

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

---

**REPORT TO:** Council

21 July 2011

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services Manager

---

### APPOINTMENT TO THE STANDARDS COMMITTEE 2011-[?]2015

#### Purpose

1. To seek Council's co-optation of independent<sup>1</sup> and parish council members to the Standards Committee for up to four years.
2. This is not a key decision but has been brought to Council because only the full Council may co-opt members onto the Standards Committee.

#### Recommendations

3. That Council:
  - (a) co-opt Mrs Kathleen English and Mr James Williams to the Standards Committee for a further term of up to four years as independent members; and
  - (b) co-opt Councillors Rick Bristow of Cottenham Parish Council and Simon Martin of Teversham Parish Council to the Standards Committee for a term of up to four years as parish council members.

#### Reasons for Recommendations

4. It is a legislative requirement that at least 25% of the seats on the Standards Committee be filled by co-opted independent (lay) members. Both Mrs English and Mr Williams are happy to continue and, as their original appointments in 2007 were carried out in accordance with the correct legal requirements at the time and they are both currently within their original term, Council can extend that appointment by a further term without having to undertake a further appointments exercise.
5. It is also a legislative requirement that the Standards Committee establish wholly separate panels to undertake the initial assessment of allegations and the review of any allegations for which the initial assessment was to take no further action, and it is also mandatory that a parish council member be present whenever parish council matters are under consideration. The Standards Committee must therefore have at least two parish council members, one to sit on each body.
6. Given the large number of parish councils within South Cambridgeshire, the significant number of allegations about the conduct of parish councillors, and the danger of the Committee being rendered unable to determine any matters if one or both parish council members is unavailable or has / have a conflict of interest, the Committee would run more efficiently with a larger number of parish council representatives.

---

<sup>1</sup> "Independent" in this context means simply a person who is not a member or officer of the Council or of any parish council within South Cambridgeshire or any other local authority. It has no connotation with political independence from any party or political group.

## **Background**

7. The Localism Bill will bring about significant changes to the Standards regime, and before the end of the 2011/12 civic year, Council will have to determine its own local arrangements for discharging its responsibility to uphold high standards of conduct, including whether or not to continue with a Standards Committee and, if so, its composition and how appointments will be made. Until the Localism Bill becomes law, however, the existing arrangements must continue and Council is being asked to make appointments for *up to* four years, four years being the term length for all current Standards Committee members.

### **Independent Members**

8. In August 2010, Standards for England issued guidance in its Bulletin about the re-appointment of independent members in light of the uncertain future for the Standards regime, and local authorities are required to have regard to any guidance from Standards for England. This guidance states: "In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again."
9. Mrs Kathleen English and Mr James Williams are both within their existing terms, which expire on 16 August 2011, and both have stated that they would be happy to continue to serve. Mrs English has been Chairman of the Standards Committee since 2009 and co-presented the Standards Committee's application in London when South Cambridgeshire was shortlisted for the Local Government Chronicle 2010 Award for Standards and Ethics. Mr Williams has served one year as Standards Committee Vice-Chairman and two years as Chairman of the Review Panel.
10. Both Mrs English and Mr Williams were co-opted following an appointment and interview process led by an appointments panel of the Standards Committee, and the vacancies for which they applied originally had been advertised in the local press.

### **Parish Council Members**

11. On 14 April 2011, following a parish council member's resignation from the Standards Committee, Council moved to prevent the Standards Committee from being rendered inquorate and, after consultation with South Cambridgeshire parish councils, agreed to reduce the number of parish council members on the Standards Committee from "at least three" to "at least two", the minimum possible allowed in terms of the legislation.
12. On 3 June 2011 one of the two remaining parish council members resigned from the Standards Committee and the committee became inquorate and unable to discharge its responsibilities. The process for the appointment of parish council members is set out in Article 9 of the Council's Constitution as follows:
  - 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 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.

13. Four nominations were received by the deadline of Friday 17 June 2011 and ballots were issued to all South Cambridgeshire Parish and Community Councils. Thirty ballots were received by the election deadline of noon on Friday 8 July 2011. The Executive Director (Corporate Services), on behalf of the Monitoring Officer, counted the ballots and announced the results:

- Rick Bristow, Cottenham Parish Council – 14 votes
- Kate Heydon, Cottenham Parish Council – 5 votes
- Simon Martin, Teversham Parish Council – 8 votes
- Ian Storr, Hardwick Parish Council – 3 votes

### **Considerations**

14. Almost all allegations made to the Standards Committee over the past three years have been about parish councillors, requiring at least one parish council member to be present at every committee and panel meeting. When a conflict of interest arises, as can happen when matters relating to nearby parishes are on the agenda, it has proven challenging to re-schedule a meeting.
15. Standards for England has advised that the Council cannot co-opt temporarily a member of a Standards Committee of a neighbouring authority, nor can it refer matters to another authority without first having adopted joint arrangements. This Council had been working towards joint arrangements with East Cambridgeshire, but this project ceased when it was announced in May 2010 that the Standards regime would be abolished.
16. It would be practical for Council to co-opt at least two of the candidates who sought the parish council member vacancy, to increase the pool of members from which to draw panels. The personal statements submitted by the two candidates who received the highest number of votes are attached at **Appendix A**.

### **Options**

#### **Independent Members**

17. To undertake a new appointments exercise before co-opting to the independent member positions on the Standards Committee. This would incur additional costs, as the Council is required by law to publish a notice in at least one local newspaper, at a time when the future of Standards locally is yet to be determined. The last such advertisement cost £918 plus VAT to run once.

#### **Parish Council Members**

18. To co-opt only Councillor Rick Bristow, who received the highest number of votes from the parish councils, bringing the total number of parish council members to two. This could leave the Standards Committee at risk of again becoming inquorate or unable to discharge its responsibilities due to a conflict of interests.

19. To co-opt two, three or all four parish councillors who sought appointment on the Standards Committee. If all four parish councillors were appointed, the Standards Committee would be comprised of 21 members, of whom more than 25% would be independent members, meeting the statutory requirements, but also becoming the largest Committee of this authority after full Council.

### Implications

20. Financial	There has been no increase to the co-optees' allowance levels since 2008/09: £276 per annum for independent members, to recognise the legislative requirement that independent members must serve as chairmen of the Standards Committee and all its panels, and £220 per annum for parish council members.
Legal	Standards Committees are required by law to be comprised of at least 25% independent members, to have two separate panels established for the initial assessment of allegations and for the review of initial assessment decisions when no further action was to be taken, and to have at least one parish council member present whenever parish council matters were being discussed.
Staffing	None.
Risk Management	If the Standards Committee should be rendered inquorate again due to a resignation, the Council will have to undertake another recruitment exercise and will be unable to determine any matters arising until such time as a co-option is made to fill any vacancies.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No. Not applicable.
Climate Change	None.

### Consultations

21. Consultations have been undertaken with:
- (a) Mrs Kathleen English and Mr James Williams, independent members;
  - (b) Councillors Rick Bristow and Simon Martin, prospective parish council members;
  - (c) South Cambridgeshire Parish Councils; and
  - (d) Standards for England.
22. Councillors Bristow and Martin accept the recommendation that Council co-opt both of them to ensure that the Standards Committee does not risk becoming inquorate. [There have been no objections raised by South Cambridgeshire Parish Councils to this proposal.]

### Consultation with Children and Young People

23. None.

## **Effect on Strategic Aims**

24. Commitment to being a listening council, providing first class services accessible to all: the Standards Committee has a responsibility to respond to allegations made about the conduct of district and parish councillors. It also has a responsibility to provide guidance and advice on matters relating to ethical standards, and many of its members have accepted invitations to visit and speak to parish councils across the District.
25. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: the Council has a responsibility to uphold high standards of ethical conduct. The Committee also receives requests for dispensations from interests which could otherwise prevent district or parish councillors from taking part in decisions about important local matters, such as the development and maintenance of village facilities. (Dispensations can be granted only if certain criteria are met.)
26. Commitment to providing a voice for rural life: The work of parish councils is done by volunteers and, particularly in rural communities, it is usually the same volunteers who also give their time to other community groups. Parish council members on the Standards Committee represent the hundreds of parish councillors within South Cambridgeshire, ensuring that parish councils' and parish councillors' views are heard when decisions are made. Independent members represent the 'man on the street' and are co-opted on behalf of all South Cambridgeshire residents.

## **Conclusions / Summary**

27. Co-option is a decision reserved to full Council. There will be significant changes in the next year; Council is asked to ensure that, until that time, the Standards Committee will continue to operate efficiently and discharge its responsibilities fairly and in a timely manner.

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

Local Government Act 2000

Local Government and Public Involvement in Health Act 2007

SCDC Constitution, Part 2, Article 9 – The Standards Committee

Council agenda and minutes, 24 May 2007, 18 October 2007 and 14 April 2011

Standards for England Bulletin 48 – August 2010

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