed this resolution for incorporation into the Constitution, and that it allowed the Monitoring Officer an element of discretion, as there could be exceptional circumstances when it was not appropriate to inform a member about a complaint. The Standards Committee **CONFIRMED** that part (c) had been agreed at the previous meeting.

The Deputy Monitoring Officer undertook to advise all parish and district councillors that they should advise the Monitoring Officer immediately of their wishes with respect to notification of any complaints in the future.

The Chairman was authorised to sign as a correct record the minutes of the meeting held on 10 December 2008.

70. CHAIRMAN'S ANNOUNCEMENTS

The Chairman welcomed Mr Vince Coomber from the Forest Heath District Council Standards Committee, and welcomed the Democratic Services Officer upon her return from maternity leave. She thanked the previous Democratic Services Officer and members of the Assessment and Hearing Panels, and the Profile Sub-Committee, for their support and work since the new regulations came into effect.

The Chairman and Deputy Monitoring Officer would make a presentation to full Council on 21 May 2009 about the Standards Committee's work, progress over the past year and plans for the coming year, and invited all committee members to attend.

70 (a) Standards Committee Effectiveness: Self-Assessment

Members considered the draft self-assessment form produced by the Chairman as part of a series of self-assessments being undertaken by various committees. Responses received to the self-assessment would also help inform the Committee's first annual report to the Standards Board for England and would help establish benchmarks against which the Committee's progress could be measured in future years.

Members asked that the following amendments be incorporated:

- A box for "unable to comment" against some of the questions, as the newer members of the Committee had little or no background knowledge of the Committee's work before their appointment;
- A box for the type of member – independent, parish or district council – at the top of the form to see if different views were received; and
- Questions about working with the parish councils, which Councillor Dr SEK van de Ven undertook to forward to the Democratic Services Officer.

A similar questionnaire would be sent to parish councils in a future Standards Committee newsletter.

The Standards Committee **AGREED** that the amended questionnaire be issued by e-mail and that the information gathered be reported at a later meeting.

71. BARRINGTON PARISH COUNCIL: DISPENSATION REQUEST

The Standards Committee, at its meeting of 3 October 2002, granted a dispensation to the members of Barrington Parish Council from any items concerning Barrington Green, as the Green had been established as a charity of which the Parish Council was Custodian and Sole Trustee, therefore the Charity could exercise its power as a Trustee only through members of Barrington Parish Council. On 7 June 2007 the dispensation was extended for a further four years. Councillor David Whybrow was co-opted to Barrington Parish Council on 20 January 2009 and requested the same dispensation as his fellow councillors.

The Standards Committee **AGREED** to grant a dispensation in any matters concerning Barrington Green until May 2011, the duration of the current parish council, to Councillor David Whybrow of Barrington Parish Council, with the reminder that he is still to declare an interest in any matters concerning Barrington Green, and to declare that he has received a dispensation for this interest.

72. RAISING THE PROFILE OF THE STANDARDS COMMITTEE: PRELIMINARY REPORT OF THE PROFILE SUB-COMMITTEE

Mrs KM English, Chairman of the Profile Sub-Committee, presented the report of the Sub-Committee's research and findings. There had been little advice available from the Standards Board for England about raising the public profile of the Standards Committee and its role and responsibilities, but the Council's Communications Manager and consideration of examples from other councils had proven to be very helpful. Mrs English considered that the South Cambridgeshire District Council website was very impressive when compared to those of other authorities, with the complaints process being very easy to find, but it was confirmed that the majority of complaints received had been made directly to the Monitoring Officer in the first instance and not via the website.

Mrs English highlighted the Communications Manager's concerns that drawing too much attention to the Standards Committee would encourage an increased number of complaints, but the general view of the Committee was that it was essential to demonstrate to the public that complaints were dealt with rigorously and the process was fair and ran well. The Deputy Monitoring Officer drew attention to a recent MORI poll which showed that those authorities with high-profile Standards Committees also achieved the highest levels of public confidence in the standards of work done by the authority. The Council had a legal obligation to publicise its complaints procedure and members did not want to use a theoretical increase in complaints as an excuse not to promote the good work of the Committee and the good practise of the majority of councillors. Councillor NN Cathcart asked that any publicity for the Standards Committee emphasise that the Committee did not do anything to mitigate against robust, honest and vigorous debate.

South Cambs magazine was considered the best medium through which to raise the profile of the Standards Committee, as it had the largest circulation, was accessible to those without internet access and did not cost the Committee anything to use. Members queried why there could not be a regular *South Cambs magazine* feature on the Standards Committee and Mrs English explained that the Communications Manager would not accept similar articles from one issue to the next. Members generally supported a regular feature in the "About your Council" section explaining the role of the Committee and a six-monthly update of the Committee's work, including a summary of the complaints received and decisions made, all of which was already public information. Members felt that it was important to demonstrate to the public that a large percentage of the Committee was independent of the district and parish councils.

The Deputy Monitoring Officer confirmed that all Parish Councils also were required to publicise the complaints procedure and would include a reminder in the next Standards Committee newsletter.

The Standards Committee **AGREED** that

- (a) two pages be requested for an article in the summer edition of *South Cambs magazine*;
- (b) Councillor Mrs CAED Murfitt nominate a Standards Committee article at the 13 March 2009 meeting of the *South Cambs magazine* Editorial Group;
- (c) the Profile Sub-Committee agree the content of the article; and
- (d) progress be reviewed in twelve months' time.

73. 2009 ANNUAL ASSEMBLY OF STANDARDS COMMITTEES - BRINGING STANDARDS INTO FOCUS, 12-13 OCTOBER 2009

The Deputy Monitoring Officer explained that places could be reserved now, with a final

decision on attendees later. The Standards Committee had an annual budget of £15,000, which would be used for any external investigations or legal advice as well as assembly attendance. The Council's finance department had been contacted and explained that any underspend in the current year's budget would not be carried over to the 2009-10 financial year, nor could it be used to fund attendance at an assembly to be held during the following financial year, as all expenses had to relate to the year in which the service was received. The Committee acknowledged that it was difficult to judge how much of the budget should remain available in case any complaints were received which required external support, and at the same time noted the benefit to members of attending the assembly.

The Standards Committee **AGREED** to book four places for the 2009 Annual Assembly: one for an independent member, one for a parish council member, one for a district council member and one for the Chairman or Vice-Chairman, exact attendees to be determined once the programme of events has been published.

74. APPOINTMENT OF A DETERMINATION PANEL

The Deputy Monitoring Officer drew attention to the fact that the determination panel was being appointed under the 2003 regulations to consider the Ethical Standards Officer's report following investigation of a complaint made before the 2008 regulations came into effect. The decision taken on 9 March 2009 by the Standards Committee Hearing Panel, setting out the procedure for appointments to a determination panel, related to complaints received under the 2008 regulations.

The Standards Committee **AGREED** to appoint Mrs KM English, Councillor JE Lockwood and Mr EM Revell as a determination panel for a hearing on 15-16 April 2009, with the Chairman and Vice-Chairman of the Standards Committee as substitutes.

75. PROCEDURE FOR SELECTION OF MEMBERS OF A LOCAL DETERMINATION PANEL

The Standards Committee **NOTED** the procedure agreed by the Standards Committee Hearing Panel for the selection of members of a local determination panel.

76. STANDARDS BOARD BULLETIN - ISSUE 42 / TOWN AND PARISH STANDARD

The latest edition of the *Town and Parish Standard* was circulated and would be included in the 11 March 2009 Weekly Bulletin. The Deputy Monitoring Officer highlighted that:

- the new Standards Committee regulations, relating to joint Standards Committee and to those situations where the Standards Board for England (SBE) could step in and suspend a Standards Committee in a local authority, were expected to come into force in May 2009 and not April as previously expected. It was difficult to comment on these regulations, and whether or not they would be of any benefit to South Cambridgeshire, until they had been published;
- the Standards Committee would have to complete its first annual return to the SBE at the end of April and it was hoped that the SBE would highlight areas of good practice and set benchmarks against which the Committee could gauge its progress;
- the Council's insurance company assured the Deputy Monitoring Officer that the existing indemnification arrangements were sufficient, but officers would seek specific confirmation that this included co-opted members of the Standards Committee.

The Standards Committee **NOTED** the two publications from the Standards Board for

England.

77. NEW REGULATIONS ON ESTABLISHMENT OF JOINT STANDARDS COMMITTEES

It had been hoped that further information about the new regulations would have been published some time between the agenda publication and the date of the meeting, but there was not anything to report. Members were reminded that there could be an additional Standards Committee meeting scheduled if required to adopt the regulations.

78. ADJUDICATION PANEL FOR ENGLAND - APPEALS TRIBUNAL DECISION

The Standards Committee **NOTED** the Adjudication Panel for England appeals tribunal decision.

79. UPDATE FROM ASSESSMENT AND REVIEW PANELS

The Standards Committee **NOTED** that the Assessment and Review Panels had not had to meet in the past quarter, the first time this has happened since the introduction of the new regulations last May.

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

Parish Council Training

Although the previous Code of Conduct training had been well-received by those who attended, there had not been as much interest as hoped, so the scope of training had been extended to incorporate other issues of interest to parish councils, such as Freedom of Information, dealing with planning applications and communication with the District Council. The Cambridgeshire and Peterborough Association of Local Councils (CPALC) was fully engaged with the training process and the Chairman recommended that members of the Standards Committee try to attend at least one of the proposed training sessions.

The Committee felt that it was best not to charge for training, that it should be emphasised that the training would be beneficial to parish councillors and clerks, that refreshments would be welcomed, and that sessions should be arranged in local centres as well as at the Council Offices in Cambourne to encourage greater attendance.

Committee Training

Chairmanship training was recommended for all independent members, who would be required to chair the various committees, sub-committees and panels. The Deputy Monitoring Officer was investigating whether it would be cost-effective to provide in-house training.

81. FEEDBACK FROM PARISH COUNCILS

There had not been any feedback received from Parish Councils directly, but the Chairman thanked Councillors Mrs CAED Murfitt and Mrs SJO Doggett for organising visits to Guilden Morden and Fulbourn Parish Councils respectively, and read a thank you letter received from Guilden Morden Parish Council. The Chairman had attended both meetings and Mr JL House and Mrs KM English had attended one each. Both Parish Councils were happy to have the Chairman write a brief summary of these visits in the next Standards Committee newsletter and the Chairman encouraged all Committee members to attend parish council meetings whenever possible, as a very useful training exercise.

82. LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO ETHICAL STANDARDS OFFICERS

The Standards Committee Hearing Panel had met on 9 March 2009 and had considered two reports. In both cases it agreed with the findings of the Investigating Officer, in one case agreeing that there was no case to answer and in the other agreeing that there had been a breach of the Code of Conduct and that the matter was suitable for a local determination hearing. The determination hearing was likely to be held in public and members of the Standards Committee were welcome to attend. There would also be a public determination hearing on 15 April, possibly carrying over to 16 April, which members of the Standards Committee could also attend. The final case referred to in the Deputy Monitoring Officer's report was discussed at the end of the meeting following exclusion of the press and public.

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

The Principal Solicitor had visited Longstanton Parish Council to conduct an informal training session with councillors and the clerk. She had received positive feedback from the clerk afterwards and hoped that the training would provide long-term benefits to the parish council.

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

The Standards Committee expressed concern at the lack of items to report under this standing item, and queries were raised about the culture of the Council as an organisation. Members of the Standards Committee expressed regret at the perceived level of staff cynicism that complaints to the Standards Board for England would not produce any positive results and encouraged the Chairman to approach the Chief Executive again with proposals for ways officers could raise concerns.

The Deputy Monitoring Officer confirmed that there had been an internal review of the whistle-blowing policy, new posters promoting it had been placed around the building and all staff had received a reminder of the policy with a recent pay packet, so there was a good level of staff awareness.

The Standards Committee **NOTED** the recent work regarding the whistle-blowing policy and **REQUESTED** that a few lines about continuing work to raise its profile be included on all future agendas.

85. DATES OF QUARTERLY MEETINGS 2009-10

The Standards Committee **AGREED** its schedule of quarterly meetings for 2009-10 as follows:

- Wednesday 17 June 2009;
- Wednesday 16 September 2009;
- Wednesday 9 December 2009; and
- Wednesday 10 March 2010.

86. EXCLUSION OF PRESS AND PUBLIC

The Standards Committee **AGREED** that the press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(a)(4) of the Local Government Act 1972 (exempt information as defined in

paragraph 7c of Schedule 12A (as amended) of the Act).

87. ETHICAL STANDARDS OFFICER'S INVESTIGATION INTO ALLEGATIONS OF A FAILURE TO COMPLY WITH THE CODE OF CONDUCT (SBE 01730 - IR0R4): FINDING OF NO BREACH

The Standards Committee considered the Ethical Standards Officer's (ESO) report of her investigation into allegations that a district councillor had breached the Code of Conduct. The ESO concluded that there had not been a breach in respect of any of the allegations made. The report had been provided to members of the Standards Committee only "to assist them in the discharge of their functions...of monitoring, advising, training or arranging to train members on matters relating to the authority's code of conduct."

Members expressed concern about the staff reaction to the conclusions, noting that the full contents of the report would be seen only by the Subject Member and not by those officers who had given evidence, as a result of which the officers would not know how the ESO had reached her conclusion. They asked the Deputy Monitoring Officer to make representations to the ESO to ask that the report be disclosed to all those involved, otherwise staff would be left unsupported by the decision.

The Standards Committee **NOTED** the report and **CONFIRMED** that receipt of such reports proved very helpful as a training exercise.

The Meeting ended at 12.54 p.m.
