

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

At a meeting of the Standards Committee held on
Wednesday, 21 July 2004

PRESENT:

Members:	P Brindle	Independent Member
	RF Bryant	District Council Member
	EW Bullman	District Council Member
	NN Cathcart	District Council Member
	Mrs G Everson	Parish Council Member
	D Gilbertson	Independent Member
	DW Payne	Parish Council Member
	Mrs VM Trueman	District Council Member

Apologies for absence were received from the Monitoring Officer and from K Barrand (Cambridgeshire Association of Local Councils).

Procedural Items

1. DECLARATIONS OF INTEREST

None.

2. ELECTION OF CHAIRMAN

On the nomination of Mrs G Everson, seconded by Councillor Mrs VM Trueman, and there being no further nominations, it was

RESOLVED that Mr D Gilbertson be re-elected Chairman for the 2004/05 municipal year.

3. APPOINTMENT OF VICE-CHAIRMAN

On the nomination of Councillor EW Bullman, seconded by Mrs G Everson, and there being no further nominations, it was

RESOLVED that Councillor Mrs VM Trueman be re-elected Chairman for the 2004/05 municipal year.

4. MINUTES AND MATTERS ARISING

The Chairman was authorised to sign the Minutes of the meeting held on 18 November 2003 as a correct record.

Hearing Procedure – Budget (Minute 6)

There were a number of on-going investigations, of which at least one would be returning for a local hearing. The Deputy Monitoring Officer agreed to determine whether it would be possible to conduct hearings within the existing budget, removing the need to ring-fence additional funds.

Standards Committee Role and Function (Minute 9)

The Chairman circulated a draft mission statement; comments were sought by 13 August. It was hoped that the final statement could be publicised in the winter edition of *South Cambs Magazine*.

Case Tribunal Reports and references made to Ethical Standards Officers (Minute 10(d))

The Standards Board for England (SBE) had hired an additional Ethical Standards Officer (ESO), for a total of five ESOs for the entire country.

Decision Item

5. HEARINGS PROCEDURE TRAINING FOR MEMBERS OF THE COMMITTEE NOT YET TRAINED

The final regulations were expected sometime during the summer and it was felt that training all Committee members, and inviting Committee members from other authorities, would be useful, especially with a forthcoming hearing. Members were pleased with the previous training, but felt that it would have been helpful to have a break-out area for private deliberations during the hearing role-play exercises. There would be value in inviting the information and media officers to attend the training and to provide advice on how hearings could be reported.

The Deputy Monitoring Officer advised that there should be a pre-meeting before the hearing to review procedures.

The Standards Committee **AGREED** to schedule a training session for Monday 20 September from 10 am to 4 pm in the Ground Floor Meeting Room at South Cambridgeshire Hall, with the Mezzanine reserved as a break-out area.

6. STANDING ITEMS**6 (a) Operation of Members' Code**

The SBE had written to clarify two issues relating to the Members' Declaration of Interests: membership of the Freemasons and membership of political party concert associations or other organisations seeking to influence policy or public opinion. The information on the Freemasons had been reported in a recent CALC circular, but not all Parish Councils were members of CALC.

The Standards Committee **AGREED** to send a letter to all Parish Councils, copied to District Councillors, explaining the clarifications received relating to the Declaration of Interests.

The Deputy Monitoring Officer advised of a recent Court of Appeal ruling which determined that a Councillor who had declared a prejudicial interest in a matter could not attend discussion of that matter in a personal capacity, i.e., as a member of the public. Advice to Councillors facing a similar situation was to submit opinions in writing to the Chairman and not to attend the meeting during discussion of the relevant item.

6 (b) Advice to, and training of, District and Parish Council Members in relation to the Members' Code

The Standards Committee annual assembly would be held in Birmingham on 13-14 September and the Committee nominated Councillor Mrs VM Trueman to attend both days, with Mrs G Everson attending on the 13th. The Standards Committee budget would be used to cover registration, accommodation, travel and subsistence expenses.

Subject to the availability of the Monitoring Officer, an in-house Code of Conduct "familiarisation" event would be scheduled for District and Parish Councillors, similar to the roadshows held last year. Members noted the poor attendance at the roadshows held at Village Colleges and it was felt that one session at South Cambridgeshire Hall would be sufficient. It was imperative that the District Council did not appear to be establishing itself as the training authority, as CALC did provide similar training to those Parish Councils which were members, and that it did not take responsibility for the outcome of the training.

6 (c) Dispensations

No applications had been received.

6 (d) Case Tribunal reports and references made to Ethical Standards Officers

Mr D Payne declared an interest in one case and withdrew from the room during its discussion.

Six references had been made to Ethical Standards Officers (ESO):

- i. A complaint had been made about a Parish Councillor and the ESO determined that no further action be taken. The complainant made a subsequent complaint and the ESO was investigating. The Parish Councillor was also a District Councillor and the second complaint regarded declarations of interest at Parish and District Council planning meetings, and also referred to District Council officers;
- ii. A complaint had been made in February 2003 about a Parish Councillor failing to treat others with respect, unlawfully discriminating against others and bringing the authority into disrepute. The ESO's report, issued in March 2004, determined that no further action be taken;
- iii. The ESO was investigating a complaint that a Parish Councillor, who was also a District Councillor, failed to declare an interest in a planning item at a Parish Council meeting;
- iv. The ESO had dismissed a complaint against a Parish Councillor alleged to have used their position to influence a decision on a planning application;
- v. A complaint received about a member of the District Council would be the subject of a public hearing. The complainant alleged that the member had brought the authority into disrepute and failed to treat others with respect. The draft decision of the ESO had been received and the final report was imminent. The hearing would be scheduled no sooner than two weeks and no later than three months after receipt of the final report. The Deputy Monitoring Officer confirmed that the SBE would continue to process the case even if the people involved had left the authority;
- vi. A complaint against a Parish Councillor alleged to have brought the authority into

disrepute had been dismissed by the ESO as not significant enough to justify investigation.

6 (e) Operation of National Codes of Conduct and other statutory functions of the Monitoring Officer

The final regulations were expected by the end of the summer.

6 (f) Operation of the Council's "whistle-blowing" policy

The Chairman explained that this had been included as a standing item on the agenda in case any of the Council's internal Human Resources policies revealed allegations against Councillors. There were no matters to report.

6 (g) The handling of complaints and investigations by the Ombudsman

The Corporate Complaints Administrator (CCA) circulated the Ombudsman's annual letter 2003/04. There had not been any findings of maladministration. A new database had been established to provide a bigger picture of all complaints received by the Council, not just those made to the Ombudsman, from which Cabinet would receive an annual report. Members felt that issues relating to ethical standards and the Code of Conduct could arise from within other complaints and the Standards Committee **RESOLVED** to write to the Chief Executive seeking clarification that policy structures were in place to identify all breaches of the Members' Code of Conduct whether or not they arose from a formal complaint to the SBE, and highlighting the need to ensure that all complaints about Elected Members be forwarded to the Monitoring Officer for determination by the Standards Committee.

The CCA explained that some complainants wished to remain anonymous, prohibiting further action, but the Standards Committee felt that they should be informed of any complaints about Councillors in case similar complaints were later received. The Deputy Monitoring Officer clarified that members had an obligation to report any complaints they received, but that the Standards Committee should become involved only where there was substance to the complaint. The Monitoring Officer had discretion to determine which cases would be presented to the Committee, although, in the interests of public accountability, transparency and openness, it would lend credence to the standards process to make the Committee aware of all complaints even if no further action were taken.

The Standards Committee **AGREED** that they would in future receive a report of all complaints received by the Council and not just those made to the Ombudsman. This would be in addition to that provided by the Monitoring Officer in relation to SBE complaints and investigations.

7. DATE OF NEXT MEETING

Wednesday 10 November 2004 at 10 am in the first floor meeting room.

The Meeting ended at 3.45 p.m.
