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28 March 2012

To: Chairman – Kathy English  
Vice-Chairman – Alan Hampton

Members of the Standards Committee:

Diane Best	Independent Member
Rick Bristow	Parish Council Member
Nigel Cathcart	District Council Member, non-group
Michael Farrar	Parish Council Member
Roger Hall	District Council Member, Conservative Group
John House	Independent Member
Janet Lockwood	District Council Member, Liberal Democrat Group
Simon Martin	Parish Council Member
Cicely Murfitt	District Council Member, non-group
Tony Orgee	District Council Member, Conservative Group
Raith Overhill	Independent Member
Mary Pilfold-Allan	Independent Member
Eric Revell	Independent Member
Alex Riley	District Council Member, Conservative Group
Jim Stewart	District Council Member, Liberal Democrat Group
James Williams	Independent Member

and to I Dewar (County Executive Officer, Cambridgeshire & Peterborough Association of Local Councils (CAPALC)), for information.

Dear Sir or Madam

You are invited to attend the next meeting of **STANDARDS COMMITTEE**, which will be held in the **COUNCIL CHAMBER, FIRST FLOOR** at South Cambridgeshire Hall on **THURSDAY, 5 APRIL 2012** at **2.00 p.m.**

Yours faithfully  
**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.**

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**AGENDA**

**PAGES**

**PROCEDURAL ITEMS**

- 1. Apologies**  
To receive apologies for absence from committee members.

2. **Declarations of Interest**
3. **Minutes of Previous Meetings** 1 - 6  
 To authorise the Chairman to sign the Minutes of the meetings held on 14 December 2011 and 14 March 2012 as correct records.

4. **Chairman's Address**

**DECISION ITEMS**

5. **COTON Parish Council: Request for Dispensation** 7 - 12
6. **Future of Standards (Localism Act 2011)** 13 - 34

**STANDING ITEMS**

7. **Update from Assessment and Review Panels** 35 - 36
8. **Advice to, and training of, District and Parish Council Members in relation to the Members' Code**

<b>Document</b>	<b>Weekly Bulletin / E-mail</b>
Standards Committee Newsletter January 2012	E-mail 9 January 2012 & Bulletin 11 January 2012
Information on General Power of Competence (part of Localism Act 2011) for qualifying Parish Councils	Bulletin 7 March 2012
Standards Committee Newsletter March 2012	E-mail 12 (District Council) and 19 March 2012 (Parish Councils) and Bulletin 14 March 2012

To note the above.

9. **Local Investigations, Hearings and References made to Standards for England** 37 - 38
10. **Operation of the Council's "whistle-blowing" policy**  
 Oral update.
11. **Date of Next Meeting**  
 Subject to the Committee's decision at item 6 above, the next meeting of the Standards Committee will take place on Thursday 10 May at 10 am in the Swansley Room.

### **OUR VISION**

- We will make South Cambridgeshire a safe and healthy place where residents are proud to live and where there will be opportunities for employment, enterprise and world-leading innovation.
- We will be a listening Council, providing a voice for rural life and first-class services accessible to all.

### **OUR VALUES**

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

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

## **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**

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### **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 a meeting of the Standards Committee held on  
Wednesday, 14 December 2011 at 10.00 a.m.

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

<b>Members:</b>	Diane Best	Independent Member
	Rick Bristow	Parish Council Member
	Nigel Cathcart	District Council Member, non-group
	Michael Farrar	Parish Council Member
	Roger Hall	District Council Member, Conservative Group
	Janet Lockwood	District Council Member, Liberal Democrat Group
	Simon Martin	Parish Council Member
	Cicely Murfitt	District Council Member, non-group
	Mary Pilfold-Allan	Independent Member
	Eric Revell	Independent Member
	Alex Riley	District Council Member, Conservative Group
	Jim Stewart	District Council Member, Liberal Democrat Group
	James Williams	Independent Member
<b>Officers:</b>	Holly Adams	Democratic Services Team Leader
	Virginia Lloyd	Lawyer
	Fiona McMillan	Legal & Democratic Services Manager and Deputy Monitoring Officer

Councillor Tumi Hawkins was in attendance, by invitation.

Apologies for absence were received from Raith Overhill (Independent Member).

**16. DECLARATIONS OF INTEREST**

Councillor Alex Riley declared a personal, non-prejudicial interest in item 5, Longstanton Parish Council Requests for Dispensations, as he was acquainted with all the members of Longstanton Parish Council. On the advice of the Deputy Monitoring Officer that his interest would not prevent his participation, he remained in the room during discussion of the item.

**17. MINUTES OF PREVIOUS MEETING**

Subject to the removal of a duplicate paragraph under Declarations of Interest, the Chairman signed the minutes of the 14 September 2011 meeting as a correct record.

**18. CHAIRMAN'S ADDRESS**

The Chairman noted the uncertainty surrounding the future involvement of the current independent members, but reported that she felt encouraged by the changes made to the Localism Bill following the representations made from across the country. She hoped that the new regime would allow for a clearer, faster process which would work well.

**19. LONGSTANTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS**

The Standards Committee, at its 14 September 2011 meeting, had granted dispensations to six of the eleven members of Longstanton Parish Council from matters relating to the

Village Institute Trust, which operated solely through members of the Parish Council under the terms of the Charity Scheme. The Committee had recommended at that time that the other members of the Parish Council seek identical dispensations as their interests were the same, and two further applications had been received.

The Standards Committee **AGREED** to grant dispensations until May 2012, the duration of the current Parish Council, to Longstanton Parish Councillors Dennis Harradine and Brian Robins in respect of issues concerning the Village Institute Charity policies and procedures, hire charges and fundraising, with the reminder that they are still to declare an interest in any matters concerning the Village Institute Charity and to declare that they have received a dispensation for that interest.

## 20. KINGSTON PARISH COUNCIL: REQUESTS FOR DISPENSATIONS

*Urgent item accepted by the Chairman.*

Two of the five members of Kingston Parish Council had applied for dispensations from discussing the demolition of North Farm House. Three of the parish councillors lived opposite or adjacent to the planning application site, and the Parish Council quorum was three. Without dispensations, the Parish Council would be unable to comment on the application. Councillor Tumi Hawkins, local member for Kingston, explained the background and the urgency of it, as details of the planning application had been received by the Parish Council only a week earlier. The Standards Committee had previously granted similar dispensations to other parish councils on the grounds that parish councils were commenting on planning applications while the final decision rested with the District Council's Planning Committee.

The Standards Committee **AGREED** to grant dispensations to Kingston Parish Councillors Julie Conder and Tim Fitzjohn in respect of discussions of the demolition of North Farm House (Planning Application S/1092/11), with the reminder that they are still to declare an interest in any matters concerning North Farm House and to declare that they have received a dispensation for that interest.

## 21. FUTURE OF STANDARDS (LOCALISM ACT 2011)

The Deputy Monitoring Officer presented her report on the standards provisions in the Localism Act, which had received Royal Assent on 15 November 2011. In addition to the information set out in the report, she explained that:

- the Heads of Legal at Cambridgeshire County Council and the District Councils in Cambridgeshire were recommending that the same Code of Conduct be adopted by all authorities. The Cambridgeshire and Peterborough Association of Local Councils (CPALC) would urge all Cambridgeshire Parish Councils also to sign up to the joint Code to minimise the potential for members on more than one authority to be signed up to two or more different Codes;
- the Association of Council Secretaries and Solicitors (ACSeS) was awaiting advice from a barrister to clarify whether an independent member of a current Standards Committee could apply to serve as an Independent Person under the terms of the new regime. In the meantime, the Cambridgeshire Heads of Legal were considering the joint recruitment and training of a pool of Independent Persons which all authorities could draw upon as required;
- guidance notes would be issued to District and Parish Councillors shortly in a Standards Committee newsletter; and
- further details and clarifications were anticipated in the regulations, although the timescale for their publication was unknown.

The Committee welcomed the reduction in the bureaucracy involved in responding to standards allegations, but expressed concerns about the lack of specific references as to how the new system would work in relation to the district council's responsibility for implementing the new system with parish councils and how district and parish councils would need to work together. Concerns were also raised about the possibility of pressure being put on the Monitoring Officer and Independent Persons to reach particular outcomes with the increased decision-making responsibility of the Monitoring Officer role.

The Committee also agreed that the issue of the type of sanctions available in the event of a breach of the code, particularly in relation to parish councils, would be crucial to the success of the new system. In the absence of detailed information about the definition of pecuniary and other interests, and the outcome of a mid-January meeting of the Cambridgeshire Heads of Legal to consider a joint model Code of Conduct, the Committee considered that an additional meeting on 6 February 2012 was essential. Committee members were encouraged to e-mail detailed comments on the new regime to the Democratic Services Team Leader before 23 January 2012.

The Standards Committee **NOTED** the report on the future of standards and **AGREED** to hold an extraordinary meeting of the full Committee on Monday 6 February 2012 at 10 am to enable the Committee to make recommendations to the meeting of Full Council on 23 February 2012, so that the new arrangements would come into force on 1 April 2012, if that date continued to be the implementation date as currently anticipated.

**22. UPDATE FROM ASSESSMENT AND REVIEW PANELS**

The summary of cases considered by the Panels was **NOTED**.

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

The advice circulated was **NOTED**.

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

The Committee **NOTED** the summary of recent cases, including the outcome of the hearing held on 12 December 2011 into CORCOM 4601, and that another hearing would be held sometime early in 2012. The investigation of another matter was nearing completion.

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

Nothing to report.

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

The Committee was informed that a report would be brought to a later meeting.

**27. DATES OF NEXT MEETINGS**

The dates of the next two meetings were **NOTED**.

**28. EXCLUSION OF PRESS AND PUBLIC**

**RESOLVED** that the press and public be excluded from the meeting during consideration of the following item in accordance with the provisions of Section 100(A)(4) of the Local Government Act 1972 (as amended) (exempt information as defined in Paragraph 7A of Part 1 of Schedule 12A of the Act).

**29. CORCOM 4523**

The Standards Committee **RECEIVED** the report of the Ethical Standards Officer, with a finding of no breach.

**30. CORCOM 4523A**

The Standards Committee **RECEIVED** the Ethical Standards Officer's report and **NOTED** the finding of a breach but that no further action need be taken.

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**The Meeting ended at 11.40 a.m.**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Standards Committee held on  
Wednesday, 14 March 2012 at 10.00 a.m.

PRESENT: Kathy English (Independent Member) – Chairman

Members: Nigel Cathcart District Council Member, non-group  
Michael Farrar Parish Council Member  
Roger Hall District Council Member, Conservative Group  
Simon Martin Parish Council Member  
Cicely Murfitt District Council Member, non-group  
Tony Orgee District Council Member, Conservative Group  
Raith Overhill Independent Member  
Jim Stewart District Council Member, Liberal Democrat Group

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

Councillors and were in attendance, by invitation.

Apologies for absence were received from Councillor Alan Hampton, Diane Best, Rick Bristow, John House, Janet Lockwood, Mary Pilfold-Allan, Eric Revell, Alex Riley and James Williams.

**31. DECLARATIONS OF INTEREST**

None.

**32. GAMLINGAY PARISH COUNCIL: REQUEST FOR DISPENSATION**

Councillor Colin Smith of Gamlingay Parish Council had applied formally for a dispensation to enable him to remain in meetings and to vote on matters concerning the financial affairs of, or regulatory issues concerning, Gamlingay Community Centre. The Standards Committee has granted similar dispensations to all other members of Gamlingay Parish Council.

The Standards Committee **AGREED** to grant a dispensation to Gamlingay Parish Councillor Colin Smith from interests in any matters concerning the financial affairs of, or regulatory issues concerning, Gamlingay Community Centre. This dispensation has been granted until 1 July 2012.

**33. DATE OF NEXT MEETING**

The next meeting was scheduled for Thursday 5 April 2012 at 10 am, but this could be re-scheduled depending upon the timing of the publication of new standards regulations.

The Monitoring Officer updated the Standards Committee on the current progress towards the new standards regime:

- Discussions between the Association of Council Secretaries and Solicitors (ACSeS) and the Local Government Association (LGA) about a model Code of Conduct were on-going;
- In the absence of a draft Code of Conduct and regulations defining the new categories of interest, the Heads of Legal Services at Cambridgeshire authorities and the Cambridgeshire and Peterborough Association of Local Councils (CAPALC) were minded to recommend that councils adopt paragraphs 3-7 of the existing Code of

- Conduct at their Annual General Meetings;
- ACSeS had sought the opinion of a QC on the possibility of Independent Members of current Standards Committees being appointed as Independent Persons under the new regime. The QC's opinion was that the Localism Act 2011 prohibited such appointments, and it was understood that the government had stated that such prohibition was unintentional and would address the matter in supplementary regulations;
  - Recruitment for Independent Persons would be done jointly with all Cambridgeshire authorities, and unless prohibited by the regulations, procedures would allow the authorities to share Independent Persons if a conflict of interest arose;
  - The Standards Committee would have to consider its future role and remit, or whether its functions could be discharged by another council body. The District Council would retain the responsibility to offer training and guidance on standards matters to parish councils;
  - Any future Standards Committee would have to be politically balanced to reflect the composition of the District Council as a whole; and
  - Parish councils' opinions would be sought on whether or not they wished to have formal representation on the Standards Committee as co-opted members. Legislation did not allow the District Council to extend voting rights to co-opted members, although it was noted that the Standards Committee historically had always agreed everything by consensus rather than by vote.

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**The Meeting ended at 10.20 a.m.**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Standards Committee

5 April 2012

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

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**COTON PARISH COUNCIL: REQUEST FOR DISPENSATION****Purpose**

1. Councillor David Cairns, of Coton Parish Council, has applied formally for dispensation to enable him to remain in meetings and vote on matters relating to the Coton Recreation Ground Trust, for which the Parish Council is the sole Trustee. This is not a key decision, but has been brought to this meeting of the Standards Committee due to the matters described below at paragraph 5.

**Recommendations and Reasons**

2. That the Standards Committee grant a dispensation until 1 July 2012, to Coton Parish Councillor David Cairns, with the reminder that he is still to declare an interest in any matters concerning Coton Recreation Ground Trust as described below, and to declare that he has received a dispensation for that interest.

**Background**

3. Coton Recreation Ground is a registered charity, of which Coton Parish Council, as a corporate body, is the sole Trustee. The charity, therefore, can exercise its power as Trustee only through the members of Coton Parish Council.
4. Under *The Standards Committee (Further Provisions) (England) Regulations 2009*, the Standards Committee may grant a dispensation to a member in the following circumstances:
  - (a) where the transaction of business of the authority would, but for the grant of any other dispensation in relation to that business, on each occasion on which the dispensation would apply, otherwise be impeded by, or as a result of, the mandatory provisions because
    - (i) the number of members of the authority prohibited from voting on the business of the authority at a meeting exceeds 50% of those members that, but for the granting of any dispensations relating to that business, would otherwise be entitled to vote on that business; or
    - (ii) the number of members prohibited from voting on the business of the authority at a meeting would, but for the granting of any dispensations relating to that business, upset the political balance of that meeting to such an extent as to prejudice the outcome of voting in that meeting;
  - (b) the member has submitted to the standards committee a written request for a dispensation explaining why it is desirable; and
  - (c) the standards committee concludes that having regard to the matters mentioned in sub-paragraph (a) above, the written request made pursuant to sub-paragraph (b) above, and to any other relevant circumstances of the case, it is appropriate to grant the dispensation.
5. Nothing in paragraph 4 above shall permit a dispensation to be granted

- (a) in respect of participation in business of the authority conducted more than four years after the date on which the dispensation is granted; or
- (b) where the effect of the mandatory provisions from which a dispensation is sought is that
  - (i) a member is prohibited from voting on a matter at a meeting of an overview and scrutiny committee of an authority relating to a decision made by any body of which that person was a member at the time the decision was taken; or
  - (ii) a member of the authority's executive is prohibited from exercising functions which are the responsibility of the executive of the authority and which would otherwise be discharged by that member solely.

6. The Standards Committee, on 28 July 2011, granted dispensations from this interest to the eight other members of Coton Parish Council. There was one vacancy on the Parish Council at that time, which has since been filled by Councillor Cairns.

**Considerations**

- 7. Coton Parish Council has met the requirements of the 2009 Regulations and there is nothing in their applications to prevent the grant of their request.
- 8. Dispensations granted by the Standards Committee will cease to have effect upon the expected commencement of the Localism Act 2011 on 1 July 2012, at which time the new categories of interests will become law. The Standards Committee newsletter of March 2012 has advised all parish councils with current dispensations that they will need to reconsider their interests and whether they still need dispensations, then re-apply to the Standards Committee for dispensations under the new regime if required.
- 9. Coton Parish Council generally, and Councillor Cairns specifically, have been advised of the Standards Committee's inability to grant dispensations beyond 30 June 2012, and Councillor Cairns has confirmed that he would still wish to receive a dispensation, as matters concerning the Recreation Ground Trust will be on the Parish Council's 10 April 2012 meeting agenda.

**Options**

- 10. Not to grant a dispensation is unlikely to leave the Parish Council unable to discuss any regulatory matters relating to Coton Recreation Ground Trust, as more than 50% of the Parish Council would have a dispensation and be able to participate. It would, however, leave Councillor Cairns unable to participate, and would be seen as unfairly discriminating against him when his fellow councillors had received dispensations for the same issue.

**Implications**

11.

Financial	None.
Legal	Parish Council members must still declare an interest in matters in which they have been granted a dispensation. As a matter of good practice, members should also state that they have been granted a dispensation, by stating that, "I declare an interest as a member of the Trustee for Coton Recreation Ground Trust, for which I have been granted a dispensation by the Standards Committee".
Staffing	None.
Risk Management	None.

Equal Opportunities	None.
Climate Change	None.

**Consultations**

- 12. Mr Ben Stoehr, Head of IT and Communications, Coton Parish Council.

**Effect on Strategic Aims**

- 13. Commitment to being a listening council, providing first class services accessible to all: The Standards Committee has already granted eight dispensations to the members of Coton Parish Council, and this further request has been made based on the Committee's own advice that any new elected or co-opted members apply for a similar dispensation upon election or co-option.
- 14. Commitment to making South Cambridgeshire a place in which residents can feel proud to live: Coton Recreation Ground is a village amenity for which the Parish Council, as the Trustee, has responsibility.
- 15. Commitment to providing a voice for rural life: The Standards Committee has the power to grant a dispensation upon request from a parish council.

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

The Standards Committee (Further Provisions) (England) Regulations 2009  
Agendas and Minutes of Standards Committee 3 October 2002, 7 June 2007, 11 March 2009, 17 June 2009, 9 September 2009, 9 December 2009, 10 March 2010, 16 June 2010, 19 August 2010, 4 October 2010, 28 July 2011  
Dispensation Application from Coton Parish Councillor David Cairns

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

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### Parish Council Member's Application for a Dispensation

To: Standards Committee, South Cambridgeshire District Council

Under Section 81 of the Local Government Act 2000, a member who has a prejudicial interest in a matter which is under consideration may not participate in the consideration of that matter by the Parish Council unless he / she has first obtained a dispensation from the Standards Committee of South Cambridgeshire District Council. The powers to grant a dispensation are governed by the Relevant Authorities (Standards Committee) (Dispensation) Regulations 2002. You may apply for a dispensation by completing this form and sending it to the Monitoring Officer of South Cambridgeshire District Council. Please do so as soon as you are aware of the possible conflict, before South Cambridgeshire District Council Standards Committee is due to meet and before the matter is due to be considered by the Parish Council. Please complete the attached form as fully as possible as the request for dispensation must be written and explain why the dispensation is desirable.

Please note that for Standards Committee to conclude that it is appropriate to grant a dispensation it must have regard to the reason for the request, the content of the written application and to all the other circumstances of the case.

***If you are granted a dispensation, please note that the Standards Committee must be notified if the circumstances under which it was granted change.***

Your Name and Parish Council / Meeting:

(OTON PARISH COUNCIL

What is the matter which is shortly to be considered and in respect of which you seek a dispensation?

(OTON RECREATION GROUND)

Is this matter to be considered by the Parish Council as a whole or by a sub-committee? If the latter please provide the name of the sub-committee.

PARISH COUNCIL

What is the nature of your prejudicial interest?

THE PARISH COUNCIL IS SOLE TRUSTEE

What is the date of the meeting at which this matter is to be considered?

ANY DATE BETWEEN NOW AND MAY 2015

The grounds for dispensation is that the number of Members of the body that are prohibited from participating in the business of the authority exceeds 50% of those Members that are entitled or required to so participate. Please provide details confirming this:

THE PARISH COUNCIL IS SOLE TRUSTEE SO OVER 50% PARISH COUNCIL WAS ADVISED BY THE STANDARDS COMMITTEE IN JULY 2011 THAT NEW MEMBERS MUST APPLY FOR A DISPENSATION.

Do you seek a dispensation just for the one meeting or for a longer period? If longer, please state a period not exceeding four calendar years.

Please set out below the reasons why you consider the Standards Committee should grant this dispensation:

TO ENABLE ME TO REMAIN IN MEETINGS AND VOTE ON MATTERS RELATING TO THE COTON RECREATION GROUNDS TRUST. WITHOUT DISPENSATIONS IT WOULD BE IMPOSSIBLE FOR ISSUES RELATING TO THE RECREATION GROUNDS TO BE CONSIDERED AT MEETINGS.

Signed: .....

*[Handwritten signature]*

Date: .....

5<sup>th</sup> October 2011

*[Handwritten signature]*

14<sup>th</sup> March 2012



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Standards Committee5<sup>th</sup> April 2012**AUTHOR/S:** Monitoring Officer /Legal & Democratic Services Manager

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**UPDATE ON LOCALISM ACT 2011****Purpose**

1. This report sets out the requirements of the Localism Act 2011 and summarises the provisions of the Act in relation to the arrangements the Council must put in place to ensure it complies with the duty under the Act to promote and maintain high standards of conduct for its own elected members.

**Recommendation:**

2. That Members:
  - (a) Note and comment upon the draft procedure for complaints under the new Code of Conduct;
  - (b) Endorse the proposal to delegate to the Monitoring Officer the responsibility of undertaking a joint exercise to recruit an Independent Person(s) with the other councils in Cambridgeshire, subject to the approval of Full Council;
  - (c) Note that transitional provisions are likely to be made to ensure that existing Independent Members are eligible to apply for the position of Independent Person(s) at South Cambridgeshire District Council;
  - (d) Provisionally approve the draft Cambridgeshire Councils Model Code of Conduct as the Council's new Code of Conduct for Elected Members subject to a further report once the Code has been issued in its final format;
  - (e) Note that a further report will be brought to a future meeting once the Regulations are enacted and that it may be necessary to convene a special meeting of Full Council to comply with the statutory timescales; and
  - (f) Agree that an additional meeting of Standards Committee should be held on Thursday 10 May to enable recommendations to Council be able to be made.

**Background**

3. The Council is required to put procedures in place in order to comply with the provisions of the Localism Act 2011, which places a statutory duty upon the Council 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.
4. The Localism Act requires the Council to adopt a Code of Conduct and appropriate procedures to deal with any breaches with effect from 1 July 2012. The appointment of Independent Person(s) and the adoption of the new Code and procedures requires approval by Full Council.
5. 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. It is important for the corporate governance of the Authority that the Council has the highest standards of conduct from its elected members and that the public has confidence that any complaints procedure is robust and transparent. 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. Equally the Council must ensure frivolous or tit for tat complaints are discouraged if the process is not to fall into disrepute.

6. Regulations and transitional provisions are still awaited which will set out the details of the new legislative regime and in particular will define the new 'pecuniary interests' which in future members will be expected to register. It is also anticipated that Ministers are minded to make transitional provision for a Council to appoint a person as an Independent Person who has held the post of chairman or as a member of the Council's Standards Committee within the last 5 years.
  7. The main provisions set out within the Act in relation to Standards issues are:-
    - All authorities will be required to have a Code of Conduct
    - The Code must be in accordance with the Nolan Principles
    - The Code must include a requirement for members to register and disclose pecuniary and non-pecuniary interests
    - Local authorities will have to put in place a system to deal with allegations that members have breached the Code
    - A local authority must appoint an Independent Person through a transparent process and, where a local authority has investigated an allegation, it must seek the Independent Person's view before reaching a decision about the allegation. It must then have regard to that view
    - A person against whom a complaint is made may also seek the views of the Independent Person
    - Parish Councils must have a Code, but may adopt their principal Council's Code (thereby satisfying the obligation to ensure it meets the above requirements)
    - Principal Councils are to deal with allegations of breach in relation to Parish Councillors
  8. The intention of the Act was to replace the current standards regime with shorter, more cost effective and proportionate investigations with less formal time consuming hearings and procedures. As a result there is local discretion for each Authority to design a process which meets its own circumstances but is sufficiently robust to assure the public that complaints will be dealt with appropriately.
  9. It is anticipated that the new arrangements will come into effect from 1 July 2012. This may present a challenge to the Council in terms of timescales as both the Code itself and the appointment of the new Independent Persons will be for Council to approve. Council meetings are scheduled for 24 May and 26 July 2012. Members may therefore need to consider the possibility of a special Council meeting or it may be that transitional measures will allow for a degree of overlap due to short timescales.
- Duty to promote high standards of conduct**
10. The nationally prescribed Model Code of Conduct for members will be abolished but South Cambridgeshire District Council and all Parish Councils within the Borough must adopt a Code of Conduct setting out the conduct expected of their members when acting in their capacity of an elected member.

11. Any local code must be consistent with the Nolan principles of:
    - Selflessness
    - Integrity
    - Objectivity
    - Accountability
    - Openness
    - Honesty
    - Leadership
  12. Discussions are understood to still be underway between the Local Government Association (LGA) and the Association of Council Secretaries and Solicitors (ACSeS) on the wording of a model code of conduct. In the absence of this, the Monitoring Officers at all the Cambridgeshire Authorities have produced a draft code of conduct which is attached as **Appendix A**, which will need to be amended once the regulations are published. This is based upon the Nolan principles along with similar wording to the existing code, which is now well known and understood by members.
  13. The Committee is asked to comment and provisionally approve the wording subject to a revised draft being put in front of the Committee as soon as the regulations are published.
  14. Once the current legislation is repealed the statutory requirement to have a Standards Committee will also be abolished. Accordingly South Cambridgeshire District Council is free to consider how best to deal with any complaints and investigations in relation to breach of its new code subject to the requirement to appoint at least one Independent Person (IP) who must be consulted before any decision on an allegation that it has decided to investigate.
  15. The Council may, if it wishes, set up a “new” Standards Committee to deal with Standards issues. This will be an ordinary committee or sub-committee of the Council and so it will:
    - Need to be politically balanced
    - Be subject to the same requirements or confidential and exempt information and any other committee (NB the initial assessment process is no longer automatically confidential)
    - Will not include independent members (other than as non-voting co-optees) and cannot be chaired by an independent member as the chair has a second or casting vote
    - Will not include Parish Council representatives, unless the Council decides to retain them as non-voting co-optees
  16. The Government is due to publish new regulations under the Act which will set out those new pecuniary interests which in future all members will be required to register. Failure to do so will be a criminal offence punishable upon summary conviction to a fine not exceeding level 5 on the standard scale. In addition the court may disqualify the person for a period of up to 5 years from being or becoming a member or co-opted member of any authority. However, proceedings under this section may only be brought with the consent of the Director of Public Prosecutions.
  17. Until the regulations are published and the definition of a “pecuniary interest” is clear, it is not possible to finalise the Council’s Code of Conduct.
- Independent Persons**
18. The Act requires that the Authority appoint one or more Independent Persons (IPs) whose:

- Views must be sought and taken into account by the Authority before it makes a finding that any member has failed to comply with its Code of Conduct or imposes any sanction
  - Views may be sought on whether to investigate a complaint and how to deal with a particular allegation
  - In addition any member against whom an allegation has been made (including a Parish Councillor) may consult him or her regarding the allegation.
19. The current wording of the Localism Act prevents any person who has been a member or a co-opted member of South Cambridgeshire District Council in the last 5 years from being appointed as an IP. Accordingly the Association of Council Secretaries and Solicitors (ACSeS) has sought counsel's advice on whether current or past independent members of the Council's Standards Committee are prevented from becoming IPs for the same Council under the 2011 Act. Counsel's clear advice is that an independent member of an Authority's Standards Committee is prevented from becoming an IP of the same Authority by the Act, as they fall within the definition of a co-opted member.
20. As a result ACSeS has now made representations to the CLG requesting that the transitional arrangements should enable Councils to have the option to appoint independent members as IPs in view of the loss of skill and expertise. Recent indications are that the Minister would be minded to make such transitional provisions.
21. The Act requires that the Council follows a robust recruitment process for the appointment of IPs. The vacancy must be advertised, application forms must be submitted and the individual appointments must be approved at Full Council by a majority of the members of the Authority. Individuals are not eligible to be appointed as IPs if they are a relative or close friend of any member or co-opted member of South Cambridgeshire District Council and/or any Parish Council within its area.
22. In the absence of any transitional arrangements which would enable current members of South Cambridgeshire District Council to act as Independent Persons it has been suggested that it would be appropriate to co-ordinate the advertisement of all vacancies for IPs with neighbouring authorities in Cambridgeshire so that experienced independent members could be appointed as an IP at a neighbouring Authority. The current suggestion is that Cambridgeshire County Council, Cambridge City Council, East Cambridgeshire District Council, Fenland District Council, Huntingdonshire District Council and Peterborough City Council co-ordinate a joint recruitment exercise and this is being followed up at Officer Level.
- Parish Councils**
23. Parish Councils will also be under a duty to promote high standards of conduct amongst their members and will also have the same duty to adopt a Code of Conduct, which is consistent with the seven Nolan Principles of Public Office. Parish Council will be free to decide to adopt the same county-wide Cambridgeshire code or draft their own Code. The Cambridgeshire and Peterborough Association of Local Councils (CAPALC) are recommending that parish councils adopt the same county-wide code.
24. South Cambridgeshire District Council will continue to remain responsible for handling complaints about member conduct at Parish level and must have an appropriate procedure in place for investigations.

25. In addition the Monitoring Officer must keep registers of Interests for members of each Parish Council in South Cambridgeshire. They must be published on the Council's website and on the Parish Council website, if it has one.

**Background Papers:** the following background papers were used in the preparation of this report: Localism Act 2011

**Contact officer:** Fiona McMillan – Legal & Democratic Services Officer & Monitoring Officer  
(01954) 713027

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## CODE OF CONDUCT OF CAMBRIDGESHIRE LOCAL AUTHORITIES

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- i. **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- ii. **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- iii. **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- iv. **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- v. **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- vi. **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- vii. **Leadership** Holders of public office should promote and support these principles by leadership and example.

### PART 1

#### GENERAL PROVISIONS

##### 1. Introduction and interpretation

- 1.1. This Code applies to **you** as a member of South Cambridgeshire District Council ("SCDC")
- 1.2. The term "**the Authority**" used in this Code refers to South Cambridgeshire District Council.

- 1.3. **“Member”** means any person being an elected or co-opted member of the Authority and any independent person appointed by the Authority to assist with the discharge of the ethical standards functions.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –  
**“Meeting”** means any meeting of
  - a) The Authority;
  - b) The executive of the Authority;
  - c) Any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
  - d) Any of the Authority’s advisory groups and executive boards, working parties and panels.
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

## **2. Scope**

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your capacity as a Member of the Authority.
- 2.2. Where you act as a representative of the Authority:-
  - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
  - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

## **3. General obligations**

- 3.1. **You must treat others with respect.**
- 3.2. You must not:-
  - (a) do anything which may cause the Authority to breach the equality enactments;
  - (b) bully any person
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:-
    - (i) a complainant;
    - (ii) a witness; or



(iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct;

(d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority;

**4. You must not:-**

4.1. disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

(a) you have the consent of a person authorised to give it;

(b) you are required by law to do so;

(c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or

(d) the disclosure is:-

(i) reasonable and in the public interest; and

(ii) made in good faith and in compliance with the reasonable requirements of the authority; or

4.2. prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

**6. You must:-**

6.1. not use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

6.2. when using or authorising the use by others of the resources of your authority:-

(a) act in accordance with your authority's reasonable requirements;

(b) ensure that such resources are not used improperly for political purposes (including party political purposes); and

6.3. have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

**7. When reaching decisions on any matter you must have regard to any relevant advice provided to you by:-**

- (a) your authority's chief finance officer; or
- (b) your authority's monitoring officer,

where that officer is acting pursuant to his or her statutory duties. (2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.

**PART 2  
INTERESTS**

**8. Disclosable Pecuniary Interests**

8.1. 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;
  - (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 that other person has the interest.

**9. Registration of Disclosable Pecuniary Interests and Personal Interests**

9.1. Subject to paragraph 11 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.

9.2. Subject to paragraph 11 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change, pursuant to sub-paragraph 9.1 above.

**10. Disclosable Pecuniary interests in matters considered at meetings or by a single member**

10.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting, –

(a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary or Personal Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and

(b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority Monitoring Officer – (i) participate, or participate further, in any discussion of the matter at the meeting; or (ii) participate in any vote, or further vote, taken on the matter at the meeting.

***Single member action***

10.2. If you are empowered to discharge functions of the Authority acting alone, and have and aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

**11. Sensitive interests**

11.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 10.1 above.

**12. Personal Interests**

12.1. You have a personal interest in any business of your authority where either—

(a) it relates to or is likely to affect—

(i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;

(ii) any body—

(aa) exercising functions of a public nature;

(bb) directed to charitable purposes; or

(cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;

(iii) any employment or business carried on by you;

(iv) any person or body who employs or has appointed you;

(v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;

(vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

(vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

(viii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;

(ix) any land in your authority's area in which you have a beneficial interest;

(x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;

(xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or

(b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.

12.2. In sub-paragraph (1)(b), a relevant person is—

(a) a member of your family or any person with whom you have a close association; or

(b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;

(c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or

(d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

**PART 3**

**RELATED DOCUMENTS**

14. The procedures that apply in relation to any alleged breach of this Code are attached at Appendix 1.
15. The Authority's Procedural Guidance for Members and Officers in Planning and Licensing is attached at Appendix 2.
16. The Authority's Protocol on Member/Officer Relations is attached as Appendix 3
17. The procedures under which registration and declaration of interests are to be made are attached at Appendix 4.
18. The Gifts, Hospitality and Sponsorship Policy:Guidance for Members is attached at Appendix 5.

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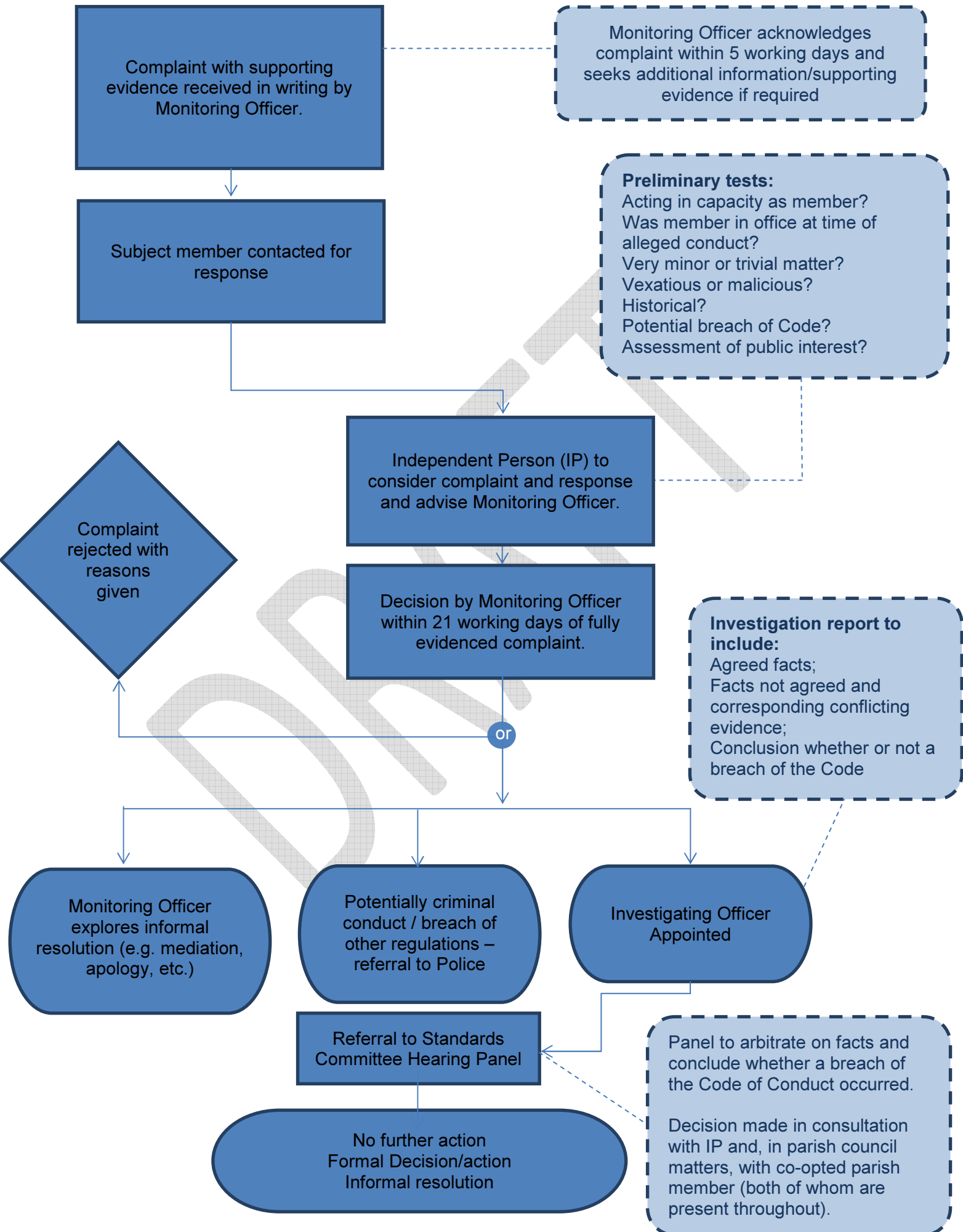
## Localism Bill Comparison of Principles

The General Principles	The Principles	Paragraphs in the Model Code
The Relevant Authorities (General Principles) Order 2001	Localism Bill, Clause 28(1)	Local Authorities (Model Code of Conduct) Order 2007
Selflessness	Selflessness	6(a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person an advantage or disadvantage.
Honesty and integrity	Integrity	4(a) You must not disclose information given to you in confidence or which you believe, or ought reasonably to be aware, is of a confidential nature.
	Honesty	
Objectivity	Objectivity	7(1) When reaching decisions on any matter, you must have regard to any relevant advice provided to you by your authority's Chief Finance Officer or Monitoring Officer, where that officer is acting pursuant to his or her statutory duties.
Accountability	Accountability	7(2) You must give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by your authority.
Openness	Openness	4(b) You must not prevent another person from gaining access to information to which that person is entitled by law
Personal Judgement	-	

Respect for others	-	3(1) You must treat others with respect. 3(2)(b) You must not bully any person.
Duty to uphold the law	-	3(2) You must not – (a) do anything which may cause your authority to breach any of the equality enactments, or (c) intimidate or attempt to intimidate any person who is or is likely to be a complainant, witness or involved in the administration of any investigation or proceeding in relation to an allegation that a member (including yourself) has failed to co-operate with his or her authority's Code of Conduct.
Stewardship	-	6(b) You must, when using or authorising the use of the resources of your authority – (i) act in accordance with your authority's reasonable requirements; (ii) ensure that such resources are not used improperly for political purposes.  6(c) You must have regard to any applicable Local Authority Code on Publicity made under the Local Government Act 1986
Leadership	Leadership	5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.



### South Cambridgeshire District Council Complaints Procedure Flowchart



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## **P Standards Committee – Procedure for the Initial Assessment of Complaints**

### **1. Submission of Complaints**

- (a) The authority will maintain a distinct and separate process for the handling of Code of Conduct (“the Code”) complaints and shall attempt through regular advertisement to notify the public where to direct complaints, and provide details of the procedures it will follow.
- (b) The authority will also determine Code complaints for all town and parish councils within South Cambridgeshire, including those which have adopted a Code other than that adopted by the District Council. Allegations made about members of these authorities will be assessed against the provisions of their Code.
- (c) Officers administering the corporate compliments, comments and complaints procedure (non-Code complaints) shall be alert to a complaint that a member may have breached the Code and ensure that such complaints are passed to the Monitoring Officer.
- (d) Complaints must be in writing. This will include fax and electronic transmission. This requirement must be read in conjunction with the Disability Discrimination Act 2000 and occasions where the complainant’s first language is other than English. Transcriptions of oral complaints will be accepted only in these circumstances.
- (e) The authority will produce a Code of Conduct Complaint Form that will be freely available, both on request and from the authority’s website, [www.scamb.gov.uk/standards](http://www.scamb.gov.uk/standards), where it will be readily accessible. An on-line complaint submission form will also be available on the authority’s website.
- (f) The form will inform complainants that their identity will normally be disclosed to the subject member. In exceptional circumstances and at the discretion of the Monitoring Officer, having taken the view of an Independent Person, this information may be withheld.
- (g) Complainants may withdraw their complaint only with permission of the Monitoring Officer.
- (h) The Monitoring Officer, having sought and taken into account the views of the Independent Person (see section 2, below), has discretion to determine whether a complaint:
  - (i) is a Code complaint or not,
  - (ii) should be investigated further or whether a different course of action is more appropriate,
  - (iii) if in a manner other than described in 1(c) above, is suitable for informal resolution.
- (i) The Monitoring Officer has discretion to vary this procedure in any particular instance where s/he is of the opinion that such a variation is necessary in the interests of fairness.

### **2. Independent Person(s)**

The authority will appoint one or more “Independent Persons” whose view the Monitoring Officer must seek and take into account before making any decision in relation to an allegation about the conduct of a District or Parish Councillor within South Cambridgeshire.

- (a) An “Independent Person” is someone who is not a councillor, co-opted member or officer of the District Council or of any Parish Council within South Cambridgeshire, nor has held such office within five years prior to his/her appointment;
- (b) An Independent Person will not be a relative or close friend of any such councillors, co-opted members or officers;
- (c) The Independent Person will not cease to be independent as a result of being paid any amounts by way of allowances or expenses in connection with performing the duties of the appointment;

- (d) The vacancy for Independent Person will have been advertised in such manner as the authority considers likely to bring it to the attention of the public;
- (e) The Independent Person will have submitted an application to fill the vacancy;
- (f) The District Council may adopt an appointments procedure for Independent Person(s), such procedure to be published on the authority's website and provided to all applicants;
- (g) The full Council will appoint the Independent Person(s) by majority vote on the recommendation of an appointments panel of the Standards Committee, or of a joint appointments panel of Cambridgeshire county, city, district and unitary authorities.

**3. Acknowledging receipt of a complaint and contacting the subject member(s)**

On receiving a complaint and after determining that it is a Code complaint, the Monitoring Officer shall:

- (a) Send written acknowledgement to the complainant within five working days of receipt:
  - (i) If sufficient supporting evidence is not provided by the complainant, the Monitoring Officer will require the complainant to provide such evidence within five working days of the date of the acknowledgement or no further action will be taken in respect of the matter.

Within five working days of having received a valid Code of Conduct complaint and supporting evidence, the Monitoring Officer shall:

- (b) Contact the subject member(s) with a summary of the complaint and evidence. The summary shall include the paragraphs of the Code of Conduct to which the complaint relates or as identified by the complainant.
- (c) Ask that the subject member(s) provide a written response to the allegation and supporting evidence within five working days.

The Monitoring Officer shall then supply to the Independent Person the written complaint and supporting evidence, and the written response and supporting evidence from the subject member. The views of the Independent Person will be communicated to the Monitoring Officer within five working days.

**4. Pre-Assessment by the Monitoring Officer**

All Code complaints will be assessed using criteria as set out below. These criteria shall reflect local circumstances and priorities. They shall be simple, clear, open and ensure fairness for both complainant and subject member.

The Monitoring Officer has the discretion to refuse any complaints:

- (a) Which are malicious, relatively minor, politically motivated, trivial or tit-for-tat;
- (b) Which are made anonymously, unless the Monitoring Officer decides that the allegation is supported by sufficient evidence to suggest an exceptionally serious or significant matter;
- (c) Which contain no prima facie evidence of a breach of the Code or where the complainant and/or subject member has not supplied enough information to evidence their case or where the information supplied is of too general a nature from which to make a judgement to take further action;
  - (i) Only in exceptional circumstances shall the complainant and/or subject member be asked for further information. Unless the complainant and/or subject member submits sufficient further information within five working days, the complaint shall warrant no further action.
- (d) Where an investigation would serve no useful purpose and/or would not serve the public interest, where the matter is not serious enough to warrant a sanction or where only an apology would be appropriate;
- (e) Which are the same, or substantially similar, to a complaint which has already been the subject of an investigation or inquiry, where there is nothing further to be gained by seeking the sanctions available to the local Standards Committees and where no new relevant evidence has been submitted;
- (f) Which relate to acts carried out in the subject member's private life;
- (g) Where more than one year has passed since the alleged conduct occurred;

- (h) Which relate to dissatisfaction with a council decision, about the way the Council conducts or records its meetings, the way the Council has or has not done something, or which are otherwise within the Council's corporate compliments, comments and complaints process. Such allegations will be addressed under the above corporate process or equivalent process at parish council level;
- (i) Which are about someone who is no longer a member of either the District Council or a town or parish council within the area, or is a member of another authority. Allegations made about someone who is a member of another authority not within the jurisdiction of South Cambridgeshire District Council will be referred to the relevant Monitoring Officer for consideration under that authority's procedures.
- (j) Should the subject member have died or become seriously ill, or has resigned from the authority, or any other relevant authority covered by South Cambridgeshire District Council, the Monitoring Officer may determine that in the circumstances it is no longer appropriate to continue.

Should the evidence submitted by the complainant or subject member reveal a different complaint, the Monitoring Officer will determine both matters separately. The Monitoring Officer has discretion to seek the views of a different Independent Person, who has no prior knowledge of the initial complaint.

#### **5. Decision by the Monitoring Officer**

The Monitoring Officer, having sought and taken into account the views of the Independent Person, shall reach one of following decisions:

- (a) to appoint an Investigating Officer under the arrangements the District Council has in place for the investigation of allegations of breaches of the Code, in which case the Monitoring Officer shall, within five working days:
  - (i) send a decision notice to the relevant parties stating what the allegation was, the evidence considered, and an explanation why the decision to investigate has been made;
  - (ii) if appropriate, advise who will conduct the investigation.
- (b) where the information submitted by the complainant and/or subject member discloses or appears to disclose potentially criminal conduct and/or the breach of other regulations, the Monitoring Officer shall, within five working days:
  - (i) refer the matter to the Crown Prosecution Services, Police or other authority which has responsibility to determine the matter;
  - (ii) send a decision notice to the relevant parties stating what the allegation was, the evidence considered, an explanation of why the decision to refer the matter to another organisation has been made.

In such cases the matter is no longer the responsibility of the District Council and the relevant parties will be subject to such regulations and procedures as operated by the authority with responsibility to determine the matter.

- (c) to take action other than an investigation, the suitability of other action being dependent upon the nature of the complaint, in which case the Monitoring Officer shall, within five working days:
  - (i) send a decision notice to the relevant parties stating what the allegation was, the evidence considered, an explanation of why the decision to take other action has been made, and the nature of the action proposed;
  - (ii) seek written confirmation from the complainant and subject member by a set deadline that they will co-operate in the other action proposed;
  - (iii) other action may include an apology, mediation, training, or any other action the Monitoring Officer feels is suitable to address the allegation.

If the complainant and/or subject member declines to co-operate in the other action proposed, the Monitoring Officer will seek the view of the Independent Person whether to refer the matter for investigation or to take no further action.

- (d) to take no further action should be taken in respect of the complaint, in which case the Monitoring Officer shall, within five working days:
  - (i) send a decision notice to the relevant parties stating what the allegation was, the evidence considered, and an explanation why the decision to take no further action has been made.

If the subject member were a parish councillor, the parish council shall also receive a copy of the decision notice.

**The decision of the Monitoring Officer is final.**

**6. Timescale**

The Monitoring Officer shall endeavour to assess all allegations within twenty working days since receipt of a valid complaint and supporting evidence.

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## Assessment Panel

Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages	PC Ref
4510	03-Apr-11	PC	PC (x2)	Refer to SfE (No Action)	04-Apr-11	5	1	1.0	A
4523	13-Apr-11	PC (x2)	PC	Refer to SfE (Investigate)	15-Apr-11	4	2	1.5	A
4578	02-Jun-11	PC	PC (x9)	Refer to SfE (No Actionx8) Return to LAX1	29-Jun-11	10	19	14.2	A
4583	31-May-11	Clerk	PC	Refer to SfE (No Action)	29-Jun-11	3	21	10.8	A
4584	31-May-11	Clerk	PC	Refer to SfE (No Action)	29-Jun-11	3	21	12.8	A
4585	31-May-11	Clerk	PC	Refer to SfE (No Action)	29-Jun-11	3	21	14.2	A
4601	15-Jun-11	PC (x2)	PC	Investigate	29-Jun-11	4	10	13.6	B
4610	21-Jun-11	Public	PC	Refer to SfE (No Action)	29-Jun-11	3	6	12.6	A
4611	15-Jun-11	PC (x2)	PC	No Action	29-Jun-11	4	10	12.3	B
4613	22-Jun-11	Public	PC	Refer to SfE (No Action)	29-Jun-11	3	5	11.6	A
4624	26-Jun-11	Public	PC	No Action	18-Jul-11	3	11	11.5	C
4630	06-Jul-11	Public	PC	No Action	18-Jul-11	3	8	11.3	D
4639	12-Jul-11	Public	PC	Investigate	12-Aug-11	3	23	12.2	E
4652	20-Jul-11	Clerk	PC	Other Action	12-Aug-11	2	17	12.5	E
4653	21-Jul-11	PC	PC	Other Action	12-Aug-11	3	16	12.7	E
4671	30-Jul-11	PC	PC	Other Action	12-Aug-11	3	10	12.6	E
4672	01-Aug-11	Public	PC	No Action	12-Aug-11	3	9	12.4	B
4578	01-Aug-11	SfE (referral)	PC	No Action	12-Aug-11	3	9	12.2	A
4689	05-Aug-11	Public	PC	No Action	12-Aug-11	3	5	11.8	B
4653a	11-Aug-11	PC	PC	Other Action	12-Aug-11	3	1	11.3	E
4719	16-Aug-11	PC	PC	Other Action	14-Sep-11	2	20	11.7	E
4585a	05-Sep-11	Public	PC	No Action	14-Sep-11	3	7	11.5	A
4734	12-Sep-11	Public	PC (x2)	Investigate	30-Sep-11	4	13	11.5	B
4737	13-Sep-11	Public	PC (x2)	Investigate	30-Sep-11	4	12	11.5	B
4738	14-Sep-11	Public	PC	Investigate	30-Sep-11	3	11	11.5	B
4813	03-Nov-11	Public	PC	No Action	18-Nov-11	4	11	11.5	F
4886	29-Dec-11	Public	PC	No Action	06-Jan-12	3	6	11.3	E

4894	06-Jan-12	Public	PC	MO Declined	06-Jan-12	1	0	10.9	B
4900	16-Jan-12	Public	PC	Withdrawn	06-Feb-12	3	16	11.1	E
4929	08-Feb-12	DC	DC	Investigate	17-Feb-12	2	7	10.9	-
4934	15-Feb-12	DC	DC	Investigate	17-Feb-12	2	2	10.6	-
4941	22-Feb-12	DC	DC	No Action	09-Mar-12	2	13	10.7	-
4945	21-Feb-12	Public	DC	No Action	09-Mar-12	2	14	10.8	-

4523a	19-Sep-11	PC (x2)	PC	SfE Invest	N/A	N/A	N/A	N/A	A
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Standards for England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the local assessment of complaints. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *'the assessment sub-committee should complete its initial assessment of an allegation within an average of 20 working days, to reach a decision on what should happen with the complaint'*. It further recommends that: *"following a decision the relevant parties will be notified of that decision. The relevant parties are the complainant and the subject member. If the subject member is a parish or town councillor, their parish or town council must also be notified. We suggest that the standards committee sends out its decision notice within five working days of the decision being made"*.

Counting the working day following receipt of a complaint as day 1 and also counting the day the Assessment Panel meets to make an assessment of that complaint, the **Assessment Panel is currently achieving a rolling average of 11 working days**.

#### Review Panel

Ref:	Date Received	Complainant	Member	Decision	Date Assessed	Notices	Working Days	Averages	PC Ref
4496R	21-Apr-11	Public	PC	No Action	14-Sep-11	3	95	95.0	G
4624R	22-Jul-11	Public	PC	No Action	14-Sep-11	3	37	66.0	C
4886R	27-Jan-12	Public	PC	No Action	14-Mar-12	3	33	55.0	E

Standards Board England has issued guidance to reflect the Standards Committee (England) Regulations 2008 in respect of the review of 'no further action' decisions. These regulations derive from the Local Government Act 2000, as amended by the Local Government and Public Involvement in Health Act 2007.

The guidance issued clearly states that *'the review sub-committee must carry out its review within a maximum of three months of receiving the request. We recommend that the review sub-committee adopts a policy of undertaking the review within the same timescale as the initial assessment decision is taken, aiming to complete the review within an average of 20 working days.'*

Counting the working day following receipt of a complaint as day 1 and also counting the day the Review Panel meets to make an assessment of that complaint, the **Review Panel is currently achieving a rolling average of 55 working days**. Reasons for the delay to Case 4496 were set out in the report to the Standards Committee on 14 September 2011.



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Standards Committee

5 April 2012

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

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**LOCAL INVESTIGATIONS, HEARINGS AND REFERENCES MADE TO STANDARDS  
FOR ENGLAND****Purpose**

1. To update members on local investigations and hearings.
2. On 10 December 2008 the Standards Committee resolved that cases in which no breach of the Code of Conduct has been found or no further action is to be taken should be anonymised for the purposes of reporting back to the Committee and that only in cases where a breach has been found should the relevant member be identified to the Committee.

**Recommendations**

3. That the Standards Committee notes the report.

**Cases****CORCOM 4734, 4737 and 4738 (Standards Committee Local Assessment Panel 30 September 2011)**

4. Three related allegations about two members of one parish council were received in mid-September 2011. The Local Assessment Panel referred all three cases to the Monitoring Officer for investigation as one matter. A member of the Council's Legal Team was appointed as the Investigating Officer and, following investigation, the Hearing Panel on 7 February 2012 upheld the Investigating Officer's findings that there had been no breaches of the Code of Conduct. The Hearing Panel also wrote to all members of the Parish Council, copied to the complainants and the Cambridgeshire and Peterborough Association of Local Councils (CAPALC), to express its concern at the breakdown in relations between parish councillors and between councillors and the public, and to welcome the parish council's decision to seek advice from CAPALC on addressing its issues in a balanced way to enable the Parish Council to regain its standing in the community.

**CORCOM 4886 (Standards Committee Local Assessment Panel 6 January 2012 and Review Panel 14 March 2012)**

5. An allegation about a parish councillor was received on 29 December 2011. The Local Assessment Panel decided to take no action. The complainant requested a review, and the Review Panel, on 14 March 2012, upheld the original decision to take no further action. The Review Panel advised the complainant that if the complainant wished to pursue the matter further, the complainant could take legal action privately.

**CORCOM 4894**

6. An allegation about a parish councillor was received on 6 January 2012. The Monitoring Officer declined to forward the matter to the Local Assessment Panel without supporting evidence that the subject member had been acting in an official

capacity at the time of the alleged incident. The complainant has not supplied any further information.

**CORCOM 4900**

7. An allegation about a parish councillor was received on 16 January 2012. The complainant requested anonymity. The Assessment Panel considered the request for anonymity but felt that it would be impossible to grant, given the circumstances of the allegation. The complainant was advised of this decision and opted to withdraw the complaint rather than to proceed.

**CORCOM 4929 (Standards Committee Local Assessment Panel 17 February 2012)**

8. An allegation about a district councillor was received on 8 February 2012. The Assessment Panel has referred the matter to the Monitoring Officer for investigation. An external investigator has been appointed and the Hearing Panel will consider the report in due course.

**CORCOM 4934 (Standards Committee Local Assessment Panel 17 February 2012)**

9. An allegation about a district councillor was received on 15 February 2012. The Assessment Panel has referred the matter to the Monitoring Officer for investigation. An external investigator has been appointed and the Hearing Panel will consider the report in due course.

**CORCOM 4941 (Standards Committee Local Assessment Panel 9 March 2012)**

10. An allegation about a district councillor was received on 22 February 2012. The Assessment Panel has decided to take no further action. The complainant has until 14 April 2012 to request a review of this decision.

**CORCOM 4945 (Standards Committee Local Assessment Panel 9 March 2012)**

11. An allegation about a district councillor was received on 21 February 2012. The Assessment Panel has decided to take no further action. The complainant has until 14 April 2012 to request a review of this decision. The complainant also requested anonymity, which the Assessment Panel granted as no further action was going to be taken.

**Conclusion**

12. Since 1 April 2011, the Monitoring Officer has received thirty-four complaints about twenty-seven parish councillors from six parish councils and, after two years without any complaints about district councillors, four allegations have been made about the conduct of district councillors.
13. For comparison, the Monitoring Officer received a total of thirty-eight complaints during the first three years of the local assessment procedure. The number of complaints received continues to be included on the District Council's Risk Register as a strategic risk facing the authority.

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

Local Assessment Panel Decision Notices  
Local Authorities (Code of Conduct) (Local Determination) Regulations 2003  
Standards Committee (England) Regulations 2008  
SCDC Constitution

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