

## SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

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**REPORT TO:** Constitution Review Working Group

10 July 2012

**AUTHOR/S:** Executive Director (Corporate Services) / Legal and Democratic Services Manager

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### CIVIC AFFAIRS COMMITTEE

#### Purpose

1. To consider the appointment of a Civic Affairs Committee, incorporating the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee.
2. This is not a key decision but has been brought to the Standards Committee in order that its comments may be incorporated into the report going to full Council. It was first published in the July 2012 Forward Plan.

#### Recommendations

3. That the Standards Committee note the proposed establishment of the Civic Affairs Committee and recommend to Council whether or not the Council should co-opt parish council representatives as non-voting members for those meetings when the Civic Affairs Committee is considering standards matters.

#### Reasons for Recommendations

4. The proposed Civic Affairs Committee will be assuming responsibility for standards functions and the views of the existing Standards Committee are sought.

#### Considerations

5. Council, on 24 May 2012, resolved that the Constitution Review Working Group prepare terms of reference for the establishment of a new Civic Affairs Committee, which would discharge the functions of the existing Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee. Proposed terms of reference, for incorporation into Part 3 of the Council's Constitution (responsibility for Council functions), are attached as **Appendix A**.
6. The Localism Act 2011 removed the requirement for the Council to appoint a Standards Committee, as long as there is a body with authority to discharge the standards functions to:
  - (a) Promote and maintain high standards of conduct by councillors and co-opted members;
  - (b) Assist the councillors and co-opted members to observe the Members' Code of Conduct;
  - (c) Advise the Council on the adoption or revision of the Members' Code of Conduct;
  - (d) Monitor the operation of the Members' Code of Conduct;
  - (e) Advise, train or arrange to train councillors and co-opted members on matters relating to the Members' Code of Conduct;

- (f) Receive the investigation report of the Investigating Officer on any matter which had been referred by the Monitoring Officer for investigation and make a decision on whether it agrees with the report's findings;
- (g) Hold hearings to determine complaints in which an investigation report has held that the Code of Conduct has been breached (in accordance with the hearings procedure set out in Part 5 of the Constitution) and, where appropriate, to impose a sanction on a councillor;
- (h) Maintain an overview of dispensations granted to councillors and co-opted members from requirements relating to interests set out in Members' Code of Conduct;
- (i) The exercise of (a) to (h) above in relation to the parish councils in its area and the members of those parish councils;
- (j) Receiving reports from time to time from the Monitoring Officer concerning the operation of Members' Code of Conduct and in respect of his / her statutory functions under the Local Government and Housing Act 1989;
- (k) Advise the Council upon and monitor the contents of and requirements for all codes, protocols and other procedures relating to standards of conduct throughout the Council, including the Member-Officer Relations Protocol and the Officer Code of Conduct; and
- (l) Maintain an overview of the Council's 'whistle-blowing' policy.

These responsibilities are set out in Article 9 of the Constitution, and an amended version of Article 9, showing the ethical standards functions of the Civic Affairs Committee, is attached as **Appendix B**. As a public body of the authority, standing orders relating to public attendance at meetings and the right of the public to ask questions would apply. The Civic Affairs Committee, once established, could also consider whether or not to adopt a public speaking protocol similar to that adopted by the Planning Committee.

7. The full Standards Committee meets quarterly, and its panels meet as required. The previous statutory requirement for assessment and review panels has been removed and the initial determination powers of these bodies delegated to the Monitoring Officer, in conjunction with an 'Independent Person' appointed by full Council to advise the Monitoring Officer.

#### **Co-opted parish council members**

8. Since 2000, the Standards Committee has had independent (lay) and parish council members, co-opted by full Council, as required by the Local Government Act 2000. The Localism Act 2011 removed the requirement for any co-opted members; Council has the right to co-opt any person(s), but it cannot grant voting rights to co-optees.
9. The vast majority of standards allegations made since 2007 have concerned parish councillors, and the terms of reference for the Standards Committee required that a parish council member, co-opted by full Council, be present when any matters relating to parish councils or parish councillors were being discussed. The new arrangements for discharging the Council's standards functions, as supported by the Standards Committee at its 5 April 2012 meeting, required that allegations about parish councillors be referred to parish councils in the first instance to be considered under their own complaints process.
10. If the full Council decides to retain co-opted parish council members on the Civic Affairs Committee when that body considers standards issues, the italicised text in **Appendices A and B** will remain part of the Constitution.

### Political proportionality

11. Although the Standards Committee was not politically balanced, the Localism Act 2011 removes the requirement that any body discharging standards functions be excluded from political balance calculations. Due to its responsibility for standards matters, however, appointments to the Civic Affairs Committee should be made by full Council on the recommendation of the political groups rather than by automatic acceptance of the group nominations, in order to demonstrate the Council's duty under the Localism Act to promote and maintain high standards of conduct by having appointments made which command the support of the whole authority.
12. When the rules of political proportionality are applied to a 13-member committee, the allocation of seats to that body would be:
- |                   |          |
|-------------------|----------|
| Conservative      | 8 (7.53) |
| Liberal Democrat  | 4 (3.65) |
| Independent Group | 1 (1.37) |
13. However, when calculating political balance under the requirements set out in the Local Government & Housing Act 1989, what must take precedence is the notional entitlement to seats based on the **total** number of seats available, which is:
- |                   |                   |                                 |
|-------------------|-------------------|---------------------------------|
| Conservative      | 47 (46.80)        | previously 44 (43.80) – gain 3  |
| Liberal Democrat  | 23 (22.69)        | previously 21 (21.24) – gain 2  |
| Independent Group | 8 (8.51)          | previously 8 (7.96) – unchanged |
| <b>TOTAL</b>      | <b>78 (78.00)</b> |                                 |
14. The political group leaders would be required to meet prior to any Council decision on establishment of a Civic Affairs Committee to make a recommendation to Council on the overall allocation of seats based on the notional entitlement. This could have an impact on the appointments to existing committees made by Council on 24 May 2012.

### Options

15. Not to make any comments on the proposal.

### Implications

16. Financial	<p>Establishment of a new committee to discharge the functions previously discharged by three separate bodies will reduce expenditure spent on meetings.</p> <p>The Standards Committee Chairman currently receives a special responsibility allowance (SRA) of £443 per annum. The Independent Panel on Members' Remuneration should be requested to consider whether an SRA should be paid to the Civic Affairs Committee Chairman and, if so, of what amount. <b>Appendix G</b> is a revised role description for the Civic Affairs Committee Chairman and Vice-Chairman and <b>Appendix H</b> shows a revised Members' Allowances Scheme 2012-13.</p>
Legal	As outlined in the report.
Staffing	As above, having one body discharge the functions previously discharged by three bodies will reduce the staff resources required for support.
Risk Management	None specific.
Equality and Diversity	None specific.
Equality Impact	Not specifically, although the EQIA completed for the schedule

Assessment (EQIA) completed	of Council meetings takes into account many of the financial, staffing and climate change implications arising from additional meetings.
Climate Change	A more efficient decision-making mechanism will minimise the number of journeys to and from the Council office, in accordance with the 2012/13 Council approach to promote low-carbon and sustainable living, and the South Cambridgeshire Climate Change Action Plan, which states "The vision is for South Cambridgeshire, by the end of 2013, to stand out as a local area leader in its contribution towards the national target of reducing greenhouse gas emissions by a third in the next ten years".

### **Consultations**

17. All district councillors are invited to comment on the proposals and to attend the Constitution Review Working Group's 10 July 2012 meeting; they will also have the opportunity to comment at full Council, which has the authority to agree the terms of reference and to make appointments.
18. Parish councils will be consulted through the June 2012 Standards Committee Newsletter.

#### **Consultation with Children and Young People**

19. Not relevant.

#### **Effect on Strategic Aims**

20. We will listen to and engage with residents, parishes and businesses to ensure we deliver first class services and value for money: the new Civic Affairs Committee would provide focussed approach to determining matters relating to the Constitution, electoral arrangements and standards, without incurring additional cost and use of officer resources to support a separate meeting.

#### **Conclusions / Summary**

21. A new Civic Affairs Committee would enable the transparent and efficient discharge of functions previously delegated to three separate bodies.

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

SCDC Constitution  
 Local Government Acts 1972, 1989, 2000, 2007, 2009  
 Localism Act 2011  
 Standards Committee Annual Reports to Council

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