

SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL

REPORT TO: Council

26 July 2012

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

CIVIC AFFAIRS COMMITTEE

Purpose

1. To appoint 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 was brought to the Constitution Review Working Group in order that the Group might make its recommendations to full Council. It was first published in the July 2012 Forward Plan.

Recommendations

3. The Constitution Review Working Party has recommended to Council that
 - (a) A Civic Affairs Committee of 13 members be established and its terms of reference agreed;
 - (b) That the Constitution Review Working Group, Electoral Arrangements Committee and Standards Committee be disestablished;
 - (c) That the Constitution be updated accordingly to reflect the changes outlined in the appendices to this report; and
 - (d) Council agrees the membership of the committee and appoints a Chairman and Vice-Chairman.

Reasons for Recommendations

4. The Council has a requirement under the Localism Act 2011 to have a body responsible for discharging ethical standards functions. It is suitable that this new body also be responsible for making recommendations on the Constitution and for determining matters relating to electoral arrangements, as these matters all relate to the Council's civic and constitutional functions.

Background

5. Council, on 24 May 2012, resolved that the Constitution Review Working Group prepare the terms of reference for the establishment of a new Civic Affairs Committee to 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**.

Considerations

6. **Constitution Review Working Group Functions**
Article 15 of the Constitution states that the Council "may establish a Constitution Review Working Party to bring forward proposals which, in the opinion of the Chief

Executive and Monitoring Officer, entail substantive changes to the Constitution for consideration by the Council, excluding matters which are specifically included within the remit of other bodies of the Council.” This wording is from the model Constitution prepared by the government in anticipation of the changes arising from the Local Government Act 2000. The Working Group is not a required body, but it provides a useful forum for seeking members’ input on the detail of the Constitution prior to a decision by full Council.

7. Appointments to the Working Group are primarily ex officio, as well as having one member from each recognised political group. Meetings are not open to the public, as it is not a decision-making body, but all reports and recommendations appear on the Council’s website and the final decision is reserved to full Council. The Working Group has an annual work programme set by the Chief Executive and Monitoring Officer, with input from councillors, and meets as required, with meetings timed to make recommendations to Council.

Electoral Arrangements Committee Functions

8. The Electoral Arrangements Committee is not a statutory body of the Council, but exists to discharge the Council’s responsibilities in respect of changing parish meetings into parish councils, parish council sizes, appointment of temporary parish councillors. The Committee must recommend to Council any district and parish ward boundary changes, periodic electoral reviews, and establishment of new parishes.
9. The Committee meets as and when required and the nature of its business primarily concerns parish council arrangements.

Standards Committee Functions

10. 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) Grant dispensations 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;

- (l) Overview of the Council's 'whistle-blowing' policy; and
 - (m) Overview of complaints handling and Ombudsman investigations.
11. 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**.

Co-opted members

12. 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 members it sees fit, but it cannot grant them voting rights.
13. The Council will be appointing one or more Independent Persons to act in an advisory capacity regarding complaints that the code of conduct has been breached.
14. The Constitutional Review Working Party considered whether to continue to co-opt parish councillors onto the new Civic Affairs committee as the vast majority of standards allegations made since 2007 have concerned parish councillors. Under the old legislation it was mandatory that a parish council member, co-opted by full Council, was present when any matters relating to parish councils or parish councillors were being discussed.
15. The new complaints process will see allegations about parish councillors needing to be considered via a parish council's complaints process in the first instance, and only being accepted by the SCDC process if the parish council's actions with regard to a complaint were not considered to be reasonable in all the circumstances. This should mean that many less parish council complaints are dealt with by the council, although some will still require a District Council decision, particularly where the parties involved are unsatisfied with local resolution.
16. The Constitutional Review Working Party decided not to recommend to Council that parish council members should be co-opted onto the Civic Affairs Committee for the following reasons:
- (i) It considered that the new process which referred standards allegations to parish councils in the first instance could be said to be upholding the Council's approach to "support parish councils through localism".
 - (ii) Allegations will now be considered by the Monitoring Officer, advised by an Independent Person, and not by a panel of district and parish councillors. Panels will only be formed as and when an investigation has been concluded, and most district councillors already have experience of parish council business to help inform any decisions about parish council standards matters.
 - (iii) Civic Affairs Committee meetings will be public and the standing orders relating to public questions will apply, allowing parish council members to ask questions on notice. The Committee, once established, would be within its rights to adopt its own public speaking protocol as the Planning Committee has done so relevant parish councillors could attend and address the committee with their views if they wished to do so.

Political proportionality

17. Addition of a new 13-member committee and disbanding the 8-member Electoral Arrangements Committee would increase the total number of seats from 73 (agreed by Council on 24 May 2012) to 78. The Standards Committee and Constitution Review Working Group were not politically balanced.
18. When the rules of political proportionality are applied to a 13-member committee, the allocation of seats to that body would be:
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|-------------------|----------|
| Conservative | 8 (7.53) |
| Liberal Democrat | 4 (3.65) |
| Independent Group | 1 (1.37) |
19. There is no impact on the membership of existing committees, appointed by Council on 24 May 2012 as it does not affect 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 |
| TOTAL | 78 (78.00) | |
20. The political group leaders have been requested to meet prior to the Council meeting to agree the recommendations of the groups regarding membership of a Civic Affairs Committee.
21. Due to its responsibility for standards matters, 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. This is reflected in **Appendix B** (Article 9) and the other necessary changes to the constitution are highlighted in **Appendix C** (Principles of Proportionality) and **Appendix D** (extract from Standing Orders). **Appendix E** contains a revised role description for the Civic Affairs Committee Chairman and Vice-Chairman.

Implications

22. Financial	Establishment of a new committee to discharge the functions previously discharged by three separate bodies will reduce expenditure spent on meetings.
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 Assessment (EQIA) completed	Not specifically, although the EQIA completed for the schedule 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”.
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Consultations

23. The request to consider the establishment of a Civic Affairs Committee was made by full Council, which has the authority to agree the terms of reference and to make appointments.
24. The Standards Committee was consulted at its 20 June 2012 meeting and recommended retaining a separate Standards Committee and continuing to co-opt parish members.
25. Parish councils were consulted through the June 2012 Standards Committee Newsletter and no responses have been received on this issue.

Consultation with Children and Young People

26. Not relevant.

Effect on Strategic Aims

27. 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 a focused approach to determining matters relating to the Constitution, electoral arrangements and standards, with opportunities for public questions, without incurring additional cost and use of officer resources to support a separate meeting.

Conclusions / Summary

28. A new Civic Affairs Committee would enable the transparent and efficient discharge of functions previously delegated to three separate bodies and fulfil the requirements of the Localism Act with regard to the standards process.

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

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

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