



South
Cambridgeshire
District Council

Standards Committee First Annual Report to Council

21 May 2009
www.scambs.gov.uk/standards

1. PURPOSE OF THE REPORT

1.1 The report:

- (a) summarises the achievements of the Standards Committee since the adoption of the Standards Committee (England) Regulations 2008 at the start of the 2008-09 civic year;
- (b) summarises how the Committee has developed in the past year; and
- (c) outlines the Committee's plans for 2009-10.

2. THE STANDARDS COMMITTEE

2.1 Composition

2.1.1 In 2008/09, the Standards Committee increased in size to include:

- eight District Council members, two each from the three recognised political groups and two non-group councillors (increase of two members);
- seven independent (lay) members (increase of two members); and
- four parish council members (increase of one member).

2.1.2 The additional membership of the Standards Committee has enabled establishment of the various panels required by the 2008 regulations, which passed to the local authority assessment, investigation and consideration of complaints, and which saw the Standards Board for England (SBE) adopt a regulatory role.

3. NEW LOCAL ASSESSMENT PROCESS

3.1.1 Nationally there have been 2,863 complaints received by Standards Committees from 8 May 2008 to 31 March 2009. So far, just over half of all allegations received by local authorities have not been referred for investigation, with 29% being investigated locally and 12% being referred to monitoring officers for alternative measures, such as training or mediation. In comparison, between 1 April 2007 and 31 March 2008, the final year of the old regulations, the Standards Board for England received 3,547 complaints and referred just 14% for investigation. The most frequent potential breaches of the Code of Conduct being investigated are failure to declare personal interests, failure to treat others with respect and bringing the authority into disrepute.

3.1.2 Since June 2008 the Committee has dealt with eighteen complaints. The Assessment Panel, the first step of the local procedure, formally investigated three of the eighteen cases, following which the Hearing Panel (consideration meeting) found that in two instances the Code had not been breached. The third case proceeded to a public hearing, at which a breach of the Code was found and the councillor asked to attend refresher training on the Code of Conduct. Two other cases were referred to the Standards Board for England, which investigated and found that no further action was required. Another case, referred to the Standards Board for England prior to May 2008, was sent back to the council for a determination hearing in April 2009. In that case a breach of the Code of Conduct was found and the councillor given a formal censure.

3.1.3 The Assessment Panel referred one case to the Monitoring Officer for "other action" – in this instance a training session for all members of a parish council was considered necessary. The decisions in the other cases by the Assessment Panel was that no action should be taken with regard to the complaint, usually because the complaint was not considered to be a potential breach of the Code of Conduct.

3.1.4 Twice this year complainants have appealed against decisions to take no further action and the Committee's Review Panel, composed of different members of the Standards Committee than those who had done the initial assessment, reconsidered the complaint and the evidence. In both cases the original decision was upheld.

3.1.5 The Assessment Panel's average turnaround time for hearing complaints is currently sixteen days, well within the national guidelines of twenty working days. The Monitoring Officer has submitted quarterly reports to the SBE on the work of the Committee locally, and has made our first annual report to the SBE, which was the Committee's first opportunity to make a formal statement to the SBE about our recent activities and plans for promoting and supporting high standards of conduct in the coming year. The SBE will be showcasing examples of best practice in its Annual Review and publishing new guidance – or lobbying for policy changes – based on any gaps in the local standards framework identified through this exercise.

4. ADDITIONAL WORK UNDERTAKEN BY THE STANDARDS COMMITTEE

4.1 Standards Committee Champion

4.1.1 Work is underway to designate formally a champion for Standards from amongst the Cabinet. The Chairman of the Standards Committee and the Democratic Services Manager have been working towards a formal role description to ensure that this is not just a position in name only, but an effective liaison between the two bodies. The draft job description envisages that the Standards Committee Champion will:

- provide and maintain a tangible link between the Council's Standards Committee and its Executive, fostering effective two-way communication between the two bodies;
- promote and maintain high standards of conduct by Cabinet Members;
- assist Cabinet Members to observe the Code of Conduct, working with the Monitoring Officer to provide advice and support on its interpretation; and
- monitor operation of the Code of Conduct by the Cabinet through:
 - providing regular reports on the work of the Committee to Cabinet, drawing the Cabinet's attention to specific matters of interest and concern;
 - providing feedback to the Standards Committee on the Cabinet's work programme and any issues of concern in respect of ethical issues or others which may affect the Committee's work;
 - facilitating ongoing liaison between the Chairman of Standards Committee, Leader of the Council and Chief Executive; and
 - ensuring that his / her Cabinet colleagues take advantage of relevant training and development opportunities offered them.

4.2 Code of Conduct Consultation

4.2.1 In the autumn of 2008 the Department for Communities and Local Government published a consultation on the forthcoming new Code of Conduct for Local Government Members and Employees, to which the Standards Committee responded on behalf of the Council.

4.2.2 Questions regarding the Members' Code centred on actions in official and non-official capacity, to which the Standards Committee was unanimous in its disagreement that the Code be applied to conduct when a member acted in his or her non-official capacity. The Committee made a series of recommendations on the areas of the Code relating to personal and prejudicial interests, clarification of interests when an executive member gives evidence before the Scrutiny and Overview Committee or Standards Committee, asked that the section on "disrepute" be re-examined to ensure that members were not stifled from carrying out their public duties, and recommended that the Code make specific provision for Ward Councillor Decision-Making, as per the Local Government and Public Involvement in Health Act 2007.

4.2.3 The Standards Committee did not feel that it was best placed to respond to many of the consultation questions regarding a Model Code of Conduct for Local Government Employees, some aspects of which would be outside its remit and other areas for which not enough information was provided to allow the Committee to make an informed answer.

4.2.4 The full responses are available in the Spring 2009 edition of the Standards Committee Newsletter and in the minutes of the 10 December 2008 Standards Committee meeting.

4.3 Parish Council Newsletter

4.3.1 The Standards Committee has published two newsletters, Autumn 2008 and Spring 2009, which are sent to all parish councils electronically and in hard copy, distributed to all district councillors and are made available on the Standards Committee website. These newsletters aim to raise the Committee's profile locally, to keep all the parish councils aware of the work we do and changes to the assessment process, and to provide guidance on the Code of Conduct, often with case studies from other authorities. Feedback has been positive, with several letters being received from parish councils, thanking us for translating the regulations and the Standards Board for England's guidance into plain English.

4.4 Parish Council Visits

4.4.1 The Chairman and several of the independent members of the Standards Committee were invited to attend meetings of Fulbourn, Guilden Morden and Comberton Parish Councils. These visits helped us to understand the role of the parish council in local government, and gave us the opportunity to speak directly to parish councillors and to hear their thoughts and concerns about the Code of Conduct. We would welcome further such invitations.

4.5 Visits to other Standards Committees

4.5.1 Members visited the Standards Committees of Forest Heath District Council and Cambridgeshire County Council, which proved very useful comparisons with the SCDC meetings and protocols. Members from both these Standards Committees repaid the visits later in the year, attending an SCDC committee meeting and a local hearing.

4.6 Meetings with Chief Executive, Chairman, Political Groups and Portfolio Holders

4.6.1 The Chairman and Vice-Chairman attended SCDC political group meetings to explain the Committee's evolving mission and to hear any comments on the Code of Conduct. The meetings were extremely encouraging and provided some helpful feedback on the areas of confusion about the Code.

4.6.2 There was also an opportunity to present the Standards Committee's outline plans for raising awareness of the Code when the Chairman and Vice-Chairman met with Council Chairman Jim Stewart.

4.6.3 A further meeting with Councillor Tim Wotherspoon, Policy, Improvement and Communications Portfolio Holder, was an excellent opportunity to explore how the Standards Committee might work with the authority's policy and communications teams to get its messages across. The Chairman and Vice-Chairman also explained the key aspects of the Committee's remit relating to advising on good practice, and the core organisational values at the heart of any organisation.

4.7 Delivering the Goods: 7th National Annual Assembly of Standards Committees

4.7.1 The Chairman of the Committee and both Deputy Monitoring Officers attended the annual assembly in Birmingham to participate with 900 other delegates in sharing experiences of the new system, and to benefit from guidance offered. Fiona McMillan, Deputy Monitoring Officer, prepared and delivered successfully a presentation at one of the break-out sessions.

4.7.2 The key messages were (in no particular order):

- collaboration with Scrutiny and Corporate Governance Committees;
- promotion of Standards Committees to the public to encourage awareness of the positive image of the work of regulation;
- an intention to try to incorporate the ideas and suggestions provided by Standards Committees for development of the Code;

- development and collaboration to assist training and understanding of the Code with parish councils

4.8 Visits to other SCDC Committees

4.8.1 The independent and parish council members have attended meetings of other Council bodies to help us in our understanding of how the District Council works – to see the district councillors in action, so to speak – knowledge which will be useful when considering training programmes or even when assessing cases. Standards Committee co-opted members visited the Planning Committee, Council and, in line with the SBE recommendation that these bodies collaborate with the Standards Committee, paid two visits each to the Scrutiny and Overview Committee and the Corporate Governance Committee.

4.9 Independent Members' Induction Seminar – Introduction to Local Government

4.9.1 Three new independent members were appointed in the summer of 2008 and the Deputy Monitoring Officers organised an induction session to review the importance of 'independence' within the role of a lay member on the Standards Committee. The Monitoring Office provided an introduction to the Committee and an overview of his role, as well as emphasising the value of remaining independent. There was a rigorous discussion as the independent members reviewed how working relationships were vital to the success of the Committee, but not forgetting the wider context of the Committee's regulatory role and the independent member's role to bring the perspective of the proverbial 'man on the street'.

4.10 Effectiveness Self-Assessment

4.10.1 A number of the SCDC committees reviewed their effectiveness during the past year and we followed suit, by considering how well members worked together to meet its key performance indicators, and by setting down some plans for future development. This process is a sign that we are keen to move to bring about change and to help promote the values of the Council. The self-assessment deadline is 22 May 2009 and the outcome will be reported at our 17 June 2009 meeting.

5. PLANS FOR 2009-10

5.1 Parish Council Forum – June 2009

5.1.1 We have organised three Parish Forums in conjunction with the Cambridgeshire and Peterborough Association of Local Councils (CPALC) to offer some training on some of the issues most relevant to parish councils, including:

- the changing role of parish councils;
- new power of wellbeing;
- capacity-building projects;
- parish council planning powers and potential problem areas;
- Code of Conduct and key areas of advice to parish councils;
- Data Protection Act and Freedom of Information issues for parish councils; and
- parish liaison with SCDC and partnership working.

5.1.2 These two-hour sessions will take place on Wednesday 17 June at 7pm in Histon, Thursday 25 June at 7pm in Sawston and Tuesday 30 June at 10am at South Cambridgeshire Hall in Cambourne. CPALC has sent all parish councils an invitation to attend.

5.2 Standards Committee / Corporate Governance Committee / Scrutiny and Overview Committee Joint Workshop – June 2009

5.2.1 There are areas where the roles and responsibilities of the Standards Committee complement or overlap with the Corporate Governance Committee and the Scrutiny and Overview Committee, and we have sought suggestions and initiatives from members of these bodies to help us achieve our objectives and key performance indicators. In March

2009 the Principal Solicitor gave a presentation on the links between Governance and Standards, and a joint workshop with members of the Corporate Governance Committee, Scrutiny and Overview Committee and Standards Committee will follow our 17 June 2009 meeting.

5.3 Parish Council Member Recruitment – by September 2009

5.3.1 Mr Michael Farrar of Stapleford Parish Council will have completed his four-year term of office by early September 2009, and so the recruitment process has begun, trying to take into consideration the different meeting schedules for the 102 parish councils and meetings in South Cambridgeshire. Mr Farrar has indicated his willingness to seek a second four-year term. As it is a legislative requirement that a parish council member of the Standards Committee be present when parish council matters are being discussed, and that a parish council member be on any local assessment, review, hearing or appeal panels when the subject member is a member of a parish council, the Council must ensure that there are enough members, especially if it is necessary to convene a review panel if a complainant asks for reconsideration of a local assessment panel decision not to take further action. The Standards Committee should remain at its full size for the 2009-10 civic year.

5.4 Bringing Standards Into Focus: 8th National Annual Assembly of Standards Committees – October 2009

5.4.1 For the first time the SBE allowed pre-booking of places at the popular annual assembly. Four places have been reserved for members of the Standards Committee, one from each of the three groups represented (District Council, Independent, Parish Council) and the Chairman or Vice-Chairman, and supporting officers will also be attending. This year's assembly promises to offer more practical work than ever, with a range of workshops, plenary sessions and advice clinics that focus attention on the delivery of local standards and allow members to share good practice, ideas and innovations.

5.5 New Code of Conduct for Local Government Members and Employees

5.5.1 The Standards Committee responded to the Department for Communities and Local Government's 2008 consultation on the proposed new Code of Conduct, publication of which was expected in spring 2009; however, following the consultation deadline on 24 December 2008, no further information has been published, and it seems likely that the new Code will not come into effect before October 2009. The Standards Committee will review the new Code, once published, and make a recommendation to Council.

5.6 Regional Conference

5.6.1 The Huntingdonshire District Council Standards Committee Chairman has been consulted about the possibility of holding a regional conference to highlight positive and negative aspects of the Code, and comments received through meetings with the SCDC political groups and the parish councils will be raised. We are keen to invite the new Chair and CEO of the SBE to present at such an event. Further plans are on hold, however, pending the publication of the new Code of Conduct.

6. CONCLUSION

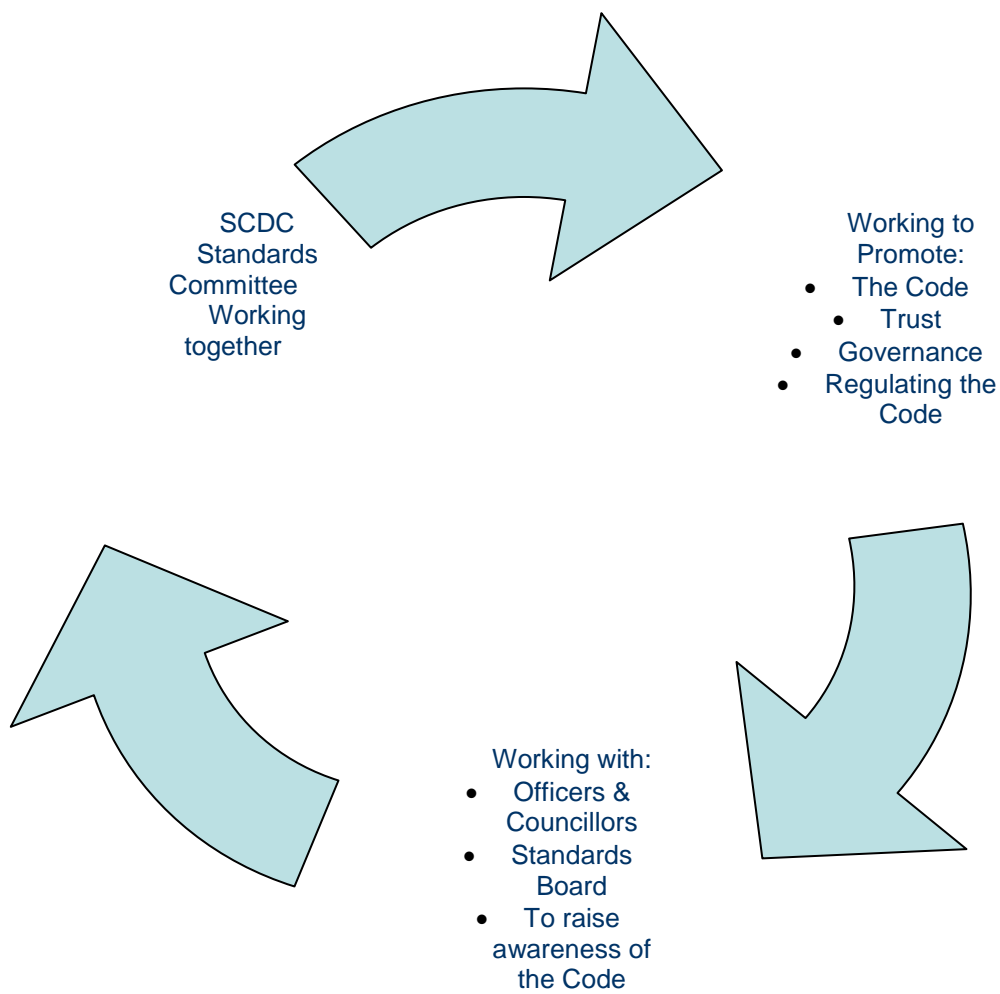
6.1.1 We aim to work inclusively with district and parish councillors, parish clerks and council officers, trying to influence councillors and officers to consider good practice that will keep the electorate at the heart of decision-making. Setting key performance indicators to bring about progress and illustrate that the Committees intend to change and promote the good practice of many of our successful councillors.

6.1.2 We make every effort to understand the issues facing parish councillors, who work tirelessly with no financial reward and often with little thanks – these are valued members of our community and we will try to work with them to develop an rapport that will enable them to gain the recognition they deserve.

- 6.1.3 Working with officers is another part of the process. The Chairman has approached the Chief Executive and Leader with proposals to establish a benchmark against which to measure staff awareness of the Code of Conduct, as a prelude to working with officers to bring about a clearer understanding of the challenges the Code imposes upon members and upon the Standards Committee. It is hoped that this issue can be taken forward over the coming year.
- 6.1.4 The Committee has made a lot of progress over the past year and is keeping ahead of what is considered to be good practice nationally. The Council's adopted values will underpin our future work.

Ms GJ Butcher
Chairman, Standards Committee

The Standards Committee's evolving mission:



Customer Service | Mutual Respect | Trust | Commitment to Improving Services