

## **SOUTH CAMBRIDGESHIRE DISTRICT COUNCIL**

Minutes of a meeting of the Civic Affairs Committee held on  
Monday, 24 September 2012 at 10.30 a.m.

**PRESENT:** Councillor Mick Martin – Chairman  
Councillor Alison Elcox – Vice-Chairman

**Councillors:** Simon Edwards  
Douglas de Lacey  
Raymond Matthews  
Jim Stewart  
Robert Turner  
Hazel Smith

Sebastian Kindersley  
Ray Manning  
Tony Orgee  
Edd Stonham  
Bunty Waters

**Officers:** Patrick Adams  
Alex Colyer  
Fiona McMillan  
Virginia Lloyd

Senior Democratic Services Officer  
Executive Director, Corporate Services  
Legal & Democratic Services Manager and  
Monitoring Officer  
Lawyer

**Advisors:** Kathleen English  
(Independent Person)

Eric Revell  
(Deputy Independent Person)

Apologies for absence were received from Councillor Janet Lockwood.

### **1. DECLARATIONS OF INTEREST**

None.

### **2. UPDATE ON COMPLAINTS AND CONFIDENTIALITY REQUIREMENTS**

The Monitoring Officer presented this item, which updated members on the complaints cases that had been dealt with under the transition arrangements set out in the Localism Act 2011 and complaints that had been made since 1 July 2012. The report also asked the Committee to set new procedures concerning the confidentiality requirements of the complaints process.

It was noted that details a confidential investigation had been made public in the media and the Committee agreed that all ongoing cases should be subject to a requirement of confidentiality by all participants in the complaints process until such time as the case is concluded. The Committee also agreed that where it had been concluded that the code had not been breached that the identity of the councillor should remain confidential unless that councillor wished to make the findings public.

It was understood that under the rules agreed by Council it was not within the Committee's remit to alter or reject the findings reached by the Monitoring Officer and the Independent Person alleged breaches of the Code of Conduct. The Committee's role was to receive reports for information only unless it was considered that a complaint should go to a hearing, when a Hearing Panel would be appointed. The Chairman stated that he would not permit the complainant or the subject member to address the Committee on the specific findings of an investigation, as it was not the Committee's role to re-open a concluded investigation.

It was noted that with regard to case 4934, volumes 2 and 3 had not be included in the

report. The Monitoring Officer assured the Committee that all the information relevant to the reporting of the case for the information of the Committee had been contained in the investigation report in the agenda. Appendices to an investigation report would not be reported back to the Committee unless a hearing panel was appointed and the panel wished to consider information contained in any appendices.

The Committee

#### **NOTED**

- A) The conclusions made with regard to the concluded cases 4929, 4934 and 35/36/38/39.
- B) The progress being made on other outstanding complaints.

The Committee

#### **AGREED** to

- A) Resolve that all ongoing cases be subject to a requirement of confidentiality by all participants in the process until such time as the case is concluded.
- B) Resolve that, where a conclusion has been reached that the code of conduct has not been breached, the identity of the councillor remains confidential, unless the councillor wishes otherwise.
- C) Resolve that where a conclusion has been reached that the code of conduct has been breached but that no hearing is necessary due to summary resolution that the investigation report will be published when the case is reported back to the committee.
- D) Resolve that where a conclusion has been reached that the code of conduct has been breached and that summary resolution is not appropriate/ possible that the investigation report will remain confidential until such time as the hearing into the complaint takes place, at which stage it will be published.

### **3. REVISED HEARING PROCEDURE**

The Monitoring Officer presented this report, which recommended that the Committee adopt a new hearing procedure following the implementation of the requirements of the Localism Act 2011, including the outlining of a list of potential sanctions that could be applied and the appointment of a Hearings Sub-Committee and substitutes to hear complaints cases.

#### **Sanctions available to the Committee**

After a brief discussion on the merits of making minor amendments, the Committee agreed the wording of the sanctions as laid out in appendix 2 of the report, on the understanding that their effectiveness could be reviewed by the Committee at a later date.

#### **Procedure for hearings**

The Committee noted that there were some minor grammatical errors in the suggested procedure for hearings as laid out in appendix 1. The Committee resolved that delegated authority should be given to the Monitoring Officer to make the necessary minor corrections and then agree the procedure.

**Appointment of Sub-Committee**

The Leader of Council, Deputy Leader of Council, Chairman of Council and Major Opposition Group Leader resolved that they should not be considered for membership of the Sub-Committee at this time, which would appoint hearing panels from its membership.

The Committee

**AGREED** to

- A) Delegate authority to the Monitoring Officer to amend the Hearings Procedure, attached at appendix 1 of the agenda.
- B) Adopt the list of potential sanctions available to the Committee as part of the complaints procedure.
- C) Appoint Councillors Alison Elcox, Douglas de Lacey, Janet Lockwood, Mick Martin, Raymond Matthews, Jim Stewart, Edd Stonham, Robert Turner and Bunty Waters as members of a sub-committee from which three members would be asked to sit as a Hearings Panel on each occasion, with the rest of the Committee appointed as substitute members of the sub-committee.

**4. GENERAL DISPENSATION REQUESTS**

The Monitoring Officer presented this report, which invited the Committee to grant a "general dispensation" to all councillors under section 33 of the Localism Act 2011 in relation to matters where they had previously been given a general dispensation under the old Code of Conduct.

The Committee

**RESOLVED**

- A) To make a recommendation to Full Council that a decision to apply for and be granted a general dispensation is ratified by Full Council as an indication of the wishes of all members in order to satisfy the requirements of the Localism Act 2011 that each member should make an individual application in writing for a dispensation.
- B) To grant dispensations to all members of South Cambridgeshire District Council from the requirements of Section 31(4) of the Localism Act 2011 on the basis that without the dispensation the number of person prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business, such dispensation to take effect from 24<sup>th</sup> August 2012 for a period of four years. The dispensation to apply to the following decisions:
  - (i) Housing, where the Member is a tenant of the authority; provided that those functions do not relate particularly to that Member's tenancy or lease
  - (ii) Any allowance, payment, pension or indemnity given to Members
  - (iii) Setting Council Tax or a precept under the Local Government Finance Act 1992

**5. CODE OF CONDUCT TRAINING FOR COUNCILLORS AND COMMITTEE MEMBERS**

The Monitoring Officer presented this discussion paper, which invited the Committee to

consider options with regard to the training of District councillors, parish councillors and Committee members.

Concern was expressed with regard to the cost of an external trainer. The Monitoring Officer stated that she had already briefing sessions and issued guidance notes on the new Code of Conduct but there still appeared to be confusion with regard to some aspects of the new Code, such as the declaring of pecuniary interests, and it could be beneficial for members to hear guidance from an external source. Members of the Committee made the following suggestions:

- A Monitoring Officer from a neighbouring authority could facilitate training sessions in return for a reciprocal arrangement.
- An online course would be cost effective and could be ideal for those members unable to attend a training course.
- Combining training for parish councillors with the parish council forum was a sensible suggestion as it guaranteed attendance.

The Committee **AGREED**

- A)** To delegate the decision on organising external training for district councillors to the Monitoring Officer and Chairman of the Civic Affairs Committee.
- B)** Parish training should be carried out as suggested in the discussion paper; and
- C)** Training for hearings would be arranged as necessary if a hearing were arranged.

## **6. REGISTRATION OF INTERESTS UPDATE**

The Monitoring Officer updated the Committee on progress made in implementing the provisions of the Localism Act 2011 in relation to registration of interests. It was noted that all 57 district councillors had now completed their registration of interests form.

### **Parish councils**

Concerns were expressed regarding the imposition of this aspect of the Code on parish councillors. It was noted that a letter had been written to the Government stating that the requirement to publish all interests on a Council's website was discouraging parish councillors to stand and that there had been a number of resignations. It was further noted that the Council had a duty to inform parish councillors of the law and possible consequences of failing to comply with it.

In response the Monitoring Officer explained that Ordinance Survey references could be used instead of addresses to identify land owned. Only those who were likely to be subject to violence or intimidation could be given exemptions as a Sensitive Interest from the publication of their Register of Interests and a number of such requests had been received.

It was noted that a large amount of officer time had been spent advising parish councils on the code and there was still some confusion. It was further noted that dispensations could not be granted for filling out the Register of Interests form.

The Committee **NOTED** the report.

## **7. CORRESPONDENCE FROM TEVERSHAM PARISH COUNCIL**

The Monitoring Officer brought the Committee's attention to a letter from Teversham Parish Council dated 10 September 2012, which expressed concern that there was "no provision for a Parish Council representative to consider any complaints about a Parish

Council.”

It was noted that under the new Code of Conduct parish councils would be expected to deal with their own complaints. It was further noted that 10 of the 13 Councillors on the Committee were also parish councillors and it was hoped that this fact would help allay the Parish Council’s concerns.

The Committee **NOTED** the letter from Teversham Parish Council and asked the Monitoring Officer to respond on behalf of the Committee.

**8. RECORD OF DISPENSATIONS GRANTED BY THE MONITORING OFFICER**

The Monitoring Officer introduced this item which detailed the two dispensation requests that she had granted under the new procedures. The Committee **NOTED** the report.

**9. DATES OF FUTURE MEETINGS**

The Committee arranged its next meeting for Monday 17 December at 5pm. Officers were instructed to arrange meetings for the next calendar year.

---

**The Meeting ended at 12.30 p.m.**

---