

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Notes of a meeting of the Future of Standards Working Group held on
Monday, 16 May 2011 at 1.30 p.m.

PRESENT: Kathy English Michael Farrar
Janet Lockwood Cicely Murfitt
Tony Orgee Eric Revell
Alex Riley

Officers: Holly Adams Fiona McMillan
Philly Sewell

1. ELECTION OF CHAIRMAN

It was **AGREED** that Kathy English be elected Chairman.

2. DECLARATIONS OF INTEREST

None.

3. FUTURE OF STANDARDS WORKING GROUP: TERMS OF REFERENCE

It was **agreed** that the point (i) should be amended to read: "*whether the district council should adopt a local code of conduct...*" and the 1 April 2012 ending date be removed from the final paragraph.

4. FUTURE OF STANDARDS

The District Council, Parish Councils and Standards Framework

It was generally thought that parish councils would not adequately manage their affairs if given sole responsibility, as the commitment from members and workload for clerks was believed to be too much. Feedback from the Cabinet / Parish Council Liaison forum showed that clerks were strongly against undertaking the responsibility involved to administer and advise on a standards framework and that most parish councils did not want their own framework.

One parish council had queried whether, if it adopted its own Code of Conduct, the District Council would agree to undertake the administration and Monitoring Officer role. Officers had felt that this could lead to a logistical nightmare not only for those having to administer, advise on and monitor different Codes of Conduct and standards frameworks, but also for dual-hatted members trying to operate under two different Codes.

Those parish councils who had wanted to pay for cases only when issues arose likely would be shocked at the cost. Other authorities had estimated that administrative costs averaged £150 per case from receipt of an allegation to the conclusion of the local assessment stage. A retainer fee was thought to be a sensible approach.

Parish councils could struggle with the administration of cases and, in the absence of any other bodies to support the parishes, it was likely that the District Council would still receive requests for help and advice even from those parish councils which opted out of a common Code and framework, or from members of the public with concerns about a parish council which was operating under its own procedures.

The extent to which the District Council would provide standards-related services to parish

councils would be for full Council to determine, as would the level of fees, if any. These would not be decisions to be taken lightly.

The Working Group's view was that parish councils would benefit from continued SCDC support, if a common Code of Conduct and standards framework were adopted and parish councils given the option to sign up, the SCDC website would include a list of those parish councils who were participating.

Local Code of Conduct and Standards Framework

The Council would have to decide how it would discharge its duty to uphold and maintain high standards of conduct. Cambridgeshire County Council had initiated discussion with the Heads of Legal Services at all Cambridgeshire authorities about adopting a county-wide Code of Conduct. Not all Heads of Legal Services were yet at a stage in discussions with their councillors to be able to answer on behalf of their authority. The complexity and resources required to administer a county-wide framework would be an issue.

The existing Code of Conduct would remain in place at least until 2012. It had been suggested at a Monitoring Officer conference that the simplest option would be for councils to choose to adopt as their local Code the first part of the current Code (paragraphs 1-7) and the Nolan Principles, with the paragraphs relating to declarations of interest being replaced by new legislation.

Council would also have to consider what the public perception would be if it chose not to adopt a Code of Conduct. It was felt that adopting a Code of Conduct would be more likely to be welcomed by councillors if the associated framework for dealing with breaches were more palatable, as many councillors felt that natural justice was not being served. A local framework would address the lack of opportunities for the subject member to have input at the assessment stage, and could include opportunities for conciliation at the start of the process.

The Future of Standards Working Group would review how cases had been handled under the local procedures to assess what could be done in the future to ensure an efficient and consistent process which would be seen to be fair and open, and which could be supported by councillors and the public.

Standards Committee Composition

If Council chose to abolish the Standards Committee and make its responsibilities part of another committee, such as Corporate Governance Committee, the political proportionality rules would take effect and this would not be acceptable to many councillors. There was value in having independent representation, and it gave the public confidence in the process. All professional bodies involved independent members on their standards (or equivalent) boards, as they brought a sense of objectivity. The removal of voting rights for co-opted members was a legislative matter and Council could not overrule the legislation to give co-opted members a vote; however, the Standards Committee had always operated by consensus and had never had to determine matters by a vote.

Localism Bill

The current version did not make any reference to the Monitoring Officer's responsibility for maintaining councillors' registers of interest. The third reading was being undertaken in the week commencing 16 May 2011, but nothing about Standards appeared to have been debated during the Committee Stage.

Conclusions

The Working Group agreed that officers should not progress a local Code of Conduct and Standards Framework until the national and / or county picture was clearer, as the Council

should not invest resources in a project which could be superseded.

It was agreed that a report be made to Council once more information was available and that all timescales be removed from the Working Group's work programme.

5. DATE OF NEXT MEETING

Officers to arrange once more information was available.

The Meeting ended at 2.30 p.m.
