

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 19 January 2011 at 10.00 a.m.

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

Members:	Diane Best	Independent Member
	Alan Brett	Parish Member
	Bob Bryant	Parish Member
	Nigel Cathcart	District Council Member, non-group
	Michael Farrar	Parish Member
	Roger Hall	District Council Member, Conservative Group
	John House	Independent Member
	Janet Lockwood	District Council Member, Liberal Democrat Group
	Cicely Murfitt	District Council Member, non-group
	Tony Orgee	District Council Member, Conservative Group
	Raith Overhill	Independent Member
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Independent Group
	Jim Stewart	District Council Member, Liberal Democrat Group
Officers:	Holly Adams	Democratic Services Team Leader
	Claire Dillon	Member Services Officer
	Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Apologies for absence were received from Councillor Mary Pilfold-Allan, Chris Tomsett and James Williams.

39. DECLARATIONS OF INTEREST

None.

40. MINUTES OF PREVIOUS MEETINGS

The Chairman signed the minutes of the meetings held on 15 September and 4 October 2010 as correct records.

41. CHAIRMAN'S ADDRESS

The Chairman welcomed Alan Brett, Parish Council Member, to his first meeting. She thanked all members for their continued interest in the Committee and noted that the most important item on the agenda was to address the question of the future of standards in South Cambridgeshire.

42. 2010/11 APPOINTMENTS TO STANDARDS COMMITTEE PANELS

On the proposal of Councillor Alex Riley, seconded by Councillor Cicely Murfitt, the Standards Committee **AGREED** to appoint Alan Brett to the Standards Committee Hearing Panel for the remainder of the 2010/11 municipal year.

43. FUTURE OF STANDARDS

The Deputy Monitoring Officer presented her report on the future of standards following the publication of the Localism Bill on 13 December 2010. The Bill was still in its first stage and substantial changes could be made before it became law sometime in late 2011 or early 2012. The Deputy Monitoring Officer highlighted that:

- the Bill was not as detailed as anticipated, so much uncertainty remained;
- it would be up to each Council to determine how it would fulfil its continuing responsibility to promote and maintain high standards of conduct;
- the Standards Committee would retain its responsibilities for granting dispensations to councillors;
- responsibility for granting exemptions to officers in politically restricted roles would be transferred from the Standards Committee to the Head of Paid Service;
- the provisions were unclear about the future role of district councils in respect of their responsibility for the training and monitoring of parish council standards;
- the responsibility of District Council officers for ensuring the correct registration of interests would be significant; and
- the Association of Council Secretaries and Solicitors (ACSeS) was planning to work with the Local Government Association (LGA) to draft a national model Code of Conduct to ensure consistency.

The Deputy Monitoring Officer also brought to the Committee's attention the recent misreporting in the national press of advice from the Council's legal team, purported to be guidance on predisposition and bias when it was instead a briefing note to members on Code of Conduct case examples taken to the extreme. The Department for Communities and Local Government (CLG) had repeated the misreporting as fact and the Leader was urging the District's Members of Parliament to ask the CLG to correct its publications and not keep restating an error.

Possibility of Criminal Prosecution

The Committee felt that the proposals to criminalise a failure to register interests properly would deter candidates from standing for election, and the removal of all but the very least of the sanctions available to a Standards Committee left too great a dichotomy of outcomes for addressing misconduct. Investigating allegations of local authority misconduct would increase the burden on police forces.

Local Code of Conduct and Local Standards Regime

The Committee welcomed the broad thrust of the proposals to remove the overly-bureaucratic administration of standards complaints, but the Standards Committee would be without "teeth" if all it could do was recommend training or mediation, or censure a member. The Council's existing Member / Officer Working Relations Protocol included an informal procedure for bringing parties together for a moderated discussion whenever problems were identified, and it was acknowledged that such informal discussions were common at all authorities and generally seen to be effective. The Committee also noted the role of the political groups in addressing misconduct in any of their members, and that the Council's standing orders had always allowed the full Council to remove a member from any committees or sub-committees (similar to a partial suspension under the current standards framework).

The Committee felt that it was necessary to have a Code of Conduct and a Standards Committee in place to provide guidance to councillors about the ethical standards requirements of their role, especially when the consequences of failure to adhere to these could include criminal prosecution, and to discharge the Council's responsibility to promote and maintain high standards of conduct. The Committee also felt that a local

Code should make specific prohibition of bullying, which the Localism Bill had not addressed, and should be clear about the definition of interests and the requirements to register and declare them properly. Any local Code of Conduct would require Council's agreement to be adopted.

The Committee supported the Deputy Monitoring Officer's offer to volunteer to serve on the national working group drafting a model Code of Conduct.

Responsibility for Parish Councils

The Bill was not clear whether or not the same requirements would exist for parish as for district councillors, particularly in respect of the possibility of prosecution for failure to register interests. Parish councils already struggled to find enough candidates to require an election, and the possibility of a criminal investigation would discourage potential councillors. The Council's legal team advised on at least one parish council standards-related matter every week, so there remained a potentially large number of issues if the District Council continued to be responsible for parish council standards.

The Bill suggested that parish councils could appoint their own Monitoring Officer and the Committee felt that this could create a great inconsistency of advice across the District, and might not be a role a resident would readily accept if the quality of their advice could lead to a councillor being investigated by the police for failing to register an interest properly.

Future of Standards Working Group

The Committee supported the establishment of a working group to look in detail at the future of standards at South Cambridgeshire, and welcomed the Chief Executive's involvement. The composition of the group and appointments would be made at the 9 March 2011 Standards Committee meeting, by which time it was hoped that further detail on the Bill would have been published.

The Standards Committee **AGREED** to make representations to the Government on the Localism Bill proposals for abolition of the standards regime, noting specifically that:

- the Standards Committee welcomes the broad principles to remove the overly-bureaucratic regime for responding to complaints; however, it has serious concerns that there will be too great a dichotomy between the few sanctions remaining to a Standards Committee and criminal prosecution as the only means of dealing with complaints of misconduct. The Standards Committee believes that the legislation should include a middle ground to reassure the public that allegations were taken seriously and addressed proportionately without placing an undue burden on police resources;
- the Standards Committee feels that the possibility of facing criminal charges for failing to register an interest correctly will discourage candidates from standing for election. The legislation must set out clearly the definitions of interests and the rules for their registration, considering the seriousness of the charges which could result from a failure to follow the proper process; and
- the Standards Committee unanimously supports the adoption of a Code of Conduct at South Cambridgeshire District Council and is in favour of the plan suggested by the Association of Council Secretaries and Solicitors (ACSeS) to work in conjunction with the Local Government Association (LGA) to draft a model Code of Conduct which authorities could decide to adopt to give more consistency across the country.

The Standards Committee further **AGREED** to establish a working party on the Future of Standards at its next meeting, once further detail on the Localism Bill had been received.

44. CROXTON PARISH COUNCIL: APPLICATIONS FOR DISPENSATIONS

The Democratic Services Team Leader presented the report on a request for dispensations from two members of Croxton Parish Council and updated the Committee on the recent resignation of one of the parish councillors who sought a dispensation. On the proposal of Councillor Cicely Murfitt, seconded by Councillor Tony Orgee, the Standards Committee **AGREED** to grant a dispensation until May 2014, the duration of the current Parish Council, to Croxton Parish Councillor Nathan Alec Spencer with the reminder that he is still to declare an interest in any matters concerning High Street by stating "I declare an interest as a resident of High Street, for which I have been granted a dispensation by the Standards Committee".

45. CROYDON PARISH COUNCIL: APPLICATIONS FOR DISPENSATIONS

The Standards Committee had deferred a decision on this item at its September 2010 meeting, pending receipt of further information from Croydon Parish Council about how often meetings were rendered inquorate due to personal and prejudicial interests. The Democratic Services Team Leader updated the Committee that the Parish Council had been unable to identify specific examples, but had made representations that theirs was a small village where the parish councillors were very likely to know all the residents personally. The Committee considered that the Parish Council was responding to the Standards Committee's advice, and the advice of their County Councillor, to apply for dispensations and noted that the dispensations would apply only in specific circumstances where 50% or more of the Parish Council would otherwise have been unable to participate.

On the proposal of Councillor Alex Riley, seconded by Councillor Bob Bryant, the Standards Committee **AGREED** to grant dispensations until May 2012, the duration of the current Parish Council, to Croydon Parish Councillors Colin Friend, Tim Hancock, Michelle Hunter, Paul Martin, Susan Slator, Frank Sole and Garth Wheeler with the reminder that they:

- (a) must declare an interest in all specific planning matters in which they have a declarable interest;
 - (b) must declare the nature of that interest;
 - (c) must declare that they have received a dispensation for that interest;
- the dispensation to be effective only in situations where 50% or more of the Parish Council would otherwise be unable to participate.

46. STANDARDS COMMITTEE 2011/12 MEETING SCHEDULE

On the proposal of Councillor Roger Hall, seconded by Councillor Tony Orgee, the Standards Committee **AGREED** to meet on the following dates and times for 2010-11, in keeping with the Standards Committee's usual practice of quarterly meetings on the second or third Wednesday of the month, where these meetings do not conflict with other Council meetings:

- Wednesday 8 June 2011 at 10 am (first available date after Annual General Meeting of Council)
- Wednesday 14 September 2011 at 10 am
- Wednesday 14 December 2011 at 10 am
- Wednesday 14 March 2012 at 10 am

The Standards Committee **NOTED** that extraordinary meetings may be scheduled if required.

47. UPDATE FROM ASSESSMENT AND REVIEW PANELS

Nothing to report: neither body had met since the last Standards Committee meeting.

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

The Standards Committee received the list of information and guidance sent to district and parish councillors since the last meeting. The Deputy Monitoring Officer explained that the plans for parish council training, which the District Council and the Cambridgeshire and Peterborough Association of Local Councils (CPALC) would have offered jointly, had not been progressed because the Localism Bill was still unclear on what future responsibility the Standards Committee, and the District Council, would have for parish councils. The Committee acknowledged that it would be difficult to motivate people to attend training due to the current uncertainty about the future of standards.

The Committee **NOTED** the information.

49. FEEDBACK FROM PARISH LIAISON WORKING GROUP

The Working Group had not met since the last Standards Committee meeting. The next Standards Committee Newsletter would seek the views of parish councils about whether or not they expected to adopt a Code of Conduct and, if so, whether or not they would continue to report to the District Council Monitoring Officer or appoint a Monitoring Officer of their own.

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

The Committee **NOTED** the update on local investigations and hearings.

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

The Committee received an update on a Cambridgeshire County Council case where the subject member had failed to attend a training session as required by the County's Assessment Panel. The Committee noted that assessment panels could include in a decision to take other action repercussions should the subject member fail to do so. Councillor Tony Orgee stated that, in respect of another case concerning the same subject member, that member had been suspended by his local political group for six months.

The Committee **NOTED** the update.

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

The Deputy Monitoring Officer explained that the Council's Internal Auditors were undertaking an audit of corporate governance arrangements, specifically Standards Committee terms of reference and procedures, the Whistle-blowing Policy and the Registers of Staff and Members' Interests. In response to a question, she confirmed that staff were aware of the Whistle-blowing Policy, but generally felt that they were unlikely to need it.

The Committee **NOTED** the update.

53. DATE OF NEXT MEETING

NOTED.

The Meeting ended at 11.24 a.m.
