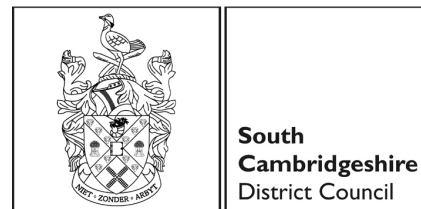


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Wednesday 6 March 2013

To: Chairman – Councillor Mick Martin  
Vice-Chairman – Councillor Alison Elcox  
Members of the Civic Affairs Committee – Councillors Simon Edwards,  
Sebastian Kindersley, Douglas de Lacey, Janet Lockwood, Ray Manning,  
Raymond Matthews, Tony Orgee, Jim Stewart, Edd Stonham, Robert Turner and  
Bunty Waters

Quorum: 4

Dear Councillor

You are invited to attend the next meeting of **CIVIC AFFAIRS COMMITTEE**, which will be held in **MONKFIELD ROOM, FIRST FLOOR** at South Cambridgeshire Hall on **THURSDAY, 14 MARCH 2013 at 10.00 a.m.**

Members are respectfully reminded that when substituting on committees, subcommittees, and outside or joint bodies, Democratic Services must be advised of the substitution *in advance of* the meeting. It is not possible to accept a substitute once the meeting has started. Council Standing Order 4.3 refers.

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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<b>AGENDA</b>		<b>PAGES</b>
<b>1.</b>	<b>Apologies</b>	
<b>2.</b>	<b>Declarations of Interest</b>	
<b>3.</b>	<b>Minutes of Previous Meeting</b> To instruct the Chairman to sign the minutes of the meeting held on 17 December 2012 as a correct record.	<b>1 - 6</b>
<b>DECISION ITEMS</b>		
<b>4.</b>	<b>Northstowe - Community Governance Review</b>	<b>7 - 12</b>
<b>5.</b>	<b>Hauxton: Community Governance Review</b>	<b>13 - 28</b>

<b>6.</b>	<b>Trumpington Meadows: Community Governance Review</b>	<b>29 - 34</b>
<b>7.</b>	<b>Recruitment of New Independent Person and Deputy</b>	<b>35 - 44</b>
<b>8.</b>	<b>Revised Nolan Principles</b>	<b>45 - 74</b>

#### **INFORMATION ITEMS**

<b>9.</b>	<b>Update on Code of Conduct Complaints</b>	<b>75 - 76</b>
<b>10.</b>	<b>Training on Code of Conduct</b> Verbal update to be given at the meeting.	
<b>11.</b>	<b>Registration of Interests Update</b>	<b>77 - 80</b>
<b>12.</b>	<b>New Model Constitution</b> Further to the discussion at the last meeting about the imminent publication of a new model constitution (commissioned by the Association of Council Secretaries and Solicitors [ACSeS]) the Monitoring Officer now has access to the web-based platform to start inputting information about this Council onto the template. A further update will be given at the next meeting.	
<b>13.</b>	<b>Dates of Next Meeting</b> The next meetings of the Committee will be held on: <ul style="list-style-type: none"><li>• Thursday 20 June at 10am in the Swansley Room</li><li>• Friday 20 September at 10am in the Monkfield Room</li></ul>	

## **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.

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- **Do not** re-enter the building until the officer in charge or the fire brigade confirms that it is safe to do so.

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

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### **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.

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### **Food and Drink**

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## **Vision and Values**

### **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

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Civic Affairs Committee held on  
Monday, 17 December 2012 at 5.00 p.m.

PRESENT:	Councillor Mick Martin – Chairman Councillor Alison Elcox – Vice-Chairman	
Councillors:	Simon Edwards Ray Manning Jim Stewart Richard Barrett	Janet Lockwood Tony Orgee Bunty Waters Deborah Roberts
Officers:	Alex Colyer Graham Aisthorpe-Watts Fiona McMillan	Executive Director, Corporate Services Democratic Services Team Leader Legal & Democratic Services Manager and Monitoring Officer
Other:	Kathleen English (Independent Person)	Eric Revell (Deputy Independent Person)

Councillor Ben Shelton was in attendance, by invitation.

**10. APOLOGIES**

Apologies for absence were received from Councillor Sebastian Kindersley, Douglas de Lacey, Raymond Matthews and Robert Turner.

**11. DECLARATIONS OF INTERESTS**

No declarations were made at this stage of proceedings.

**12. MINUTES OF PREVIOUS MEETING**

The Committee agreed the minutes of the previous meeting held on 24 September 2012 as a correct record and the Chairman signed them, subject to the insertion of the word 'of' after 'details' on the first sentence of the second paragraph in minute 2 and the insertion of the word 'held' after 'already' on the first sentence of the second paragraph of minute number 5.

**13. AMENDMENTS TO THE COUNCIL'S CONSTITUTION**

The Democratic Services Team Leader presented a report setting out a number of proposed amendments to the Council's Constitution. There were eleven main areas of the Constitution that required consideration as highlighted in the report, which Members were taken through. The Civic Affairs Committee was invited to consider the proposed amendments and determine whether it would formally recommend the changes to the meeting of Council scheduled to be held on 31 January 2013.

The publication of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 meant that all local authorities were obliged to amend their procedures with regards to meetings and access to information. A revised version of the District Council's Access to Information Procedure Rules, complying with the new requirements, was appended to the report. In addition, the Regulations changed the definition of a Key Decision. The first two definitions currently in the Constitution had

been retained as the official definitions for a Key Decision, with definitions three to ten being deleted. The Committee sought clarity on the term 'significant' that appeared in both definitions and asked officers to investigate this prior to the meeting of the Council on 31 January 2013.

One of the proposed amendments referred to Portfolio Holder decisions and the fact that such decisions could be made outside of a formal meeting. Discussion ensued on this issue as South Cambridgeshire District Council had historically held public meetings for Portfolio Holder decisions in order that other Members had an opportunity to contribute and members of the public could attend. The Chairman stated that the proposed amendment only sought to add clarity to the Constitution around a Portfolio Holder's right to take a decision outside of a public meeting, reminding the Committee that the Access to Information Procedure Rules and Call In would still apply.

The Corporate Governance Committee recently considered how it intended to review the Strategic Risk Register and agreed that this would be done through monitoring the Portfolio Holder's review of the Risk Management Strategy. It was therefore necessary to remove paragraph (ii) under the Responsibility for Council Functions on pages 41 and 42 of the Constitution in respect of the Corporate Governance Committee.

The Chairman of the Scrutiny and Overview Committee had requested that the Committee be renamed as the Overview and Scrutiny Committee, to emphasis the overview aspect of its role. It was reported that the Scrutiny and Overview Committee was scheduled to consider this request at its meeting on 10 January 2013. The Civic Affairs Committee therefore supported the change of name, subject to agreement by the Scrutiny and Overview Committee.

It was proposed to add a process for dealing with a Councillor Call for Action to the Scrutiny and Overview Procedure Rules, a copy of which was attached to the report at Appendix C, and allocate the Council's Scrutiny and Overview Committee as its Crime and Disorder Committee. The Council was currently adhering to statutory requirements for both of these issues, but the Committee supported the view that it would be prudent to ensure that they were adequately referred to in the Constitution.

Paragraph 2.2 of the Council Procedure Rules referred to the removal of a Member from a Committee or Sub-Committee. The Civic Affairs Committee, at its previous meeting, agreed upon sanctions for the removal of a Member, removal of a Member of Cabinet and removal of the Leader of the Council. The current wording of paragraph 2.2 did not reflect rules relating to political balance and the rights of political group leaders to appoint or remove Members of their respective groups to or from a Committee or Sub-Committee. In view of this, and the sanctions already in existence, the Civic Affairs Committee supported the deletion of this paragraph from the Constitution.

The remaining proposals in the report related to minor amendments that were suggested solely to ensure consistency throughout the Constitution.

In closing, the Committee noted that a new model constitution was being developed for all English local authorities and would be hosted for all Association of Council Secretaries and Solicitors (ACSeS) members on a web-based platform. Work was now well advanced on this project, with software designed to allow for the quick and easy production of a draft constitution from a bank of precedents, tailor-made for the differing models of council governance and incorporating the unique features of each local authority. A Welsh model was also being developed, following a specific request, aimed at making the constitution easier to use by cataloguing certain subjects rather than having them spread across different sections of the document. English authorities would be given the freedom to

choose which of the two models they adopted. Officers agreed to produce draft constitutions for South Cambridgeshire District Council based on the new English and Welsh models, as soon as they became available. A number of working groups would be set up in due course to facilitate contributions from Members on the format and content of the two documents.

The Committee **RECOMMENDED** to Council: -

- A) That the revised Access to Information Procedure Rules, as set out in Appendix A to the report, be adopted.
- B) That, subject to officers investigating an explanation of the term 'significant', the Constitution be amended to reflect the new definitions of a key decision, as detailed in paragraph 9 of the report.
- C) That paragraph 1.2 of the Executive Procedure Rules be amended to read "the Executive will meet at least six times per year at times to be agreed by the Leader".
- D) That paragraph 3.1 of the Executive Procedure Rules be amended to read "Individual Portfolio Holders may take decisions outside of a formal meeting where expedient to do so. Formal meetings, when held, will be held in public in accordance with the provisions of Procedure Rules 1.3 and 1.6 above".
- E) That any reference to prejudicial interests in the Executive Procedure Rules be amended to read "disclosable pecuniary interests".
- F) That the following paragraph under the Responsibility for Council Functions on pages 41 and 42 of the Constitution in respect of the Corporate Governance Committee be removed: -
 

"to receive quarterly, the strategic risk register, covering reports and other associated documents presented to the appropriate portfolio holder, together with the minutes of the portfolio holder meetings, to monitor that the strategic risk register has been properly considered by the portfolio holder".
- G) That, subject to the Scrutiny and Overview Committee's agreement, the name of the Scrutiny and Overview Committee be changed to "Overview and Scrutiny Committee".
- H) That the Constitution be amended to include the process set out in Appendix C for dealing with a Councillor Call for Action.
- I) That the Scrutiny and Overview Committee be allocated as the Council's Crime and Disorder Committee and it meets in this capacity at least once a year, or as required, and the Constitution be amended to reflect this accordingly.
- J) That the term "Task and Finish Group" be used throughout the Constitution in place of the term "Task and Finish Panel", where appropriate.
- K) That paragraph 2.2 of the Council Procedure Rules be deleted.

#### 14. **DISCUSSION PAPER: SETTING UP OF PARISH AND TOWN COUNCILS**

The Legal and Democratic Services Manager presented a report which provided the

Committee with an opportunity to respond to a consultation by the Department for Communities and Local Government entitled 'making it easier to set up new Town and Parish Councils'. The consultation document was appended to the report and set out three options for consideration.

In discussing the contents of the consultation document, Members were concerned that it included reference to reducing the timescale for Community Governance Reviews from 12 months to 6 months. They agreed that a reduction in this timeframe would create difficulties in adequately consulting on any proposals.

It was noted that South Cambridgeshire was adequately covered by Parish and Town Councils, but Members acknowledged the development of the new town of Northstowe and the fact that a Town Council would need to be established at some stage. Furthermore, it was unclear how the immediate establishment of a Town Council in the early phases of the town's development could be justified and questions were raised about any transitional or progressive arrangements required, such as creating a Parish or Community Council first and then altering the status of the settlement as the population of the new town and the size of the development increased.

The Committee

#### **AGREED**

- A) To submit a response to the consultation document on the basis that the Committee had concerns over a proposal to reduce the timescale for Community Governance Reviews from twelve months to six months.
- B) To consider the implications and proposed way forward regarding the establishment of a new Parish or Town Council at Northstowe at the Committee's next meeting.

#### **15. TRAINING ON CODE OF CONDUCT**

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on Code of Conduct training for Councillors.

Further to the previous meeting of the Committee, a quote had been received for the external facilitation of training for District Councillors on the Code of Conduct at a cost of £2,500, plus VAT. Members previously expressed concerns at the cost of an external trainer, but both Huntingdonshire District Council and Braintree District Council had indicated their interest in sharing the cost for this training. The Committee agreed to proceed with an external trainer on this basis.

In terms of training for Parish Councils, the Committee was informed that work was progressing with officers from across the Council as part of an Action Learning Set from the Leadership Development Programme on 'Working with Parish Councils'. This cross-departmental group was now looking at how the authority currently communicated with Parish Councils to identify where there was scope for improvement, including the provision of training and parish forum events and what the level of interest was in various topics. Members agreed that, as well as Parish Councillors, Parish Clerks should be invited to attend any training or parish forum events.

The Committee **AGREED** to proceed with the facilitation of training sessions for District Councillors on the Code of Conduct, as outlined in the report.



**16. UPDATE ON CODE OF CONDUCT COMPLAINTS**

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on complaints cases regarding alleged breaches of the Code of Conduct.

An overview of complaint cases outstanding at 7 December 2012 was provided as part of the report.

The Committee **NOTED** the report.

**17. REGISTER OF INTERESTS UPDATE**

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, presented an update report on progress made with regard to the implementation of the provisions of the Localism Act 2011 in relation to registration of interests.

It was noted that the Localism Act 2011 required all Councillors to complete a register of interests. South Cambridgeshire District Council had a responsibility to publish all registers for District Councillors and Parish Councillors on its website, with Parish Councils also being required to publish the registers for their respective Councillors on their own websites, if they had one. Appended to the report was a table of Parish Councils, indicating the number of registers returned. It was highlighted that the table was slightly misleading due to the fact that it did not reflect some of those Parish Councils that currently had vacancies.

Elsworth, Fulbourn, Meldreth, Orwell, Stow-cum-Quy, Little Wilbraham and Wimpole Parish Councils had not yet returned any registers, despite being written to twice by the Council's Monitoring Officer. A further letter would be sent directly to the Chairman of those Parish Councils, asking them to ensure that the registers were completed and returned as soon as possible.

Reference was made to Little Wilbraham Parish Council as it had indicated that its Councillors did not want to complete their registers until the Government had responded to a letter setting out concerns about the new arrangements. A response had been received from the Government and the Parish Council was still required to publish registers for its Councillors. The Monitoring Officer would continue to work with Little Wilbraham Parish Council on this issue.

The Committee **NOTED** the update.

**18. LETTER FROM BRANDON LEWIS MP ON LOCALISM ACT 2011**

The Legal and Democratic Services Manager, in her capacity as Monitoring Officer, informed the Committee that a response had been received from the Parliamentary Under Secretary of State to the letter by the Chairman of the Council in relation to the Localism Act 2011 and the new standards regime. A copy of the response had been circulated to Members with the agenda for this meeting and it was agreed that they would also be provided with a copy of the original letter from the Chairman.

The Committee **NOTED** the update.

**19. DATES OF FUTURE MEETINGS**

The Committee **AGREED** that future meetings would be held on the following dates: -

- 14 March 2013 (10.00 a.m.)
- 20 June 2013 (10.00 a.m.)
- 20 September 2013 (10.00 a.m.)

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**The Meeting ended at 6.05 p.m.**

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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<b>REPORT TO:</b>	Civic Affairs Committee	14 <sup>th</sup> March 2013
<b>AUTHOR/S:</b>	Legal Services Manager /Senior Lawyer Northstowe Joint Team Leader Principal Lead (Community Infrastructure)	

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**NORTHSTOWE COMMUNITY GOVERNANCE – THE WAY FORWARD****Purpose**

1. To consider the issues and implications for the future governance of Northstowe.
2. To approve a plan of action leading to a formal Community Governance Review (“CGR”) being undertaken in 2014 pursuant to the Local Government and Public Involvement in Health Act 2007 (“the Act”).

**Recommendation**

3. That the Committee approves the proposed timetable and way forward for the Northstowe Community Governance Review

**Background**

4. On 17<sup>th</sup> December 2012 the Civic Affairs Committee met to consider a Discussion Paper published in October 2012 by DCLG entitled “Making it easier to set up new town and parish councils.” The Committee agreed:
  - (i) To submit a response to the consultation document on the basis that the Committee had concerns over a proposal to reduce the timescale for Community Governance Reviews from twelve months to six months.
  - (ii) To consider the implications and proposed way forward regarding the establishment of a new Parish or Town Council at Northstowe at the Committee’s next meeting.
5. This report addresses (ii) above and follows a similar report presented to Senior Management Team in July 2008 after submission of the Northstowe Outline Planning application when officers received numerous requests from local Parish Councils, District Councillors and residents of Rampton Drift to establish a local level of governance for Northstowe. Officers had carried out an informal consultation exercise in 2008 involving public events which, inter alia, led to an agreement in principle as to the proposed extent of the Northstowe boundary by Longstanton and Oakington & Westwick Parish Councils and local residents. The exercise also enabled Officers to identify and resolve any potential issues that either parish councils or local residents may have had in relation to establishing a new boundary for Northstowe; this provided a high degree of risk management ahead of the proposed formal consultation process. As Members will know, the process was shelved following a change in government policy. This Report picks up the threads of the 2008 work carried out by officers and considers the way forward.

6. SCDC as a Principal Council under the Act recognises the importance and need to establish governance at Northstowe at a local level as soon as possible to enable the existing community within the potential Northstowe parished area (mainly centred in Rampton Drift and number 158 registered electors) to influence decisions that will have a direct impact on them, and also to support and facilitate community integration and cohesion as the new community is established and develops. This is in line with the principles stated in the DCLG' Guidance on community governance reviews (March 2010) among which forming a sustainable community is giving opportunity to local people to be involved in the way their communities are managed.
7. SCDC is mindful of the potential effect that such a significant new development (c9500 homes) will have on the neighbouring villages and communities, as well as across the wider area. This will include a substantial increase in workload for the respective Clerks and Parish Councils as they continue to consider issues such as planning applications, traffic and transport issues, public realm ownership/management in addition to dealing with the well documented difficulties that can arise in new communities.
8. It has long been recognised that Parish and Town Councils, while they vary enormously in their size, activities and circumstances, play an essential and valued role in providing neighbourhood democracy and management, along with facilitating the development of strong, sustainable communities. These Councils can have more effective engagement with local communities than other bodies thus encouraging capacity building to develop the community's skills, knowledge and confidence. They can also lead to the development of a sense of civic values, responsibility and pride, inclusion, and a sense of place and identity with local distinctiveness.
9. Parish and Town Councils continue to have two main roles: community representation and local administration; for this reason it is essential that governance systems are representative and, accountable allowing inclusive, active and effective participation by individuals and organisations.

### **Considerations**

10. Section 93 (4) of the 2007 Act requires the Principal Council ("the Council") to ensure that CGRs are reflective of the identities and interests of the community in that area and are effective and convenient. Section 93 (3) requires the Council to take into account the views of a wide range of persons and bodies, including local government electors for the area under review, Parish Councils, Residents Associations, Community Forums, County Councils etc.
11. Informal "pre-consultation" –Stage 1
12. Given the potential impact of the CGR on the neighbouring parishes of Longstanton and Oakington & Westwick, officers intend to repeat the pre-consultation exercise it carried out in 2008 over the coming months involving both affected Parish Councils and the local Rampton Drift residents' association, to inform a CGR process next year. It is anticipated that this "Stage 1" could be completed by the end of 2013 and the formalities for the creation of the new parish or town council (Stage 2") completed by 1st April 2015.
13. This pre-consultation exercise (Stage 1) will investigate options for boundaries/potential community governance structure and it is envisaged that such an approach will enable the Council to settle on the best options through working in partnership with the affected Parish Councils and the residents association.

14. Officers would begin Stage 1 by visiting Longstanton and Oakington & Westwick Parish Councils to explain the intention to reinvigorate the Northstowe boundary review process. At the same time, Officers would explain the results of the 2008 pre-consultation work including the previously agreed boundary for Northstowe and seek the views of both parish councils as to whether or not this could be an agreed starting point for this new pre-consultation exercise.
15. Following feedback and information from the parish councils, Officers will visit the Rampton Drift residents' association to ask whether or not this would be an acceptable starting point for them too.
16. Once an agreed starting point is established, Officers would organise a series of open public events so that local residents from Longstanton and Oakington & Westwick have opportunities to comment and raise issues on a new boundary for Northstowe.
17. Officers would then begin the process of drawing boundary line options using the feedback and information from the parish councils, residents' association and local residents together with the knowledge and experience of South Cambs Community, Legal and Electoral Officers; this process will also include investigating likely electoral and warding arrangements for Northstowe. The Council has no power to alter district ward boundaries. This comes under the jurisdiction of the Boundary Commission for England & Wales who can either consider a request for boundary alteration or trigger a review unilaterally.
18. Officers would expect to be in a position to report back to the Civic Affairs Committee later in 2013 with the results of the pre-consultation exercise and a proposal to begin the formal process to establish a new boundary for Northstowe.
19. Stage 2 - Formal CGR process
20. The 2007 Act allows the Council to determine the Terms of Reference ("TOR") under which a CGR is to be undertaken. It requires the TOR to specify the area under review and the Council to publish the terms of reference. In the case of Northstowe, by carrying out an initial pre-consultation exercise with the involvement of the persons/bodies most directly affected this will help to ensure that the boundaries proposed in the TOR will be those most widely accepted in the local communities. The process of preparing the TOR can take place parallel with the pre-consultation exercise so that once the 12 month period (see paragraph 24) specified in the 2007 Act begins to run the TOR will be in place.
21. The 2007 Act permits the Council to conduct a CGR within its discretion at any appropriate time. A review may need to be carried out, for example, following a major change in the population of a community or to re-draw boundaries that have become anomalous, for example following new housing developments being built across existing boundaries. In the case of Northstowe, the carrying out of the CGR at this stage will help to obviate the need in the future of doing so when these circumstances will apply.
22. Section 93 of the 2007 Act allows the Council to decide how to undertake a CGR provided that it complies with the duties specified in the 2007 Act namely undertaking consultation; reflecting identities and interests of the community; governance arrangements must be effective and convenient; and the SCDC must take into account existing/potential arrangements and also representations made.

23. Under section 79 of the 2007 Act, the Council is obliged to notify the County Council of its intention to conduct a review and of the TOR for the review.
24. The Council is required to complete the CGR, including consequential recommendations to the Local Government Boundary Commission for England for related alterations to the boundaries of principal area wards and/or divisions, within 12 months of the start of the CGR. The Council will therefore need to build into the CGR process reasonable periods for consultation with local electors and other stakeholders, for the consideration of evidence presented to them in representations, as well as for decision-making.
25. The CGR is completed with the making of an Order pursuant to the 2007 Act creating the new parish council, setting/altering the parish boundary and stating how the new parish council shall be governed. The Order will also address the consequential electoral arrangements.
26. Post CGR – Stage 3
27. The final stage will be the implementation of the Order and arranging the first election.
28. Proposed Timetable:-

**Stage 1 - Pre CGR (Informal Consultation)**

2013 Apr:	Briefing Papers to Civic Affairs Committee
Jun:	Initial meetings with Longstanton and Oakington & Westwick Parish Councils and the Rampton Drift Residents' Association to discuss the process and options for boundaries/potential community governance structure.
Jul - Sept	Public events to seek the views of local residents in Longstanton and Oakington and Westwick regarding options for boundaries/potential community governance structure.
Oct	Work with Longstanton and Oakington & Westwick Parish and the Rampton Drift Residents' Association to agree options for boundaries/potential community governance structure while in parallel preparing the TOR.
Nov	Following completion of draft TOR notify County Council under section 79 of intention to undertake a CGR and of the draft TOR following which take into account any County comments.
Dec	Place completed version of TOR before Civic Affairs Committee for approval (once approved the 12 month timetable will begin to run) and then commence formal 8 week consultation process on options for boundaries/potential community governance structure, which will encompass local Parish Councils, County Council, community groups, residents, and include community events, parish surgeries, publication in South Cambs magazine, visits to Parish Council meetings, etc.

- Dec: Place preferred option for Boundary/potential community governance structure before Civic Affairs Committee.
- Jan: Further 8 week formal consultation on preferred option for Boundary/potential community governance structure to wider community and stakeholders.

**Stage 2 Formal CGR**

- 2014 Mar: Begin the formal CGR process to establish Northstowe Parish or Town Council (or alternative community governance structure) and relevant electoral arrangements
- Dec Complete CGR and report outcomes to Civic Affairs Committee – Draft Order
- 2015 Jan Serve Order

**Final Stage (post CGR)**

- 2015 Apr New Council comes into being with interim representation.
- May First Elections to new Council

**Further Considerations – Electoral Arrangements**

- 29. Currently parishes have ordinary day elections in the same year as one of the relevant district seats is contested. Longstanton ward is due to be contested next in 2016.
- 30. The first elections for the new parish council would be in May 2015. It should be noted that there are cost implications where elections are held out of synchronisation.

**Implications**

31. Financial	There will be associated costs of publicity and consultation which need to be met by the Council. It is not possible to quantify those costs at this stage. A sum has been set aside in the draft planning agreement for Phase 1 of the Northstowe proposals to assist in this process.
Legal	Compliance with the 2007 Act and associated guidance will help avoid challenge to the process or the outcome.
Staffing	It is expected that pre-consultation exercise and subsequent CGR can be carried out within existing staff resources in New Communities, Legal, Democratic & Electoral Services.
Risk Management	None
Equal Opportunities	None

**Consultations**

- 32. None at this stage of the process.

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

Report to SMT -2<sup>nd</sup> July 2008

[DCLG/Local Government Boundary Commission Guidance on community governance reviews \(March 2010\)](#)

**Contact Officers:** David Lord, Senior Lawyer  
Lois Bowser, Northstowe Joint Team Leader  
Tracy Mann, Principal Lead (Community Infrastructure)  
Andrew Francis, Electoral Services Manager  
Graham Aisthorpe-Watts, Democratic Services Team Leader



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

**REPORT TO:** Civic Affairs Committee

14 March 2013

**AUTHOR/S:** Legal Services Manager/Senior Lawyer

**COMMUNITY GOVERNANCE REVIEW (“CGR”) – HAUXTON PARISH COUNCIL**

**Purpose**

1. To consider the Hauxton Parish Council ‘s request to increase the number of parish councillors at the next parish council election from seven to nine .

**Recommendations**

2. That Civic Affairs Committee recommends to Council that an Order be made pursuant to Part 4 of the Local Government and Public Involvement in Health Act 2007 to increase the number of Councillors at the next parish council election from 7 to 9 or such other number as the Committee considers appropriate.

**Background**

3. On 22 March 2012 Electoral Arrangements Committee considered a request from Hauxton Parish Council (Annex A) to increase the number of councillors from seven to nine and agreed as follows:
  - **“To instigate a community governance review with terms of reference limited to consideration of an increase in the number of parish councillors as requested by Hauxton Parish Council, and**
  - **Instruct officers to consult with interested parties in the parish based on the information contained within the report included in the agenda papers, together with the reasons given by Hauxton parish Council in their request for a review.**
  - **The Consultation process to be commenced following the May 2012 elections.**
  - **Other options considered: that the number of parish councillors be increased to 9**
  - **Reason for Decision: The Parish Council may decide that once the proposed new developments have taken place in the area, more than 9 councillors were required to conduct its business.”**
4. On 9<sup>th</sup> January 2013 Hauxton Parish Council approved the joint consultation letter to be sent to electors and interested parties. The letter was posted on 4<sup>th</sup> February 2013 following a delay attributable to the writer’s sickness and the sudden resignation of the Clerk.
5. The letter of the 4<sup>th</sup> February 2013 is set out in full Annex C. It was posted to the following consultees:

Hauxton parish electors  
 Cambridgeshire County Council  
 Cllr Jane Ward (Chairman of Hauxton PC)  
 Cllr Lockwood (SCDC)

Cllr Orgee (SCDC)  
Cllr Gail Kenney (County)

No other interested parties were identified.

The letter was also placed on the Parish Council 's Website.

6. The Local Government and Public Involvement in Health Act 2007 (the 2007 Act) provides for a Principal Council to conduct a review of the community governance arrangements for the whole or part of its area for the purpose of considering whether or not to make any changes to Parish boundaries or size, and/or the creation of new parishes; and the review of the electoral arrangements for new and/or existing parishes. If, following a review, the Council decides that changes should be made to the electoral arrangements; they may make an Order giving effect to the changes. Electoral arrangements include the number of councillors on the Parish Council.
7. Section 95 of the 2007 Act provides inter alia that when considering the number of councillors to be elected for the parish as a whole, the authority must have regard to the number of electors for the parish, and any change in that number likely to occur in the next five years.

### **Considerations**

8. The National Association of Local Councils recommends that seven is the minimum number of parish councillors per council for "good administration". (The minimum number of Councillors is fixed at 5 by the Local Government Act 1972.) Increasing the number to 9 for the Parish Council at Hauxton would:
  - i) help to ensure that meetings are quorate,
  - ii) ease the significant workload burden on the current councillors, and
  - iii) may help to increase the possibility of representation across the Parish
9. The current electorate of the parish of Hauxton is 562 and this is projected to change significantly, perhaps double, due to the proposed development of the former Bayer site and building of up to 330 homes by 2019. By the same year Trumpington Meadows is expected to have 629 new homes.
10. Appendix B shows the electorates for the Parish Councils in South Cambridgeshire with 7 and 9 councillors and with electorates broadly similar to Hauxton. There is no "rule of thumb" for how many Parish Councillors an area should elect. There are parishes with both smaller and larger electorates than Hauxton, which currently elect nine councillors.
11. The existing guidance on Parish Reviews issued by Department for Communities and Local Government and The Local Government Boundary Commission for England (March 2010), In relation to the size of Parish Councils, says that:
  - (i) In practice, there is a wide variation of council size between parish councils. That variation appears to be influenced by population. Research by the Aston Business School Parish and Town Councils in England (HMSO, 1992), found that the typical parish council representing less than 500 people had between 5 and 8 councillors; those between 501 and 2,500 had 6 to 12 councillors; and those

- between 2,501 and 10,000 had 9 to 16 councillors. Most parish councils with a population of between 10,001 and 20,000 had between 13 and 27 councillors, while almost all councils representing a population of over 20,000 had between 13 and 31 councillors.
- (ii) The LGBC has no reason to believe that this pattern of council size to population has altered significantly since the research was conducted. Although not an exact match, it broadly reflects the council size range set out in the National Association of Local Councils Circular 1126; the Circular suggested that the minimum number of councillors for any parish should be 7 and the maximum 25.
  - (iii) In considering the issue of council size, the LGBC is of the view that each area should be considered on its own merits, having regard to its population, geography and the pattern of communities. Nevertheless, having regard to the current powers of parish councils, it should consider the broad pattern of existing council sizes. This pattern appears to have stood the test of time and, in the absence of evidence to the contrary, has provided for effective and convenient local government.
  - (iv) Principal councils should also bear in mind that the conduct of parish council business does not usually require a large body of councillors. In addition, historically many parish councils, particularly smaller ones, have found difficulty in attracting sufficient candidates to stand for election. This has led to uncontested elections and/or a need to co-opt members in order to fill vacancies. However, a parish council's budget and planned or actual level of service provision may also be important factors in reaching conclusions on council size.

### **Responses to Consultation**

12. The full responses are shown in Annex D with personal data redacted. In summary, the number of elector responses (5) represented less than 1 % of the total number registered. All were in favour of the proposal to increase the number of councillors. One response advocated the attachment of conditions to any SCDC approval but it did not set out what conditions might be appropriate.

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

[\*The Local Government and Public Involvement in Health Act 2007\*](#)  
[\*Guidance on Community Governance Reviews issued jointly by Local Government Boundary Commission and Communities and Local Government\*](#)

**Contact Officer:** David Lord Senior Lawyer  
Telephone: (01954) 713193

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Annex A  
(Parish Council Request)

From: Suzanne Donovan [mailto:hauxtonpcclerk@btinternet.com]  
Sent: 20 January 2012 14:52  
To: Lord David  
Subject: Re: Hauxton

Hello David,

Hauxton Parish Council, at its meeting on January 2012, agreed to ask SCDC to undertake a Community Governance Review, pursuant to the Local Government and Public Involvement in Health Act 2007. The parish council would like to increase its number of councillors from seven to nine.

The main reasons for this are:

1. The expansion of the village from the Bayer site development. (This could double the village's population.)
2. The increased workload faced by the council from the Bayer site, and the Trumpington Meadows development.
3. The council would like to have sufficient members to set up viable committees. (For many issues, several members have declared interests, leaving us with few remaining members to make decisions. Without committees, issues are discussed in detail at full parish council meetings, which takes considerable time.)
4. Spending s106 money from the Bayer development will involve extensive public consultation and more work for the council.

The parish council appreciates that if a review goes ahead and agrees with the council's request, it will not generate new council places for the May election.

Best wishes,  
Suzanne

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## Annex B

7 Parish Councillors		9 Parish Councillors	
Parish	Electorate	Electorate	Parish
Arrington	324	673	Barton
		768	Bourn
Barrington	762	548	Castle Camps
		678	Coton
Great Abington	646	526	Elsworth
Great Wilbraham	532	604	Fen Ditton
<b>Hauxton</b>	<b>562</b>	696	Fen Drayton
Hinxton	254	941	Fowlmere
Horningsea	285	972	Foxton
Horseheath	387	441	Grantchester
Little Abington	433	799	Guilden Morden
Pampisford	257	549	Ickleton
Shepreth	620	674	Landbeach
Stow-cum-Quy	410	674	Litlington
Toft	482	640	Little Shelford
West Wrating	370	870	Orwell
Weston Colville	361	862	Steeple Morden
Whaddon	378	882	Thriplow & Heathfield

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Annex C  
(Joint Consultation Letter)

4th February 2013

To:

All Hauxton parish electors  
Cambridgeshire County Council  
Local businesses  
Other interested parties

SHOULD HAUXTON PARISH COUNCIL INCREASE IN SIZE?  
YOUR OPPORTUNITY TO COMMENT

Dear Sir/Madam,

Hauxton Parish Council has asked SCDC to look at increasing the number of parish councillors to serve the village.

The parish council made the request as the council's workload and the village's population will increase when the former Bayer site is redeveloped.

Hauxton currently has 574 electors registered at 316 properties. This figure is expected to increase by around 500 electors, if the proposed 271 new homes are built on the former Bayer site.

Planning permission has been granted for 201 homes providing that the remediation of the land is successful. The next phase is expected to include 70 apartments for the over 55s.

The parish council will also be responsible for the management of additional recreation areas, including sports grounds, as part of this development.

Most parishes with around 1,000 electors have between nine and eleven parish councillors.

Under The Local Government and Public Involvement in Health Act 2007, SCDC's Electoral Arrangements Committee agreed, on 22 March 2012, to carry out a Community Governance Review.

The terms of reference of the review are to:

“(a) Instigate a community governance review with terms of reference limited to consideration of an increase in the number of parish councillors as requested by Hauxton Parish Council, and

(b) Instruct officers to consult with interested parties in the parish based on the information contained within the report included in the agenda papers, together with the reasons given by Hauxton Parish Council in its request for a review.

Hauxton Parish Council originally asked to increase the number of councillors from seven to nine. The committee agreed that the review should also look at how many councillors would be needed, and not be limited to a fixed number.

As part of this review, South Cambridgeshire District Council is consulting with registered electors in Hauxton and other interested parties, including the County Council. This is your opportunity to take part in the process.

The attached report sets out in more detail the reasons for the review and the matters that must be taken into account. All information relating to the review and decisions of the Electoral Arrangements Committee can be found at:

[www.scambs.gov.uk/CouncilAndDemocracy/Councillors,WardsandParishes/changes.htm](http://www.scambs.gov.uk/CouncilAndDemocracy/Councillors,WardsandParishes/changes.htm)

<http://modern.gov/ieListMeetings.aspx?Committeeld=412>

and on the Hauxton Parish Council website at:

<http://www.hauxtonparishcouncil.co.uk/>

Please send your comments on the proposal in writing to:

Mr D Lord, Senior Lawyer (ref: CORPAR/4902)  
South Cambridgeshire District Council  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA

or by email to: [david.lord@scambs.gov.uk](mailto:david.lord@scambs.gov.uk)

By noon Monday 25th February 2013 please.

The results of the consultation will be considered by the Council's Civic Affairs Committee (successor to the Electoral Arrangements Committee) on 14th March 2013 and any recommendations will take effect at the next scheduled parish council election in May 2016, unless an election is called sooner.

Yours faithfully,

David Lord, Solicitor  
Senior Lawyer

Lord David

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**From:** [REDACTED]  
**Sent:** 18 February 2013 09:52  
**To:** Lord David  
**Subject:** Community Governance Review - Hauxton Parish Council

In view of the proposed influx of new householders, it would seem to make good sense to enlarge the present Hauxton Parish Council to nine members, as you will need to discuss many changes. With thanks.

[REDACTED]  
[REDACTED] Church Road,  
Hauxton, Cambridge  
CB22 5HS

Lord David

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From: [REDACTED]  
Sent: 18 February 2013 21:19  
To: Lord David  
Subject: Hauxton Parish Council review

Dear Mr Lord

As registered electors in Hauxton reading the letter dated 4th Feb, we are moved to write to give our support to the proposal to increase the number of parish councillors for Hauxton from 7 to 9, for the reasons stated in Suzanne Donovan's email of 20th Jan (Appendix A).

Yours sincerely

M [REDACTED]

[REDACTED] The Lane, Hauxton

**Lord David**

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**From:** [REDACTED]  
**Sent:** 17 February 2013 16:59  
**To:** Lord David  
**Subject:** Letter of 4th Feb re Hauxton Parish Council

My comments are that it seems good sense to increase the number of Parish Councillors from 7 to 9 in view of the pending population expansion .

[REDACTED] Church Road ,HAUXTON

Lord David

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**From:** [REDACTED]  
**Sent:** 16 February 2013 15:15  
**To:** Lord David  
**Subject:** Hauxton Parish Council Size

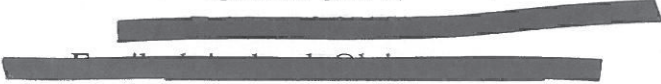
Dear David,

The members of Hauxton Parish Council will need to rise, to reflect the increased matters it will be attending to in view of the future development of Hauxton.

Kind regards,

[REDACTED]  
Hauxton resident

High Street  
HAUXTON  
Cambridgeshire  
CB22 5HW



Mr D Lord,  
SCDC  
Cambourne Business Park,  
Cambourne,  
Cambridge  
CB23 6EA  
11<sup>th</sup> February 2013

Dear Mr Lord,

Ref: CORPAR/4902  
SHOULD HAUXTON PARISH  
COUNCIL INCREASE IN SIZE

Thank you for your letter of 4<sup>th</sup> February inviting views from electors on the proposal to increase the number of Councillors on Hauxton Parish Council.

Given the figures you have produced for neighbouring Councils there seems there can be no objection in principle to increasing the number. There are, however, some associated issues which I believe should be taken into account.

1. On what basis does the existing Parish Council believe that there are, or are likely to be, candidates willing and able to stand for appointment? The projected increase in population is, of itself, insufficient reason to believe candidates will come forward.
2. The recruitment of suitable candidates needs a considered strategy beyond cold calling on the doorstep to enquire whether anyone in the house is 'interested in standing', as happened to me recently.
3. The preparation and support of new Councillors also needs consideration since an increase in numbers is no guarantee of an increase in calibre or quality. This is particularly important at the present juncture as Hauxton has just lost a talented and committed Parish Clerk as a result of what appears to have been at best a clumsy piece of mismanaged business and at worst something rather more serious. Further, my own experience of Hauxton Councillors includes, sadly, correspondence and offers of help either ignored or responded to with the rather patronising 'I'll think about it'.
4. Hauxton Householders are still awaiting the report of a substantial Parish Survey undertaken eighteen months ago. Again offers of help to get it completed have been ignored.

In conclusion, I have no objection to an increase in the number of Councillors but the SCDC may wish to consider attaching some conditions to any approval they may give.

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## SOUTH CAMBRIDGESHIRE DISTRICT

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**REPORT TO:** Civic Affairs Committee

14 March 2013

**AUTHOR/S:** Senior Lawyer

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**TRUMPINGTON MEADOWS COMMUNITY GOVERNANCE REVIEW**
**Purpose**

1. To inform the Committee that the Chief Executive has recently received a letter from the Chairman of Haslingfield Parish Council outlining their request to this Council for a Community Governance Review ("CGR") to be undertaken in respect of Trumpington Meadows pursuant to the provisions of the Local Government and Public Involvement in Health Act ("the 2007 Act"). A copy of the letter is annexed to this Report.

**Recommendation**

2. To note the letter at this stage and await a more detailed report with recommendations at the next CAC meeting.

**Background**

3. The letter points to fundamental differences between the long established community in the parish of Haslingfield and the new community that is beginning to establish itself and grow at Trumpington Meadows.
4. The letter urges SCDC to undertake a CGR with a view to creating a new parish and parish council at Trumpington Meadows.

**Considerations**

5. (i) Section 93 of the 2007 Act allows the Council to decide how to undertake a CGR provided that it complies with the duties specified in the 2007 Act namely undertaking consultation; reflecting identities and interests of the community; governance arrangements must be effective and convenient; and the SCDC must take into account existing/potential arrangements and also representations made.
6. (ii) Officers intend to present a detailed Report to CAC at the next meeting for full consideration of the Parish Council's application.

**Implications**

7.

Financial	If a CGR is to be undertaken there will be associated costs of publicity and consultation which need to be met by the Council. It is not possible to quantify those costs at this stage.
Legal	Compliance with the 2007 Act and associated guidance will help avoid challenge to the process or the outcome.
Staffing	It is expected that a CGR can be carried out within existing staff resources in community and legal.
Risk Management	None
Equal Opportunities	None

**Consultations**

8. None at this stage of the process.

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

Letter from Haslingfield Parish Council dated 13<sup>th</sup> February 2013

**Contact Officer:** David Lord  
Senior Lawyer

**HASLINGFIELD PARISH COUNCIL  
QUALITY COUNCIL**

David  
Lord

Chairman  
John Wheelhouse  
Elizabeth Cottage  
1 The Knapp  
Haslingfield  
CB23 1JH

Ad 2012/13

Clerk  
Janet Hendy  
Highfield Farm  
16 School Lne  
Haslingfield  
CB23 1JL

Mrs Jean Hunter  
Chief Executive Officer  
SCDC  
Cambourne Hall  
Cambourne  
Cambridge CB23 6EA

13<sup>th</sup> February 2013

Dear Mrs Hunter

**COMMUNITY GOVERNANCE REVIEW TRUMPINGTON MEADOWS**

You will be aware that our Parish Council has been in discussion with your planning officers on the subject of governance of that part of Haslingfield Parish lying within the boundary of Trumpington Meadows.

A public meeting was held last autumn to judge the feeling within the existing village parishioners. The majority present urged the Parish Council to take whatever action was necessary to divorce the village from the new development. Naturally, a comprehensive formal survey will be required at some stage but your officers advised that one carried out by SCDC would suffice.

At the council meeting in October 2012, it was resolved in principle to prepare an application to SCDC for a Community Governance Review subject to clarification that the specific reasons were consistent with the guidance issued by the Local Boundary Commission for England.

At the council meeting on 11 February 2013, the Parish Council approved the wording of this letter and its submission.

In preparing this application, our guiding principle has been how best to serve the residents of both the village and the new development. It is clear to us that there are fundamental differences between the two communities that are identified as follows:

1. Residents of the new Trumpington Meadows development will have precisely the same interests and needs whether they live within the City or South Cambridgeshire areas. Although legally living within different administrative areas, they are in practice both within the same urban context. The original intention of a land swap with Cambridge City would have cemented the unity of the whole development and rendered this application unnecessary.
2. The current boundary of Haslingfield was created in 1934 when most of the parish of Trumpington was incorporated into the City. 382 acres of virtually uninhabited land were transferred to Haslingfield Parish. This was predominantly rural land created around an existing settlement and the character of our village continues to be rural. The arrangements for community support, education and transport are completely different. The creation of the Trumpington Meadows development straddling the boundary between two authorities has resulted in an anomalous situation which needs attention. Consideration should be given to moving our boundary back to its original line in the centre of the Cam.
3. According to the approved Trumpington Meadows Master Plan, there are estimated to be 600 homes and a primary school within the existing parish boundary. This number would nearly double the number currently within the village and require considerable changes in administration to the detriment of the community.
4. The differences in the two communities are emphasised by the distance between them. It seems incredible to centre governance 4.3 miles away from the development at Trumpington; with all the resultant costs involved. Particularly as the footpath & cycle path links are limited.
5. The creation of a new parish within SCDC would have sufficient population to be efficient and sustainable on its own and allow it to work jointly with residents who live within the rest of Trumpington.

Arrangements can be made to establish a shadow parish now to settle boundaries and be available for consultation without requiring to consider the opinion of Haslingfield village residents. Creation now will facilitate the earliest possible input from new residents as they begin to move in to Trumpington and encourage community cohesion.

Haslingfield Parish Council would be happy to provide representation on a reducing scale as new residents appear over time. This assumes that an un-reversible decision has been made by SCDC to create a permanent new parish as soon as appropriate.

We look forward to hearing that you will carry out a Community Governance Review and look forward to discussing proposed terms of reference, timing, procedure and formal consultation arrangements.

Yours sincerely

A handwritten signature in black ink, appearing to read 'John Wheelhouse', written in a cursive style.

John Wheelhouse

Chairman,

Haslingfield Parish Council

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Civic Affairs Committee14<sup>th</sup> March 2013**AUTHOR/S:** Monitoring Officer

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**RECRUITMENT OF INDEPENDENT PERSON****Purpose**

1. The Council appointed a lead and deputy “independent person” to assist in the assessment of conduct complaints in July 2012. Due to the requirements of the transitional provisions of the Localism Act the post-holders could only be appointed until 30<sup>th</sup> June 2013, as both were former members of the Council’s Standards Committee. The report sets out the requirement and process for commencing a new recruitment process.

**Recommendation:**

2. That the Committee:-
  - i) Delegates to the Chairman of the Civic Affairs Committee and the Monitoring Officer the responsibility of recruiting a lead Independent Person and a deputy Independent Person with the aim of recommending two appointments to Annual Council on 24<sup>th</sup> May 2013, with the roles to commence on 1<sup>st</sup> July 2013.
  - ii) Agrees the updated recruitment pack which is appended.

**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 appoint at least one independent person 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.
4. The initial wording of the Localism Act prevented any person who had been a member or a co-opted member of South Cambridgeshire District Council in the last five years from being appointed as an Independent Person. Transitional arrangements followed which enabled former members of the Council’s Standards Committee to be appointed for the period up to 30<sup>th</sup> June 2013, to assist councils through the period of transition to the new arrangements. The Council appointed Kathy English, the former independent chair of the Standards Committee as lead independent person and Eric Revell, the former chair of the Standard Committee’s Assessment Panel, as the deputy independent person. Their terms of office will come to an end on 30<sup>th</sup> June and the council must put arrangements in place to appoint their replacements.

**Considerations**

5. 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.
6. A revised recruitment pack is appended to this report.

**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



**APPLICATION PACK FOR  
INDEPENDENT PERSON**



**South  
Cambridgeshire  
District Council**

**APPOINTMENT OF INDEPENDENT PERSON – BACKGROUND INFORMATION**

Under the Localism Act 2011 the way that South Cambridgeshire District Council (and other authorities) deal with complaints about its District, Town and Parish Councillors' conduct has changed.

The District Council is responsible for deciding how to deal with standards issues at a local level and has adopted arrangements for dealing with District and Parish Council complaints.

The Act provides that the Council must appoint an Independent Person to assist in discharging these responsibilities. Full details of the role and responsibilities of the Independent Person are included below.

The Independent Person may be consulted on a complaint by the Council to seek views and whether to reject or undertake other action on the complaint and must seek the views and take these into account before it makes a decision on an investigated complaint. The Independent Person may be consulted on other standards matters, including by the Council who is subject to an allegation.

For this reason, the Council will be seeking to recruit one lead Independent Person (who will normally be contacted by the Council) and a deputy Independent Person, (who will be contacted if the lead is unable to act, due to absence or other reason). This latter situation may occur if the lead believes for any reason that they have a conflict relating to the complaint, or will absent due to illness or leave.

The appointment of the lead and deputy Independent Person will be made at the full Council meeting on **23 May 2013**. Any offer of the position is therefore subject to that approval process. The appointment will take effect from 1 July 2013 and will be for a period of three years subject to an annual ratification by Full Council at its Annual General Meeting.

A fixed allowance of £1000 per annum is payable to the lead Independent Person together with reimbursement of travel and subsistence expenses. A fixed allowance of £500 per annum is payable to the deputy Independent Person together with reimbursement of travel and subsistence expenses. Training shall be provided to any successful applicant.

**INDEPENDENT PERSON**

**SELECTION CRITERIA**

**SKILLS AND COMPETENCIES**

The Independent Person will have:

- 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 respect of exercising sound judgement.

The Independent Person will:

- 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.

Desirable additional criteria are:

- 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.
- knowledge, past experience and understanding of judicial/quasi, judicial or complaints processes.

You should demonstrate in your application how you meet the above criteria as this will assist the short-listing process.

Means of assessment will be by application form and by interview.

NOTE: You will be required to be contactable at all times during normal working hours by telephone or by email and to be available to attending hearings which may be held in the day time. You will normally be given a few months notice of any hearings, but the notice period may be at relatively short notice, if, for example, a hearing has been adjourned for any reason and your attendance is required.

**Eligibility for Appointment**

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 Councillor, co-opted Councillor or Officer of the Council
- A Councillor, co-opted Councillor or Officer of a Town or Parish Council in the District Council's area, or
- A relative or close friend of either of the above.

You can check the lists of elected Councillors on the Council's website at:

<http://scams.moderngov.co.uk/mgMemberIndex.aspx?bcr=1>

You can check details of the District's Parish Councils on the Council's website at <http://scams.moderngov.co.uk/mgListCommittees.aspx?PC=1> and details of individual parish councillors can be found on individual parish websites.

**ROLE OF INDEPENDENT PERSON**

**(as adopted by the Cambridgeshire Councils and the Cambridgeshire Fire Authority)**

**ROLE DESCRIPTION**

Responsible to: The Council

Liaison with: Monitoring Officer, Deputy Monitoring Officer, Members of the Civic Affairs Committee (which administers the standards complaints system), officers and Councillors of the District Council and Parish Councillors within the District, key stakeholders within the community.

1. To assist the Council in promoting high standards of conduct amongst elected and co-opted District and Parish Councillors and in particular to ensure that these Councillors uphold the Code of Conduct adopted by the District and Parish Council, and the seven principles of public office, namely, selflessness, honesty, integrity, objectivity, accountability, openness and leadership.
2. Shall be consulted by the Council through the Monitoring Officer or the Deputy Monitoring Officer before he/she makes a decision on whether to reject a complaint or to refer the matter for investigation or other action.
3. To be consulted by the panel members of the Civic Affairs Committee before it makes a decision on an investigated allegation and to be available to attend meetings of the Hearing Panel for this purpose.
4. To be available for consultation by any elected Councillor, including Parish Councillors, who is the subject of a standards complaint.
5. To develop a sound understanding of the ethical framework as it operates within the District, including the Parish Councils within the District.
6. To participate in training events to develop skills, knowledge and experience and in networks developed for Independent Persons operating outside the District Council's area.
7. To attend training events organised and promoted by the Council.
8. To act as advocate and ambassador for the Council in promoting ethical behaviour.

**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**  
**APPLICATION FOR THE POSITION OF INDEPENDENT PERSON**

Individuals who wish to be considered for appointment as Independent Person are requested to complete and submit the following application form. All information provided will be treated in the strictest confidence and will be used for the purposes of selection. Please feel free to use a separate continuation page if you wish to expand upon your answer to any question outlined below.

**1. PERSONAL DETAILS**

**Name:**

**Address:**

**Postcode:**

**National Insurance Number:**

**Contact Details:**

**Daytime Telephone Number:**

**Mobile Telephone Number:**

**Email Address:**

**2. QUALIFICATIONS**

(Please list in particular any qualifications which you think are relevant to the position of Independent Person)

**3. SUMMARY OF EXPERIENCE**

(Please give a brief account of your experience including career, public and voluntary work together with the nature of your current or most recent occupation)

**4. RELEVANT EXPERTISE/SKILLS**

(Please outline briefly any knowledge or expertise which you believe would be particularly relevant to your role as an Independent Person having regard to the selection criteria and role description)

**5. Why do you wish to be considered for appointment as Independent Person and what particular attributes do you believe you would bring to the role?**

**6. Please provide any additional information you may wish to give in support of your application:**

7. **References will be taken up for all applicants who are invited for interview:**

1 Name: _____	2 Name: _____
Address: _____	Address: _____
_____	_____
_____	_____
_____	_____
Telephone No _____	Telephone No _____

8. **Please indicate below if you are happy to be considered for both the lead and deputy roles:**

- Lead Independent Person [YES/NO]
- Deputy Independent Person [YES/NO]

**DECLARATION**

I wish to apply to be an Independent Person. In submitting this application I declare that:  
**EITHER**

- I am not and have not **during the past five years** been a Councillor or Officer of the District Council (subject to\* & tick if this applies)
- I am not related to, or a close friend of, any Councillor or Officer of the District Council.
- I am not and have not **during the past five years** been a Councillor or Officer of the Parish Council within the South Cambridgeshire District.
- I am not actively engaged in local party political activity.\*
  
- \*I am an existing independent member of the Standards Committee.

Signed \_\_\_\_\_

Date \_\_\_\_\_

Please return this application form by ..... addressed to:

**Fiona McMillan, Monitoring Officer  
South Cambridgeshire District Council  
South Cambridgeshire Hall  
Cambourne Business Park  
Cambourne  
Cambridge  
CB23 6EA**



## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Civic Affairs Committee14<sup>th</sup> March 2013**AUTHOR/S:** Monitoring Officer

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**REVISED NOLAN PRINCIPLES****Purpose**

1. The Committee on Standards in Public Life has revised the descriptions of the Principles of public life as part of its 14<sup>th</sup> report on standards, "Standards matter – a review of best practice in promoting good behaviour in public life" which was published and presented to Parliament in January 2013. The changes affect the wording that follows each principle and a new preamble to the Principles has also been added. The Council's code of conduct and constitution will need to be updated to reflect the new wording, as will parish council codes.

**RECOMMENDATIONS:**

2. That the Civic Affairs Committee:
  - a) **Recommend to Full Council that the council adopts the revised wording of the principles and appends the revised principles to the council's Code of Conduct for members as part of the constitution as per Appendix F**
  - b) **Recommend to Full Council that the council appends the revised principles to the Council's Officers' Code of Conduct as per Appendix G**
  - c) **Recommend to Full Council that the council appends the revised principles in its standard contract documentation**

**Reasons for Recommendations**

3. To update the Constitution to bring it in line with the revised Principles, which the Council's Code of Conduct must be "consistent with" according to the Localism Act 2011.

**Background**

4. In its latest report the Committee on Standards in Public Life, chaired by Sir Christopher Kelly, set out to review what had been achieved since the publication of its first report in 1995 about how to improve ethical standards in public life and also consider what still needs to be done.
5. The Committee concluded that the current need was for existing arrangements to be more consistently and actively implemented so that expected standards are embedded within an organisation and its processes, with everyone taking ownership of high standards alongside regular monitoring of whether they are being met.
6. With regard to local government, the Committee expressed concerns about the impact of the regime introduced by the Localism Act 2011 and considers this area to be a current risk. The Committee considers that "the new slimmed down arrangements have yet to prove themselves sufficient for their purpose" and that "we

have considerable doubt that will succeed in doing so.” The extracts from the report which focus on local government Standards is attached as Appendix D & E.

7. The Committee’s reasons for revising the wording of the principles are set out in Chapter 3 of the report, which is attached as Appendix C. The aim of the revised wording to avoid ambiguity and to update what the wording means in practice.

### **Considerations**

8. The new wording is attached as Appendix A with the former wording attached as Appendix B for comparison. The revised wording changes include the following:

<b>‘Selflessness’</b>	The wording has been much abbreviated
<b>‘Integrity’</b>	The wording has been expanded to include the interests element
<b>‘Objectivity’</b>	The wording has been widened to apply to all decisions (leaving out the specific references to contracts and appointments) and now includes reference to discrimination and bias.
<b>‘Accountability’</b>	The wording has been strengthened to acknowledge the necessity of scrutiny as a feature of public governance.
<b>‘Openness’</b>	The wording has been made more robust so that only ‘clear and lawful’ reasons for withholding information will be acceptable.
<b>‘Honesty’</b>	The wording has been changed completely to remove the reference to interests and focus on the duty to tell the truth.
<b>‘Leadership’</b>	The wording has been made more robust description with the requirement for members to exhibit the Principles ‘in their own behaviour’, actively promote them and challenge poor behaviour..

9. Under the former descriptions there was only one ‘must’ word used (accountability), the rest of the descriptions being worded as ‘should’. In the new descriptions the ‘must’ word is included 4 times (Integrity, Objectivity and Accountability). It is assumed this is intentional and the significance of the imperative word as opposed to the advisory word will be relevant to the interpretation of the council’s code of conduct, which needs to be interpreted by reference to the Principles.
10. The Council’s Code of Conduct has been amended to reflect the changes to the Principles and to make clear that the code is to be interpreted with reference to the Principles.
11. According to the new preamble, the Principles are more clearly applied to employees in local government and it would be logical for the Council’s Officers’ Code of Conduct to also make reference to and append the principles. An amended code is attached as Appendix G. The preamble also now makes it clear that the Principles ‘have application to all those in other sectors delivering public services’. It would therefore also be logical for contract documentation to include the Principles. Recommendations B & C reflect this.

**BACKGROUND PAPERS:**

["Standards Matter – a Review of best practice in promoting good behaviour in public life "  
Committee on Standards in Public Life – January 2013](#)

**Contact Officer:**

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

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**SEVEN PRINCIPLES OF PUBLIC LIFE (REVISED JANUARY 2013)**

<b><u>Principle</u></b>	<b><u>Revised description</u></b>
<b>Preamble</b>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest.
<b>Integrity</b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>Accountability</b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b>Openness</b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>Honesty</b>	Holders of public office should be truthful.
<b>Leadership</b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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**THE SEVEN PRINCIPLES OF PUBLIC LIFE (PRE-2013)**

<b>Selflessness</b>	Holders of public office should take decisions solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.
<b>Integrity</b>	Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might influence them in the performance of their official duties.
<b>Objectivity</b>	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.
<b>Accountability</b>	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.
<b>Openness</b>	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.
<b>Honesty</b>	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.
<b>Leadership</b>	Holders of public office should promote and support these principles by leadership and example.

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# Chapter 3:

## The seven principles of public life

### Introduction

- 3.1 Any values system needs to be based on clear, broadly expressed principles which are aspirational, rooted in the core purposes of an organisation or profession and easy to communicate and understand. These values should underpin an organisation's governance and be embedded in all its processes:

*"A hallmark of good governance is the development of shared values, which become part of the organisation's culture, underpinning policy and behaviour throughout the organisation, from the governing body to all staff. These are in addition to compliance with legal requirements..."<sup>26</sup>*

### Seven principles of public life

- 3.2 The seven principles of public life have been an influential example of the values with which organisations seek to underpin their ethical framework. They have been adopted by a significant proportion of public sector organisations in the UK.
- 3.3 Many of these organisations have chosen to adapt the principles for their own purposes. We welcome this development as evidence of active consideration by those organisations of the way in which key values can best be expressed to be most relevant to their own work. In all the cases of which we are aware the underlying sentiments are recognisably the same.
- 3.4 The civil service, for example, has chosen to promote four values – integrity, honesty, objectivity and impartiality.<sup>27</sup> The Scottish Commission for Ethical Standards in Public Life has nine principles, adding "duty and public service" and "respect". They have also amended "accountability" to "accountability and stewardship".<sup>28</sup> The Welsh code of conduct for local councillors has ten principles, adding "duty to uphold the law", "stewardship" and "equality and respect" and amending "integrity" to "integrity and propriety".<sup>29</sup> The detailed definitions are recognisably similar in both the latter two cases. The voluntary code of conduct for local councillors in Northern Ireland does not make any reference to the seven principles as such, but includes versions of a number of them in its description of the "general duties" of a councillor (including "accountability and openness", "selflessness and stewardship", "objectivity and propriety" and "integrity". Honesty and leadership are not mentioned specifically.<sup>30</sup>
- 3.5 The fact that other organisations have felt the need to adapt the seven principles raises the question of whether the principles should be reformulated. A number of participants in our seminars suggested that they should.
- 3.6 Our view is that changing the principles now would be both pointless and unnecessary. It is clear to us that they can be criticised on a number of philosophical, semantic or other grounds. We doubt that if we were

<sup>26</sup> The Independent Commission on Good Governance, *The good governance standard for public services*, 2004, p.13.

<sup>27</sup> *Civil Service Code*, paragraph 3.

<sup>28</sup> Commission for Ethical Standards in Public Life in Scotland, *Annual report 2011–12*, September 2012, inside front page.

<sup>29</sup> Public Service Ombudsman for Wales, *The code of conduct for members of local authorities in Wales: Guidance from the Public Service Ombudsman for Wales*, March 2012, pp.8–9.

<sup>30</sup> Department of the Environment, *The Northern Ireland code of local government conduct: A code of recommended practice for the guidance of local councillors*, April 2003, pp.3–8.



inventing them for the first time today they would look exactly the same. But we see no advantage, and the risk of some possible confusion, in seeking to alter them now. As with many ethical principles, their value lies not in their exact formulation but in the behaviour which they stimulate when – adapted or not – they become part of an organisation’s culture.

### Amending the descriptions

- 3.7 Leaving the principles as they are does not mean that we cannot change the words used to describe them. Since the seven principles were first formulated our understanding of the meaning of certain words has developed. This does matter. As the Chair of the Committee’s Research Advisory Board has put it:

*“Most people are not professional philosophers and while they may have very strong intuitions about certain things, those intuitions are not easily turned into analytically precise principles. But that is one reason why principles in the public domain should be clear, and should depart as little as possible from their ordinary meanings. Too much divergence breeds misunderstanding, and misunderstanding exacerbates mistrust.”<sup>31</sup>*

- 3.8 Comments made to us during the course of this review, and previously, suggest there are a number of areas where the descriptions of the seven principles could usefully be brought up to date.
- 3.8.1 The description of the present formulation of honesty refers to holders of public office having a duty to declare any conflicts of interest. The avoidance of conflicts of interest fits more obviously into our current understanding of integrity. Most people today would expect honesty to have a much broader meaning, focusing on truthfulness. This has particular resonance at the present time since a number of issues of current concern have involved allegations of inappropriate behaviour being covered up.

A focus group participant demonstrated a nuanced understanding of honesty:

*“It may not be appropriate to give complete truth on something, as long as you’re not directly lying or misleading... Like you wouldn’t necessarily want to hear about the complete plans for anti-terrorism in the run up to the Olympics, so concealing that is appropriate to do so, but you wouldn’t lie about something.”<sup>32</sup>*

- 3.8.2 Discussion around the importance of public office-holders making decisions on merit, including in our focus groups, tends to refer more frequently to impartiality than to objectivity. We think it would be helpful to include impartiality in the description of the meaning of objectivity.
- 3.8.3 Equality of opportunity has become even more of a central tenet of thinking about ethics and values in the period since the principles were first established. We think it would be helpful to make clearer that objectivity requires giving full regard to the importance of equality of opportunity and fair treatment, irrespective of individual characteristics such as disability, race, gender or sexual orientation.
- 3.8.4 Public office-holders sometimes need to show courage in speaking up about difficult issues, speaking “truth to power” and making or sticking by difficult decisions.<sup>33</sup> We see this as a key element of ethical leadership and have amended the description of leadership accordingly.
- 3.9 In the course of our review a number of people suggested to us that a public organisation could have high standards yet deliver neither an effective service nor value for money. This may be true in principle. But we doubt that an organisation delivering poor service or value for money could really be described as having integrity. We also suspect that there may often be a positive empirical relationship between high ethical

31 Mark Philp, *The seven principles of public life: What they say and what they mean*, report to the Committee, 2002 (revised 2012), p.10.

32 *Qualitative research on public perceptions of ethical standards in public life*.

33 One focus group participant described the resignation of a Chief Constable because he felt that due to spending cuts he was no longer able to provide an adequate level of service as a courageous act which he attributed to the individual’s high level of personal ethical standards: “He was ambitious in the –shire police and he was a very, very fine police officer, now he’s recently stepped down because he has decided that with the money that I’m now being given I can’t provide a service to the people of –shire and he said I’m not putting my name to this... he’s walked away from it and all credit to the guy for doing that” (*Qualitative research on public perceptions of ethical standards in public life*).



standards and high service standards. More to the point perhaps, while public office-holders should certainly be held to account for their use of public money, it is not the role of ethical regulators to do so.

- 3.10 The revised descriptions of the seven principles which the Committee will use in all future publications are set out in figure 4 (for the original descriptions see appendix 6). The revisions include some clarifications reflecting earlier research carried out for the Committee.<sup>34</sup>

**Figure 4: The seven principles of public life**

<b>Principle</b>	<b>Revised description</b>
<i>Preamble</i>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<i>Selflessness</i>	Holders of public office should act solely in terms of the public interest.
<i>Integrity</i>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<i>Objectivity</i>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<i>Accountability</i>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<i>Openness</i>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<i>Honesty</i>	Holders of public office should be truthful.
<i>Leadership</i>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

### **To whom should the seven principles apply?**

- 3.11 There is a growing area of ambiguity occupied by people contracted to deliver public services who may not be public office-holders. We strongly believe that the ethical standards captured by the seven principles should also apply to such individuals and their organisations. Like traditional public servants they are being paid public money to provide services on behalf of the community to individuals who may not have a choice about going elsewhere.
- 3.12 Principles are what matters in determining what people "should" do as opposed to what they might "get away with". But the more ambiguous the circumstances (that is the less the principles might seem to an individual to be clearly applicable) the less purchase they are likely to have. This seems likely to be

<sup>34</sup> TNS BMRB, *Review of the descriptors of the seven principles of public life: Report from stage three*, report to the Committee, November 2006.

particularly important in the case of non-traditional suppliers of public services. Unless the principles are clearly translated into contracts and clear guidance, it is unlikely that private contractors in particular will believe that they are unambiguously applicable to them (given the likelihood of conflicts between the motives of private profit and public service), or spend time deducing from the principles how they are supposed to behave. There is therefore a responsibility on public office-holders to specify particular and proportionate ethical requirements in the contracts they let on behalf of the public sector.<sup>35</sup> This is a difficult area, the implications of which will require some effort to work out in practice. It is an issue of possible future inquiry for the Committee.

### The private behaviour of public office-holders

- 3.13 The seven principles specifically apply to public life. Public office-holders do, of course, also have private lives, which are affected by a whole range of emotions and other factors in which the seven principles of public life are unlikely to be a major consideration.
- 3.14 It is important both for reasons of principle and to prevent unnecessary inhibitions on willingness to perform public roles that the privacy of the personal lives of public office-holders should be respected. The legal protection of the right to privacy under the Human Rights Act 1998 applies to public office-holders as well as to other citizens.
- 3.15 On the other hand, the separation between the public and private lives of public office-holders can never be absolute. There are circumstances in which private behaviour can legitimately affect an individual's employment in public office because of its impact on the reputation or integrity of the organisation concerned.
- 3.16 Some of these circumstances are recognised in law. If an individual is declared bankrupt or insolvent, for example, they cannot stand as a Parliamentary candidate and can be denied employment in a wide number of public posts. Others are incorporated in specific codes. The General Teaching Council for Scotland's ethical guidance to teachers, *Code of professionalism and conduct*, states that:

*"You should avoid situations both within and without the professional context which could be in breach of the criminal law, or may call into question your fitness to teach... you must uphold standards of personal and professional conduct, honesty and integrity so that the public have confidence in you as a teacher and teaching as a profession... you should maintain an awareness that as a teacher you are a role model to pupils."*<sup>36</sup>

These guidelines are clearly intended to apply to teachers' private as well as public lives. The code is not statutory. But any serious breach or series of minor breaches of it could lead to an adverse "fitness to teach" finding and possible sanctions.

- 3.17 Whatever the law or principle might imply, the public are likely to draw conclusions about an individual's public behaviour from what they know of their private behaviour. History provides numerous examples of apparently scandalous behaviour, usually of a sexual or financial nature, casting such doubt on the suitability of politicians or others for public office that they have resigned or been removed from their posts. This is not necessarily an irrational reaction to media pressure – though it can sometimes be. It is not unreasonable for people to think that individuals who display poor behaviour or bad judgement in their private lives are at risk of doing the same in their public lives. Moreover, people's own willingness to behave well can be critically affected by what they see of the behaviour of those in leadership positions. There is no reason to think that in doing so they discriminate between behaviour in public and in private roles. One focus group participant expressed this as follows:

<sup>35</sup> See Chapter 7, paragraph 7.7.

<sup>36</sup> General Teaching Council for Scotland, *Code of professionalism and conduct*, May 2008 (revised April 2012), p.6.



*"At the end of the day, if you're in a place of power, you've got to be honourable no matter what – whether you're at home in bed, or sitting and having tea with the Queen."<sup>37</sup>*

- 3.18 We are not seeking to impose public morality on private life. But it is important to recognise that there are occasions when public and private lives can overlap and where private acts that become known can damage public confidence in office-holders and institutions. There are therefore circumstances in which it is appropriate to take account of the private behaviour of public office-holders in judging their suitability for office. Such intrusions should be exceptional, always proportionate, and only happen where the public interest clearly requires it. The Parliamentary Commissioner for Standards recently expressed it thus in recommending a revision to the code of conduct for MPs:

*"I recognise the House's concern about any intrusion into a member's private and personal life. Like anyone else, Members are entitled to a private and personal life and for that to remain private. Any intrusion into that should be both necessary and proportionate. There needs to be a very clear public interest in such intrusion, recognising, as a rule in the Code says, that any conflict between the private and public interest must be resolved in favour of the public interest."<sup>38</sup>*

- 3.19 In our view instances where an individual's private behaviour might affect their public life need to be looked at case by case. They should be addressed not by a lengthy philosophical debate but by clarity about acceptable behaviours and possible sanctions.

## Summary

- The seven principles of public life remain broadly relevant, but there is scope for updating what they mean in practice, particularly in respect of honesty and integrity.
- There is a growing area of ambiguity occupied by people contracted to deliver public services who may not be public office-holders. The ethical standards captured by the seven principles should also apply to such people. There is therefore a responsibility on public office-holders to specify requirements about standards of behaviour in the contracts they let on behalf of the public sector.
- Public office-holders are entitled to privacy in their personal lives. But it is important to recognise that there can be circumstances in which private behaviour can affect the reputation and integrity of a public institution, and which require an appropriate response. Such intrusion should only happen where there is a clear public interest to justify it, and should always be proportionate.

<sup>37</sup> *Qualitative research on public perceptions of ethical standards in public life.*

<sup>38</sup> Parliamentary Commissioner for Standards, *Annual report 2011–12*, HC 311, June 2012, p.9.

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- 2.16 The slowness of the system to anticipate problems could reflect sensible caution. The case for regulation needs to be established each time. But a reluctance to address politically sensitive issues before they become major problems creates obvious risks. Every scandal, or apparent scandal, takes its toll on confidence in the integrity of our public institutions and office-holders. Reputation is easily lost, much harder to regain.
- 2.17 Failure to anticipate problems can also create a risk of subsequent over-reaction. A prominent example was the over-engineered arrangements to regulate standards in local authorities originally created with the establishment of the Standards Board for England in 2000 (figure 3). In evidence to the Leveson Inquiry Lord Condon spoke of ethical issues being addressed in twenty year cycles through “scandal, inquiry, remedial action, relaxation, complacency, scandal, inquiry”.<sup>22</sup> There might be a temptation to think of an overreaction to standards challenges as preferable to an inadequate one. But as memories of past failures fade and excessive bureaucracy becomes more apparent there is a risk that necessary controls will be dismantled along with everything else.

### Figure 3: Local government standards

The Committee's Third Report in 1997 addressed ethical standards in local government. The report called for a restructuring of the framework of standards in local government with the aim of achieving clarity about standards of conduct while devolving greater responsibility to local government for devising and regulating those standards.

The Local Government Act 2000 went well beyond what had been proposed. It created a statutory code of conduct for local authority members, independently chaired statutory standards committees for each principal local authority, an independent regulator of local authority standards (the Standards Board for England) and a separate independent body (the Adjudication Panel for England) to which the most serious cases could be referred. These arrangements did much to improve the conduct of elected members.

A number of adjustments were made in 2007, following recommendations from the Committee in the light of criticism of the system as bureaucratic and bogged down with trivial complaints. The Standards Board (which became Standards for England) was made more strategic. Local standards committees and monitoring officers were given responsibility for filtering complaints.

The Localism Act 2011, abolished Standards for England, removed the ability of local authorities to suspend members as a sanction for poor behaviour and disbanded local standards committees. It introduced a new offence of failing to declare or register a pecuniary interest. Following amendments to the original Bill during its passage through Parliament it also required local authorities to develop their own code of conduct based on the seven principles of public life and to appoint an Independent Person to be consulted during the investigation of any complaint.

The new, slimmed down arrangements have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely. The arrangements place a particular onus on the Local Government Association to provide leadership for the sector and to ensure that they work in practice.

[Sources: Committee on Standards in Public Life, *Standards of conduct of local government in England, Scotland and Wales* (Third Report), Cm 3702, July 1997; Committee on Standards in Public Life, *Getting the balance right: Implementing standards in public life* (Tenth Report), Cm 6407, January 2005, chapter 3; and ODPM: Housing, Planning, Local Government and the Regions Committee, *The role and effectiveness of the Standards Board for England*, HC 60-1, April 2005.]

<sup>22</sup> The Leveson Inquiry, executive summary, paragraph 99.



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damage is likely to be done to public confidence in the integrity of the political system if further revelations continue – as they are bound to do. While we note the renewed commitment to pursuing a detailed agreement on party funding made by the Coalition in its mid-term review, we are conscious that there is not a great deal of time to resolve the issue if the parties are to honour their election manifesto commitments before the next general election. They need to show courage, in the public interest.

### Local government standards

- 7.25 Details of the recent history of local government standards are set out in figure 3. As we have argued earlier, prime responsibility for maintaining high standards of behaviour must always lie with individuals and organisations, not with external regulation. We welcome therefore the intention behind the Localism Act 2011 to encourage a greater sense of local responsibility for standards and to address some of the more vexatious and disproportionate aspects of the local government standards regime.<sup>100</sup>
- 7.26 To function effectively, local leadership and responsibility for standards requires certain conditions to be met – including strong leadership and robust, visible action against those who fall short. The Local Government Association has a particularly important responsibility in this respect. We would expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide leadership. It is likely to do less well where such leadership is absent.<sup>101</sup> Past history suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit for tat accusations most common, or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.
- 7.27 We have other concerns about the new arrangements which apply even in those authorities where strong leadership on standards does exist. The first is that under the previous arrangements local authorities had the power to suspend members for varying periods of time as a sanction against poor behaviour. The only sanctions now available, apart from through the use of party discipline, are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. Bullying of other members or officers is one category of offence which will be difficult to deal with adequately under the new arrangements.
- 7.28 Our second concern is about the new and so far relatively untested arrangements for independent involvement in the disciplinary process. Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.

Where powers to regulate standards are devolved to promote local responsibility and leadership, care should always be taken to ensure that there is independent scrutiny, that the results of such scrutiny are made publicly available and that those who have responsibility for imposing sanctions have adequate legal or other powers to do so.

- 7.29 The new arrangements in England have not been followed in Scotland, Wales and Northern Ireland which all have smaller numbers of local authorities and differing arrangements.

<sup>100</sup> Although many of these concerns had already been addressed by reforms introduced in 2007 by the Local Government and Public Involvement in Health Act, following our Tenth Report.

<sup>101</sup> Not forgetting that in several prominent recent cases it is the behaviour of leaders themselves that have been under question.



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## 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") [which are appended to this Code. This Code of Conduct will be interpreted by reference to these 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 1

### 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.

**APPENDIX F**

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**APPENDIX 2**

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**SEVEN PRINCIPLES OF PUBLIC LIFE (REVISED JANUARY 2013)**

<b>Principle</b>	<b>Revised description</b>
<b>Preamble</b>	The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.
<b>Selflessness</b>	Holders of public office should act solely in terms of the public interest.
<b>Integrity</b>	Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.
<b>Objectivity</b>	Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.
<b>Accountability</b>	Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.
<b>Openness</b>	Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.
<b>Honesty</b>	Holders of public office should be truthful.
<b>Leadership</b>	Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



## **G Officers' Code of Conduct<sup>1</sup>**

### **1. Standards**

1.1 Local Government employees are expected to give the highest possible standard of service to the public, and where it is part of their duties, to provide appropriate advice to councillors and fellow employees with impartiality. [All employees are expected to uphold the seven principles of public life; selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Full details are appended to this code.](#) Employees will be expected, through agreed procedures and without fear of recrimination, to bring to the attention of the appropriate level of management any deficiency in the provision of service. Employees must report to the appropriate manager any impropriety or breach of procedure.

### **2. Disclosure of Information**

2.1 It is generally accepted that open government is best. The law requires that certain types of information must be available to members, auditors, government departments, service users and the public. The Authority itself may decide to be open about other types of information. Employees must be aware of which information their authority is and is not open about, and act accordingly.

2.2 Employees should not use any information obtained in the course of their employment for personal gain or benefit, nor should they pass it on to others who might use it in such a way. Any particular information received by an employee from a councillor which is personal to that councillor and does not belong to the Authority should not be divulged by the employee without the prior approval of that councillor, except where such disclosure is required or sanctioned by the law.

### **3. Political Neutrality**

3.1 Employees serve the Authority as a whole. It follows they must serve all councillors and not just those of the controlling group, and must ensure that the individual rights of all councillors are respected.

3.2 Subject to the Authority's conventions, employees may also be required to advise political groups. They must do so in ways which do not compromise their political neutrality.

3.3 Employees, whether or not politically restricted, must follow every lawful expressed policy of the Authority and must not allow their own personal or political opinions to interfere with their work.

3.4 Political assistants appointed on fixed term contracts in accordance with the Local Government and Housing Act 1989 are exempt from the standards set in paragraphs 3.1 to 3.3.

### **4. Relationships**

#### **4.1 Councillors<sup>2</sup>**

Employees are responsible to the Authority through its senior managers. For some, their role is to give advice to councillors and senior managers and all are there to carry out the Authority's work. Mutual respect between employees and councillors is essential to good local government. Close personal familiarity between employees and individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided.

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1 Code of Conduct: agreed by Finance, Resources and Staffing Committee, 13.9.94; revised by Council on 22 September 2011. This will be amended in the light of any employee provisions in the proposed new National Code.

2 Also see Protocol on Member / Officer Relations

**4.2 The Local Community and Service Users**

Employees should always remember their responsibilities to the community they serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community as defined by the policies of the Authority.

**4.3 Contractors**

All relationships of a business or private nature with external contractors, or potential contractors, should be made known to the appropriate manager. Orders and contracts must be awarded on merit, by fair competition against other tenders, and no special favour should be shown to businesses run by, for example, friends, partners or relatives in the tendering process. No part of the local community should be discriminated against.

4.4 Employees who engage or supervise contractors or have any other official relationship with contractors and have previously had or currently have a relationship in a private or domestic capacity with contractors should declare that relationship to the appropriate manager.

**5. Appointment and other Employment Matters**

5.1 Employees involved in appointments should ensure that these are made on the basis of merit. It would be unlawful for an employee to make an appointment which was based on anything other than the ability of the candidate to undertake the duties of the post. In order to avoid any possible accusation of bias, employees should not be involved in an appointment where they are related to an applicant, or have a close personal relationship outside work with him or her.

5.2 Similarly, employees should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner, etc.

**6. Outside Commitments**

6.1 Some employees have conditions of service which require them to obtain written consent to take any outside employment. All employees should be clear about their contractual obligations and should not take outside employment which conflicts with the Authority's interests.

6.2 Employees should follow their Authority's rules on the ownership of intellectual property or copyright created during their employment.

**7. Officers' Interests in Contracts, Decisions, etc.**

7.1 There may be occasions when officers have a personal interest in the Council's activities and the outcome of Council decisions. Interests in contracts are covered by statute but there are many other kinds of interests which may arise during the course of your duties. Employees must declare to an appropriate manager any financial or non-financial interests which could conflict with the Authority's interests and must register those interests on a database maintained by the Council's Deputy Monitoring Officer. The register is checked annually and a reminder sent to all staff to consider the issue.

7.2 The most important thing is that officers behave with integrity. To achieve this, conflicts of interest must be avoided and the Council must stop them arising.

**8. Pecuniary Interests**

8.1 Section 117 Local Government Act 1982 requires officers to give the Council written notice of any contract or proposed contract in which the officer has a pecuniary interest (direct or indirect) as soon as the officer becomes aware of it. Failure to declare such an interest is an offence.

- 8.2 A pecuniary interest is where an officer or his / her spouse stands to make money from the contract (e.g., they own or are employed by the business that the contract will be with or own shares in the company contracted with). Officers may have a shareholding of up to 1% of a company's issued capital or having a nominal value of up to £5,000, whichever is the lesser, without a declarable pecuniary interest arising. (There are other, technical, rules about shareholdings; please consult the Deputy Monitoring Officer if further clarification is required).
- 8.3 The examples given are not exhaustive. If you are in any doubt you can seek advice from the Deputy Monitoring Officer, who will maintain a record of all declarations under s117. The Register of Declarations under s117 may be inspected by councillors and Chief Officers only.

## **9. Non-Pecuniary Interests**

- 9.1 There is no legislation governing these. It is impossible to list everything that constitutes a non-pecuniary interest. The Authority expects officers to be sensitive to the possibility of them arising. Any decision taken by an officer who has a non-pecuniary interest in the outcome could be quashed by a court, and disciplinary action could follow.
- 9.2 You must never allow a situation to appear as though you are using your position to promote any interest other than the Public Interest.
- 9.3 This includes your own interests, those of your family and friends, those of another employer, those of another association or organisation (including a Trade Union) and those of your fellow employees.
- 9.4 If such an interest arises you must declare it at once to your Chief Officer, who will advise you and record the interest in a register kept for the purpose by the Deputy Monitoring Officer.
- 9.5 There are limitless numbers of ways in which such an interest can arise. The question to ask yourself is:  
*If a reasonable man knew that I was involved in making this decision and had this interest in its outcome then would he think that any decision made would be at risk of being biased?*  
e.g. You should not inspect your friend's factory, decide your neighbour's planning application or grant your brother's licence.
- 9.6 Employees should also declare to an appropriate manager membership of any organisation not open to the public without formal membership and commitment of allegiance and which has secrecy about rules or membership or conduct.
- 9.7 Guidance is available from your Chief Officer or from the Deputy Monitoring Officer. Again you are urged to err on the side of caution in this matter.

## **10. Equality Issues**

- 10.1 All local government employees should ensure that policies relating to equality issues as agreed by the Authority are complied with in addition to the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

## **11. Separation of Roles During Tendering**

- 11.1 Employees involved in the tendering process and dealing with contractors should be clear on the separation of client and contractor roles within the Authority. Senior employees who have both a client and contractor responsibility must be aware of the need for accountability and openness.

- 11.2 Employees in contractor or client units must exercise fairness and impartiality when dealing with all customers, suppliers, other contractors and sub-contractors.
- 11.3 Employees who are privy to confidential information on tenders or costs for either internal or external contractors should not disclose that information to any unauthorised party or organisation.
- 11.4 Employees contemplating a management buyout should, as soon as they have formed a definite intent, inform the appropriate manager and withdraw from the contract awarding processes.
- 11.5 Employees should ensure that no special favour is shown to current or recent former employees or their partners, close relatives or associates in awarding contracts to businesses run by them or employing them in a senior or relevant managerial capacity.

## **12. Corruption [See Anti-Theft, -Fraud and -Corruption Policy]**

- 12.1 Employees must be aware that it is a serious criminal offence for them corruptly to receive or give any gift, loan, fee, reward or advantage for doing, or not doing, anything or showing favour, or disfavour, to any person in their official capacity. If an allegation is made it is for the employee to demonstrate that any such rewards have not been corruptly obtained.

## **13. Use of Financial Resources**

- 13.1 Employees must ensure that they use public funds entrusted to them in a responsible and lawful manner. They should strive to ensure value for money to the local community and to avoid legal challenge to the Authority.

## **14. Hospitality [See Gifts, Hospitality and Sponsorship Policy: Guidance for Officers]**

- 14.1 Employees should only accept offers of hospitality if there is a genuine need to impart information or represent the Authority in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Authority should be seen to be represented. They should be properly authorised and recorded.
- 14.2 When hospitality has to be declined those making the offer should be courteously but firmly informed of the procedures and standards operating within the Authority.
- 14.3 Employees should not accept significant personal gifts from contractors and outside suppliers, although the Authority may wish to allow employees to keep insignificant items of token value such as pens, diaries, etc.
- 14.4 When receiving authorised hospitality employees should be particularly sensitive as to its timing in relation to decisions which the Authority may be taking affecting those providing the hospitality.
- 14.5 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Authority gives consent in advance and where the Authority is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that authorities meet the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

**SEVEN PRINCIPLES OF PUBLIC LIFE (REVISED JANUARY 2013)**

<b><u>Principle</u></b>	<b><u>Revised description</u></b>
<b><u>Preamble</u></b>	<u>The principles of public life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, NDPBs, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.</u>
<b><u>Selflessness</u></b>	<u>Holders of public office should act solely in terms of the public interest.</u>
<b><u>Integrity</u></b>	<u>Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.</u>
<b><u>Objectivity</u></b>	<u>Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.</u>
<b><u>Accountability</u></b>	<u>Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.</u>
<b><u>Openness</u></b>	<u>Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.</u>
<b><u>Honesty</u></b>	<u>Holders of public office should be truthful.</u>
<b><u>Leadership</u></b>	<u>Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.</u>

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**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Civic Affairs Committee

14th March 2013

**AUTHOR/S:** Monitoring Officer

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**UPDATE ON CODE OF CONDUCT COMPLAINTS****Purpose**

1. To update members on complaints cases regarding alleged breach of the code of conduct.

2. **RECOMMENDATIONS:**

That the Civic Affairs Committee **note** the progress of outstanding complaints.

3. **Complaint cases concluded since last meeting:**

- (a) **CORCOM 45 & 46**

This complaint was made by two members of the public about a district councillor/parish councillor regarding the councillor's participation in meetings at both parish and district level, related to their planning application. The complainant alleged a number of breaches of the code of conduct. Following assessment by the Monitoring Officer and Independent Person it was concluded that the councillor did not breach the code of conduct.

- (b) **CORCOM 194**

This complaint was made by was made by a member of the public about two district councillors on the council's planning committee in relation to the 4<sup>th</sup> July 2012 planning committee meeting. The complainant alleges a number of breaches of the code of conduct. The complaint has been assessed by the Monitoring Officer and Independent Person and it was concluded that neither councillor had breached the code of conduct.

4. **Complaint cases outstanding at 5<sup>th</sup> March 2013**

- (a) **CORCOM 221**

This complaint was made by a member of public (a former parish councillor) about a district councillor. The complainant alleges a number of breaches of the code of conduct. The Monitoring Officer and Independent Person are still awaiting further information from the complainant in response to a rebuttal by the councillor before being able to proceed.

- (b) **CORCOM 346**

This complaint was made by a parish councillor about a district councillor. The complainant alleges a number of breaches of the code of conduct. A response has been received to the complaint from the district councillor and

the Monitoring officer is awaiting confirmation from the complainant on whether it is considered that the complaint should progress further.

**5. Other complaints**

A large number of complaints were received by the Monitoring Officer in November 2012 in relation to a forthcoming controversial Council decision and the conduct of members involved in that process. Following further contact with the complainants these complaints will not now be progressed.

The Monitoring Officer has informally resolved a complaint from two county council officers about a district councillor with no further action deemed necessary.

The Monitoring Officer is currently advising in relation to on-going conduct-related issues at two parish councils.

**BACKGROUND PAPERS:** Localism Act 2011  
SCDC Code of Conduct Complaints procedures

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



**SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

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**REPORT TO:** Civic Affairs Committee

14 March 2013

**AUTHOR/S:** Monitoring Officer

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**REGISTRATION OF INTERESTS UPDATE****Purpose**

1. To update the Civic Affairs Committee on progress in the implementation of the provisions of the Localism Act 2011 in relation to registration of interests.

**Background**

2. The Localism Act 2011 requires all councillors to complete a register of interests and these registers must be published on the council's website. If a parish council has a website the register must also be published on that website, as well as the district council's website.
3. As previously reported all district councillors have completed their registers of interests which are published on the council's website.
4. Written advice was given on four occasions in July 2012 to parish councillors via their clerks about how to complete the form. Two letters have also been sent to clerks asking for the forms to be completed and returned.

**Update**

5. There are 825 parish councillors within South Cambridgeshire and to date 673 forms have been returned to the Monitoring Officer. Taking into account 16 current vacancies (that are known by SCDC), there are 136 still outstanding. Queries on the forms are still being followed up and incomplete or ambiguous forms returned to the councillor with requests to complete and return.
6. A table of parish councils with number of forms returned is attached as an Appendix to this report.
7. The table is marked in red showing those parish councils who have not yet returned any forms. These are Elsworth, Fulbourn, Meldreth, Orwell, Stow-cum-Quy, Little Wilbraham and Wimpole. The Monitoring Officer has now written personally to these parish councils asking them to ensure the registers are completed and returned as soon as possible.
8. Other parish councils have only returned a small proportion of their forms and these parishes have also been written to again.

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

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Parish	No of Members	Forms received @ 13 Sept 12	Forms received @ 5 Dec 12	Forms received @ 4 March 13
Great Abington	7	6	6	6
Little Abington	7	1	1	1
Arrington	7	0	4	4
Babraham	5	5	5	5
Balsham	9	9	7	7
Bar Hill	13	0	12	13
Barrington	9	9	9	9
Barton	9	8	9	9
Bassingbourn	15	1	11	11
Bourn	9	6	8	8
Caldecote	9	8	9	9
Cambourne	13	0	11	12
Carlton	7	6	7	7
Castle Camps	9	7	7	8
Caxton	7	7	7	7
Great & Little Chishill	7	6	6	7
Comberton	13	11	11	12
Coton	9	8	9	9
Cottenham	15	8	10	10
Croxton	5	3	3	3
Croydon	7	0	6	6
Dry Drayton	7	4	6	6
Duxford	11	10	11	11
Elsworth	9	0	0	0
Eltisley	7	6	6	6
Great & Little Eversde	10	10	10	10
Fen Ditton	9	9	9	9
Fen Drayton	9	0	6	6
Fowlmere	9	4	8	9
Foxton	9	9	9	9

Parish	No of Members	Forms received @ 13 Sept 12	Forms received @ 5 Dec 12	Forms received @ 4 March 13
Fulbourn	15	0	0	0
Gamlingay	15	0	13	13
Girton	15	13	13	13
Little Gransden	5	5	5	5
Grantchester	9	0	8	9
Graveley	5	0	2	3
Hardwick	9	9	9	9
Harlton	5	0	0	5
Harston	11	2	2	2
Haslingfield	11	1	6	9
Hatley	5	0	5	5
Hauxton	7	2	3	3
Heydon	5	5	5	5
Hildersham	5	5	5	5
Hinxton	7	7	7	7
Histon & Impington	19	16	16	18
Horningsea	7	0	5	5
Horseheath	7	4	5	7
Ickleton	9	0	6	8
Kingston	5	0	5	5
Landbeach	9	6	7	9
Linton	15	14	15	15
Litlington	9	0	9	9
Longstanton	11	8	9	10
Longstowe	5	0	1	2
Madingley	5	0	5	5
Melbourn	15	8	12	12
Meldreth	9	0	0	0
Milton	15	13	14	14
Guilden Morden	9	8	8	8

Parish	No of Members	Forms received @ 13 Sept 12	Forms received @ 5 Dec 12	Forms received @ 4 March 13
Steeple Morden	9	1	8	9
Newton	5	4	4	5
Oakington & Westwic	9	6	9	9
Orchard Park	9	2	4	4
Orwell	9	0	0	0
Over	11	10	11	11
Pampisford	7	7	7	7
Papworth Everard	13	0	11	11
Rampton	7	6	6	7
Sawston	19	15	15	15
Great Shelford	15	10	13	13
Little Shelford	9	8	9	9
Shepreth	7	1	6	7
Shudy Camps	5	5	5	5
Stapleford	9	0	7	9
Stow-cum-Quy	7	0	0	0
Swavesey	11	11	11	11
Teversham	11	6	11	11
Thriplow	9	5	6	8
Toft	7	6	7	7
Waterbeach	15	1	1	14
West Wickham	7	0	7	7
West Wrattling	7	0	2	4
Weston Colville	7	7	7	7
Whaddon	7	4	6	6
Whittlesford	11	8	9	9
Great Wilbraham	7	5	5	5
Little Wilbraham	7	0	0	0
Willingham	15	8	12	14
Wimpole	5	0	0	0

Total	825	423	622	673
% returned		51%	75%	82%

\*Numbers in brackets denote known vacancies

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