

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Standards Committee

20 February 2008

**AUTHOR/S:** Chief Executive / Democratic Services Officer

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### APPOINTMENT PROCEDURE FOR PARISH COUNCIL MEMBERS

#### Purpose

1. To review the appointment procedure for Parish Council Members of Standards Committee to ensure that it is sufficiently fair, transparent, efficient and effective in securing the candidate who can best represent the parish councils and meetings and contribute effectively to the increased workload of Standards Committee; and to recommendation to Council that the existing procedure as set out in the Constitution be amended.
2. This is not a key decision and has not been published in the Forward Plan.

#### Background

3. On 8 November 2006 the Standards Committee appointed a task and finish group to “consider the manner in which independent and parish members were appointed to the Standards Committee and to make recommendations to the Committee”.
4. In 2007 the task and finish group reviewed the independent member appointment process and their recommendations ultimately were approved by Council and used during the summer 2007 appointment exercise. The task and finish group met on 7 February 2008 to consider the parish council member appointment process and its recommendations are contained within this report.

#### Considerations

5. Mrs GM Everson will be retiring from the Standards Committee in May 2008 and a parish council member must be appointed to fill the vacancy. All parish council members serve four-year terms and the successful candidate will serve from 2008-2012. The original procedure used for the appointments process was to invite interested candidates to be interviewed by a panel comprised of Council and independent members of Standards Committee. This procedure was used for appointments in 2001 and 2005, but after the 2005 procedure was challenged by an unsuccessful candidate as creating a lack of confidence in the Committee by parish councils as they were not directly involved in the appointment of their representatives.
6. In 2006 Council increased parish council representation on the Standards Committee from two to three members and revised the appointment procedure to its current form, as described in Article 9 of the Constitution:
  - “The Parish Members shall be nominated by parish councils at their annual parish council meeting, nominations to include a statement supporting the candidate, not exceeding one side of A4 paper. In the case of more than the requisite number being nominated by the deadline set, the candidates’ statements will be sent with a voting paper to all parish councils in the District and the votes received by the deadline set will determine the candidates to be elected. In the event of a tied vote, the position will be filled by the Monitoring

Officer drawing lots. A clear and strict deadline will be set for both receipt of nominations and, if a vote is required, voting slips. These deadlines will apply equally to all parish councils, including those of existing or retiring Parish Members.”

7. All South Cambridgeshire parish councils and meetings were contacted on 24 February 2006, outlining the new procedure and inviting candidate’s statements by 31 May 2006. The letter also explained that, should more than one candidate be nominated, voting slips and candidates’ statements would be circulated immediately with a voting deadline of 30 June 2006. This four-month process saw five candidates stepping forward and a 40% response rate to the vote; however, officers received considerable criticism from parish councils that the process was too long, too complicated and did not match the meeting schedules of individual parish councils.
8. Although all parish councils and meetings were contacted in February about the process, with a follow-up letter in March, a number did not include it as an item on their annual meeting agendas and subsequently did not participate in the vote. Four parish councils returned their ballots in July 2006 and three in August 2006, after the appointment had already been made.
9. After the 2006 appointments exercise, Mr K Barrand, then General Secretary of the Cambridgeshire and Peterborough Association of Local Councils (CPALC), offered the services of that organisation to assist in future exercises.
10. There is no recommended best practice and the full Council decides the appointments process.

## **Options**

### **Option 1**

11. To return to the initial appointments process, by which candidates are interviewed by other members of the Standards Committee. This process took just over two months to complete when it was used in 2001 and 2005, although the 2005 appointments were delayed when the initial appointments panel was determined to be inquorate and interviews had to be conducted a second time.
12. This process has been tried successfully and is the method by which most authorities appoint parish council members; however, in the case of South Cambridgeshire, the process was revised to allow parish councils and meetings to elect their representative directly onto the Standards Committee.
13. The task and finish group supported a return to the initial process of having members of the Standards Committee interview applicants, but felt that a more formal approach was required to ensure that prospective members were aware of the requirements of the role.

### **Option 2**

14. To expand upon the initial appointments process in line with the independent member appointments process, inviting interested parties to complete an application form and shortlisted candidates to attend an interview with a panel made up of three to five members of the Standards Committee.

15. The task and finish group supported this option as having been used successfully for the recent appointment of new independent members, with the same job description and application pack used, amended only to reflect the role of the parish council member and the new responsibilities of the Standards Committee, to ensure that the role's requirements were known and understood by all those seeking appointment. The group also felt that Standards Committee members must be involved in the appointments process as they best understood the Committee's responsibility and workloads and the qualifications being sought in a new member.
16. The task and finish group also recommended that a representative from CPALC attend the interviews in an advisory (non-voting) capacity on behalf of parish councils and meetings.

### **Option 3**

17. To continue with the existing process of direct elections to the committee, by contacting all parish councils and meetings well in advance of their annual meetings, inviting candidates to submit statements which would then be circulated to all parish councils and meetings along with ballot papers. This process took four months to complete when conducted in 2006.
18. This process has been tried successfully once, but did not meet with a positive response from many parish councils and meetings as it was felt to be too long and complicated and failed to match the meeting schedules of the electing authorities. For instance:
  - One parish council deferred a decision at their annual meeting, then were upset to discover that they had missed the voting deadline;
  - Several complained that being advised in February and March was too far in advance to have something on a May meeting agenda and their next meetings were not until after the voting deadline. Recommendations from these councils ranged between requiring three to ten weeks' notice in advance of the item being included on an agenda;
  - Another parish council, rather than using the ballot provided during the voting stage, nominated one of its members instead, then expressed disappointment that it hadn't been made clear that the ballot was to be used for voting.
  - One parish council missed the nomination deadline and protested that their candidate should be included on the ballot because the voting had not yet concluded.
19. The task and finish group rejected this option as too complicated and unable to ensure appointment of the candidate who would best represent the parish councils and contribute effectively to the increased workload of Standards Committee.

### **Option 4**

20. To accept the officer of CPALC to administer the direct election of parish council representatives. Parish councils and meetings may send any number of representatives to the quarterly meetings of the District Association, which represents South Cambridgeshire on CPALC, and the District Association already administers election of parish council representatives to joint bodies such as the South Cambridgeshire Traffic Management Area Joint Committee. The Standards Committee vacancy could be added to the annual list of appointments to be circulated to parish councils and meetings in 2008. Mr Ian Dewar, acting County Executive of CPALC, has already confirmed that CPALC would be willing to include the Standards Committee vacancy on their list of appointments.

21. Parish councils and meetings would be asked to make nominations at their annual meetings in May and the South Cambridgeshire District Association, including representatives of those same parish councils and meetings, would then hear representations from the prospective candidates before moving to a vote. It is likely that this process would last no longer than a month between the annual meetings in May and the election of the representative at the next South Cambridgeshire District Association meeting.
22. Although 94% of South Cambridgeshire parish councils and meetings belong to CPALC, nominations would be invited from all South Cambridgeshire parish councils and meetings, not just those belonging to CPALC.
23. The task and finish group rejected this option as being open to manipulation, as, although each authority has only one vote, the number of parish council and meeting representatives fluctuates at each District Association meeting and a nominee could arrange for sufficient attendance from enough authorities to support his or her candidacy.

### Implications

24. Financial	Financial implications are not significant, consisting only of postage and printing costs and officer time. Nearly 90% of parish councils and meetings can be contacted by e-mail with a description of the process and the deadlines. The application pack can be made available on the Council's website for download, or paper copies supplied upon request.
Legal	None specific.
Staffing	None specific.
Risk Management	None specific.
Equal Opportunities	None specific.

### Consultations

25. Neighbouring authorities:
  - (a) Huntingdonshire District Council already works in partnership with CPALC as described in Option 4, and says, "In practice, this allows for continuity, best value in terms of the investment in support and training provided and allows the reps to build up an expertise over the four or more years they are in office. I would suggest this will be especially vital when local assessment comes into play."
  - (b) East Cambridgeshire District Council's most recent appointments process was conducted as follows: "We lost all 3 of our Parish Council Members on the Standards Committee before / at the Council Elections in May 2007, and we sent / E-mailed a letter and application pack to all Parish Clerks on 26 April asking them to circulate it to their parish councillors and explaining the reasons for the short timescale for applications. We gave a deadline for applications of 14 May 2007 and the Lay Chairman of the Standards Committee and Monitoring Officer comprised the Selection Panel to consider the applications received and recommend appointments to the Annual Council meeting on 22 May 2007."
  - (c) No response has been received from Fenland District Council or Peterborough City Council.

- (d) Cambridge City Council and Cambridgeshire County Council were not consulted as they do not have parish council representatives on their Standards Committees.

### Effect on Annual Priorities and Corporate Objectives

26. Affordable Homes	None.
Customer Service	Option 2, as recommended by the task and finish group, offers parish councils and meetings a single point of contact at the District Council.
Northstowe and other growth areas	None.
Quality, Accessible Services	None.
Village Life	As above.
Sustainability	None.
Partnership	Allows us to build on our existing relationship with CPALC by inviting them to represent parish councils and meetings during the appointments process.

### Conclusions / Summary

27. Of the four options, Option 2 offers the Council the greatest opportunity to have a fair, transparent, representative and efficient process to ensure appointment of a member who can best represent the Parish Councils and contribute effectively to the increased workload of Standards Committee.

### Recommendations

28. To recommend to Council that Option 2 be selected as the appointments procedure for parish council members and that Article 9.02(d) of the Constitution be updated as follows (revised text in italics):

#### **“Parish Members**

- “At least one Parish Member must be present when matters relating to parish councils or their members are being considered;
- “Parish Members will be entitled to vote at meetings on matters relating to the discharge of the functions set out in Article 9.03 (h) below;
- “A councillor may not be a Parish Member;
- “Parish Members may not be closely connected to councillors *or to the Independent Members*;
- “Parish Members will be entitled to vote at meetings;
- “*Their appointment shall be ratified by Council on the recommendation of the appointments panel of the Standards Committee, its size and composition to be determined by the committee Chairman in consultation with the Monitoring Officer, which will include a representative from the Cambridgeshire and Peterborough Association of Local Councils (CPALC) in an advisory (non-voting) capacity.*”

29. If this application process is agreed, to determine a closing date for applications.

**Background Papers:** the following background papers were used in the preparation of this report: SCDC Constitution, various versions 2004-present

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