



## Standards Committee Second Annual Report to Council

27 May 2010  
[www.scambs.gov.uk/standards](http://www.scambs.gov.uk/standards)



## **1. PURPOSE OF THE REPORT**

### **1.1 The report:**

- (a) summarises the achievements of the Standards Committee during the 2009/10 civic year;
- (b) summarises how the Committee has developed in the past year; and
- (c) outlines the Committee's plans for 2010/11.

## **2. THE STANDARDS COMMITTEE**

### **2.1 Composition**

- 2.1.1 There have not been any changes to the size or membership of the Standards Committee during 2009/10, which remains at:
- eight District Council members, two each from the three recognised political groups and two non-group councillors;
  - seven independent (lay) members; and
  - four parish council members.
- 2.1.2 The wide membership of the Standards Committee has enabled continued success with maintaining the panels required for local authority assessment, investigation and consideration of complaints, ensuring that matters are dealt with by a quorate and fully-trained panel well within statutory deadlines.

## **3. LOCAL ASSESSMENTS**

- 3.1.1 From 1 April 2009-31 March 2010 the Standards Committee received 14 complaints. The guidance states that initial assessment of allegations should be made within an average of 20 working days. In 2009/10, the Local Assessment Panel achieved a rolling average of 10.4 working days to complete the initial assessment of these complaints, and all parties were notified of the decision within two working days.
- 3.1.2 Of the complaints received:
- 10 were about parish councillors and 4 were about district councillors;
  - 8 of the complaints were made by members of the public, 3 by parish councillors, 2 by officers or employees of district or parish councils, and 1 complaint was made by a district councillor;
  - 8 complaints were referred for local investigation (3 complaints involved allegations about the same parish councillor and the Local Assessment Panel referred these as one case for local investigation);
  - 3 complaints, all relating to the same incident involving one district councillor, were referred to Standards for England as one case; following an investigation it was held that the member had not breached the Code of Conduct in respect of any of the allegations
  - No further action was taken on 3 complaints.
- 3.1.3 Of the matters which progressed to an investigation, either local or by Standards for England:
- No breach of the Code of Conduct was found in two cases;
  - Breaches of the Code of Conduct were found in one case, which progressed to a public hearing in April 2010 at which the subject member was censured;
  - Two local investigations have just concluded and the final reports have been issued, but have yet to be received by the Standards Committee Hearing Panel (Consideration Meeting) and so the outcomes are not yet public;
  - The final reports from two further local investigations are scheduled for receipt by mid-June 2010.
- 3.1.4 All Standards Committees are required to make an annual return to Standards for England, the national regulatory body, but due to the general election, the summaries of the annual

returns were not published in time to compare local to national statistics.

## **4. ADDITIONAL WORK UNDERTAKEN BY THE STANDARDS COMMITTEE**

### **4.1 Parish Liaison Working Group**

4.1.1 Across South Cambs there are 90 Parish Councils, 10 Parish Meetings and 1 Community Council – diverse in their size, meeting practice, range of activity and the level of their community engagement – and hence in public perceptions. In discussions at the Standards Committee areas of local practice were often raised to illustrate particular points and the Committee became increasingly aware of the variation in approaches to some fundamental practices, some of which related to an awareness of, and adherence to, the Code of Conduct, and others to the extent to which good practice guidelines were followed. A wealth of information is available to support and guide both Parish Council Clerks and Councillors: the extent to which this is fully disseminated is uncertain.

4.1.2 The Standards Committee decided it was appropriate to investigate this area further, and established a Parish Liaison Working Group to explore approaches that may lead both to an informed understanding of concerns and practices across all Parish Councils, and also provide a means of highlighting good, effective practice. Following an initial meeting of the group, a questionnaire was designed and disseminated to all the parish councils to collect information to provide a coherent picture relating to:

- consideration of the Code of Conduct at Parish Council level, especially regarding declarations of interest;
- the extent to which meetings and related papers are made accessible to the public;
- the adoption of Standing Orders;
- the adoption of financial regulations;
- appropriate audit arrangements;
- consideration of 'good practice' checklists by all councillors;
- awareness and use of the 'Parish Council Toolkit'; and
- clerking arrangements.

4.1.3 The analysis of the information has begun and will inform the direction of future support and training.

4.1.4 In addition to the establishment of the Parish Liaison Working Group, the Standards Committee issued hard copies of the Parish Council Toolkit, a document published by the Association of Council Secretaries and Solicitors (ACSeS) in partnership with the Society of Local Council Clerks (SLCC), Standards for England, the National Association of Local Councils (NALC) and the Local Government Association (LGA), designed to help ensure good governance for Parish and Town Councils. The Toolkit is aimed at Parish Council clerks and brings together in one document all the relevant legislation; it is also a useful reference for parish councillors and those interested in becoming parish councillors, principal authorities wanting to establish parish councils, and Monitoring Officers.

4.1.5 The Parish Council Toolkit was accompanied by the Standards Committee's own Meeting Checklist, a self-administered 'health check' for clerks to ensure that they have met all the necessary legislative requirements for publishing agendas and minutes for public meetings.

### **4.2 Promotion of the Work of the Standards Committee**

4.2.1 The Standards Committee has published newsletters in Autumn 2009, Winter 2009/10 and Spring 2010, which are sent to all parish councils electronically and in hard copy, distributed to all district councillors and are made available on the Standards Committee website. These newsletters, recognised by Standards for England as an example of notable practice, aim to raise the Committee's profile locally, to keep all the parish councils aware of the work the we do and changes to the assessment process, and to provide guidance on the Code of Conduct, often with case studies from other authorities.

4.2.2 Articles about the Standards Committee have appeared in each quarterly issue of *South Cambs magazine*, introducing the committee and its work to residents, clarifying the roles of the council, independent and parish council representatives, setting out the public's rights to raise issues and emphasising that any complaints will be treated fairly and seriously by an impartial and fully-trained panel. Another article addressed the issue of the MPs' expenses scandal and the absence of a Code of Conduct for MPs, encouraging residents not to assume that all politicians are the same as district and parish councillors often work for little or no money and are bound to uphold the standards and ethics requirements of their Code of Conduct.

4.2.3 In November, the Chairman and Vice-Chairman held a seminar for officers in which they explained the role of the Standards Committee and what the procedure would be if an officer made a complaint about a breach of the Code of Conduct. They took the opportunity to seek officers' views both on the workings of the Standards Committee and on the Council's whistleblowing policy.

### **4.3 Parish Council Forum – autumn 2009**

4.3.1 Two Parish Forums were organised in conjunction with the Cambridgeshire and Peterborough Association of Local Councils (CPALC) to offer some training on some of the issues most relevant to parish councils, including:

- the changing role of parish councils;
- new power of wellbeing;
- capacity-building projects;
- parish council planning powers and potential problem areas;
- Code of Conduct and key areas of advice to parish councils; and
- Data Protection Act and Freedom of Information issues for parish councils.

4.3.2 These two-hour sessions, which took place on 23 September 2009 at South Cambridgeshire Hall in Cambourne and 8 October 2009 at Sawston, were relatively well attended and the feedback received had been extremely positive. The Legal Office received an increased number of follow-on queries about issues discussed at the Forum, a good indicator that parish councils were reviewing their working arrangements in light of what they had learned at the Forum. The Standards Committee intends that the Parish Forum become an annual event.

### **4.4 Standards Committee Workshops and Training Sessions**

4.4.1 Before or after each regularly-scheduled meeting, the Standards Committee holds a workshop or training session to maximise attendees' time and minimise travel requirements. Three workshops and one training session were held in 2009/10:

- 17 June 2009 – Identifying links between standards, governance and scrutiny: a joint workshop with members of the Scrutiny and Overview and Corporate Governance Committees, as recommended by the Audit Commission as an area for closer working relationships;
- 9 September 2009 – Being a councillor: an explanation of the similarities and differences in the roles, responsibilities and expectations of, and for, parish, district and county councillors, with presentations by members of the Committee;
- 9 December 2009 – Local Assessment: viewing and discussion of the latest training DVD from Standards for England; and
- 10 March 2010 – About SCDC: presentations from the Executive Director (Operational Services) and the Leader of Council on the Council's current position and its plans for the future.

### **4.5 Bringing Standards Into Focus: 8th National Annual Assembly of Standards Committees – October 2009**

4.5.1 For the first time authorities were able to pre-book of places at the popular annual assembly. Previous Chairman Ms Georgina J Butcher and Deputy Monitoring Officer Fiona McMillan were featured speakers at two of the break-out sessions, and three further

Committee members and one further officer attended what proved to be a useful and very informative assembly.

#### **4.6 Changes to Members' Allowances Scheme**

4.6.1 Arising from an issue raised that the Annual Assembly, the Standards Committee considered the effect on members' allowances of suspension or partial suspension and made recommendations to Council to incorporate into the Members' Allowances Scheme provision to withhold payment of public money to members who had been found in breach of the Code of Conduct to the extent that a suspension or partial suspension had been applied. The Chairman introduced the recommendations at the meeting of full Council, following Council's amendment to Standing Orders to allow the Standards Committee Chairman to present issues arising from that body, and the recommendations were approved.

#### **4.7 Changes to Article 9 – The Standards Committee**

4.7.1 Update on March 2010 decision, emphasising that these amendments are recommended to ensure that the Council has appropriate procedures in place to maintain a Standards Committee which merits the confidence of District and Parish Councillors and the residents of South Cambridgeshire.

#### **4.8 Meetings with Chief Executive, Chairman and Leader**

4.8.1 Continuing on from the programme of meeting with senior members and officers of the authority, the Chairman and Vice Chairman have had a number of useful meetings throughout the year with the Chief Executive, Chairman and Leader, and the Executive Director (Operational Services) and Leader addressed the Standards Committee after their March 2010 meeting.

#### **4.9 Whistleblowing Policy**

4.9.1 The Standards Committee continues to maintain a regular overview of the Council's Whistleblowing Policy, and will now receive an annual report from the Council's Internal Audit Manager on issues raised under the Whistleblowing Policy. This year the Standards Committee compared the authority's Whistleblowing Policy to those in use at neighbouring authorities and determined that the Policy was robust and fit for purpose.

### **5. NATIONAL RECOGNITION**

#### **5.1 Local standards; national perspectives (Standards for England Annual Review 2008/09)**

5.1.1 Standards for England's annual review of 2008/09, published in October 2009, twice identified SCDC as an example of notable practice:

- Communicating information to members: "[SCDC] ensures parish councils are kept informed via the Standards Committee Parish Council Newsletter"; and
- Communicating information to the public: "[SCDC]'s panel chairmen have received media training and advice on how to handle media enquiries."

#### **5.2 Assessing the impact of standards committees (October 2009)**

5.2.1 Standards for England commissioned the University of Hull and Teesside University Business School to investigate examples of notable practice in standards committees. SCDC was one of nine authorities selected as a case study following consultation with a Standards for England steering group and the researchers' own advisory panel. The researchers interviewed members of the Standards Committee and officers supporting the Standards Committee.

5.2.2 SCDC was singled out as an example of notable practice in the area of recruitment and retention, particularly of independent members. The Committee was also praised for its parish council engagement work, its identification of Key Performance Indicators for the Committee, and its mission statement and website, which was updated in 2009/10 to

include an on-line form for submission of Code of Conduct complaints.

- 5.2.3 The researchers specifically noted “It would be fair to report that South Cambridgeshire District Council has encountered more problems than any other authority in this research project, but it is equally fair to argue that few have done more in the last three years to tackle these issues. The one notable practice that we have looked at – recruitment of independent members – is inextricably linked with the other work that the standards committee had undertaken. Time will tell what effect this will have on public confidence and also on the levels of complaints that the authority receives, but it is unquestionable that the standards committee is working flat out to establish a proactive, preventative approach.”

### **5.3 Local Government Chronicle Standards and Ethics Award (March 2010)**

- 5.3.1 In September 2009 all local authorities were invited to submit entries to the 2010 Local Government Chronicle (LGC) awards, to which a Standards and Ethics category had been added in 2009. Although the Standards and Ethics category was sponsored by Standards for England, this award scheme was owned and run by the LGC. SCDC submitted an entry demonstrating the Committee’s work during the latter half of 2008/09 and the first half of 2009/10, and received notification in December 2009 that it was one of six authorities shortlisted. Chairman Kathy English, past Chairman Georgina Butcher and Deputy Monitoring Officer Fiona McMillan gave a presentation to the judging panel at the end of January 2010, highlighting the Committee’s development since its inception, its current work and its plans for the future.

## **6. PLANS FOR 2010/11**

### **6.1 New Code of Conduct for Local Government Members**

- 6.1.1 The Standards Committee responded to the Department for Communities and Local Government’s 2008 consultation on the proposed new Code of Conduct, publication of which was expected in spring 2009; however, no further information was published between 24 December 2008 and notification from Standards for England on 12 February 2010 that the new Code of Conduct for Members would not be laid during the current Parliamentary session, due to the Government concentrating on financial instruments. In practice this means that a new Code will not be laid until after the general election. The Standards Committee will review the new Code, once published, and make its recommendations to Council. The new Code of Conduct will not be a joint Code of Conduct for Members and Officers as originally proposed in the consultation documents: separate Codes will be published and no further information is available about the proposed Code for officers, which is expected to replace SCDC’s existing local Officers’ Code of Conduct with a national Code common to all local government officers.

### **6.2 Parish Council and Independent Member Recruitment – by July 2010**

- 6.2.1 The recruitment process has begun for a new parish council member, trying to take into consideration the different meeting schedules for the 90 parish councils, 1 community council and 10 parish meetings in South Cambridgeshire. At the same time, independent members Ms Georgina J Butcher and Mr Eric Revell have completed their four-year terms of appointment, but remain eligible for re-appointment, and an independent member recruitment process has begun.

### **6.3 Joint Working with East Cambridgeshire District Council**

- 6.3.1 Following publication of the Standards Committee (Further Provisions) (England) Regulations 2009, which made provisions for two or more local authorities to establish a joint standards committee to exercise functions under Part 3 of the Local Government Act 2000 and Part I of the Local Government and Housing Act 1989, SCDC and East Cambridgeshire District Council (ECDC) considered whether there was potential for joint working, concluding that the public hearings stage of the process was the area where SCDC was most likely to encounter difficulties finding committee members who were able to sit. A joint committee for public hearings would widen the pool of members from which a

panel could be drawn. Standards Committees from both authorities agreed to proceed with preparation of detailed terms of reference, setting out:

- the functions to be discharged by the joint committee;
- provisions for administrative arrangements, including meeting procedure, a protocol setting out the role of each authority's monitoring officer, and the financial arrangements to be adopted by the joint committee;
- specification for committee size, appointments and terms of office;
- provisions, if any, for payment of allowances to members of the joint committee; and
- provision for procedures for either authority to withdraw from the joint committee.

6.3.2 The Standards Committee agreed to proceed with establishing a joint committee to discharge the public hearings function. The organisational basis for how a complaint would be dealt with would be based on which district the complaint concerned; therefore, if a complaint were about a SCDC district or parish councillor then the SCDC Monitoring Officer and Democratic Services Officer would process the administrative side of the complaint and SCDC would bear the cost of any hearing, and vice versa if it were a complaint about an ECDC district or parish councillor.

6.3.3 Progress continues, having been delayed due to organisational matters at ECDC, and it is hoped that a final proposal will be brought to the Standards Committee and full Council for approval during the 2010/11 civic year.

#### **6.4 Web-based Code of Conduct and other relevant training modules for councillors and parish clerks**

6.4.1 Originally scheduled for consideration in 2009/10, this was deferred pending re-organisation of the SCDC IT section. Further developments will be dictated by the emerging Member Development Strategy for District Councillors and the responses received to the Parish Liaison Working Group's parish council questionnaire.

#### **6.5 A place for standards: 2010 Annual Assembly of Standards Committees – October 2010**

6.5.1 Five places have been allocated for Standards Committee members and officers to attend the Annual Assembly of Standards Committees. The advance programme was published in early May 2010, and members and officers are awaiting further details, including confirmation of whether any South Cambridgeshire representatives will be asked to present sessions as they have in previous years.

#### **6.6 Standards for England 'Risk Rating'**

6.6.1 In early 2010 Monitoring Officers were advised that Standards for England, in its new regulatory role, would be adopting a risk-based approach to its work, assessing risks in its area of regulation and applying its resources accordingly to keep risks low. Three main types of risk have been identified:

- Systemic risk – risk which could lead to a widespread failing in the work of the framework or in standards across all authorities
- Sectoral risk – risk which could lead to a failing in standards in a number of similar authorities
- Entity risk – risk of a serious standards failure affecting one of the authorities covered by the local standards framework

6.6.2 Standards for England will assess these risks and target its efforts at those activities, situations or authorities which pose the biggest risk, to help ensure that, as an organisation, it provides value for money. One outcome will be prioritisation of its interaction with authorities on the basis of their risk assessment of the likelihood and impact of any failure of standards in that authority. Relationship managers will be appointed and it is envisaged that 30-40 authorities will receive the highest level of contact and a further 100-120 at an intermediate level. Authorities assessed to be at the lowest level of risk will be in contact with Standards for England only as they go about their routine business in operating the

local standards framework and quarterly monitoring; authorities at an intermediate level might be contacted by their relationship managers on a six-monthly basis; those at the highest level would be contacted or visited more frequently as deemed appropriate.

6.6.3 This 'risk rating' system will be tested and consulted on over a six-month period during 2010. It is anticipated that SCDC will be rated automatically as an intermediate risk because of the high number of parish councils in the District.

## **6.7 Standards for England and Audit Commission Memorandum of Understanding**

6.7.1 Standards for England has signed a new Memorandum of Understanding with the Audit Commission, which will see the two organisations agreeing to share information on ethical standards in local authorities. The Memorandum will allow Standards for England and the Audit Commission to share information with one another where they are of the view this might help either organisation to fulfil its functions. This may include the sharing of reports and findings, as well as information on prior or current involvement with relevant authorities.

6.7.2 The Audit Commission can also alert Standards for England if it uncovers a potential breach of the Code of Conduct during the course of its work, while Standards for England can share information, gathered as part of an investigation, which may be useful to the Audit Commission – such as evidence relating to financial management or governance.

6.7.3 It is unlikely that the Memorandum of Understanding will generate additional work for the Standards Committee, but this development means that the work of the Standards Committee will help form part of the Council's Comprehensive Area Assessment (CAA) score.

## **7. CONCLUSION**

7.1.1 It has been a privilege to chair the Standards Committee this year. While the statutory regime is by no means perfect, I have been most impressed by the way the Committee and its officers have worked as a team to ensure that complaints are dealt with in a manner that is fair to all concerned. We have also made significant headway in the difficult tasks of making the public aware of the standards that their Councillors are expected to meet and in disseminating advice to our numerous Parish Councils.

7.1.2 SCDC's inclusion as one of the six Council's shortlisted for the Local Government Chronicle award has been most encouraging, as has the drastic fall in the number of complaints received about District Councillors.

7.1.3 I should like to thank the members of the Committee, the Deputy Monitoring Officer and the Democratic Services officers for their enthusiasm and commitment throughout the year.

Mrs KM English  
Chairman, Standards Committee