

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on
Wednesday, 9 March 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
Michael Farrar	Parish Member
Roger Hall	District Council Member, Conservative Group
John House	Independent Member
Cicely Murfitt	District Council Member, non-group
Raith Overhill	Independent Member
Eric Revell	Independent Member
Alex Riley	District Council Member, Independent Group
James Williams	Independent Member

Officers:

Holly Adams	Democratic Services Team Leader
Virginia Lloyd	Lawyer
Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Apologies for absence were received from Councillor Nigel Cathcart, Janet Lockwood, Tony Orgee, Mary Pilfold-Allan, Jim Stewart and Chris Tomsett.

54. DECLARATIONS OF INTEREST

None declared.

55. MINUTES OF PREVIOUS MEETING

The Chairman signed the minutes of the 19 January 2011 meeting as a correct record.

The Deputy Monitoring Officer updated members on the following items:

- The local Members of Parliament had acknowledged receipt of the Standards Committee's representations on the Localism Bill, but there had not been any response from the Department for Communities and Local Government (CLG) nor the Secretary of State;
- The CLG had not republished the erroneous statement about the District Council's advice on matters of predetermination and bias, but it had continued to be reported elsewhere. The Deputy Monitoring Officer undertook to learn whether or not the Leader had asked the CLG to withdraw its previous statement;
- The Deputy Monitoring Officer's offer to serve on a joint working party to develop a national model code of conduct had been premature, as the group had yet to be established, but her offer would be kept in mind.

56. CHAIRMAN'S ADDRESS

The Chairman paid tribute to Bob Bryant, at his last meeting before retirement and thanked him for all his hard work and input over the years, both as a parish member of the Committee and previously as one of the inaugural district council member of the Committee. She also thanked all committee members for their continuing interest and

input in standards, which was much appreciated especially at a time of significant change. Members were reminded that the next Standards Committee meeting would be the first meeting of the 2011/12 civic year at which a new Chairman would be elected, and that all 2010/11 travel and expense claims should be submitted before 30 April 2011.

57. HAUXTON PARISH COUNCIL: REQUEST FOR DISPENSATION

Four of the seven members of Hauxton Parish Council were members of the Hauxton Parish Plan Steering Group, which was seeking funding from the Parish Council for the printing of a questionnaire and of the final report of the parish plan project, due for completion within eighteen months. Two of the four members seeking dispensations had been nominated by the Parish Council to serve on the Steering Group, in agreement with recommendations for parish council representation on parish plan steering groups.

The Standards Committee **AGREED** to grant eighteen-month dispensations, to begin 6 April 2011, to Hauxton Parish Councillors Susan Cook, Alan Hooper, Owen Patman and Jane Ward with the reminder that they are still to declare an interest in any matters concerning the Hauxton Parish Plan Steering Group by stating "I declare a personal interest as a member [or Chairman, in the case of Councillor Hooper] of the Hauxton Parish Plan Steering Group, for which I have been granted a dispensation by the Standards Committee".

58. ANNUAL STANDARDS COMMITTEE REPORT TO COUNCIL 2011

The draft of the third annual report to Council was considered, to which further details about the future of Standards would be added to reflect work undertaken by the Standards Committee between March and May 2011. Members commended the report and asked that the following details be included:

- the 'other action' taken in relation to one of the standards cases;
- the Committee's visits to Parish Councils;
- the Future of Standards Working Group; and
- the Chairman and Vice-Chairman attending the 29 March 2011 Cabinet / Parish Council Liaison meeting to speak about the future of standards in South Cambridgeshire.

The Standards Committee **ADOPTED** the Annual Report to Council subject to amendments to be made to reflect work undertaken by the Committee between this meeting and the Council Annual General Meeting on 26 May 2011, such amendments to be circulated to all members prior to publication.

59. FUTURE OF STANDARDS

The Standards Committee considered recent publications concerning the future of standards, with the 19 January 2011 committee report for information as not much had changed since that meeting. The Deputy Monitoring Officer drew attention to the fact that:

- the Impact Assessment from the Department for Communities and Local Government (CLG) assumed that local authorities would retain some aspects of the standards framework, although it was not clear which aspects the CLG considered "valuable" for retention;
- there was no clear demonstration of the savings which could be made from establishment of a local protocol and administrative framework, but the Standards Committee's existing £15,000 budget had been agreed for 2011/12;
- the Future of Standards Working Group would need cross-party acceptance of any proposals for the future of standards;
- the unpopularity of the standards regime was not unique to any one party, and that

- this was largely due to the bureaucracy and the amount of time it took to finalise cases, particularly when the framework was first introduced;
- it appeared that there was acceptance locally that standards of conduct had greatly improved in recent years and there was a high risk of an impact on Council performance if this changed;
 - the CLG was proposing to monitor ethical standards regimes in local authorities once the Localism Bill had been enacted;
 - the existing legal position on issues of predetermination and bias had been reiterated in the Localism Bill, but not actually changed from the existing common law position.

Members supported the establishment of a Future of Standards Working Group and agreed its composition. There were particular concerns expressed about the lack of voting rights for co-opted independent and parish council members if the Localism Bill were not amended, and the Chairman confirmed that she had made representations personally to the Public Bill Committee considering the Localism Bill to retain voting rights for co-opted members. Although it was accepted that a national model code of conduct, to which local issues could be added if thought appropriate, was the ideal, the Committee acknowledged that development of such a code and accompanying framework for regulating it could take many months and might not be complete before the current regime ended in April 2012, therefore work should begin immediately on a local code and procedures.

The Chairman and Vice-Chairman reported that they had had a very positive and productive meeting with the Chief Executive, who supported the continuation of some form of a standards framework and of the Standards Committee, and had been positive that this would receive the support of local councillors. The Chief Executive would be involved with the Future of Standards Working Group as an ex officio member.

The Standards Committee **AGREED**

- (a) to make representations to the Local Government Association (LGA) urging that body to lead development of a national model code of conduct;
- (b) to establish a Future of Standards Working Group to report to the Standards Committee, with the intention of the Committee making recommendations to Council on the following:
 - (i) whether the district council should adopt of a local code of conduct and associated administrative framework, including a framework for the handling of complaints;
 - (ii) possible wording for a local code of conduct;
 - (iii) a possible framework for the administration of the code of conduct including handling of complaints;
 - (iv) the future of the Standards Committee, including its role and composition, and whether any or all of its work should be assigned to another Council body; and
 - (v) whether or not the district council will continue to have responsibility for parish council matters, even if not obliged to by law, if requested by parish councils; and
- (c) to make the following appointments to the Future of Standards Working Group:
 - Councillor Nigel Cathcart – Labour Group;
 - Mrs Kathleen English – independent co-opted member and Standards Committee Chairman;
 - Michael Farrar – parish council co-opted member;
 - Councillor Janet Lockwood or Councillor Jim Stewart – Liberal Democrat Group [confirmed after the meeting as Councillor Janet Lockwood];
 - Councillor Cicely Murfitt – independent non-group;

- Councillor Tony Orgee (substitute Councillor Roger Hall) – Conservative Group;
- Eric Revell – independent co-opted member; and
- Councillor Alex Riley – Independent Group.

It was further **AGREED** that the Future of Standards Working Group would finalise its Terms of Reference at its first meeting.

60. UPDATE FROM ASSESSMENT AND REVIEW PANELS

There had been one case assessed since the previous Standards Committee meeting. Members discussed generally the requirement for councillors to declare details of their pensions. The Deputy Monitoring Officer advised that each case would have to be considered independently.

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

It was **NOTED** that there had not been as great an emphasis on training, as it was unlikely that many councillors would be motivated to attend training when there remained so much uncertainty about the future of standards. The Chairman asked members to let her have ideas for future Committee training to be held after meetings.

62. FEEDBACK FROM PARISH LIAISON WORKING GROUP

Nothing to report.

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

The report was **NOTED** and the Committee acknowledged that the cost of publishing notices in local newspapers would be saved if this requirement were dropped. In future it would be sufficient to post a notice on the council's website rather than incur costs publishing externally.

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

Nothing to report which had not already been discussed earlier in the meeting.

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

The Corporate Governance audit, reported at the previous Standards Committee meeting, had now been finalised and the Council had been given a green light for the work of the Standards Committee and for its whistle-blowing policy.

66. DATE OF NEXT MEETING

NOTED.

The Meeting ended at 11.35 a.m.
