

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Standards Committee

7 June 2007

AUTHOR/S: Chief Executive / Democratic Services Officer

MEMBERSHIP AND REMIT OF THE PARISH COUNCIL STANDARDS SUB-COMMITTEE

Purpose

1. To ask the Standards Committee to consider the remit of the Parish Council Standards Sub-Committee, whether it remain a standing body of the Standards Committee and, if so, to make appointments.

Background

2. The Local Government Act (LGA) 2000 delegated authority to Standards Committees to appoint a sub-committee for the purpose of discharging all of the functions conferred on the standards committee:
 - (a) promoting and maintaining high standards of conduct by councillors and co-opted members;
 - (b) assisting the councillors and co-opted members to observe the Members' Code of Conduct;
 - (c) advising the Council on the adoption or revision of the Members' Code of Conduct;
 - (d) monitoring the operation of the Members' Code of Conduct;
 - (e) advising, training or arranging to train councillors and co-opted members on matters relating to the Members' Code of Conduct;
 - (f) granting dispensations to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
 - (g) dealing with any reports from a case tribunal or interim case tribunal, and any report from the monitoring officer on any matter which is referred by an ethical standards officer to the monitoring officer.
3. Article 9 of the SCDC Constitution, authorises the Standards Committee to appoint a Parish Council Standards Sub-Committee to determine any matter relating to parish councils or Parish Members, and sets the membership of a Parish Council Standards Sub-Committee as:
 - at least one Independent Member;
 - at least one Parish Member; and
 - the number of Council Members shall not exceed the aggregate number of Independent and Parish Members.
4. The LGA 2000 requires that any change to the Sub-Committee membership, responsibilities or a decision on its disestablishment be subject to consultation with all Parish Councils within the authority's area.
5. The Parish Council Standards Sub-Committee was established in 2001, comprising two Parish Council members, one Independent member and one District Council member. At the time the Parish Council Standards Sub-Committee was established, the Section 66 Local Government Act 2000 regulations, which allowed the reference of matters to monitoring officers for local investigation or hearing panels, had not

been published (prior to publication, all matters were considered by the Standards Board for England).

6. The Sub-Committee met twice, on 3 October and 25 November 2002. The only substantial items of business it considered were the granting of a dispensation to Barrington Parish Council, the Standards Committee "Roadshow" training event and an information item regarding a new National Association of Local Councils standing order concerning maladministration, all of which the Sub-Committee referred to the Standards Committee for decision and comment. The Sub-Committee has not met since and all matters concerning Parish Councils have been considered by the full Committee.

Considerations

7. The existence of a standing Sub-Committee should require that all Parish Council matters be referred to it; in practise, the parent body has considered all such matters.
8. Formalising delegation of responsibility for Parish Council matters to a Sub-Committee is not feasible in an area with a high number of Parish Councils, particularly with respect to the organisation and co-ordination of training generally and especially following introduction of the revised Code of Conduct.
9. Furthermore, the workload of the Standards Committee is set to grow significantly in the coming months as a result of the pilot project for the local filter process, which likely will be formalised into a statutory responsibility in the future, as well as the authority to conduct local investigations and hearings, neither of which were responsibilities of the Sub-Committee at the time it was established.
10. In light of these increased functions, delegation of responsibility for Parish Council matters to the Parish Council Standards Sub-Committee would create an unsustainable imbalance of workloads between those members on the Sub-Committee and those on the parent body only. It would prejudice the interests of Sub-Committee members who took part in one part of a local matter, for example, a local filter process, preventing them from participating in any subsequent stage such as investigation and / or hearing of that same matter.

Options

11. **Option 1** – To make appointments to the Parish Council Standards Sub-Committee in accordance with Article 9 of the Constitution and delegate responsibility for all Parish Council matters to the Sub-Committee.
12. The largest possible size for the Sub-Committee, if the Standards Committee wished to include all three Parish Council Members, would be at least eight:
 - (a) At least one Independent Member;
 - (b) Three Parish Council members; and
 - (c) No more than four District Council Members, this number to be consequent upon the Standards Committee's decision on the number of Independent Members on the Sub-Committee.
13. The Sub-Committee would elect its own Chairman with the power to appoint sub-panels to consider any local issues, with no one member of any sub-panel participating in more than one stage of the process. Although the smallest possible Sub-Committee size would be three (one Independent Member, one Parish Council Member and one District Council Member), the potential for a three-stage process

(filter, investigation, hearing), would require a minimum of nine of the twelve current Standards Committee members to serve on the Sub-Committee.

14. The Audit Commission, following its recent corporate governance inspection of South Cambridgeshire District Council, concluded that “decision-making by the Council is not effective or robust” and that “ineffective decision-making is one aspect of the Council’s poor application of the modernised political structures introduced in the Local Government Act 2000”. The Council has responded to this challenge with creation and publication of its improvement plan – the Inspire Project – which confirms its commitment to robust and pro-active decision-making throughout the Council. Appointment of a sub-committee at least three-quarters the size of the parent body would not support the aims of the Inspire Project.
15. **Option 2** – To consult with Parish Councils regarding the disestablishment of the Parish Council Standards Sub-Committee, making reference to the above situation which would see the majority of members of the parent body appointed to a Sub-Committee.

Implications

16. Financial	<p>Option 1 supported – cost of Sub-Committee meetings in addition to Standards Committee meetings, and all associated travel and subsistence expenses. If the Standards Committee asked Council to increase the Parish Council membership of the parent Committee, printing and postage costs for appointments process and additional co-optees’ allowances. Any change to co-optees’ allowances in light of increased workload would require consideration by the Independent Panel on Members’ Allowances and the support of full Council.</p> <p>Option 2 supported – consultation could be carried out as part of the <i>Standards Committee Newsletter</i>, incurring only costs of printing and postage for those Parish Councils not able to receive the newsletter electronically.</p>
Legal	<p>Option 1 supported – as stated above, existence of a standing Sub-Committee should require that all Parish Council matters be referred to that body to comply fully with the LGA 2000.</p> <p>Option 2 supported – consultation exercise followed by a possible recommendation to the Constitution Review Working Party and to Council for any consequent amendment to Article 9.</p>
Staffing	<p>Option 1 supported – increased work for Legal and Democratic Services staff to support separate yet parallel Standards workstream.</p> <p>Option 2 supported – none significant</p>
Risk Management	<p>Option 1 supported – a risk of “burn-out” of Parish Council members; difficulties establishing sub-panels without prejudicing interests of participants and taking into consideration participants’ availability; appointment and training of additional Parish Council members could require an increase in the number of Independent Members (legally, the Standards Committee must have at least 25% independent membership); Audit Commission criticism of failure to achieve Inspire Project objectives</p> <p>Option 2 supported – none significant</p>
Equal Opportunities	None significant.

Consultations

17. If the Standards Committee supports a change to Article 9 of the Constitution, Parish Councils and Meetings could be consulted immediately, with their responses reported to the next Standards Committee meeting. The Constitution Review Working Party would receive a recommendation from the Standards Committee prior to Council consideration of any changes.

Effect on Annual Priorities and Corporate Objectives

18.	Affordable Homes	None.
	Customer Service	The first edition of the <i>Standards Committee Newsletter</i> encouraged Parish Councillors to contact the Parish Council Members in the first instance if they sought advice or had questions, but also invited them to contact other members of the Standards Committee if they so chose. Restricting the number of members who deal with Parish Council matters could lead to situations where no members were available who were able to discuss a particular matter, even in general terms, to avoid prejudicing an on-going investigation. Although the Monitoring Officer and Deputy Monitoring Officer could provide advice, there could be situations where it would be more appropriate for a Parish Councillor's peer to respond.
	Northstowe and other growth areas	None.
	Quality, Accessible Services	Provision of efficient decision-making with all matters going to one body.
	Village Life	Local cases can have a significant impact on village life and can leave a Parish Council – and individual Councillors – in a state of uncertainty while an issue is being considered. Having the full Committee consider Parish Council matters creates a larger pool of members from which sub-panels can be drawn, to try to bring the process to a swift and fair conclusion.
	Sustainability	The workload of the Parish Council Standards Sub-Committee would be unsustainable with such a large number of Parish Councils. Meetings of an additional standing regulatory body of the Council would double the number of agendas printed, as all members of the parent body would receive copies of Sub-Committee papers. If not able to be scheduled on the same day as a parent body meeting, Sub-Committee meetings would require additional journeys.
	Partnership	As above, having the full Standards Committee responsible for Parish Council matters would work to the benefit of our partner authorities, with an increased number of members to contact for advice and to participate in the local processes to try to ensure that Parish Councils are not left "in limbo" whilst awaiting a conclusion.

Conclusions/Summary

19. The establishment of the Parish Council Standards Sub-Committee in 2001 was done with the best of intentions to ensure that Parish Council matters were considered by their peers; however, the additional powers granted to Standards Committees since that time make the existence of a separate Sub-Committee unsustainable in an area

with such a large number of Parish Councils and Meetings. Parish Council Members would be involved in all matters concerning Parish Councillors; several District Council Members are also Parish Councillors, and all District Councillors work closely with their Parish Councils and understand the roles and responsibilities of being a local representative.

Recommendations

20. That the Standards Committee agree that consultation be undertaken immediately with all South Cambridgeshire Parish Councils and Meetings regarding the disestablishment of the Parish Council Standards Sub-Committee, with the results to be reported to the next meeting.

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

- Local Government Acts 2000 (Part III) and 2003 (Part VIII)
- SCDC Constitution
- Audit Commission Corporate Governance Inspection
- Inspire Project (Council, 26 April 2007)

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