

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of a meeting of the Standards Committee held on Thursday, 5 April 2012 at 2.00 p.m.

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

Members:	Diane Best	Independent Member
	Rick Bristow	Parish Council Member
	Michael Farrar	Parish Council Member
	Roger Hall	District Council Member, Conservative Group
	Janet Lockwood	District Council Member, Liberal Democrat Group
	Simon Martin	Parish Council Member
	Cicely Murfitt	District Council Member, non-group
	Tony Orgee	District Council Member, Conservative Group
	Raith Overhill	Independent Member
	Mary Pilfold-Allan	Independent Member
	Eric Revell	Independent Member
	Jim Stewart	District Council Member, Liberal Democrat Group

Officers:	Holly Adams	Democratic Services Team Leader
	Maggie Jennings	Democratic Services Officer
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer

Apologies for absence were received from John House, Alex Riley and James Williams.

34. DECLARATIONS OF INTEREST

None.

35. MINUTES OF PREVIOUS MEETINGS

The Chairman signed the Minutes of the meetings held on 14 December 2011 and 14 March 2012 as correct records.

36. CHAIRMAN'S ADDRESS

The Chairman thanked Michael Farrar, parish council member, for his nearly seven years of service on the Standards Committee, and offered the Committee's best wishes for his retirement.

37. COTON PARISH COUNCIL: REQUEST FOR DISPENSATION

Coton Parish Councillor David Cairns had applied for a dispensation from interests in matters concerning Coton Recreation Ground Trust, of which the Parish Council was the sole Trustee, and the functions of which could be exercised only through parish councillors. All other members of Coton Parish Council had applied for and received dispensations from this interest, and the Standards Committee had previously advised Coton Parish Council that any newly elected or co-opted parish councillors should apply for dispensations upon election or co-option.

The Standards Committee **AGREED** to grant a dispensation until 30 June 2012 to Coton Parish Councillor David Cairns, with the reminder that he was still to declare an interest in any matters concerning Coton Recreation Ground Trust, and to declare that he has received a dispensation for that interest.

38. FUTURE OF STANDARDS (LOCALISM ACT 2011)

The Monitoring Officer updated the Committee on the future of standards and the Committee considered the first drafts of the Cambridgeshire Councils Model Code of Conduct and a local assessment procedure.

Code of Conduct

The Localism Act required authorities to adopt a Code of Conduct, which must include the seven Nolan Principles of Public Life, and requirements for the registration and declaration of interests. Regulations defining the new categories of interest had yet to be published. The Localism Act used different wording for the Nolan Principles than that published in the original 2001 Order, and Councils were required to use the Localism Act wording.

The Heads of Legal Services from the Cambridgeshire authorities, including the Fire Authority and the Cambridgeshire and Peterborough Association of Local Councils (CAPALC) had drafted a model Code of Conduct. The aim of the Cambridgeshire Code was so all authorities operated under the same principles, to minimise confusion, particularly for dual- or triple-hatted members. The Cambridgeshire Code incorporated much of the previous Code of Conduct, which would support councillors and Monitoring Officers who could continue to refer to previous Standards for England guidance. The Standards Committee, having compared the draft Cambridgeshire Code with the draft Local Government Association (LGA) / Association for Council Secretaries and Solicitors (ACSeS) Code, preferred the Cambridgeshire Code for its precision.

Local Assessment Procedure

A draft local assessment procedure and flow chart were considered. It was confirmed by the parish council members that parish councils preferred to administer complaints made about their councillors, and agreed that the local assessment procedure would include a requirement that complaints made about parish councillors should be addressed to the parish council under their complaints process in the first instance. A complaint about a parish councillor would be considered by the District Council only once local avenues had been exhausted, in a similar manner to the operation of the Local Government Ombudsman.

The Monitoring Officer undertook to contact CAPALC about circulating to parish councils changes to standing orders which would establish a model local complaints process and how they would work in partnership with the District Council when matters had to be elevated.

Concern was expressed at the proposed amount of delegated responsibility to be placed on the Monitoring Officer to assess complaints following the new streamlined approach to assessment of complaints, as there was no longer a statutory requirement to have separate Assessment, Review and Hearings sub-committees. The first draft of an assessment procedure ensured that the view of the Independent Person would be sought and taken into account at the earliest possible stage in the process, but the final decision would ultimately rest with the Monitoring Officer, which could lead to undue pressure on that role. The Independent Person's views would also be sought on whether to grant a request for anonymity, as it could prove impossible for a subject member to respond to an anonymous allegation.

The draft assessment process allowed the Monitoring Officer to vary the procedure at his/her discretion, including the response times for the different stages. A protocol for the Monitoring Officer to follow would also be adopted to run alongside the draft assessment procedure.

The Standards Committee:

- (a) **NOTED** the first draft of a procedure for complaints under the new Code of Conduct which may be subject to further amendments before a finalised version was recommended for adoption;
- (b) **ENDORSED** the proposal to delegate to the Monitoring Officer the responsibility of undertaking a joint exercise to recruit an Independent Person(s) with the other councils in Cambridgeshire, subject to the approval of Full Council;
- (c) **NOTED** that transitional provisions were likely to be made to ensure that existing Independent Members were eligible to apply for the position of Independent Person(s) at South Cambridgeshire District Council;
- (d) **INDICATED** that it preferred the draft Cambridgeshire Councils Model Code of Conduct to the Local Government Association Model Code of Conduct;
- (e) **PROVISIONALLY APPROVED** the draft Cambridgeshire Model Code as the version of the Council's new Code of Conduct for Elected Members that would be recommended to Full Council subject to a further report/amendments once the Code has been issued in its final format;
- (f) **NOTED** that a further report would be brought to a future meeting once the Regulations were published;
- (g) **NOTED** that it might be necessary to convene a special meeting of Full Council to comply with the statutory timescales; and
- (h) **AGREED** that an additional meeting of Standards Committee be held on Thursday 10 May to enable recommendations to Council be able to be made.

39. UPDATE FROM ASSESSMENT AND REVIEW PANELS

The Chairman of the Local Assessment Panel had nothing to report. One request for review had been received and this would be considered on 10 May after the Standards Committee meeting.

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

Training would be a key issue for the new Standards Committee, in particular ensuring that all councillors understood the requirements about declaration and registration of interests, and the consequences of failing to do this properly. Training could not be made compulsory, but councillors needed to know that it was in their own best interests to understand the new provisions. Guidance notes would be available on the District Council website for those unable to attend any training events.

The Committee **NOTED** the advice circulated.

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

Two external investigations were currently underway and the Standards Committee would receive the investigation reports in due course.

The details of investigations and hearings were **NOTED**.

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

Nothing to report.

43. DATE OF NEXT MEETING

The next meeting would be on Thursday 10 May 2012 at 10 am in the Swansley Room.

The Meeting ended at 3.40 p.m.
