



SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

COUNCIL MEETING
THURSDAY, 26 JULY 2012

AGENDA AND REPORTS

South Cambridgeshire Hall
Cambourne Business Park
Cambourne, Cambridge
CB23 6EA

OUR VISION

South Cambridgeshire will continue to be the best place to live and work in the country. Our district will demonstrate impressive and sustainable economic growth. Our residents will have a superb quality of life in an exceptionally beautiful, rural and green environment. The Council will be recognised as consistently innovative and a high performer with a track record of delivering value for money by focussing on the priorities, needs and aspirations of our residents, parishes and businesses.

OUR VALUES

We will demonstrate our corporate values in all our actions. These are:

- Trust
- Mutual respect
- A commitment to improving services
- Customer service

The law allows Councils to consider a limited range of issues in private session without members of the Press and public being present. Typically, such issues relate to personal details, financial and business affairs, legal privilege and so on. In every case, the public interest in excluding the Press and Public from the meeting room must outweigh the public interest in having the information disclosed to them. The following statement will be proposed, seconded and voted upon.

"I propose that the Press and public be excluded from the meeting during the consideration of the following item number(s) in accordance with Section 100(A) (4) of the Local Government Act 1972 on the grounds that, if present, there would be disclosure to them of exempt information as defined in paragraph(s) of Part 1 of Schedule 12A of the Act (as amended)."

If exempt (confidential) information has been provided as part of the agenda, the Press and public will not be able to view it. There will be an explanation on the website however as to why the information is exempt.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

TO: The Chairman and Members of the
South Cambridgeshire District Council

NOTICE IS HEREBY GIVEN that the next meeting of the **COUNCIL** will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at **2.00 P.M.** on

THURSDAY, 26 JULY 2012

and I am, therefore to summon you to attend accordingly for the transaction of the business specified below.

DATED Wednesday 18 July 2012

JEAN HUNTER
Chief Executive

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you.

AGENDA

PRESENTATIONS

The Chairman will present a 25 year Long Service Award to Dawn Graham who will reach this milestone on the same day as the meeting.

The Chairman will present to the Environmental Services Portfolio Holder the Municipal Journal 2012 Excellence in Democratic Services award, for which the District Council had been highly commended.

1. APOLOGIES

2. DECLARATIONS OF INTEREST

3. MINUTES

To authorise the Chairman to sign the Minutes of the meeting held on the 24 May 2012 and the Minutes of the LDF Council meeting on 29 June 2012 as correct records.

(Pages 1 - 26)

4. ANNOUNCEMENTS

To receive any announcements from the Chairman, Leader, the executive or the head of paid service.

5. PETITIONS

To note that a petition in support of a public swimming pool at Cambourne has received over 200 signatures and will be received at the next meeting of Council.

TO CONSIDER THE FOLLOWING ITEMS RELATING TO THE LOCALISM ACT 2011

6 (a) ESTABLISHMENT OF, AND APPOINTMENTS TO, CIVIC AFFAIRS COMMITTEE

This item has been discussed by the Council's Standards Committee and the Constitution Review Working Group. Their recommendations have been incorporated in the attached report.

The report

RECOMMENDS TO COUNCIL that

- (a) A Civic Affairs Committee of 13 members be established and its terms of reference agreed;
- (b) That the Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee be disestablished;
- (c) That the Constitution be updated accordingly to reflect the changes outlined in the appendices to this report; and
- (d) Council agrees the membership of the committee and appoints a Chairman and Vice-Chairman.

(Pages 27 - 36)

6 (b) Code of Conduct 2012 and Complaints Procedure

The recommended code has been considered by Standards Committee and an amended version was approved and recommended to Council by the Constitution Review Working Party. The attached report:

RECOMMENDS that the Council

- (a) adopts the Code of Conduct attached as Appendix A.
- (b) approves the Complaints Procedure Flowchart attached as Appendix B
- (c) approves the Code of Conduct Complaints procedure attached as Appendix C

(Pages 37 - 54)

6 (c) Declaration of Interests and Dispensations (Key)

The attached report **RECOMMENDS** that Council:

- (a) delegates the power to grant a dispensation to the Monitoring Officer (in consultation with the Chairman of the Civic Affairs Committee and the Independent Person) with all dispensations granted to be reported back to the Civic Affairs Committee; and
- (b) Approves the dispensations procedure attached at Appendix A

(Pages 55 - 64)

6 (d) Appointment of an Independent Person (Key)

The attached report **RECOMMENDS** that Council

- (a) appoint one Independent Person and one Deputy Independent Person as per the recommendations made by the interviewing panel to Council; and
- (b) agree an annual allowance of £1000 for the lead Independent Person and an annual allowance of £500 for the deputy Independent Person, in addition to travelling expenses

(NB. the nominations will be distributed to members shortly before the council meeting once interviews have been completed).

(Pages 65 - 68)

TO CONSIDER RECOMMENDATIONS FROM THE CONSTITUTION REVIEW WORKING PARTY 10 JULY 2012

7 (a) Amendment to Executive Procedure Rules (Constitution Review Working Group 10 July 2012)

The Constitution Review Working Party

RECOMMENDED TO COUNCIL That Executive Procedure Rule 3.1 be amended as follows, in order to allow greater flexibility in terms of scheduling formal meetings:

Individual Portfolio Holders will normally hold meetings in accordance with schedules which co-ordinate with the work programme for that Portfolio. Dates for such meetings should, wherever possible, be agreed in advance for the Civic Year. Portfolio Holder meetings shall be held in public, in accordance with the provisions of procedure rules 1.3 and 1.6 above, **DELETE at least on a quarterly basis.**

7 (b) Amendments to Contract Regulations (Constitution Review Working Group, 10 July 2012)

The Constitution Review Working Group

RECOMMENDED TO COUNCIL That the changes to Contract Regulations set out in Appendix A in the report be approved, subject to the replacement of “shall” with “must” in sections 5.3-5.4.

7 (c) Amendments to Standing Orders (Constitution Review Working Group, 10 July 2012)

The Constitution Review Working Group

RECOMMENDED TO COUNCIL That the following changes to the Council Standing Orders be agreed.

Annual Council Meeting

- (a) 1.1(b) (vi) Receive any announcements from the Chairman, **(add) Leader of the Council** and / or Head of Paid Service
- (b) 1.1(b) (viii) appoint up to **five (delete four)** substitute members per committee from each political group in a hierarchical list to all committees and sub-committees other than the standards committee (*this reference to the Standards Committee will be deleted, subject to agreement of the recommendations in respect of the Civic Affairs Committee set out above*)
- (c) 1.1(b) (xii) receive the Leader of Major Opposition Group’s **written Annual Statement on his/her Group’s priorities for action and objectives for the**

forthcoming municipal year

Selection of Councillors on Committees and Outside Bodies

- (d) **1.2 (vi) (the council meeting will) appoint the Chairmen and Vice-Chairmen of the committees established under Standing Order 1.2(a)(i) above.**

Notice of Motions

- (e) 12.1(a) (Notices of Motion)...must be delivered to the proper officer not later than **seven (delete six)** working days before the date of the meeting.
- (f) 12.1(b) (Motions for the removal of the Leader from office etc)...must be delivered to the proper officer not later than **seven (delete six)** working days before the date of the meeting.

Point of Order, Point of information, Personal explanation

- (g) 14.12 A member may raise a point of order at any time **(add) by standing and stating 'Point of Order'**.
- (h) 14.13 A member may raise a point of information at any time **(add) by standing and stating 'Point of Information'**.
- (i) 14.14 A member may make a personal explanation at any time **(add) by standing and stating 'Personal explanation'**

TO CONSIDER OTHER RECOMMENDATIONS

8 (a) Annual Review of the Risk Management Strategy (Corporate Governance Committee, 29 June 2012)

The Corporate Governance Committee

RECOMMENDED THAT COUNCIL Endorse the Risk Management Strategy and note the Strategic Risk Register.

Please find a link to the [Risk Management report](#) of the Corporate Governance Committee on 29 June 2012.

8 (b) Procurement Strategy (Finance and Staffing Portfolio Holder)

The Finance and Staffing Portfolio Holder

RECOMMENDED The proposed changes to Contract Regulations, as set out in Appendix C of the report.

Please find a link to the [contract regulations](#), appendix C to the Procurement Strategy report, which went to the Finance and Staffing Portfolio Holder.

9. APPOINTMENT TO THE PLANNING COMMITTEE

Council is invited to receive the nomination of the Conservative Group to the Planning Committee following the resignation of Councillor Mervyn Loynes.

10. CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements since the last Council meeting will be circulated at the meeting.

GUIDANCE NOTES FOR VISITORS TO SOUTH CAMBRIDGESHIRE HALL

While the District Council endeavours to ensure that visitors come to no harm when visiting South Cambridgeshire Hall, those visitors also have a responsibility to make sure that they do not risk their own or others' safety.

Security

Members of the public attending meetings in non-public areas of the Council offices must report to Reception, sign in, and at all times wear the Visitor badges issued. Before leaving the building, such visitors must sign out and return their Visitor badges to Reception.

Emergency and Evacuation

In the event of a fire, a continuous alarm will sound. Evacuate the building using the nearest escape route; from the Council Chamber or Mezzanine viewing gallery this would be via the staircase just outside the door. Go to the assembly point at the far side of the staff car park.

- **Do not** use the lifts to exit the building. If you are unable to negotiate stairs by yourself, the emergency staircase landings are provided with fire refuge areas, which afford protection for a minimum of 1.5 hours. Press the alarm button and wait for assistance from the Council fire wardens or the fire brigade.
- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

First Aid

If someone feels unwell or needs first aid, please alert a member of staff.

Access for People with Disabilities

The Council is committed to improving, for all members of the community, access to its agendas and minutes. We try to take all circumstances into account but, if you have any specific needs, please let us know, and we will do what we can to help you. All meeting rooms are accessible to wheelchair users. There are disabled toilet facilities on each floor of the building. Infra-red hearing assistance systems are available in the Council Chamber and viewing gallery. To use these, you must sit in sight of the infra-red transmitter and wear a 'neck loop', which can be used with a hearing aid switched to the 'T' position. If your hearing aid does not have the 'T' position facility then earphones are also available and can be used independently. You can obtain both neck loops and earphones from Reception.

Toilets

Public toilets are available on each floor of the building next to the lifts.

Recording of Business and Use of Mobile Phones

The Council is committed to openness and transparency. The Council and all its committees, sub-committees or any other sub-group of the Council or the Executive have the ability to formally suspend Standing Order 21.4 (prohibition of recording of business) upon request to enable the recording of business, including any audio / visual or photographic recording in any format.

Use of social media during meetings is permitted to bring Council issues to a wider audience. To minimise disturbance to others attending the meeting, all attendees and visitors are asked to make sure that their phones and other mobile devices are set on silent / vibrate mode during meetings.

Banners, Placards and similar items

No member of the public shall be allowed to bring into or display at any Council meeting any banner, placard, poster or other similar item. The Chairman may require any such item to be removed.

Disturbance by Public

If a member of the public interrupts proceedings, the Chairman will warn the person concerned. If they continue to interrupt, the Chairman will order their removal from the meeting room. If there is a general disturbance in any part of the meeting room open to the public, the Chairman may call for that part to be cleared.

Smoking

Since 1 July 2008, the Council has operated a Smoke Free Policy. Visitors are not allowed to smoke at any time within the Council offices, or in the car park or other grounds forming part of those offices.

Food and Drink

Vending machines and a water dispenser are available on the ground floor near the lifts at the front of the building. Visitors are not allowed to bring food or drink into the meeting room.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

Minutes of the Annual General Meeting of the Council held on
Thursday, 24 May 2012 at 2.00 p.m.

PRESENT: David Bard, Richard Barrett, Val Barrett, Trisha Bear, Francis Burkitt, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Neil Davies, Simon Edwards, Alison Elcox, Sue Ellington, Jose Hales, Roger Hall, Lynda Harford, Sally Hatton, Tumi Hawkins, Mark Hersom, Roger Hickford, James Hockney, Mark Howell, Clayton Hudson, Caroline Hunt, Pauline Jarvis, Peter Johnson, Sebastian Kindersley, Douglas de Lacey, Janet Lockwood, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, David McCraith, Cicely Murfitt, Tony Orgee, Ted Ridgway Watt, Alex Riley, Deborah Roberts, Neil Scarr, Ben Shelton, Bridget Smith, Hazel Smith, Surinder Soond, Jim Stewart, Edd Stonham, Robert Turner, Bunty Waters, David Whiteman-Downes, John Williams, Tim Wotherspoon and Nick Wright

Officers:	Holly Adams	Democratic Services Team Leader
	Alex Colyer	Executive Director, Corporate Services
	Jean Hunter	Chief Executive
	Fiona McMillan	Legal & Democratic Services Manager and Monitoring Officer

Apologies for absence were received from Councillors Brian Burling, Steve Harangozo, Charles Nightingale, Robin Page and Peter Topping.

PRESENTATIONS

The Chairman presented £500 cheques to Lucy Day, Arthur Rank Hospice; Beccy Turner, East Anglia Children's Hospice (EACH); and Jo Hill, Help for Heroes, his three chosen charities for 2011/12. The charities' representatives addressed the Council about the work of their organisations, and thanked councillors and officers for their support.

The Chairman also presented to the Housing Portfolio Holder the Municipal Journal 2012 Achievement Award for Most Transformed Property Portfolio, for which the District Council had been commended.

1. ELECTION OF CHAIRMAN 2012/13

On the nomination of Councillor Ray Manning, seconded by Councillor Cicely Murfitt, and there being no further nominations, it was **RESOLVED** that Councillor Tony Orgee be re-elected Chairman of the Council for the 2012/13 civic year.

Councillor Orgee signed the acceptance of office. He said that he was honoured to continue to represent the Council as Chairman and that it was his privilege to see so much good work in many different areas of the District. He confirmed that he would continue to support Arthur Rank Hospice, East Anglia Children's Hospice (EACH) and Help for Heroes as his charities in 2012/13.

2. APPOINTMENT OF VICE-CHAIRMAN OF THE COUNCIL 2012/13

On the nomination of Councillor Ray Manning, seconded by Councillor Simon Edwards, and there being no further nominations, Council **RESOLVED** that Councillor David Bard be re-appointed Vice-Chairman of the Council for the 2012/13 civic year.

Councillor Bard signed the acceptance of office and thanked Council. He said that he

looked forward to supporting the Chairman during 2012/13, particularly at the special Council meetings relating to the Local Plan.

3. **DECLARATIONS OF INTEREST**

No declarations of interest were declared.

4. **MINUTES**

The Chairman signed the 26 April 2012 Council meeting minutes as a correct record.

5. **REPORT OF THE RETURNING OFFICER**

The Returning Officer's report was **NOTED** and Councillors Neil Davies, Roger Hickford and Robin Page were welcomed to the Council. The Chairman congratulated all returning councillors who were re-elected.

6. **ELECTION OF LEADER OF COUNCIL 2012-2016**

On the nomination of Councillor Robert Turner, seconded by Councillor Francis Burkitt, and there being no further nominations, Council **RESOLVED** that Councillor Ray Manning be re-elected Leader of the Council, to serve a term of office ending on the date of the Annual Council Meeting following the date of his normal retirement as a Councillor, the relevant date of retirement to follow the Local Elections in 2016.

Councillor Manning thanked Council for his re-election and signed the acceptance of office. He also thanked all former members of Cabinet who had served in the past year, and announced his new Cabinet:

Councillor Simon Edwards, Deputy Leader and Finance and Staffing Portfolio Holder

Councillor Pippa Corney, Planning Policy and Localism Portfolio Holder

Councillor James Hockney, Corporate and Customer Services Portfolio Holder

Councillor Sue Ellington, Environmental Services Portfolio Holder

Councillor Mark Howell, Housing Portfolio Holder

Councillor Tim Wotherspoon, Northstowe Portfolio Holder

Councillor Nick Wright, Planning and Economic Development Portfolio Holder

Councillors Corney and Hockney then joined the Cabinet at the front of the Chamber.

Council **NOTED** the names of the members appointed by the Leader to the Cabinet, their names and their Portfolios, along with the Leader of the Council's Scheme of Delegation of Executive Functions.

7. **ANNOUNCEMENTS**

Councillor Sebastian Kindersley, Major Opposition Group Leader, at the invitation of the Chairman, paid tribute to former Councillor John Batchelor for his years of service to South Cambridgeshire residents. The Chairman confirmed that he had written a letter of thanks to Mr Batchelor on behalf of the authority, noting that former Councillors Heazell and Mason had received tributes from fellow councillors at their final meeting prior to their retirement.

8. SIZE, TERMS OF REFERENCE & APPOINTMENTS TO COMMITTEES, JOINT COMMITTEES AND WORKING GROUPS 2012/13

Councillor, at its 22 September 2011 meeting, had agreed a procedure for annual appointments on the recommendation of the political group leaders. The group leaders had met on 14 May 2012 and their recommendations were presented to Council.

Councillor Ray Manning proposed, seconded by Councillor Simon Edwards, that Standing Order 1.1(a)(viii) be amended to allow each political group to nominate up to five, rather than four, substitute members in a hierarchical list. Names of additional substitutes would be confirmed by Council at its 26 July 2012 meeting.

On the proposal of Councillor Ray Manning, seconded by Councillor Simon Edwards, Council **RESOLVED**

- (a) to revoke its decision of 22 May 2008 that “every non-Executive Member of the Council shall be afforded the opportunity to sit on at least one of the following Council bodies:
- (a) Planning Committee;
 - (b) Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act);
 - (c) Scrutiny and Overview Committee;
 - (d) Policy Development Committee [since disbanded];
 - (e) Employment Committee;
 - (f) Electoral Arrangements Committee;
 - (g) Audit Panel [now Corporate Governance Committee].”
- (b) that Standing Order 1.1(a)(viii) be amended to read: “appoint up to **five** substitute members per committee from each political group in a hierarchical list to all committees and sub-committees other than the Standards Committee”;
- (c) to establish the following committees for the 2012/13 municipal year:
- Corporate Governance Committee (8 members)
 - Electoral Arrangements Committee (8 members)
 - Employment Committee (8 members)
 - Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act) (15 members)
 - Planning Committee (13 members)
 - Scrutiny and Overview Committee (13 members);
- (d) that the Terms of Reference for the above committees remain as set out in Article 6 and Part 3, Table One of the Council’s Constitution;
- (e) to establish a Climate Change Working Group (8 members);
- (f) that the allocation of seats on the above committees and working group be as follows:

Body	Size	Conservatives	Liberal Democrats	Independent Group
Climate Change Working Group	8	5	2	1
Corporate Governance	8	5	2	1
Electoral	8	5	2	1

Arrangements				
Employment	8	5	2	1
Licensing	15	9	4	2
Planning	13	8	4	1
Scrutiny and Overview	13	7	5	1
Total Seats	73	44	21	8

(g) to establish a Constitution Review Working Group comprised of the Chairman or Vice-Chairman of the Council, Leader of Council, Deputy Leader of Council and Chairman of the Scrutiny and Overview Committee, along with one representative from each of the recognised political groups;

(h) to appoint to the above committees and working groups the following members and substitute members as nominated by the political groups:

Climate Change Working Group

Conservatives

David Bard
Roger Hickford
Mick Martin
Ted Ridgway Watt
Ben Shelton

Liberal Democrats

Stephen Harangozo
Bridget Smith

Independent Group

Douglas de Lacey

Substitutes in hierarchical list:

Conservatives

1) Tony Orgee
2) Peter Topping
3)
4)
5)

Liberal Democrats

1) Jose Hales
2) Trisha Bear
3) Janet Lockwood
4) Hazel Smith
5)

Independent Group

1) Sally Hatton
2) Neil Davies
3) Neil Scarr
4) Deborah Roberts
5)

Constitution Review Working Group

Ex-Officio

Chairman of Council
Leader of Council
Deputy Leader of Council
Scrutiny and Overview Committee Chairman

Conservatives

Roger Hall

Liberal Democrats

Jim Stewart

Independent Group

Douglas de Lacey

Substitutes in hierarchical list:

Ex-Officio

Vice-Chairman of Council (substitute for Chairman of Council)

Conservatives

1) Alex Riley
2) Robert Turner
3)
4)
5)

Liberal Democrats

1) Janet Lockwood
2)
3)
4)
5)

Independent Group

1) Neil Scarr
2) Neil Davies
3) Sally Hatton
4) Deborah Roberts
5)

Corporate Governance Committee**Conservatives**

Richard Barrett
Francis Burkitt
David McCraith
Ted Ridgway Watt
Peter Topping

Liberal Democrats

Mark Hersom
John Williams

Independent Group

Douglas de Lacey

*Substitutes in hierarchical list:***Conservatives**

1) Charlie Nightingale
2) David Whiteman-Downes
3)
4)
5)

Liberal Democrats

1) Bridget Smith
2) Lynda Harford
3)
4)
5)

Independent Group

1) Neil Davies
2) Neil Scarr
3) Deborah Roberts
4) Sally Hatton
5)

Electoral Arrangements Committee**Conservatives**

Alison Elcox
Mick Martin
Raymond Matthews
Robert Turner
Bunty Waters

Liberal Democrats

Hazel Smith
Edd Stonham

Independent Group

Neil Davies

*Substitutes in hierarchical list:***Conservatives**

1) Richard Barrett
2) Charlie Nightingale
3)
4)
5)

Liberal Democrats

1) Sebastian Kindersley
2)
3)
4)
5)

Independent Group

1) Neil Scarr
2) Deborah Roberts
3) Sally Hatton
4) Douglas de Lacey
5)

Employment Committee**Conservatives**

Val Barrett
Simon Edwards (as Finance
and Staffing Portfolio Holder)
Caroline Hunt
Alex Riley
David Whiteman-Downes

Liberal Democrats

Lynda Harford
Sebastian Kindersley

Independent Group

Sally Hatton

*Substitutes in hierarchical list:***Conservatives**

1) Mick Martin
2) Brian Burling
3) Richard Barrett
4)
5)

Liberal Democrats

1) Jim Stewart
2)
3)
4)
5)

Independent Group

1) Douglas de Lacey
2) Neil Davies
3) Neil Scarr
4) Deborah Roberts
5)

Licensing Committee, Licensing Committee (2003 Act), Licensing Committee (2005 Gambling Act)**Conservatives**

Richard Barrett
Val Barrett

**Liberal
Democrats**
Trisha Bear
Jose Hales

**Independent
Group**
Sally Hatton
Neil Scarr

Non-Group

Nigel Cathcart
[seat offered by

Alison Elcox
 Roger Hall
 Mervyn Loynes
 Raymond Matthews
 Charlie Nightingale
 Alex Riley
 [offered to Nigel
 Cathcart]

Janet Lockwood
 [offered to Cicely
 Murfitt]

Conservative
 Group]

Cicely Murfitt [seat
 offered by Liberal
 Democrat Group]

Substitutes in hierarchical list:

Conservatives	Liberal Democrats	Independent Group	Non-Group
1)	1) Hazel Smith	1) Douglas de Lacey	
2)	2)	2) Deborah Roberts	
3)	3)	3) Neil Davies	
4)	4)	4)	
5)	5)	5)	

Planning Committee

Conservatives

David Bard
 Val Barrett
 Brian Burling
 Mervyn Loynes
 David McCraith
 Charlie Nightingale
 Robert Turner
 Nick Wright

Liberal Democrats

Lynda Harford
 Tumi Hawkins
 Sebastian Kindersley
 Hazel Smith

Independent Group

Deborah Roberts

Substitutes in hierarchical list:

Conservatives	Liberal Democrats	Independent Group
1) Caroline Hunt	1) Trisha Bear	1) Sally Hatton
2) Raymond Matthews	2) Jose Hales	2) Douglas de Lacey
3) Ben Shelton	3) Jim Stewart	3) Neil Scarr
4) Alex Riley	4)	4) Robin Page
5) Richard Barrett	5)	5)

Scrutiny and Overview Committee

Conservatives

Alison Elcox
 Roger Hall
 Roger Hickford
 Ted Ridgway Watt
 Ben Shelton
 Buntly Waters
 David Whiteman-Downes

Liberal Democrats

Jose Hales
 Lynda Harford
 Mark Hersom
 Janet Lockwood
 Bridget Smith

Independent Group

Douglas de Lacey

Substitutes in hierarchical list:

Conservatives	Liberal Democrats	Independent Group
1) Tony Orgee	1) Tumi Hawkins	1) Sally Hatton
2) Richard Barrett	2) Edd Stonham	2) Neil Davies
3) Charlie Nightingale	3) Hazel Smith	3) Neil Scarr
4) David Bard	4)	4) Deborah Roberts
5)	5)	5)

- (i) to appoint to the joint committees and working groups the following members and substitute members as nominated by the political groups:

Joint Development Control Committee: Cambridge Fringes

Conservatives

David Bard
Pippa Corney
Charlie Nightingale
Ben Shelton

Liberal Democrats

Lynda Harford
Sebastian Kindersley

SCDC Spokesperson

Pippa Corney

Substitute: Tim Wotherspoon

Substitute: Janet
Lockwood

Northstowe Joint Development Control Committee

Conservatives

Brian Burling
Simon Edwards
Alex Riley
Tim Wotherspoon

Liberal Democrats

Trisha Bear
Hazel Smith

SCDC Spokesperson

Tim Wotherspoon

Substitute: Ray Manning

Substitute: Lynda
Harford

- (j) that Councillors Nigel Cathcart, Janet Lockwood, Cicely Murfitt and Alex Riley be re-appointed to the Standards Committee from 24 May 2012 until the commencement of the new standards regime;
- (a) that the Standards Committee continue to operate under its existing arrangements until Council has adopted a new regime in accordance with the provisions of the Localism Act and the forthcoming regulations from the Secretary of State for Communities and Local Government;
- (b) that the Constitution Review Working Group be tasked with preparing the terms of reference for the establishment of a new Civic Affairs Committee of 13 members, which would discharge the functions currently discharged by the Constitution Review Working Group, Electoral Arrangements Committee and the Standards Committee; and
- (c) to appoint the Chairman of Council as the Constitution Review Working Group Chairman.

The Chairman put to the vote the appointments of Chairmen and Vice-Chairman to all Council bodies other than the Constitution Review Working Group. Councillor Sebastian Kindersley announced that the Liberal Democrat group would abstain from voting on Chairman and Vice-Chairman, as they felt that this was a decision which should be left to individual committees. Councillor Douglas de Lacey endorsed this action on behalf of the Independent Group.

In response to queries, the Legal and Democratic Services Manager confirmed that there was no legal requirement that the Scrutiny and Overview Committee be chaired by an opposition group member.

Climate Change Working Group

Nominees: Councillor Ted Ridgway Watt as Chairman and Councillor Roger Hickford as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
32	5	12	3

RESOLVED that Councillor Ted Ridgway Watt be elected Chairman and Councillor Roger Hickford be appointed Vice-Chairman of the Climate Change Working Group for 2012/13.

Corporate Governance Committee

Nominees: Councillor Francis Burkitt as Chairman and Councillor David McCraith as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
31	2	13	6

RESOLVED that Councillor Francis Burkitt be elected Chairman and Councillor David McCraith be appointed Vice-Chairman of the Corporate Governance Committee for 2012/13.

Electoral Arrangements Committee

Nominees: Councillor Alison Elcox as Chairman and Councillor Raymond Matthews as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
28	11	3	10

RESOLVED that Councillor Alison Elcox be elected Chairman and Councillor Raymond Matthews be appointed Vice-Chairman of the Electoral Arrangements Committee for 2012/13.

Employment Committee

Nominees: Councillor David Whiteman-Downes as Chairman and Councillor Simon Edwards as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
28	5	6	13

RESOLVED that Councillor David Whiteman-Downes be elected Chairman and Councillor Simon Edwards be appointed Vice-Chairman of the Employment Committee for 2012/13.

Licensing Committee

Nominees: Councillor Alex Riley as Chairman and Councillor Raymond Matthews as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
32	5	2	13

RESOLVED that Councillor Alex Riley be elected Chairman and Councillor Raymond Matthews be appointed Vice-Chairman of the Licensing Committee for 2012/13.

Planning Committee

Nominees: Councillor Robert Turner as Chairman and Councillor Mervyn Loynes as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
30	3	5	14

RESOLVED that Councillor Robert Turner be elected Chairman and Councillor Mervyn Loynes be appointed Vice-Chairman of the Planning Committee for 2012/13.

Scrutiny and Overview Committee

Nominees: Councillor Ben Shelton as Chairman and Councillor David Whiteman-Downes as Vice-Chairman. No further nominees.

For	Against	Abstain	Not Voted
27	9	4	12

RESOLVED that Councillor Ben Shelton be elected Chairman and Councillor David

Whiteman-Downes be appointed Vice-Chairman of the Scrutiny and Overview Committee for 2012/13.

9. APPOINTMENTS TO OUTSIDE, JOINT & OTHER MEMBER BODIES 2012/13

Council **RESOLVED** to make the following appointments to outside, joint and other member bodies:

Outside Bodies – unless stated otherwise, appointments are for four years or until the end of the member's term of office, whichever is sooner

Body	Vacancies	Nomination(s)	Notes
Age Concern	1 member	Charlie Nightingale	
Bassingbourn Village College Centre Management Committee	1 member	Nigel Cathcart	
Cambridge Marriage Guidance Council (Relate)	1 member	Val Barrett	
Cambridge University Joint Councils Forum (Addenbrooke's)	3 members	1. Sue Ellington 2. Janet Lockwood 3. Mark Howell	Proportional
Cambridge Women and Homelessness Group	1 member	Sue Ellington	
Cottenham Village College Sports Centre Management Group	1 member	Simon Edwards	
Francis John Clear Almshouses, Melbourn	1 member	Val Barrett	
Magog Trust	1 member	Charlie Nightingale	
Melbourn Community Sports Ltd (MCSPLIM)	2 members	Val Barrett	Other appointee is Jose Hales (to 2014)
Mepal Outdoor Centre	1 member	Simon Edwards	
Old West Internal Drainage Board	4 members	Simon Edwards Ray Manning Tim Wotherspoon	Other appointee is Brian Burling (to 2015).

Over and Willingham Internal Drainage Board	1 member	Ray Manning	Appointment is for 3 years or until end of member's term of office, whichever is soonest.
Responsive Repairs Partnership Management Board	2 members	Richard Barrett Neil Scarr	New body. Responsible for overseeing the partnership with Mears, who provide the Council's responsive repairs service, reviewing performance indicators and any issues which arise, and to maintain the high satisfaction levels with the service. Meets quarterly.
Sawston Village College Sports Users' Committee	Up to 6 members, extended to all members representing villages within Sawston VC catchment area.	Sally Hatton Charlie Nightingale	Other appointees are David Bard, Raymond Matthews, Ben Shelton and David Whiteman-Downes
SOFA (Shifting Offered Furniture Around)	1 member	Janet Lockwood	
Swaffham Internal Drainage Board	1 member	Robert Turner	
Swavesey Byeways Advisory Committee	2 members	Robert Turner	Other appointee is Sue Ellington (to 2014)
Waterbeach Level Internal Drainage Board	2 members	James Hockney	Other appointee is Peter Johnson (to 2014)
West Anglia Crossroads for Carers	1 member	Sue Ellington	
Young Lives	1 member	Caroline Hunt	

10. QUESTIONS FROM THE PUBLIC

Council **NOTED** that no questions had been received.

11. PETITIONS

Council **NOTED** that no petitions had been received.

12. MAJOR OPPOSITION GROUP LEADER'S ANNUAL REPORT

Councillor Sebastian Kindersley, Major Opposition Group Leader, addressed the Council, stating that he felt that the administration and opposition had worked well together when the opportunity arose, but that he felt more generosity ought to have been afforded to opposition groups to chair committees. He expressed his hope that the 2012/13 year would be better.

The Major Opposition Group Leader's Annual Report 2011/12 was **NOTED**.

13. ANNUAL SCRUTINY & OVERVIEW COMMITTEE REPORT

Councillor James Hockney, the Scrutiny and Overview Committee Chairman during 2011/12, presented the committee's annual report. He thanked the chairmen of the task and finish groups, and drew attention to the committee's recommendation to bring the contact centre back in-house, saving £250,000, as an example of how scrutiny added value to the authority. He noted that there had not been any call-ins during the previous year, and paid tribute to former Councillors Heazell and Mason for their active participation in scrutiny. He led Council in applauding Jackie Sayers, Scrutiny Development Officer, for her support of the committee, and wished the new committee all the best.

The Scrutiny and Overview Committee Annual Report 2011/12 was **NOTED**.

14. ANNUAL STANDARDS COMMITTEE REPORT

Mrs Kathleen English, Standards Committee Chairman, presented that committee's annual report, noting that all councils in the country were still in limbo awaiting the final regulations with the new definitions of interests. She outlined what was known about the new system and the work underway by the Cambridgeshire Heads of Legal to adopt a joint framework across the county to support those who sit on different tiers of local government. She thanked all committee members, and the Monitoring Officer and Democratic Services Team Leader who supported the committee.

Councillors Cicely Murfitt and Tony Orgee led Council in thanking Mrs English for her hard work as Chairman, and the fair, honest and calm manner in which she led meetings and hearings.

The Standards Committee Annual Report 2011/12 was **NOTED**.

15. AMENDMENTS MADE TO THE CONSTITUTION 2011/12

The amendments made by the Chief Executive to the Constitution during 2011/12 were **NOTED**.

16. WRITE OFFS

Councillor Simon Edwards, Finance and Staffing Portfolio Holder, presented the annual report asking Council to note the amount of debt written off during the previous year, explaining that it was good accounting practice to do so. Debts below £25,000 could be written off by officers; debts above that amount require Portfolio Holder approval. There were no debts requiring Portfolio Holder approval in 2011/12. Councillor Edwards commended the work of the Council's revenues team, with collection rates of 99.3% for council tax, 99.5% for national non-domestic rates, and 99.0% for housing rents.

In response to questions, Councillor Edwards explained that the settled and travelling communities were treated equally, therefore it was likely that some of the debts relating to sewerage at Smithy Fen would be written off, and that charges had been placed on the land but some of the plots had been unoccupied for several years.

It was confirmed that comparator information from previous years would be included in future annual reports.

The amount of debt written-off during 2011/12 was **NOTED**.

17. QUESTIONS ON JOINT MEETINGS

Councillor David Bard reported that the recent Joint Development Control Committee: Cambridge Fringes meeting had seen approval of the design statement preparation protocol and the 2012/13 member development programme. He reminded members that the number of development applications would begin to increase in the latter half of 2012, and that the Northwest Cambridge sites were likely to come to the August 2012 meeting.

18. UPDATES FROM MEMBERS APPOINTED TO OUTSIDE BODIES**18 (a) Emmaus Cambridge Trustee Board**

Councillor Hazel Smith's report was **NOTED**.

18 (b) Gamlingay Leisure

Councillor Bridget Smith's report was **NOTED**. The Chairman noted that he had attended the openings of both the fitness centre and the Multi-Use Games Area (MUGA) and been delighted with the facilities.

18 (c) Waterbeach Level Internal Drainage Board

Councillor Peter Johnson's report was **NOTED**.

19. QUESTIONS FROM COUNCILLORS**19 (a) From Cllr Francis Burkitt to the Leader of Council**

Councillor Francis Burkitt circulated copies of the Joint Vision for Cambridge's Quarter-to-Six Quadrant and paid tribute to the parish councils of Barton, Coton, Grantchester and Madingley, and to Keith Miles, Planning Policy Manager, for their work consulting on and producing the document. He asked, "May I ask the Northstowe & New Communities Portfolio Holder kindly to acknowledge receipt of the 'Joint Vision for Cambridge's

Quarter-to-Six Quadrant [QTSQ]', prepared by the Parish Councils of Barton, Coton, Grantchester and Madingley after an extensive public consultation exercise, and to confirm that it will henceforth have the status of a Material Planning Consideration for the relevant area?". As a supplementary question, he asked, "Can I also ask the Northstowe & New Communities Portfolio Holder to note the amount of hard work and commitment shown by the authors of the QTSQ joint vision document, and to commend it as an excellent example of localism in action?"

Tim Wotherspoon, Northstowe Portfolio Holder, expressed his delight at the final document, and confirmed that, as it concerned itself with planning issues and had been subject to widespread public consultation, it would serve as a material planning consideration in many circumstances, noting that as long as all material planning considerations had been taken into account, it was up to the decision-maker to determine what weight to give any consideration as long as the decision fell within the bounds of being logical and rational. He praised the quality of work, depth of research, congratulated the residents who had produced it, and commended it to councillors. He encouraged other villages to contact officers to ensure that their development aspirations could be incorporated into the emerging Local Plan.

19 (b) From Cllr Deborah Roberts to the Leader of Council

Councillor Deborah Roberts asked, "The recent Conservative election leaflets talked much about the controlling groups plans to start a large program of building new council housing , can the PH please inform the council where exactly these are going to be built ."

Councillor Mark Howell, Housing Portfolio Holder, replied that work on the draft strategy was underway and should be coming to him for a decision in November 2012. He encouraged members to come forward with proposals for sites in their wards. In response to Councillor Roberts' supplementary question, Councillor Howell confirmed that council houses were being built, but due to the demand for social housing, registered social landlords and housing associations would also be needed to help provide dwellings.

19 (c) From Cllr Sally Hatton to the Leader of Council

Councillor Sally Hatton asked, "I am pleased to note that our new Housing Revenue Account Business Plan includes provision for a much-needed new-build council housing programme. Please will the Leader inform Council:

- when the process of deciding how the details (locations, size profile, energy performance standards, inclusion of renewable micro-generation, etc.) of the new-build programme will be matched to housing and environmental needs will begin;
- what opportunities councillors and the general public will have to be involved in this process; and
- how this authority will proceed if, as a result of the housing needs assessment, we conclude that the size of new-build programme we need is such that to implement it fully requires a relaxation of the finance cap that has been set by the Secretary of State under section 171 of the Localism Act 2011?"

Councillor Mark Howell, Housing Portfolio Holder, replied that Northstowe was a likely location, but the Council would be looking at all villages and exploring options for exception sites. The design specifics would be considered in the usual manner through consultation and the planning process, through which local members and parish councils would be able to respond. There was no immediate prospect of the financial cap being lifted, and the Council would ensure that resources were being used as efficiently as

possible.

Councillor Howell undertook to provide the above response in writing and, in response to Councillor Hatton's supplementary question that a special committee be established, explained that this suggestion had not previously been contemplated but that he would consider options for wider member engagement in this area in due course.

The Chairman reminded members that standing orders allowed one question on notice per member, not a multi-part question.

20. CHAIRMAN'S ENGAGEMENTS

The Chairman's engagements, with the addition of the attendance of the Vice-Chairman at the St Ives Mayor-Making ceremony on 16 May 2012, were **NOTED**.

The Chairman led a round of applause to thank Holly Adams, Democratic Services Team Leader, who would be leaving the District Council in June 2012, for her support over the past decade.

The Meeting ended at 3.42 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a special meeting of the Council held on
Thursday, 28 June 2012 at 10.00 a.m.

PRESENT: Councillor David Bard – Chairman
Councillor Robert Turner – Vice-Chairman

Councillors: Richard Barrett, Val Barrett, Francis Burkitt, Brian Burling, Tom Bygott, Nigel Cathcart, Jonathan Chatfield, Pippa Corney, Neil Davies, Simon Edwards, Alison Elcox, Sue Ellington, Jose Hales, Roger Hall, Steve Harangozo, Lynda Harford, Tumi Hawkins, Roger Hickford, James Hockney, Mark Howell, Clayton Hudson, Peter Johnson, Sebastian Kindersley, Douglas de Lacey, Mervyn Loynes, Ray Manning, Mick Martin, Raymond Matthews, David McCraith, Cicely Murfitt, Charles Nightingale, Robin Page, Alex Riley, Deborah Roberts, Neil Scarr, Bridget Smith, Hazel Smith, Jim Stewart, David Whiteman-Downes, John Williams, Tim Wotherspoon and Nick Wright

Officers: Patrick Adams Senior Democratic Services Officer
Jonathan Dixon Principal Planning Policy Officer (Transport)
Gary Duthie Senior Lawyer
Caroline Hunt Local Development Framework Team Leader
Keith Miles Planning Policy Manager
Jo Mills Planning and New Communities Director
David Roberts Principal Planning Officer

Apologies for absence were received from Councillors Sally Hatton, Mark Hersom, Caroline Hunt, Pauline Jarvis, Tony Orgee, Ted Ridgway Watt, Ben Shelton, Edd Stonham and Bunty Waters.

4. APPOINTMENT OF VICE-CHAIRMAN OF THE MEETING

In the absence of the Chairman, Councillor David Bard, Vice-Chairman, became the Acting Chairman. Councillor Robert Turner was nominated by Councillor Richard Barrett and seconded by Councillor Tim Wotherspoon for the position of Vice-Chairman. There being no other nominations Councillor Turner was duly elected as Vice-Chairman for this meeting.

5. DECLARATIONS OF INTEREST

Council agreed to suspend Standing Orders 12.5 and 14.5, regarding the debating of motions, to ensure that debate was not unnecessarily curtailed.

Councillor David Bard declared a personal and prejudicial interest in site 9, land east of Sawston, as it backed onto his premises. He stated that if this site was discussed he would leave the Chamber.

Councillor Tom Bygott declared a personal interest in Issue 13 as the owner of a house opposite the Oakington Guided Busway station, and in Broad Location 6 as a Governor of Cambridge University Hospitals NHS Foundation Trust.

Councillor Roger Hall declared a personal interest in sites that could improve transport for those who worked for the NHS.

Councillor James Hockney declared a personal interest as a Board member of the

Hundred Housing Society and as a member of the Waterbeach Forward group.

Councillor Mark Howell declared a personal interest in the Papworth Trust, a Registered Social Landlord, and as a volunteer of Papworth Hospital.

Councillor Sebastian Kindersley declared a personal interest as a County Councillor, as part of Trumpington Meadows lay within the Parish of Haslingfield in the Gamlingay Division.

Councillor Mervyn Loynes declared a personal interest in site 17 land west of Cambourne Business Park, as he knew one of the owners of the land in question.

Councillor Mick Martin declared a personal interest as an employee of the Imperial War Museum.

Councillor Charlie Nightingale declared a personal interest in site 20, Granta Terrace, Stapleford, as his property adjoins the site.

Councillor David Whiteman Downes declared a personal interest in sites 18: Cambridge Road, Great Shelford; 19: London Road, Great Shelford and 20: Granta Terrace, Great Shelford.

Councillor Nick Wright declared a personal interest as a Governor of Papworth Hospital.

6. SOUTH CAMBS LOCAL PLAN: AGREEMENT OF ISSUES AND OPTIONS

Councillor Pippa Corney, Planning Policy and Localism Portfolio Holder, introduced the Local Plan by explaining that it would be going out to consultation on 10 July and the aim of the meeting was to ensure that the right questions were included in the Plan. It was noted that Council's recommendations would be considered by the Planning Policy and Localism Portfolio Holder, at a meeting on Tuesday 3 July where the final wording of the Plan would be agreed.

Minor amendments

It was suggested that questions be broken in sub-sections to ensure that issues and questions of the same subject had the same number. It was noted that some question numbers were duplicated and so would have to be renumbered.

VISION

The Planning Policy Manager introduced this topic, which sought to link the Council's vision statement with the Local Plan.

Members of Council made the following suggestions:

- The Plan should recognise the importance of those who study in the District.
- The Plan should recognise the importance of rail travel.
- The Plan should seek to respond robustly to the challenges of climate change.

It was suggested that the pledge to promote economic growth included in the Council's vision statement could be construed as encouraging more housing development in the District. However, it was also stated that phrases included in the vision statement should not be viewed in isolation and the targets for housing development were set by the national Government.

Council noted that it had agreed its vision statement less than a year ago and no

recommendations were made to amend it. No suggestions were made to amend the questions in the Plan under this section.

DEVELOPMENT NEEDS

The Planning Policy Manager introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to ensuring that the Local Plan provides the appropriate levels of employment and housing development in the right locations.

Provision of new houses

Council noted that the figures in **question 4b**, in relation to medium housing growth, had been amended to 7,300 dwellings, which equated to 1,075 dwellings per year. It was suggested that the majority of new homes would be lived in by commuters to London and what was required was more employment for local people. It was also suggested that a diagram was required to show the jobs/home ratio.

Windfall development

Concern was expressed regarding the accuracy of forecasting new jobs and new dwellings. It was suggested that the Council had underestimated the number of homes built as part of a "windfall development" and that if the current trends continued approximately 4,000 homes could be built this way, which could negate the need for large settlements. It was also suggested that the village framework was key to number of houses built as part of "windfall developments". It was further suggested that the words "no limit" for windfall developments in villages be amended to clarify that natural limits to these forms of developments already existed.

Northstowe

It was suggested that the Guided Bus would not be able to meet the demand of commuters from Northstowe to Cambridge. It was also suggested that actual figures should be included in question 5 on the delivery of housing at Northstowe.

Council

RECOMMENDED that figures be included in question 5 to indicate how many homes are expected to be built at Northstowe and at what rate.

SPATIAL STRATEGY

The Local Development Framework Team Leader introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to ensuring that the Local Plan provides the right development strategy.

Green Belt land north and south of Barton Road

It was suggested that the proposal of building on Green Belt land north and south of Barton Road should not be consulted on, as this was not a sensible location for construction and was opposed by the four local parish councils. This was countered with the view that the City Council would be consulting its residents on this proposal, as the land was in both Districts, and it would be unfair to deny our residents the same right. It was also suggested that consulting with residents would ensure that compelling evidence would be gathered against sites where construction should not take place.

Councillor Sebastian Kindersley proposed and Councillor Francis Burkitt seconded that the land to the north and south of Barton Road be removed from the list of possible locations to be released from the Green Belt that the Council intended to consult on. A

vote was taken and with 19 votes in favour, 22 against and no abstentions the motion was **LOST**.

Rural Centres

It was noted that the recommendations made by the Council with regard to the lists of which villages should be made rural centres or minor rural centres were not always accepted by the Planning Inspector.

It was suggested that the sub-question on whether villages near the Guided Busway should be reclassified be removed, as the impact of the Guided Bus to these settlements was not considered to be significant. Councillor Brian Burling proposed and Councillor Simon Edwards seconded that **question 14(f)**, which referred to reclassifying villages close to the Guided Busway, be removed. A vote was taken and with 26 votes in favour, 13 against and 1 abstention the motion was **CARRIED**.

It was suggested that a diagram or graphic be included depicting the scale of housing developments at the different sizes of rural centres.

Village frameworks

It was suggested that residents should be consulted on the possibility of altering the boundaries of the village framework. Council recommended

Recommendations

Council **RECOMMENDED**

- a) that question 14f be removed;
- b) that question 15 be amended to clarify the fact that residents were being invited to consider whether housing developments within the village framework but on land not designated for housing should take place;
- c) that question 17 be amended to clarify the fact that residents were being invited to suggest alterations to existing village framework boundaries.

DEVELOPMENT OPTIONS

The Principal Planning Policy Officer introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to the allocation of specific sites for new housing development to meet the long term needs of the District.

It was agreed that consultees should be encouraged to state whether they supported or objected to the site options and why. It was suggested that a clearer definition was required in the key which defined the sites with development potential and sites with limited development potential.

Council

RECOMMENDED that question 17 be amended to allow consultees to state whether they supported or objected to the site options, with reasons why.

CLIMATE CHANGE

The Planning Policy Manager introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to ensuring that the Local

Plan met the challenges of climate change. It was suggested that certain terms, such as BREEAM ratings, needed to be defined.

It was suggested that references to identifying sites for renewable and low carbon energy sources should be removed, as this was a leading question. A member of the Climate Change Working Group expressed concern that the original proposals in the Local Plan for reducing carbon emissions were being diluted. It was suggested that all development should have to be sustainable to gain planning permission.

Renewable energy features on listed buildings

It was suggested that a question should be asked on whether improvements to listed buildings which reduced carbon emissions should be allowable, providing that they were reversible.

Wind farms

It was suggested that the provision for allowing wind farms closer than 2 kilometres from residential properties should be removed, as it was unlikely to be supported by the Council. However, this was countered by the suggestion that the 2 kilometre provision should be removed, as this could not be defended at appeal.

Flood risk

It was suggested that there should be a question on flood risk.

Council

RECOMMENDED that

- a) Question 19A be deleted.
- b) A question on managing flood risk should be included.

DEVELOPING HIGH QUALITY HOMES

The Principal Planning Policy Officer introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to ensuring that the Planning in the District will “seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings” as per the National Planning Policy Framework.

Street width

It was suggested that the Council should consult on the design of streets, in particular their width. It was noted that national guidance existed for this.

Public art

It was suggested that question 30 should be removed, as it could limit what art could be. It was also suggested that question 32 be removed as it was a leading question that invited a positive response.

Design guide

It was suggested that questions 27, 28 and 29 should refer to the design guide.

Council

RECOMMENDED that

- a) Questions 27, 28 and 29 made reference to the design guide.
- b) Questions 30 and 32 be removed.

PROTECTING AND ENHANCING THE HISTORIC AND NATURAL ENVIRONMENT

The Principal Planning Policy Officer introduced this issue, which sought to guarantee that the correct questions were asked in the consultation with regard to ensuring that the landscapes of the District, with their biodiversity are protected for the future.

Grades of agricultural land

Council recognised the importance of farming to the District and it was suggested that question 34 be amended to make reference to whether residents wanted to see protection of grades 1, 2 and 3a of agricultural land.

Biodiversity

Concern was expressed that question 35 was a leading question and it was suggested that it be reworded to encourage residents to make suggested amendments to the current Local Plan.

Green infrastructure

It was suggested that consultees should be encouraged to suggest other enhancements to the Local Plan with regard to green infrastructure.

Allotments and orchards

The importance of allotments was discussed. It was noted that community orchards could not be protected by law.

Drainage

Council noted the importance of drainage in the District and it was suggested that that this be reflected in question 44.

Heritage assets

It was suggested that question 46 should be amended to allow consultees to list additional buildings or heritage assets that should be included in the Local Plan.

Council

RECOMMENDED that

- a) Question 35 be reworded to encourage residents to make suggestions relating to the Biodiversity Supplementary Planning Document.
- b) A sentence be added to question 36, which invited consultees to suggest other enhancements to the Local Plan with regard to green infrastructure.
- c) Question 44 be amended to recognise the importance of drainage to the District.
- d) Question 46 be amended to encourage consultees to list any specific buildings or other heritage assets that should be included in the Local Plan.

DELIVERING HIGH QUALITY HOMES

The Principal Planning Officer introduced this issue, which sought to ensure that the correct questions were asked in the consultation with regard to guaranteeing that the

right types of homes in the right places were built.

Gypsy and Travellers

It was noted that the Council had already agreed a separate Gypsy and Traveller Plan which would feed into the Local Plan. It was suggested that the Council was meeting its target for the provision of 85 extra pitches for Gypsy and Travellers by making temporary pitches permanent.

Self-build

It was suggested that the Plan should consult on whether residents wished to build their own homes. However, this was countered with the assertion that it would be unwise to relax rules to encourage self-build and there was no obligation on the Council to consult on such issues.

Housing density

It was understood that the number of houses per hectare in the planning guidance was an average and it was recognised that there was a need for flexibility.

Affordable housing

It was suggested that reference to 40% of affordable housing be removed from question 51 in order to recognise that flexibility was often required when not-for-profit organisations were building on an exception site to ensure that the maximum amount of affordable housing was built. It suggested that question 50c be reworded from a leading to an open question with regard to the threshold for affordable housing provision.

Live/work units

It was suggested that there was very little demand for live/work units. It was also suggested that question 57 should make reference to maintaining the residential use of live/work units.

Countryside homes of exceptional quality

It was suggested that it was unnecessary to build more £1 million plus category homes in the District, as it was considered that there were plenty of such homes available and it should not be the priority of the Council to ensure more were built. This was countered by the suggestion that having such houses available was important to attracting and retaining businesses. Council decided that it was not necessary to amend question 58 on this issue.

Council

RECOMMENDED that

- a) Council recommended that question 47 be reworded, to reflect that the target of 30 houses per hectare was an average net target;
- b) Council recommended that reference to 40% of affordable housing be removed from question 51;
- c) Question 50c be reworded to an open question with regard to the threshold for affordable housing provision;
- d) Question 57 be amended to make reference to maintaining the residential use of live/work units.

BUILDING A STRONG AND COMPETITIVE ECONOMY

The Planning Policy Manager introduced this section, which explored how the Council could assist strong and sustainable local economic growth and support a district where entrepreneurship, innovation and inward investment were actively encouraged.

Forecast employment growth

It was considered that the aim expressed in Question 60 was fundamental to the entire section relating to the economy and as such should be presented as a statement not a question.

Clusters

Concern was expressed that the definition of clusters given in the text related exclusively to the Cambridge Phenomenon, whereas there existed other clusters of industry in outlying areas of the district.

Barrington Cement Works

The text required amendment to reflect that buildings had been removed from this site.

Employment development on the edge of villages

It was considered that the Issues and Options consultation should include reference to a possible new category of village.

Conversion or Replacement of Rural Buildings for Employment

It was considered that the reference to 'modest' extensions should be removed, as the size of extension should not be as a factor so long as the proposals were appropriate in character and impact.

Council **RECOMMENDED** that the questions in section 10 of the Issues and Options Consultation paper be approved, subject to the following amendments:

- a) Question 60, regarding the forecasting of employment growth, be amalgamated with question 61.
- b) Question 71 be amended to reflect that buildings have been removed from the Barrington Cement Works site.
- c) Question 72 be amended to clarify the definition of small scale development.
- d) Question 73b be amended by adding the words "Better Served Group villages if added as a new category of village – see question 4."
- e) Question 76 be amended by removing the word "modest".
- f) Question 85 be amended by adding an explanatory note stating that floorspace figures are gross and not net and that examples will be included in the main document.

PROMOTING SUCCESSFUL COMMUNITIES (Section 11)

The Local Development Framework Team Leader introduced this section, which sought views on the following issues:

- The introduction of tests to protect village services and facilities;
- Principles which should apply to new communities;
- Whether future growth should include sub-regional facilities such as a concert hall or ice rink
- The proposal for a community stadium on the Trumpington Meadows development;
- Open space provision
- Issues around light, odour, noise, contaminated land and air quality.

Protecting village services and facilities

Concern was expressed that the objective of protecting local services had the potential to raise expectations unrealistically given the amount of influence the council could exert; it was agreed to add the caveat 'where possible' to reflect this.

Community Stadium – specific proposal by Grosvenor Estates

Members considered that it was not appropriate to include a specific proposal within the Issues and Options consultation paper for the South Cambridgeshire Local Plan and that question 92 should be deleted.

Other sub-regional facilities

It was considered that views should be sought on what, if any, additional sub-regional facilities were required in the district.

Council **RECOMMENDED** that the questions in section 11 of the Issues and Options Consultation paper be approved, subject to the following amendments:

- a) Question 86 be amended to include the words "where possible" with regard to the protection of local services and facilities.
- b) Question 92 be deleted.
- c) An additional question be included seeking views on what, if any, additional sub-regional facilities were required in the district.

PROMOTING AND DELIVERING SUSTAINABLE TRANSPORT (Section 12)

The Principal Planning Policy Officer (Transport) introduced this section which sought views on issues relating to sustainable transport.

Planning for Sustainable Travel

Concern was expressed around ensuring access to existing amenities. Council was advised that this issue could be taken forward as part of the consultation on the county council's Local Transport Plan, rather than as part of the SCLP which focussed on new development in the district.

Residential Garage Sizes

This question required clarification to make explicit references to the role of garages in contributing towards parking standards.

Cycle Parking Standards

It was considered that a design-led approach to secure cycle parking provision without standards being designated should be strengthened by the requirement for new developments to include cycle parking policies to ensure adequate provision.

Council **RECOMMENDED** that the questions in section 12 of the Issues and Options Consultation paper be approved, subject to the following amendments:

- a) Question 105 be amended to refer to the principles in Issue 82 **and (not or)** any additional issues to be included.
- b) Question 109 be amended by including reference to parking standards with regard to garages.
- c) Question 110c be amended by including a requirement for policies for cycle parking provision.

SITE SPECIFIC ISSUES (Section 13)

Caroline Hunt introduced this section which proposed the inclusion in the new local plan of a number of policies from current plans.

Policies to be carried forward

Question 115 did not appear to offer any alternative options therefore Members recommended its deletion.

North of Newmarket Road

The first paragraph should be designated as option "a" and subsequent options re-designated accordingly.

Fen Drayton Former Land Settlement Association Site (LSA)

It was considered that the Issues and Options Consultation should seek views on how the LSA should evolve during the local plan period.

Council **RECOMMENDED** that the questions in section 13 of the Issues and Options Consultation paper be approved, subject to the following amendments:

- a) Question 115 be deleted.
- b) Question 117 be amended by labelling the first paragraph under the title sentence as "a" and then re-labelling the second and third paragraphs as "b" and "c" respectively.

Question 121 be amended to invite consultees to suggest how the former Fen Drayton LSA should evolve.

Council

RECOMMENDED that

- a) Question 60, regarding the forecasting of employment growth, be amalgamated with question 61.
- b) Question 63 be amended by removing the cross reference to the fact that this site had been identified as an option for housing development.
- c) Question 73b be amended by removing the words "Better Served Group villages if added as a new category of village – see question 4."
- d) Question 76 be amended by removing the word "modest".
- e) Question 79 be amended by making reference to the detailed tests referred to in issue 71.
- f) Question 85 be amended by adding an explanatory note stating that floorspace figures are gross and not net and that examples will be included in the main document.
- g) Question 87 be amended to include the words "new or improved" with regard to the development of local shops.

PROMOTING SUCCESSFUL COMMUNITIES

Council

RECOMMENDED that

- a) Question 86 be amended to include the words "where possible" with regard to the protection of local services and facilities.
- b) Question 92 be deleted.

PROMOTING AND DELIVERING SUSTAINABLE TRANSPORT

Council

RECOMMENDED That Question 109 be amended by including reference to parking standards with regard to garages.

SITE SPECIFIC ISSUES

Council

RECOMMENDED that

- a) Question 115 be deleted.
- b) Question 117 be amended by labelling the first paragraph under the title sentence as "a" and then re-labelling the second and third paragraphs as "b" and "c" respectively.

- c) Question 121 be amended to invite consultees to suggest how the former Fen Drayton LSA should evolve.

The Meeting ended at 6.00 p.m.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

26 July 2012

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

CIVIC AFFAIRS COMMITTEE**Purpose**

1. To appoint a Civic Affairs Committee, incorporating the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee.
2. This is not a key decision but was brought to the Constitution Review Working Group in order that the Group might make its recommendations to full Council. It was first published in the July 2012 Forward Plan.

Recommendations

3. The Constitution Review Working Party has recommended to Council that
 - (a) A Civic Affairs Committee of 13 members be established and its terms of reference agreed;
 - (b) That the Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee be disestablished;
 - (c) That the Constitution be updated accordingly to reflect the changes outlined in the appendices to this report; and
 - (d) Council agrees the membership of the committee and appoints a Chairman and Vice-Chairman.

Reasons for Recommendations

4. The Council has a requirement under the Localism Act 2011 to have a body responsible for discharging ethical standards functions. It is suitable that this new body also be responsible for making recommendations on the Constitution and for determining matters relating to electoral arrangements, as these matters all relate to the Council's civic and constitutional functions.

Background

5. Council, on 24 May 2012, resolved that the Constitution Review Working Group prepare the terms of reference for the establishment of a new Civic Affairs Committee to discharge the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee. Proposed terms of reference, for incorporation into Part 3 of the Council's Constitution (responsibility for Council functions), are attached as **Appendix A**.

Considerations

6. **Constitution Review Working Group Functions**
Article 15 of the Constitution states that the Council "may establish a Constitution Review Working Party to bring forward proposals which, in the opinion of the Chief

Executive and Monitoring Officer, entail substantive changes to the Constitution for consideration by the Council, excluding matters which are specifically included within the remit of other bodies of the Council.” This wording is from the model Constitution prepared by the government in anticipation of the changes arising from the Local Government Act 2000. The Working Group is not a required body, but it provides a useful forum for seeking members’ input on the detail of the Constitution prior to a decision by full Council.

7. Appointments to the Working Group are primarily ex officio, as well as having one member from each recognised political group. Meetings are not open to the public, as it is not a decision-making body, but all reports and recommendations appear on the Council’s website and the final decision is reserved to full Council. The Working Group has an annual work programme set by the Chief Executive and Monitoring Officer, with input from councillors, and meets as required, with meetings timed to make recommendations to Council.

Electoral Arrangements Committee Functions

8. The Electoral Arrangements Committee is not a statutory body of the Council, but exists to discharge the Council’s responsibilities in respect of changing parish meetings into parish councils, parish council sizes, appointment of temporary parish councillors. The Committee must recommend to Council any district and parish ward boundary changes, periodic electoral reviews, and establishment of new parishes.
9. The Committee meets as and when required and the nature of its business primarily concerns parish council arrangements.

Standards Committee Functions

10. The Localism Act 2011 removed the requirement for the Council to appoint a Standards Committee, as long as there is a body with authority to discharge the standards functions to:
 - (a) Promote and maintain high standards of conduct by councillors and co-opted members;
 - (b) Assist the councillors and co-opted members to observe the Members' Code of Conduct;
 - (c) Advise the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) Monitor the operation of the Members' Code of Conduct;
 - (e) Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
 - (f) Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
 - (g) Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
 - (h) Grant dispensations to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
 - (i) The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
 - (j) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
 - (k) Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct

throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct;

- (l) Overview of the Council's 'whistle-blowing' policy; and
- (m) Overview of complaints handling and Ombudsman investigations.

11. These responsibilities are set out in Article 9 of the Constitution, and an amended version of Article 9, showing the ethical standards functions of the Civic Affairs Committee, is attached as **Appendix B**.

Co-opted members

12. Since 2000, the Standards Committee has had independent (lay) and parish council members, co-opted by full Council, as required by the Local Government Act 2000. The Localism Act 2011 removed the requirement for any co-opted members; Council has the right to co-opt any members it sees fit, but it cannot grant them voting rights.
13. The Council will be appointing one or more Independent Persons to act in an advisory capacity regarding complaints that the code of conduct has been breached.
14. The Constitutional Review Working Party considered whether to continue to co-opt parish councillors onto the new Civic Affairs committee as the vast majority of standards allegations made since 2007 have concerned parish councillors. Under the old legislation it was mandatory that a parish council member, co-opted by full Council, was present when any matters relating to parish councils or parish councillors were being discussed.
15. The new complaints process will see allegations about parish councillors needing to be considered via a parish council's complaints process in the first instance, and only being accepted by the SCDC process if the parish council's actions with regard to a complaint were not considered to be reasonable in all the circumstances. This should mean that many less parish council complaints are dealt with by the council, although some will still require a District Council decision, particularly where the parties involved are unsatisfied with local resolution.
16. The Constitutional Review Working Party decided not to recommend to Council that parish council members should be co-opted onto the Civic Affairs Committee for the following reasons:
- (i) It considered that the new process which referred standards allegations to parish councils in the first instance could be said to be upholding the Council's approach to "support parish councils through localism".
 - (ii) Allegations will now be considered by the Monitoring Officer, advised by an Independent Person, and not by a panel of district and parish councillors. Panels will only be formed as and when an investigation has been concluded, and most district councillors already have experience of parish council business to help inform any decisions about parish council standards matters.
 - (iii) Civic Affairs Committee meetings will be public and the standing orders relating to public questions will apply, allowing parish council members to ask questions on notice. The Committee, once established, would be within its rights to adopt its own public speaking protocol as the Planning Committee has done so relevant parish councillors could attend and address the committee with their views if they wished to do so.

Political proportionality

17. Addition of a new 13-member committee and disbanding the 8-member Electoral Arrangements Committee would increase the total number of seats from 73 (agreed by Council on 24 May 2012) to 78. The Standards Committee and Constitution Review Working Group were not politically balanced.
18. When the rules of political proportionality are applied to a 13-member committee, the allocation of seats to that body would be:

Conservative	8 (7.53)
Liberal Democrat	4 (3.65)
Independent Group	1 (1.37)
19. There is no impact on the membership of existing committees, appointed by Council on 24 May 2012 as it does not affect the notional entitlement to seats based on the total number of seats available, which is:

Conservative	47 (46.80)	previously 44 (43.80) – gain 3
Liberal Democrat	23 (22.69)	previously 21 (21.24) – gain 2
Independent Group	8 (8.51)	previously 8 (7.96) – unchanged
TOTAL	78 (78.00)	
20. The political group leaders have been requested to meet prior to the Council meeting to agree the recommendations of the groups regarding membership of a Civic Affairs Committee.
21. Due to its responsibility for standards matters, appointments to the Civic Affairs Committee should be made by full Council on the recommendation of the political groups rather than by automatic acceptance of the group nominations, in order to demonstrate the Council’s duty under the Localism Act to promote and maintain high standards of conduct by having appointments made which command the support of the whole authority. This is reflected in **Appendix B** (Article 9) and the other necessary changes to the constitution are highlighted in **Appendix C** (Principles of Proportionality) and **Appendix D** (extract from Standing Orders). **Appendix E** contains a revised role description for the Civic Affairs Committee Chairman and Vice-Chairman.

Implications

22. Financial	Establishment of a new committee to discharge the functions previously discharged by three separate bodies will reduce expenditure spent on meetings.
Legal	As outlined in the report.
Staffing	As above, having one body discharge the functions previously discharged by three bodies will reduce the staff resources required for support.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment (EQIA) completed	Not specifically, although the EQIA completed for the schedule of Council meetings takes into account many of the financial, staffing and climate change implications arising from additional meetings.
Climate Change	A more efficient decision-making mechanism will minimise the number of journeys to and from the Council office, in accordance with the 2012/13 Council approach to promote low-

	carbon and sustainable living, and the South Cambridgeshire Climate Change Action Plan, which states “The vision is for South Cambridgeshire, by the end of 2013, to stand out as a local area leader in its contribution towards the national target of reducing greenhouse gas emissions by a third in the next ten years”.
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Consultations

23. The request to consider the establishment of a Civic Affairs Committee was made by full Council, which has the authority to agree the terms of reference and to make appointments.
24. The Standards Committee was consulted at its 20 June 2012 meeting and recommended retaining a separate Standards Committee and continuing to co-opt parish members.
25. Parish councils were consulted through the June 2012 Standards Committee Newsletter and no responses have been received on this issue.

Consultation with Children and Young People

26. Not relevant.

Effect on Strategic Aims

27. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: the new Civic Affairs Committee would provide a focused approach to determining matters relating to the Constitution, electoral arrangements and standards, with opportunities for public questions, without incurring additional cost and use of officer resources to support a separate meeting.

Conclusions / Summary

28. A new Civic Affairs Committee would enable the transparent and efficient discharge of functions previously delegated to three separate bodies and fulfil the requirements of the Localism Act with regard to the standards process.

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

SCDC Constitution
Local Government Acts 1972, 2000, 2007, 2009, Localism Act 2011
Standards Committee Annual Reports to Council

Contact Officer:

Fiona McMillan - Legal and Democratic Services Manager/Monitoring Officer
Telephone: (01954) 713027

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Responsibility for Council Functions (Table One)

Civic Affairs Committee		
Membership	Functions	Delegation of functions
<p>13 councillors, including the Chairman of Council, Leader, Deputy Leader and Leader of the Major Opposition Group as ex officio members. Appointments to be subject to the requirements of political proportionality.</p>	<p>Review of the Council's Constitution:</p> <ul style="list-style-type: none"> to bring forward proposals which, in the opinion of the Chief Executive and Monitoring Officer, entail substantive changes to the Constitution, for consideration by the Council, excluding those matters which are specifically included within the remit of other bodies on the Council. <p>Electoral Arrangements: Determination as follows:</p> <ul style="list-style-type: none"> review district or parish electoral arrangements including boundaries and report recommendations to Council give parish meetings powers of parish council increase / reduce number of parish councillors change parish electoral arrangements where agreed including parish warding appoint temporary parish councillors, s. 91 LGA, 1972 <p>Recommend to Council:</p> <ul style="list-style-type: none"> district and district ward boundary changes arising from review parish warding and boundary changes where not agreed Periodic Electoral Review new parish establishment <p>Ethical Standards: As set out in Article 9.03</p>	<p>May appoint sub-committees to:</p> <ul style="list-style-type: none"> consider an Investigating Officer's final report; consider determination hearings (the "Hearings Panel") comprising three members of the Civic Affairs Committee who have undertaken the necessary training. Hearings shall operate in accordance with the hearings procedure set out in Part 5 of the Constitution and shall be chaired by the councillor

Civic Affairs Committee		
Membership	Functions	Delegation of functions
		appointed to that role by the Monitoring Officer, in consultation with the Civic Affairs Committee Chairman;

Article 9: Ethical Standards functions of the Civic Affairs Committee

9.01 Composition

- (a) **Membership.** The Civic Affairs Committee will be composed of at least 13 district councillors.
- (b) The Council will appoint the **Council Members** proportionally on the recommendation of the groups rather than by automatic acceptance of the group nominations (see Part 5 A – Principles of Proportionality). This is because the ethical standards functions of the Committee are to be seen as being above party politics and the Committee should be comprised of representatives that command the support of the whole authority.
- (c) The Chairman and Vice-Chairman will be elected by the Committee and the Vice-Chairman will deputise for the Chairman in the Chairman's absence.
- (d) The Civic Affairs Committee will meet at least quarterly and will make an annual report to Full Council on its business.
- (e) **Independent Person(s).**
- The Council will appoint one or more Independent Person as required under Section 28(7) of the Localism Act;
 - The Independent Person must be appointed through a recruitment process of public advertisement, application, shortlisting, interview and recommendation to Council;
 - Appointment must be by a positive vote of a majority of all members of the Council (not of those present and voting);
 - The Independent Person must meet all criteria specified in the relevant legislation, and any additional criteria which the Civic Affairs Committee may from time to time agree;
 - The Independent Person will work alongside the Monitoring Officer to initially consider complaints that a member has breached the Code of Conduct and to decide on an appropriate course of action for that complaint as set out in the Complaints flow-chart in Part 5 of this Constitution;
 - The Independent Person may attend meetings of the Civic Affairs Committee when ethical standards issues are on the agenda, and of its sub-committees or panels established to consider ethical standards matters, but will not be entitled to vote at meetings;
 - An Independent Person shall retire after three years but shall be eligible for re-appointment for a further term or terms.
- (f) **Removal of a Council Member:** The Council reserves the right to remove any Member from the Civic Affairs Committee if it considers that it is no longer in the best interests of the Council for that member to remain. Any such motion shall be carried only if at least two thirds of the members present at the Council meeting are in favour (Standing Order 2.2). The Council may remove a Council Member from the Civic Affairs Committee if that member has missed four consecutive meetings of the body concerned (Standing Order 18.2).
- (g) **Quorum and Substitutes.**
- The quorum for any meeting of the Civic Affairs Committee or any sub-committee of the Civic Affairs Committee shall be three members. For hearings panels under the hearing procedure described in Part 5 of this Constitution, the number of members on the panel shall be three.

- In the case of hearings panels any Civic Affairs Committee member may be appointed to a panel if they have received the appropriate training and may substitute for other hearing panel members if necessary.

9.02 Sub-Committees of the Civic Affairs Committee

The Civic Affairs Committee may appoint sub-committees to, *inter alia*:

- consider an Investigating Officer's final report
- consider determination hearings (the "Hearings Panel") in accordance with the hearings procedure set out in Part 5 of the Constitution

At least three members of the Civic Affairs Committee must be present throughout a meeting of any sub-committee for it to be valid.

9.03 Role and Function

The Civic Affairs Committee will have the following ethical standards role and functions:

- Promote and maintain high standards of conduct by councillors and co-opted members;
- Assist the councillors and co-opted members to observe the Members' Code of Conduct;
- Advise the Council on the adoption or revision of the Members' Code of Conduct;
- Monitor the operation of the Members' Code of Conduct;
- Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
- Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
- Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
- Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
- Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct; and
- Maintain an overview of the Council's 'whistle-blowing' policy.

The Civic Affairs Committee's roles and functions relating to Electoral Arrangements and the review of the Council's Constitution are set out in Part 3, Table 1 of this Constitution.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council
AUTHOR/S: Monitoring Officer

26th July 2012**CODE OF CONDUCT 2012 & COMPLAINTS PROCEDURE****Purpose**

1. The Localism Act 2011 introduced a new standards regime and the previous statutory Code of Conduct for Members was repealed on 30 June 2012. Each local authority must adopt its own Code of Conduct to take effect "on or after 1st July 2012". The purpose of this report is for Council to adopt a new Code of Conduct and associated complaints procedure, following consideration of both by the Standards Committee and the Constitutional Review Working Group.

Recommendations

2. That the Council:
 - (a) adopts the Code of Conduct attached as Appendix A.
 - (b) approves the Complaints Procedure Flowchart attached as Appendix B
 - (c) approves the Code of Conduct Complaints procedure attached as Appendix C

Reasons for Recommendations

3. The Council is required by law to adopt a Code of Conduct for Elected Members and agree a procedure for handling complaints concerning breach of this code.

Background**Code of Conduct**

4. The Localism Act 2011 has led to fundamental changes to the way in which the conduct of elected and co-opted councillors are regulated. The Act dissolved the strategic regulator, Standards for England, which had oversight of the previous ethical standards system and simplifies the processes required to replace it.
5. The Council is now required to comply with a statutory duty "to promote and maintain high standards of conduct" amongst its own elected members and any co-opted members. All Parish Councils within South Cambridgeshire will be under the same duty for their members.
6. The Council must adopt a code of conduct for its member, devise and implement arrangements for the investigation of alleged breaches of the code and maintain a register of members' interests.
7. The Localism Act 2011 states that any local code must be consistent with the Nolan principles of:
 - (a) Selflessness
 - (b) Integrity
 - (c) Objectivity
 - (d) Accountability

- (e) Openness
- (f) Honesty
- (g) Leadership

8. With the objective of achieving a common way forward across the Cambridgeshire authorities so that all councillors at all three tiers of local government were subject to the same code and in the absence of any published national model code at the time, all the Monitoring Officers in the county drafted a template "Cambridgeshire Code" in March 2012.
9. On 11 April 2012, Department of Communities and Local Government ("CLG") published an "illustrative text" for a Code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity and shortly afterwards the Local Government Association (LGA) published their own draft Code. The National Association of Local Councils ("NALC") also issued a template code for parish councils although the Cambridgeshire and Peterborough Association of Local Councils ("CPALC") are understood to have recommended to its membership that parish councils adopt the same code as the district council for their area.
10. The Council's Standards Committee considered all the template codes and acknowledged that there was considerable merit in adopting the same code across the three tiers of local government across the county. The Committee considered that the DCLG and LGA Codes were not written in a way that would be workable in practice and preferred the Cambridgeshire Code, which contained the majority of the first section of the former code of conduct which members were already familiar with and which the Council was accustomed to interpreting. The Committee recommended that Council adopt this code, subject to further amendments being made by the Monitoring Officer.
11. On 8th June 2012 Regulations were issued by the Department of Communities and Local Government (DCLG) outlining what 'Disclosable Pecuniary Interests' (DPIs) Members will have to declare. The rules regarding these interests needed to be added to all the template codes.
12. The regulations adopt a significantly different approach to the former provisions on interests as they omit several categories of associated persons such as children, parents and close associates whose interests potentially give rise, by association, to a disclosable interest for a member. For example, the new DPIs do not give rise to a disclosable interest for a member taking part in a meeting to decide whether to grant planning permission for a housing development adjoining their mother's back garden. Nor would it give rise to a disclosable interest for a member taking part in a decision as to whether the council should award a contract to a company owned by their son or daughter.
13. An amended version of the Cambridgeshire Code was adopted by Huntingdonshire District Council on 4th July 2012 and considered alongside the other codes by the Council's Constitutional Review Working Party (CRWP) at its meeting on 10th July 2012. The CRWP, comprising members of all the Council's political groups, preferred this amended version of the code, attached as **Appendix A**, for reasons of ethical transparency and has recommended it to Council for adoption.
14. This code also includes other non-pecuniary interests in addition to the statutory DPIs, in order to cover situations where an interest could arise from other members of a councillor's family (other than a spouse or partner) or anyone else with whom a

close association exists, which may affect the ability of the councillor to participate objectively in decision-making.

Complaints procedure

15. Outline procedures for the administration of complaints that a councillor has breached the code of conduct were considered by the Standards Committee at its meetings on 5th April 2012 and 20th June 2012. A final amended version of a complaints handling flowchart is attached at **Appendix B** with a written complaints procedure guide attached at **Appendix C**.
16. The key difference from previous procedures is that the subject member will be contacted at the earliest stage of the process for their response to the complaint, a step which was previously prohibited by the Local Government Act 2000. This will mean that the decision about whether an investigation is necessary will be based on the full picture, rather than just one side of the story, which has always been a perceived failure of the previous process.
17. The other main difference is that opportunities to resolve complaints using methods other than the formal process are built into every stage of the process, which should mean that a formal hearing is very uncommon in future.
18. The Committee felt that further changes were necessary to increase the initial filter of complaints, particularly those concerning parish councillors, which formed the vast majority of complaints made.
19. The flowchart was amended to reflect the suggestion that parish council would be expected to have adopted their own parish council complaints procedures and use these in the first instance for complaints about their councillors. A model version of a parish complaints process had been circulated to all parish councils in the district and an additional procedure for handling code of conduct related complaints by parishes had been drafted by Cottenham Parish Council and circulated to all parishes for their consideration.
20. SCDC would therefore only proceed with complaints concerning parish councillors if the parish complaints process had first been used and if any measures taken at parish level were not considered to be reasonable in the circumstances.
21. The Standards Committee's only residual concern with the process attached at Appendix B was the potential for pressure to be placed by members on the Monitoring Officer, who would be taking the decision about what should happen to a complaint alongside the new Independent Person. The Committee wish Council to consider the alternative of a small panel of councillors from the Civic Affairs Committee making this decision instead of the Monitoring Officer.

Considerations

22. Strong ethical governance is critical to the corporate governance of the authority and supports the Council's decision making processes across the organisation as a whole. Members of the public need to expect the highest standards of conduct from its elected members and have confidence that any complaints procedure is robust and transparent.
23. If the Council fails to adopt a code of conduct which is fit for purpose or to establish an appropriate procedure for complaints to be effectively dealt with then there are

risks to the Council from a reputational management viewpoint and also to the integrity of the Councils corporate governance and decision making process.

Implications

24.	Financial	None specific.
	Legal	As detailed in the body of the report.
	Staffing	None specific.
	Risk Management	None specific.
	Equality and Diversity	None specific.
	Equality Impact Assessment completed	No. The Code of Conduct will apply to all councillors and co-opted members equally.
	Climate Change	None specific.

Consultations

25. The Council’s Standards Committee was consulted throughout the process along with the CRWP.

Consultation with Children and Young People

26. Not relevant.

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

Localism Act 2011

Contact Officer: Fiona McMillan – Legal and Democratic Services Manager & Monitoring Officer
Telephone: (01954) 713027

South Cambridgeshire District Council

Code of Conduct for Members

Introduction

South Cambridgeshire District Council (the Authority) has adopted this Code of Conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Authority or when they claim to act or give the impression of acting as a representative of the Authority.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 Application

This Code of Conduct applies to you whenever you are acting, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including:–

- 1.1 at formal Meetings of the Authority
- 1.2 when acting as a representative of the Authority
- 1.3 in taking any decision as a Cabinet Member or a Ward Councillor
- 1.4 in discharging your functions as a Ward Councillor
- 1.5 when corresponding with the authority other than in a private capacity

2 Meeting

In this Code “Meeting” means any meeting organised by or on behalf of the Authority, including :–

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council
- 2.2 any meeting of the Cabinet and any Committee of the Cabinet
- 2.3 at any briefing by Officers; and
- 2.4 at any site visit to do with the business of the Authority

3 General Conduct

You must –

- 3.1 provide leadership to the authority and communities within its area, by personal example and
- 3.2 respect others and not bully or threaten or attempt to bully or threaten any person
- 3.3 respect the confidentiality of information which you receive as a Member by–
 - 3.3.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 3.3.2 not obstructing third parties’ legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute

- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 3.7.2 paying due regard to the advice of Officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 3.8 do nothing that causes the Authority to act unlawfully.

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (ii) a person with whom you are living as husband and wife; or
 - (iii) a person with whom you are living as if you were civil partners;
 and you are aware that other person has the interest.
- 4.2 You must -
 - 4.2.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
 - 4.2.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
 - 4.2.3 make a verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
 - 4.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Authority's Monitoring Officer) –
 - (i) participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

5 Other Interests

- 5.1 In addition to the requirements of Paragraph 4, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
- 5.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
- 5.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association
- and that interest is not a disclosable pecuniary interest.

6 Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority.
- 6.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.

NOTE: Members must also comply with the relevant Codes and Protocols contained in Part 5 of the Constitution.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

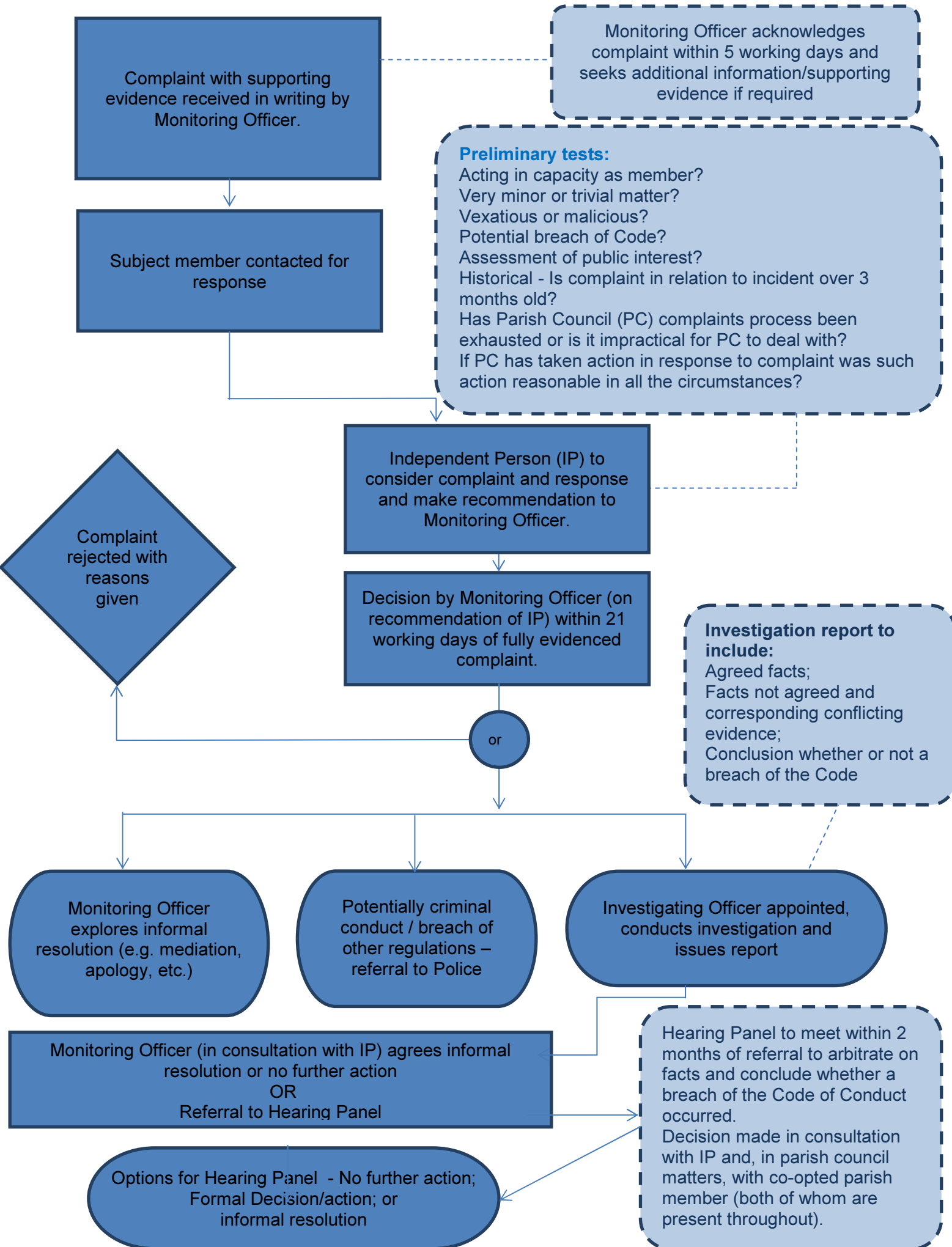
“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

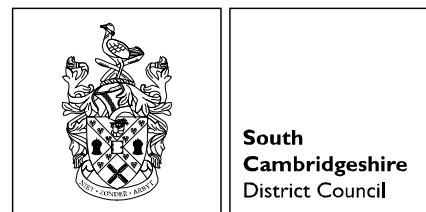
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South Cambridgeshire District Council Complaints Procedure Flowchart



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CODE OF CONDUCT COMPLAINTS PROCEDURE



1. Introduction

These procedures set out how you may make a complaint that an elected or co-opted member of this Council, or of a parish council within its area, has failed to comply with their council's Code of Conduct for Councillors.

The procedures also set out how the Council will deal with allegations of a failure to comply with the Code of Conduct.

2. The Codes of Conduct

The Council has adopted a Code of Conduct for Councillors, which is available on the Council's website and on request from Democratic Services (see contact details below).

Each parish council is also required to adopt a Code of Conduct for Councillors. The parish council code is available on request from the respective parish clerk.

3. Making a Complaint

In order to ensure that we have all the information which we need to be able to process a complaint, Complaints must be submitted on the standard Complaint Form, which can be downloaded from the Council's website and is available on request from Democratic Services (see contact details below).

Complaints must be sent to the Monitoring Officer (see contact details below).

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of member misconduct.

The Council's arrangements for handling complaints relating to the Code of Conduct include the appointment of at least one Independent Person (who has no connection with local government) whose views must be sought by the Council before it takes a decision on what action to take.

If a Complaint is received other than on the Standard Complaint Form, we will not consider it but we will send the Complainant a copy of the form for completion. If anyone needs assistance completing the form, they can contact Democratic Services (see contact details below).

Complainants should give us their name and a contact address or email address, so that we can acknowledge receipt of the Complaint and keep them informed of its progress. If a Complainant wants to keep their name and address confidential, they should indicate this on

the Standard Complaint Form. In this case we would not disclose their name and address to the Councillor without the Complainant's prior consent. However, the Council does not normally investigate anonymous Complaints or complaints where the Complainant wishes to remain confidential, unless there is a clear public interest in doing so.

Within five working days of receiving a fully evidenced Complaint, the Monitoring Officer will usually:

- i) acknowledge receipt to the Complainant;
- ii) send a copy of the Complaint to the Councillor, unless the Monitoring Officer considers that this may prejudice investigation;
- iii) send a copy of the Complaint to the Clerk (if appropriate).

The Monitoring Officer will keep the Complainant, the Councillor and the Clerk (if appropriate) informed of the progress of the Complaint, unless the Monitoring Officer considers that this may prejudice any investigation.

4. **Will the Complaint be Investigated?**

Where possible and appropriate, the Monitoring Officer will seek to resolve the Complaint informally, without the need for a formal investigation. Such informal resolution may involve the Councillor accepting that their conduct was unacceptable/inappropriate and offering an apology, or other alternative action by the Council or the respective parish council.

The Monitoring Officer will review every Complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation.

In determining whether or not the complaint should be referred for investigation or not, or whether alternative resolution is appropriate, The Monitoring Officer and Independent Person will have regard to a range of factors including the following:

- i) Whether there is sufficient evidence upon which to base a decision
- ii) Whether the alleged action relates to a breach of the code of conduct
- iii) Whether the alleged action is considered to be serious or minor/trivial
- iv) Whether the complaint appears to be politically motivated, vexatious or tit for tat;
- v) When the action complained about occurred (was it more than 3 months ago)
- vi) Whether the allegations relate to actions occurring whilst the councillor was acting in their official capacity or in their private capacity
- vii) Whether it is in the public interest to investigate
- viii) Whether the matter is considered suitable for alternative resolution and if so whether the councillor and the complainant are prepared to consider this alternative
- ix) If the complaint relates to a parish council issue whether a complaint has been made first to the parish council using the parish complaints procedure
- x) If a complaint has been made to a parish council and they have taken action whether the action taken would be considered reasonable in all the circumstances

This decision will normally be taken within twenty working days of receipt of the Complaint. When the Monitoring Officer has taken a decision, they will inform the

Complainant, the Councillor and the Clerk (if appropriate) of their decision and the reasons for that decision.

Where the Monitoring Officer requires additional information in order to come to a decision, they may ask the Complainant, the Councillor or the Clerk (if appropriate) for such information. Where a Complaint relates to a parish councillor, the Monitoring Officer may also seek the views of the Chairman of the parish council before deciding whether the Complaint merits formal investigation.

If the Complaint alleges criminal conduct or breach of a regulation by any person, the Monitoring Officer has the power to refer the matter to the Police and/or other regulatory agencies. In such cases it may be necessary to postpone consideration of the Complaint until the Police or other action has been concluded.

If the Monitoring Officer decides not to investigate a complaint, they will nevertheless report this to the next ordinary meeting of the Civic Affairs Committee and the relevant parish council (if appropriate) for information.

5. **How is an Investigation Conducted?**

If the Monitoring Officer decides, after consultation with the Independent Person, that a Complaint merits formal investigation, they will appoint an Investigating Officer who may be another officer of the Council, an officer of another Council or an appropriately experienced external investigator.

The Investigating Officer will decide whether they need to meet or speak to the Complainant to understand the nature of the Complaint and so that the Complainant can explain their understanding of events and suggest what documents the Investigating Officer needs to see, and who they need to interview.

The Investigating Officer would normally write to the Councillor and ask them to provide their explanation of events, and to identify what documents the Investigating Officer needs to see and who they need to interview. In exceptional cases, the Investigating Officer may delay notifying the Councillor until the investigation has progressed sufficiently.

At the end of the investigation, the Investigating Officer will usually produce a draft report and will send copies of that draft report, in confidence, to the Complainant and to the Councillor, to give them both an opportunity to identify any matter in that draft report which they disagree with or which they believe requires more consideration. Having received and taken account of any comments on the draft report, the Investigating Officer will send their final report to the Monitoring Officer.

6. **What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?**

The Monitoring Officer will review the Investigating Officer's report and if satisfied that it is sufficient, the Monitoring Officer will send a copy of the Investigating Officer's final report to the Complainant, the Councillor and the Clerk (if appropriate) and notify them that no further action is required. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, she may ask the Investigating Officer to reconsider their report.

The outcome of such investigations will be reported to the next ordinary meeting of the Civic Affairs Committee and the relevant parish council (if appropriate) for information.

7. What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing by the Civic Affairs Committee or, after consulting the Independent Person, seek Summary Resolution (see 8 below).

8. Summary Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, she will consult with the Chairman of the Civic Affairs Committee, the Independent Person and with the Complainant and seek to agree what they consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such a resolution may include the Councillor accepting that their conduct was unacceptable/inappropriate and offering an apology, and/or other alternative action by the Council or the relevant parish council (if appropriate).

If the Councillor complies with the suggested resolution, the Monitoring Officer will report the matter to the Civic Affairs Committee and the relevant parish council (if appropriate) for information, but will take no further action.

9. Referral for Hearing

If the Monitoring Officer considers that Summary Resolution is not appropriate, or the Councillor does not comply with any suggested resolution, then the Monitoring Officer will refer the Investigating Officer's report to the Civic Affairs Committee for a hearing to decide whether or not the Councillor has failed to comply with the respective Code of Conduct and, if so, whether to take any action in respect of the Councillor. The hearing procedure is set out in Appendix 1.

10. What action can the Civic Affairs Committee take where a Councillor has failed to comply with the Code of Conduct?

The Council has delegated to the Civic Affairs Committee such of its powers to take action in respect of individual councillors as may be necessary to promote and maintain high standards of conduct.

The sanctions available to the Civic Affairs Committee are set out in Appendix 2.

11. What happens after a Hearing?

As soon as reasonably practicable, the Monitoring Officer will prepare a formal decision notice, in consultation with the Chairman, and send a copy to the Complainant, the Councillor and the Clerk (if appropriate). They will also make that decision notice available for public inspection on the Council's website after the hearing.

12. Who are the Civic Affairs Committee?

The Civic Affairs Committee is a committee of the District Council, appointed by the Council and comprising thirteen District Councillors.

13. Who is the Independent Person?

The Independent Person is a lay person who has been appointed by a majority of all the Councillors on the District Council.

The Independent Person is invited to attend all meetings of the Civic Affairs Committee. Their views are sought and taken into consideration:

- (a) before the Monitoring Officer decides whether to investigate a Complaint
- (b) before the Monitoring Officer decides whether to refer an investigated Complaint for hearing or for Summary Resolution
- (c) before the Committee takes any decision on whether the Councillor's conduct constitutes a failure to comply with the respective Code of Conduct; and
- (d) as to any action to be taken following a finding of failure to comply with the respective Code of Conduct.

14. Appeals

There is no right of appeal for the Complainant or for the Councillor against a decision of the Monitoring Officer or of the Civic Affairs Committee. If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

15. Revision of these Arrangements

The Civic Affairs Committee may amend these arrangements, and has delegated to the Chairman of the Committee the right to depart from these arrangements where they consider that it is expedient to do so in order to secure the effective and fair consideration of any matter.

16. Contact details

The Council's Monitoring Officer is:

Fiona McMillan
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
Tel: 01954 713027

Email: monitoring.officer@scambs.gov.uk

The Democratic Services Team can be contacted at:

Democratic Services
South Cambridgeshire District Council
South Cambridgeshire Hall
Cambourne Business Park
Cambourne
Cambridge
CB23 6EA
Tel: 01954 713030
Email: democratic.services@scambs.gov.uk

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

26 July 2012

AUTHOR/S: Monitoring Officer

DECLARATION OF INTERESTS AND DISPENSATIONS**Purpose**

1. The Localism Act 2011 significantly changed the provisions on both the declaration of interests and the circumstances in which a member can be granted a dispensation so they can participate even where an interest exists.

Recommendations

2. That Council:
 - (a) delegates the power to grant a dispensation to the Monitoring Officer (in consultation with the Chairman of the Civic Affairs Committee and the Independent Person) with all dispensations granted to be reported back to the Civic Affairs Committee; and
 - (b) Approves the dispensations procedure attached at Appendix A

Reasons for Recommendations

3. The Council is able to delegate the power to grant a dispensation to a committee, sub-committee or to the Monitoring Officer and due to the time restraints involved it is recommended that it is delegated to the Monitoring Officer, who must consult appropriately before making the decision.

BackgroundRegistration of interests

4. Each elected or co-opted member must register all Disclosable Pecuniary Interests ("DPI"s) within 28 days of becoming a member. Failure to register is a criminal offence.
5. There is no express continuing requirement under the Act for a member to keep the register up to date, except on re-election or re-appointment. However, the proposed SCDC code includes a requirement that a member should notify the Monitoring Officer within 28 days of any changes to their interests. It is thought that this will help to avoid members inadvertently failing to declare interests.
6. If a member finds themselves in a meeting where a matter is to be discussed in which they have a DPI which isn't on the register, they are required to declare that interest to the meeting and to notify the Monitoring Officer within 28 days in order that it may be registered. Failure to do so shall, in the absence of reasonable excuse, be a criminal offence. In the circumstances it is advisable for the Monitoring Officer to issue annual reminders to members encouraging them to update their entries.
7. The code of conduct which is recommended for adoption requires registration of non-statutory interests, referred to as non-disclosable pecuniary interests and non-

pecuniary interests, and applies similar requirements of registration or verbal disclosure. A failure to do so on the part of a member would be a breach of members' code of conduct but would not be a criminal offence.

Disclosure of Interests and Withdrawal from Meetings

8. The new statutory requirements around disclosure differ from the old provisions as if the DPI or non-statutory interest is listed in the register, a member is not required by law to verbally declare its existence during a meeting. The SCDC Code includes a provision that declaration at a meeting does still continue in order to aid transparency.
9. If a member has a DPI in a matter they are prohibited from participating in discussions or voting upon the matter at the meeting unless they have a valid dispensation. The SCDC code includes a provision that any member with a DPI in a matter should be required to withdraw from the meeting room during that item. Members with a non-statutory interest may participate in the debate and decision unless the interest is such that it could reasonably be regarded as so significant as to impair the member's judgement of the public interest, in which case they should also withdraw from participation under the laws on pre-determination and bias.

Sensitive Interests

10. The Act effectively re-enacts the existing Code of Conduct provisions on Sensitive Interests. Accordingly, where a member is concerned that disclosure of the detail of an interest (either a DPI or any other interest which he/she would be required to disclose), at a meeting or on the register of members' interests, would lead to the member or a person connected with him/her being subject to violence or intimidation, he/she may request the Monitoring Officer to agree that the interest is a "sensitive interest". If the Monitoring Officer agrees, the member is only obliged to disclose the existence of an interest, rather than the detail of it, at a meeting, and the Monitoring Officer must exclude the detail of the interest from the published version of the register of members' interests.

Dispensations

11. The provisions on dispensations are significantly changed by the Localism Act. Under the new provision a dispensation will be able to be granted in the following circumstances –
 - a) That so many members of the decision-making body have DPIs in a matter that it would impede the transaction of the business. In practice this means that the decision-making body would be inquorate as a result; or
 - b) That, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter; or
 - c) That the authority considers that the dispensation is in the interests of persons living in the authority's area; or
 - d) That, without a dispensation, no member of the Cabinet would be able to participate on this matter; or
 - e) That the authority considers that it is otherwise appropriate to grant a dispensation.

12. Any grant of a dispensation must specify how long it lasts for up to a maximum of 4 years.
13. The Localism Act enables the power to grant a dispensation to be delegated to a committee, sub-committee, or to the Monitoring Officer. It is suggested that in order to keep bureaucracy to a minimum, the authority to grant a dispensation be delegated to the Monitoring Officer, in consultation with the Independent Person and the Chairman of the Civic Affairs Committee. This will enable dispensations to be granted within a short time frame which is essential as a member does not often realise that he/she has an interest in an agenda item until the agenda is published, which would not allow the Civic Affairs Committee time to convene in order to make a decision on a dispensation request.
14. A SCDC Dispensations Procedure Guide and template application form is attached at **Appendix A**.

Implications

15. Financial	As detailed in the body of the report.
Legal	As detailed in the body of the report.
Staffing	None specific.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No
Climate Change	None specific.

Consultations

16. The Standards Committee was consulted throughout the process and agreed the application pack and recommended allowances

Consultation with Children and Young People

17. Not relevant.

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

Localism Act 2011

Contact Officer: Fiona McMillan – Monitoring Officer
Telephone: (01954) 713027

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DISPENSATIONS PROCEDURE GUIDE (POST JULY 2012)



1. Introduction

The Council's Monitoring Officer and Civic Affairs Committee are responsible for determining requests for dispensation by Councillors of South Cambridgeshire District Council under Section 33 (2) Localism Act 2011.

This guide explains:-

- (a) the purpose and effect of dispensations
- (b) the procedure for requesting dispensations
- (c) the criteria which are applied in determining dispensation requests
- (d) the terms of dispensations

2. Purpose and effect of Dispensations

In certain circumstances Councillors may be granted a dispensation which enables them to take part in Council business where this would otherwise be prohibited under the Code of Conduct or by law. Provided Councillors act within the terms of their dispensation there is deemed to be no breach of the Code of Conduct or the law.

Dispensations may allow the Councillor:

- (a) to participate, or participate further, in any discussion of the matter at the meeting(s); and/or
- (b) to participate in any vote, or further vote, taken on the matter at the meeting(s).

If a dispensation is granted, the Councillor may remain in the room where the meeting considering the business is being held.

3. Process for making requests

Any Councillor who wishes to apply for a dispensation must fully complete the attached form at Appendix A and submit it to the Monitoring Officer at least 15 working days before the meeting which the dispensation is required where possible. Applications may be accepted within a shorter period in exceptional circumstances, such as where the councillor is only made aware of the existence of an interest relating to a particular meeting once the agenda for a meeting has been published.

In order to avoid delay Councillors must ensure that they give full details of the grounds for their request and submit it to the Monitoring Officer as soon as they become aware that a dispensation is necessary.

A request for dispensation must be made on an individual basis. Group applications are not permitted.

4. Consideration by the Monitoring Officer

The Council has delegated to the Monitoring Officer the authority to grant dispensations. The Monitoring Officer will consider requests for a dispensation in the order in which they are received having regard to the criteria set out in paragraph 6.

In the case of a Disclosable Pecuniary Interest, the Monitoring Officer, after consultation with the Chairman of the Civic Affairs Committee and the Independent Person, may grant a dispensation to participate in any discussion of a matter at a meeting and/or to participate in any vote on the matter if they consider that:

- (a) so many members of the decision-making body have disclosable pecuniary interests that it would impede the transaction of the business (ie. the meeting would be inquorate); or
- (b) without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote on the matter; or
- (c) the authority considers that the dispensation is in the interests of persons living in the authority's area; or
- (d) without the dispensation no member of the Council's Cabinet would be able to participate on this matter; or
- (e) it is otherwise appropriate to grant a dispensation.

The provisions of the above paragraph shall also apply in the same way in the case of a non-disclosable pecuniary interest or non-pecuniary interest, subject to the substitution of "the Code of Conduct" for Section 31 (4) Localism Act 2011" in that paragraph.

The terms of any dispensation shall be in accordance with paragraph 7.

The Monitoring Officer will notify the Councillor of their decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

5. Consideration by the Civic Affairs Committee

The Monitoring Officer reserves the right to refer any request for a dispensation to the Civic Affairs Committee for determination as soon as is reasonably practicable.

The Civic Affairs Committee will consider requests for a dispensation referred by the Monitoring Officer in the order in which they were received by the Monitoring Officer having regard to the criteria set out in paragraph 6.

Meetings of the Civic Affairs Committee will normally be open to the public and any Councillor who has submitted a request will have the opportunity to attend and make representations in support of their application.

The Monitoring Officer will notify the Councillor of the Committee's decision and reasons in writing at the earliest opportunity and in any event within 5 working days of the decision.

All dispensations granted by the Monitoring Officer shall be reported to the next scheduled meeting of the Civic Affairs Committee.

6. Criteria for Determination of Requests

In reaching a decision on a request for a dispensation the Monitoring Officer or the Civic Affairs Committee (as appropriate) will take into account:

- (a) the nature of the Councillor's prejudicial interest
- (b) the need to maintain public confidence in the conduct of the Council's business
- (c) the possible outcome of the proposed vote
- (d) the need for efficient and effective conduct of the Council's business
- (e) any other relevant circumstances.

7. Terms of Dispensations

Dispensations may be granted:

- (a) for one meeting; or
- (b) for a period not exceeding 4 years.

8. Disclosure of Decision

Any Councillor who has been granted a dispensation must declare the nature and existence of the dispensation before the commencement of any business to which it relates.

A copy of the dispensation will be kept with the Register of Councillors' Interests.

South Cambridgeshire District Council Dispensation Request Form

Please give full details of the following in support of your application for a dispensation. You should refer to the accompanying 'Dispensations Guidance'. If you need any help completing this form please contact the Monitoring Officer.

Your name	
Decision-making body in respect of which you require a dispensation	
Details of your membership of that body	
The business for which you require a dispensation (refer to agenda item number if appropriate)	

Details of your interest in that business	
Date of meeting or time period (up to 4 years) for which dispensation is sought	
Dispensation requested to participate, or participate further, in any discussion of that business by that body	Yes/No
Dispensation requested to participate in any vote, or further vote, taken on that business by that body	Yes/No

<p>Full reasons why you consider a dispensation is necessary (use a continuation sheet if necessary)</p>	
--	--

Signed: _____ Dated: _____

Please send your completed form to the Monitoring Officer, South Cambridgeshire District Council, South Cambridgeshire Hall, Cambourne Business Park, Cambourne, Cambridge, CB23 6EA or by email to monitoring.officer@scambs.gov.uk . You will normally receive notification of the Monitoring Officer's decision within 5 working days of the decision.

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

26 July 2012

AUTHOR/S: Monitoring Officer

APPOINTMENT OF INDEPENDENT PERSON**Purpose**

1. The Localism Act 2011 provides that a Council must appoint at least one "Independent Person" whose views will be sought and taken into account in connection with the process for dealing with allegations that members have breached the code of conduct.

Recommendations

2. That Council:
 - (a) appoint one Independent Person and one deputy Independent Person as per the recommendations made by the interviewing panel to Council; and
 - (b) agree an annual allowance of £1000 for the lead Independent Person and an annual allowance of £500 for the deputy Independent Person, in addition to travelling expenses

(NB. the nominations will be distributed to members shortly before the council meeting once interviews have been completed).

Reasons for Recommendations

3. The Council is required to appoint at least one Independent Person. It is intended to appoint a lead Independent Person together with a deputy Independent Person who will act as the Independent Person in the event that the person appointed is absent, incapacitated or otherwise unable to act.

Background

4. The functions of the Independent Person(s) as required by the Localism Act are –
 - They must be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach and on any decision on action as a result of that finding;
 - They may be consulted by the authority in respect of a standards complaint at any other stage.
5. In the proposed complaints process arrangements, provision is made for the Independent Person to be consulted on all the key decisions made including whether to refer a complaint for investigation or to seek alternative resolution. This provides additional level of assurance for these decisions.

6. The Independent Person will therefore be available for consultation by the Monitoring Officer and/or the Civic Affairs Committee before a decision is taken as to whether to investigate a complaint or to seek local resolution of the same. In addition, the Localism Act provides for the Independent Person to be available for consultation by any elected member, including parish councillors, who is the subject of a standards complaint.
7. The Department of Communities and Local Government issued regulations in June 2012 which specifically provided that former Co-opted Independent Members of Standards Committees are eligible to be appointed as Independent Persons. At the beginning of July, after the advertisement had been posted advertising the position as a three year tenure (subject to the annual ratification by Full Council) the Government issued a further regulation to state that if a Council were to appoint a former Independent member of its Standards Committee as the new Independent person then that appointment could only be made until the end of June 2013. A new independent person would then need to be appointed after that date.
8. A recruitment process was agreed by the Standards Committee that due to the short timescales involved the Monitoring Officer should be given the delegated power to work with the other Monitoring Officers across Cambridgeshire to jointly agree an advertisement and application pack for the role and issue a press release about the position once finalised. The Committee also agreed that the Monitoring Officer and the Chairman of the Council should conduct a short-listing and interview process and make recommendations to Council on the proposed appointments.

Considerations

9. In the recruitment pack the Council stated that the Independent Person needs to have the following skills and competencies:

- a keen interest in standards in public life.
- a wish to serve the local community and uphold local democracy.
- the ability to be objective, independent and impartial.
- sound decision making skills
- leadership qualities, particularly in exercising sound judgement

They will also need to:

- be a person in whose impartiality and integrity the public can have confidence.
- understand and comply with confidentiality requirements.
- have a demonstrable interest in local issues.
- have an awareness of the importance of ethical behaviours.
- be a good communicator.

10. Desirable additional criteria for the role are:

- a working knowledge/experience of local government or other public service and/or of large complex organisations and awareness of and sensitivity to the political process.
- a knowledge and understanding of complaints processes.

11. A person cannot be appointed as an Independent Person if they are or were within a period of 5 years prior to the appointment:

- a member, co-opted member or officer of the authority, or a relative or close friend of the above
- A member, co-opted member or officer of a parish council in the District Council's area, or a relative or close friend of the above.

Remuneration for Persons Appointed as Independent Persons

12. As the Independent Person is not a member of the authority or of its Committees or Sub-Committees, the remuneration of the Independent Person is outside of the scheme of members' allowances, and can therefore be determined without reference to the Independent Remuneration Panel.
13. In comparison to the current Chairman of Standards Committee, the role of Independent Person is likely to be more onerous. He/she will be involved in all stages of the decision making process and is likely to be invited to attend all meetings of the relevant hearings sub-committees as an adviser. It is proposed that an annual allowance be paid of £1000 for the lead independent person in addition to travelling expenses and an annual allowance of £500 be paid to the deputy independent person.

Implications

14. Financial	As detailed in the body of the report.
Legal	As detailed in the body of the report.
Staffing	None specific.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact Assessment completed	No
Climate Change	None specific.

Consultations

15. The Standards Committee was consulted throughout the process and agreed the application pack and recommended allowances.

Consultation with Children and Young People

16. Not relevant.

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

Localism Act 2011

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