

A meeting of **HUNTINGDONSHIRE DISTRICT COUNCIL** will be held in the **CIVIC SUITE, PATHFINDER HOUSE, ST MARY'S STREET, HUNTINGDON PE29 3TN** on **WEDNESDAY, 4 JULY 2012 at 7:00 PM** and you are requested to attend for the transaction of the following business:-

A G E N D A

		Time Allocation
	PRAYER	5 minutes
	The Reverend Andrew Milton, Team Rector for the Huntingdon Ministry to open the meeting with prayer.	
	APOLOGIES	2 minutes
	CHAIRMAN'S ANNOUNCEMENTS	10 minutes
1.	MINUTES (Pages 1 - 6)	2 minutes
	To approve as a correct record the Minutes of the meeting held on 16 May 2012.	
2.	MEMBERS' INTERESTS	2 minutes
	To receive from Members declarations as to personal and/or prejudicial interests and the nature of those interests in relation to any Agenda Item. Please see Notes 1 and 2 below.	
3.	BY-ELECTION: EARITH WARD	5 minutes
	To report that Mr R C Carter has been elected to the Office of District Councillor for the Earith Ward at a by-election held on 21 June 2012.	
4.	LEADERSHIP DIRECTION	30 minutes
	Presentation by the Executive Leader and Deputy Executive Leader.	
5.	CABINET PROCEDURE RULES - DELEGATION BY THE EXECUTIVE LEADER (Pages 7 - 10)	5 minutes
	In accordance with Cabinet Procedure Rules (paragraph 1.2), Councillor J D Ablewhite to present information about executive functions for the ensuing year.	
6.	FOOD SAFETY SERVICE PLAN 2012/13 (Pages 11 - 22)	10 minutes
	The Chairman of the Licensing and Protection Panel to present a report by the Head of Environmental and Community Health Services on the adoption by the Council of the Food Safety Service Plan for 2012/13.	

7. REPORTS OF THE CABINET, PANELS AND COMMITTEE

30 minutes

- (a) Standards (Pages 23 - 72)
- (b) Overview and Scrutiny Panel (Economic Well-Being) (Pages 73 - 76)
- (c) Overview and Scrutiny Panel (Environmental Well-Being) (Pages 77 - 78)
- (d) Overview and Scrutiny Panel (Social Well-Being) (Pages 79 - 82)
- (e) Cabinet (Pages 83 - 92)
- (f) Development Management Panel (Pages 93 - 94)
- (g) Licensing and Protection Panel (Pages 95 - 98)
- (h) Licensing Committee (Pages 99 - 100)
- (i) Employment Panel (Pages 101 - 104)
- (j) Corporate Governance Panel

Report of the meeting to be held on 26 June 2012 to follow.

8. REPRESENTATION OF POLITICAL GROUPS ON DISTRICT COUNCIL PANELS, ETC (Pages 105 - 110)

5 minutes

To consider a report by the Head of Legal and Democratic Services on the representation of political groups on Panels, etc in accordance with Section 15 of the Local Government and Housing Act 1989 and the District Council's Constitution.

9. ORAL QUESTIONS

30 minutes

In accordance with the Council Procedure Rules (Section 8.3) of the Council's Constitution, to receive oral questions from Members of the

Council

10. MEMBERSHIP OF CABINET, COMMITTEES AND PANELS

5 minutes

To invite any variations to the membership of Committees and Panels.

Dated this 26 day of June 2012



Head of Paid Service

Notes

1. *A personal interest exists where a decision on a matter would affect to a greater extent than other people in the District –*
 - (a) *the well-being, financial position, employment or business of the Councillor, their family or any person with whom they had a close association;*
 - (b) *a body employing those persons, any firm in which they are a partner and any company of which they are directors;*
 - (c) *any corporate body in which those persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or*
 - (d) *the Councillor's registerable financial and other interests.*
2. *A personal interest becomes a prejudicial interest where a member of the public (who has knowledge of the circumstances) would reasonably regard the Member's personal interest as being so significant that it is likely to prejudice the Councillor's judgement of the public interest.*

Please contact Ms C Deller, Democratic Services Manager, Tel No 01480 388007/e-mail: Christine.Deller@huntingdonshire.gov.uk if you have a general query on any Agenda Item, wish to tender your apologies for absence from the meeting, or would like information on any decision taken by the Council.

Agenda and enclosures can be viewed on the District Council's website –
www.huntingdonshire.gov.uk (under Councils and Democracy).

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or would like a large text version or an audio version
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Agenda Item 1

HUNTINGDONSHIRE DISTRICT COUNCIL

MINUTES of the Annual Meeting of the COUNCIL held in the Civic Suite, Pathfinder House, St Mary's Street, Huntingdon PE29 3TN on Wednesday, 16 May 2012.

PRESENT: Mr J J Dutton – Chairman.

Councillors J D Ablewhite, S Akthar,
K M Baker, Mrs M Banerjee, I C Bates,
Mrs B E Boddington, P L E Bucknell,
E R Butler, S Cawley, B S Chapman,
W T Clough, S J Criswell, I J Curtis,
J W Davies, D B Dew, P J Downes,
Mrs L A Duffy, R Fuller, D A Giles, J A Gray,
S Greenall, N J Guyatt, A Hansard,
G J Harlock, R Harrison, D Harty, R B Howe,
C R Hyams, Mrs P A Jordan, P Kadewere,
Ms L Kadic, Mrs P J Longford, P G Mitchell,
M C Oliver, J W G Pethard, P D Reeve,
T D Sanderson, M F Shellens, R G Tuplin,
D M Tysoe, P K Ursell, R J West and
A H Williams.

APOLOGIES: Apologies for absence from the meeting were submitted on behalf of Councillors M G Baker, G J Bull, K J Churchill, R S Farrer, S M Van De Kerkhove, A J Mackender-Lawrence and Mrs D C Reynolds.

1. PRAYER

Reverend A Milton, Team Rector for the Huntingdon Ministry opened the meeting with Prayer.

2. ELECTION OF CHAIRMAN

It was proposed by Councillor R J West, seconded by Councillor D Harty and

RESOLVED

that Councillor Mrs B E Boddington be elected Chairman of the Council for the ensuing Municipal Year.

Councillor Mrs Boddington made the Statutory Declaration of Acceptance of Office and thanked Members for their support and the honour which the Council had bestowed upon her. Councillor Mrs Boddington added that it was her intention to be an ambassador for the Council, that she would work together with the Vice-Chairman to promote the civic role and the work of the District Council and encourage links with schools and businesses within the District. Councillor Mrs Boddington indicated that her preferred charities would be Cancer Research, Natural High, St John's Ambulance and The Samaritans.

Councillor Mrs B E Boddington in the Chair.

3. VOTE OF THANKS TO THE RETIRING CHAIRMAN

The Chairman paid tribute to the way in which former Councillor J J Dutton had performed his duties as Chairman of the District Council and having proposed a vote of thanks to him, presented Mr Dutton with his past Chairman's badge.

The Executive Leader, Councillor J D Ablewhite paid tribute to the enthusiastic manner in which former Councillor Dutton had undertaken his role as Chairman and the way in which he had represented the Council over the last two years and on behalf of Members, Councillor Ablewhite thanked him for all he had contributed to Council life.

As Leader of the Principal Opposition, Councillor P J Downes expressed his thanks to former Councillor Dutton for his energetic commitment to good causes and charities in Huntingdon town and the District.

In response, former Councillor Dutton wished Councillor Mrs Boddington every success in her new role and whilst disappointed that he had not been re-elected stated that he had enjoyed eight years representing Huntingdon North Ward. He thanked Reverend Milton, Members past and present and Officers for their friendship and support and concluded by referring to the many happy memories he would take with him.

Following a round of applause, it was

RESOLVED

that the Council's appreciation to former Councillor J J Dutton be placed on record for his contribution as Chairman of the Council during the past two years.

4. CHAIRMAN'S ANNOUNCEMENTS

(a) Election Results

The Chairman congratulated those Members of the Council who had been returned for a further term of office at the District Council's elections held on 3rd May 2012 and extended a warm welcome to the following newly elected Members –

Ms L Duffy	- Ramsey Ward
R Fuller	- St. Ives West Ward
P Kadewere	- Huntingdon North Ward
Mrs L Kadic	- Godmanchester Ward
J W G Pethard	- Warboys and Bury Ward
M Oliver	- Yaxley and Farcet Ward.

The Chairman welcomed back to the Council, Councillor D A Giles who had been re-elected to represent St. Neots, Eaton Socon Ward.

A tribute also was paid to former Member, Mr A Jennings who had stood un-successfully for re-election.

(b) Chairman's Events

In recognition of the 60th Anniversary of her accession to the throne, the Chairman invited all Members to join her at a flag raising ceremony at Pathfinder House on 1st June 2012 followed by the unveiling of the newly mounted picture of the Queen in the Civic Suite. The Chairman also announced that she would be making arrangements later in the year for the planting of a Royal Oak Tree in the town parks in Huntingdon, St. Ives and St. Neots and was hopeful that local schools would become involved in the project.

Details of arrangements for Armed Forces Day on 25th June and the Chairman's Reception on 14th September would be sent to Members shortly.

(c) Royal Town Planning Association

The Council congratulated Mr M Sharp, Managing Director (Communities, Partnerships and Projects) on his election as president of the Royal Town Planning Association.

5. MINUTES

The Minutes of the meeting of the Council held on 25th April 2012 were approved as a correct record and signed by the Chairman.

6. MEMBERS' INTERESTS

No interests were declared by the Members present.

7. APPOINTMENT OF VICE-CHAIRMAN

It was proposed by Councillor D B Dew, seconded by Councillor R Harrison and

RESOLVED

that Councillor K M Baker be appointed Vice-Chairman of the District Council for the ensuing Municipal Year.

Councillor Baker made the Statutory Declaration of Acceptance of Office and expressed his appreciation to his proposer, Councillor Dew for his kind words. Councillor Baker announced that it was his intention to support the Chairman and promote the District as best as he could in the year ahead.

8. ELECTION OF EXECUTIVE LEADER OF THE COUNCIL

It was proposed by Councillor J A Gray, seconded by Councillor D B Dew and

RESOLVED

that Councillor J D Ablewhite be elected Executive Leader of the Council for the period to the Annual Meeting in May 2016.

9. APPOINTMENT OF CABINET

The Executive Leader announced that he had appointed Councillors B S Chapman, J A Gray, N J Guyatt, T D Sanderson and D M Tysoe to join him as Members of the Cabinet for the ensuing Municipal Year. He also announced that Councillor N J Guyatt would be Deputy Executive Leader and Vice-Chairman of the Cabinet.

10. LOCAL ELECTIONS: 3RD MAY 2012

The report of the Returning Officer with regard to the District Council elections held on 3rd May 2012 was received and noted (a copy of which is appended in the Minute Book).

The Executive Leader, Councillor J D Ablewhite and Councillor P J Downes extended their appreciation to the Returning Officer and those who had been engaged in election duties over the period.

11. REPRESENTATION OF POLITICAL GROUPS ON DISTRICT COUNCIL PANELS, ETC

A report was submitted by the Head of Legal and Democratic Services (a copy of which is appended in the Minute Book) relating to the principles of proportionality to be applied to the appointment of the Panels in accordance with Section 15 of the Local Government and Housing Act 1989 and Part II of the Local Government Act 2000. Whereupon, it was

RESOLVED

that the allocation of seats on Panels to political groups and non-aligned Members be determined as set out in the report now submitted.

12. OVERVIEW AND SCRUTINY PANELS

RESOLVED

that the following Members be appointed to the Overview and Scrutiny Panel for the ensuing Municipal Year:-

Overview and Scrutiny Panel (Economic Well-Being)	Overview and Scrutiny Panel (Environmental Well-Being)	Overview and Scrutiny Panel (Social Well-Being)
G J Bull	M G Baker	S Akthar
E R Butler	Mrs M Banerjee	K M Baker
Ms L A Duffy	I C Bates	S J Criswell
S Greenall	I J Curtis	Mrs P A Jordan
R Harrison	J W Davies	Mrs L Kadic
R B Howe	D A Giles	P Kadewere
P G Mitchell	G J Harlock	M Oliver
T V Rogers	D Harty	J W G Pethard
M F Shellens	C R Hyams	R J West

13. COMMITTEES AND PANELS

RESOLVED

- (a) that Members be appointed to serve on the Standards and Licensing Committees and Employment, Development Management, Licensing and Protection, Corporate Governance and Senior Officers' Panels and the Appeals Sub-Group and Elections Working Group for the ensuing Municipal Year as follows:-

Standards Committee (7)

Councillors Mrs B E Boddington, P J Downes, Ms L A Duffy, R S Farrer, G J Harlock, A Hansard and T D Sanderson.

Licensing Committee (12)

Councillors K M Baker, I J Curtis, J W Davies, R S Farrer, R Fuller, G J Harlock, C R Hyams, Mrs P A Jordan, A J MacKender-Lawrence, M Oliver, S M Van De Kerkhove and one Member of the Cabinet in an ex-officio capacity with appropriate portfolio responsibilities.

Employment Panel (8)

Councillors S Akthar, S Cawley, P J Downes, R S Farrer, J A Gray, R B Howe and R G Tuplin and one Member of the Cabinet in an ex-officio capacity with appropriate portfolio responsibilities.

Senior Officers' Panel

Councillors M G Baker, S Cawley, N J Guyatt and R B Howe together, when appropriate, with the relevant Executive Councillor in relation to the post to be filled.

Development Management Panel (16)

Councillors Mrs M Banerjee, Mrs B E Boddington, P L E Bucknell, G J Bull, E R Butler, W T Clough, D B Dew, R B Howe, Mrs P J Longford, A J MacKender-Lawrence, P D Reeve, R G Tuplin, S M Van De Kerkhove, P K Ursell and R J West and one Member of the Cabinet in an ex-officio capacity with appropriate portfolio responsibilities.

Licensing & Protection Panel (12)

Councillors K M Baker, I J Curtis, J W Davies, R S Farrer, R Fuller, G J Harlock, C R Hyams, Mrs P A Jordan, A J MacKender-Lawrence, M Oliver, S M Van De Kerkhove and one Member of the Cabinet in an ex-officio capacity with appropriate portfolio responsibilities.

Corporate Governance Panel (7)

Councillors M G Baker, E R Butler, K Churchill, G J

Harlock, P G Mitchell, R J West and one vacancy.

- (b) that the following Members be nominated from which the Head of Legal and Democratic Services be authorised, when necessary, to convene a meeting of the Appeal Sub-Committee to include up to five Members (excluding Members of the Employment Panel) to determine appeals under the Council's Disciplinary and Appeals Procedures:-

Councillors Mrs M Banerjee, I C Bates, Mrs B E Boddington, K Churchill, J A Davies, D B Dew, R Fuller, C R Hyams, P G Mitchell, M Oliver, J W G Pethard, Mrs D C Reynolds and A H Williams.

- (c) that Councillors J D Ablewhite (or Councillor N J Guyatt), Mrs M Banerjee, G J Bull, K Churchill, P J Downes and J A Gray be appointed to serve on the Elections Working Group.

The meeting concluded at 6.40pm.

Chairman

Cabinet Procedure Rules – Delegation by the Executive Leader

Report by the Head of Paid Service and Managing Director (Communities, Partnerships and Projects)

1. INTRODUCTION

- 1.1 The Cabinet Procedure Rules in the Council's Constitution set out arrangements for the operation and conduct of the Cabinet and its meetings. The Rules provide for the Executive Leader to present to the Annual Meeting of the Council or within 21 days thereafter to the Head of Paid Service a written record containing information about executive functions in relation to the following year.
- 1.2 As these details were not finalised in time to present to the Annual Meeting of the Council, the Head of Paid Service is required to report the information to the next ordinary meeting of the Council.

2. BACKGROUND

- 2.1 In accordance with the Constitution, the written record must contain the following information:-
- (i) the collation of relevant executive functions into related groups to be known as "portfolios";
 - (ii) the names and wards of the Members of the Cabinet appointed by the Executive Leader to be responsible for individual portfolios;
 - (iii) the extent of any authority delegated by the Executive Leader to a Member of the Cabinet individually (including himself), including details of the limitation (if any) on their authority;
 - (iv) the nature and extent of any delegation of executive functions proposed to any other authority or under any joint arrangements and the names of those Cabinet Members and/or other Members appointed to any joint Committee under Article 11 of the Constitution for the coming year; and
 - (v) the nature and extent of any delegation to officers with details of any limitation (if any) on that delegation, and the title of the officer to whom the delegation is made.

3. DELEGATION BY THE LEADER

- 3.1 In accordance with the above requirements, the Executive Leader has given notice of the following appointments:-

<p>Portfolio for Strategic Economic Development - Councillor J D Ablewhite (St. Ives East Ward)</p>	<p>To promote the economic development of the District and support appropriate growth.</p>
<p>Portfolio for Strategic Planning and Housing – Councillor N J Guyatt (Elton and Folksworth Ward)</p>	<p>To promote good sustainable development within Huntingdonshire and achieve the District Council's housing, employment, transport, green and leisure infrastructure objectives. This portfolio will include the localism and involvement agenda.</p>
<p>Portfolio for Healthy and Active Communities – Councillor T D Sanderson (Huntingdon West Ward)</p>	<p>To promote healthy lifestyle practices to the community and develop the Council's range of leisure, health, education and protection and neighbourhood support services.</p>
<p>Portfolio for the Environment – Councillor D M Tysoe (Sawtry Ward)</p>	<p>To develop the Council's environmental services, including the collection of waste and recycling, promote good environmental practices to the public and throughout the Council and to maintain and encourage use of green space and the countryside.</p>
<p>Portfolio for Resources – Councillor J A Gray (Kimbolton and Staughton Ward)</p>	<p>To protect the Council tax payer and Council's financial interests and develop medium term financial plans for the Council. To ensure that adequate financial and human resources and estates are available to undertake the Council's plans.</p>
<p>Portfolio for Customer Services – Councillor B S Chapman (St. Neots, Priory Park Ward)</p>	<p>To oversee the process by which the Council serves its customers, in particular those relating to benefits and housing services.</p>
	<p>To improve the Council's efficiency and effectiveness and achieve savings through the development and proper use of IT.</p>

3.2 The Cabinet has delegated executive functions under joint arrangements to the Huntingdonshire Traffic Management Area Joint Committee which exercises within the context and budget delegated to it by the constituent authorities the powers of each authority on a variety of matters relating to traffic management, design and consultation for improvement schemes, the cycleways programme and local air quality strategies.

3.3 The membership of the Area Joint Committee is as follows:-

Councillors S Akthar, M G Baker, D B Dew, N J Guyatt, R B Howe and Mrs P Longford.

Delegations to Officers

3.3 Delegations to Members or Officers are listed in the current Constitution.

4. RECOMMENDATION

4.1 **The Council is requested to note the information presented by the Executive Leader on Executive functions for the ensuing Municipal Year.**

BACKGROUND DOCUMENTS

The District Council's Constitution.

Contact Officer: Christine Deller, Democratic Services Manager
☎ - 01480 388007

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Food Safety Service Plan 2012/13

Report by the Head of Environmental and Community Health Services

1 INTRODUCTION

- 1.1 The purpose of this report is to seek Council's approval for the Food Safety Service Plan for 2012/13. It is a requirement of the Food Standards Agency (FSA) Framework Agreement on Local Authority Food Law Enforcement that a Food Safety Service Plan be prepared in accordance with a format provided by the FSA. Under the Council's constitution this is part of the policy framework that has to be formally approved by the Council.
- 1.2 This is the twelfth annual report that has been submitted to Members. It details the work that the service has planned for 2012/13, the staffing and financial resources required, the constraints that may prevent some of the tasks from being fulfilled and the priority of the tasks. It also includes a review of the previous year's performance and identifies where the Authority was at significant variance from the service plan and the reasons for that variance.

2 FINANCIAL COMMENT

- 2.1 The overall budget for 2012/13 is £442,060 which represents a decrease of 6.18%% on the previous financial year. This is primarily as a result of a review of employee cost calculations and time allocation to the food safety service and the impact of the Council's savings plan including voluntary redundancy being reflected in current budgets. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex legal case or the introduction of central sampling charges then additional funds will have to be sought. Further details are provided within the service plan and in the Executive Summary at Annex 1 of this report.

3 SUPPORTING/BACKGROUND INFORMATION

- 3.1 Huntingdonshire District Council is a Food Authority and as such it is responsible for enforcing specific food safety legislation, this work is carried out by the Environmental and Community Health Services Division.
- 3.2 The service is linked to the Council Corporate Plan 2012 – 2013 and the associated 4 themes particularly a 'Strong Local Economy; the Food Standards Agency Strategy to 2015 and the emerging County Health and Wellbeing Strategy. There are also close links with the Sustainable Community Strategy, the Council's Environment Strategy and the National Health Improvement Agenda. The service provides a positive opportunity for the Council to interact with local businesses and protect the health of our community.
- 3.3 There are over 1450 food businesses in the district and the service helps the changing local food economy to remain vibrant and enables the

Council to provide practical support to businesses in a difficult economic time. The work of the service helps to maintain public confidence in the standards of our local food industry, helps businesses comply with food legislation which helps ensure fair competition, and allows well-run food businesses to flourish and contribute to the local economy.

3.4 The aim of the Service Plan is to:

- provide information about the Food Safety Service;
- identify the means by which the service will be provided;
- identify the means by which the service will meet any relevant performance targets or performance standards;
- enable performance to be reviewed by examining any variances from the Service Plan and identify areas for improvement; and
- demonstrate a balanced enforcement approach.

3.5 In planning and delivering the service the Service Plan takes into account the Government's better regulation agenda. Key to this agenda are the five principles of good regulation:

- targeting (to take a risk-based approach);
- proportionality (such as only intervening where necessary);
- accountability (to explain and justify service levels and decisions to the public and to stakeholders);
- consistency (to apply regulations consistently to all parties); and
- transparency (being open and user friendly).

4 REVIEW OF PERFORMANCE IN 2011/12

4.1 The staffing resources for the Food Service were 20% less than planned primarily due to a long-term absence within the team and a member of the team leaving. In order to try to maintain service levels a contractor was engaged for a short period using salary savings and FSA grant funding which had been allocated to help meet the costs for the implementation of the National Food Hygiene Rating Scheme and a number of officers worked additional hours (including evenings and weekends). Members of the team were also involved with a number of legally and technically very complex cases, an allegation of illegal meat slaughtering and 4 food safety prosecution cases. In addition the Commercial Team had a significantly resource-intensive health and safety fatal accident investigation involving the death of a 4-year old boy. These matters had an impact on routine workloads and it was therefore not possible to deliver all the elements of the service plan as intended. Some of the service development and partnership projects were not delivered in full although it is intended that some of these be incorporated into the next year's service plan. As a result of re-prioritising of work the service ensured that 94.6% of higher risk and 86.7% of lower risk premises requiring an inspection were inspected.

4.2 In total 1244 inspections, interventions and visits were carried out to food premises as part of programmed activity and in response to complaints, food alerts and service requests. This includes the initial business support visits to the 136 new food businesses who registered this year. The support we provide on all inspections and visits can be vital to businesses that are under pressure in the current financial climate. Our officers make sure food businesses are aware of their legal obligations and help them to ensure that the food they supply to local

consumers is safe. A range of alternative approaches to engage low-risk businesses has been carried out, which are aimed at minimising burdens on the businesses while still ensuring that they have support from the Council.

- 4.3 In response to the Food Standard Agency's guidance on E.coli O157 and controlling the risk of cross contamination, the service successfully developed and delivered an appropriate implementation plan for caterers and food producers to address the necessary requirements. Due to the public health significance of the new guidance many Food Business Operators have required or requested additional help and advice in understanding and adopting the guidance and this has resulted in an increase in time being spent in premises during the inspection process.
- 4.4 Huntingdonshire's Scores on the Doors Food Hygiene Rating Scheme (SOTD) continued to be very popular with businesses and consumers. There is evidence that this scheme has encouraged food businesses to improve standards with a significant improvement in the number of 3 to 5 star ratings and a decrease in the number of 0 to 2 stars issued. This in turn has meant that associated efficiency savings have enabled resources to be directed into dealing with higher-risk premises and those presenting a risk to public health. At the Licensing and Protection meeting on 26 October 2011 members agreed to the food service applying to the Food Standards Agency for a grant to assist in the migration from the SOTD scheme to the new National Food Hygiene Rating Scheme. The application was successful and the National Food Hygiene Rating Scheme was launched in Huntingdonshire on 30 April 2012. Premises are now issued with a rating of between 0 and 5.
- 4.5 During the year an intervention programme including support and training was directed to those high-risk businesses which have a history of consistently performing at a poor level (0-2 stars). Where appropriate, relevant enforcement action was taken. Evaluation of the project has been very encouraging and improvements in food safety standards have been achieved and maintained in many businesses.
- 4.6 The Secret Garden Party, a licensed annual music and arts festival attracting over 25,000 visitors, required significant resources and food officer involvement. A large number of food vendors were visited, and food and water samples taken. Formal action was taken where appropriate. This was in addition to the inspection of site infrastructure, displays, event areas, water and lake-based activities, car parking and camping areas for health and safety issues. A growing number of other large-scale events, fairs, shows and heritage attractions place a significant demand on the service resulting in increased proactive and reactive work often at weekends and unsociable hours. These activities have been absorbed within existing budgets and resources but their impact should be noted.
- 4.7 The service has a clearly laid down enforcement policy which focuses on providing advice and guidance for businesses to secure compliance. This process is successful in the vast majority of cases. However, where businesses consistently fail to comply with the law or present a serious threat to public health it is important that the Council takes action to protect consumers. In 2011/12 there were 4 successful prosecutions instigated for unhygienic premises and practices. The courts imposed significant fines and there was local and national media coverage. A

total of 34 Hygiene Improvement Notices and 2 Remedial Action Notices were served on 7 premises, all of which have either been complied with within the specified timescales or have resulted in further action being taken. 2 premises were subject to voluntary closure and quantities of unfit food were voluntarily surrendered from 2 businesses following routine inspections.

- 4.8 The service responded to over 140 complaints about unfit food or unhygienic food premises from local residents and 96 food alerts from the FSA. These were all dealt with efficiently and effectively and provided a vital opportunity to demonstrate that the service responds to the needs and concerns of our community. Responding to complaints is a key way in which the service can gain intelligence about food businesses and helps to maintain consumer confidence in local food businesses. 119 food and 14 water samples were taken for analysis (considerably fewer than planned) of which 20 were found to be unsatisfactory. Appropriate action was taken to resolve any problems.
- 4.9 The service carried out a range of promotional and educational activities, including the FSA national Food Safety Week and promoting the migration from 'Scores on the Doors' to the national 'Food Hygiene Rating Scheme'. The food service also provided a number of ad hoc lectures and presentations to schools, business groups and voluntary sector organisations and produced 2 newsletters for all registered food businesses. 67 Food Safety distance learning packages were also bought by local food businesses.
- 4.10 The preventative activity did not eradicate all food-borne illness and 240 cases were notified to the Council. Some food poisoning organisms can cause serious illness and permanent disability and some types can kill. The number of food poisoning cases shows no significant change compared to last year and continues to marginally exceed national averages. The dominant pathogen is Campylobacter. Where appropriate individual cases were promptly investigated and analysis of the investigation findings show that the majority of food-borne illnesses reported by residents of the district were contracted abroad, outside Huntingdonshire or in a domestic setting. There were no outbreaks of food poisoning or food borne illness reported.
- 4.11 Full details of the review are set out in Section 6 of the Service Plan.

5 SERVICE PLAN FOR 2012/13

- 5.1 The format of this document remains essentially unchanged from that of the previous year. (An executive summary can be found in Annex 1) The resources provided by the Council for this year are in keeping with the previous year and should be sufficient to enable this Authority to meet the requirements of the FSA provided the current level of resources is maintained. The food service has always adopted a risk-based approach to inspections and a graduated approach to enforcement. The service will continue to explore the use of alternative enforcement strategies and interventions for low-risk businesses and any time saved will be invested in inspecting high-risk premises and providing education and guidance.
- 5.2 In the event of unforeseen issues arising during the year that would hinder the achievement of all targets within the service plan, priority

would be given to the inspection of high-risk food premises and delivery of key projects which will help to protect the health of individuals. It is also possible that the FSA may redirect resources, at any time, to meet the need of a nationally significant food safety concern or the Health Protection Agency may do the same in the event of a significant outbreak or public health emergency (eg pandemic flu).

6 CONCLUSION

- 6.1 Despite significant staffing resource issues last year, the team successfully inspected 94.6% of high-risk and 86.7% of low-risk premises on its programme. However, it was not possible to deliver a number of the initiatives outlined in the 2011/12 Development Plan. This year's plan includes further development of the poor performers project, development of targeted intervention strategies, review of current training and promotional activities, and the maintenance and promotion of the national Food Hygiene Rating Scheme. We will progress with our joint working with the Health Protection Agency, Trading Standards and other regulatory partners and continue to provide guidance and information to businesses on food safety legislation. The plan also includes the implementation of revised guidance on legislation relating to private water supplies and distribution systems which will require significant staff resources.

7 RECOMMENDATION

- 7.1 Council is requested to note the contents of the report and approve the Food Safety Service Plan.

BACKGROUND INFORMATION

Food Safety Service Plan 2012/13
FSA Framework Agreement
FSA Code of Practice

Contact Officer: Chris Lloyd, Health Protection Manager
 01480 388290

A full copy of the Food Safety Service Plan 2012/13 is available in the Members' Room. If you wish to have an individual copy, please contact the Environmental Health Admin Section on 01480 388302.

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EXECUTIVE SUMMARY 2012/13

AIMS AND OBJECTIVES

The overall objective of the Food Safety Service is to work with businesses and consumers to endeavour to ensure that food intended to be placed on the market for human consumption which is produced, stored, distributed, handled and purchased within Huntingdonshire is without risk to public health or the safety of the consumer.

The service is linked to the Corporate Plan 2012-2013, the FSA Strategy to 2015 and Cambridgeshire's Health and Wellbeing Strategy. There are also close links with the Council's Environment Strategy and the National Health Improvement Agenda.

The following key activities are identified within the performance management system and will be measured to determine the effectiveness of the listed activities and actions.

- Planned and reactive inspections of registered and approved food businesses
- Provision of training, advice to businesses and food hygiene promotion
- Taking food, water and environmental samples
- Investigation of cases and outbreaks of food-borne and food poisoning illnesses

The service will seek to achieve this through a number of key actions that are identified within this service plan.

Changes in resources from 2011/12 to 2012/13

STAFF	2011/12	2012/13
Environmental Health Officers (EHO)	3.3	2.0
Environmental Health Protection Officers (EHPO)	1.2	1.2
Senior Environmental Health Officer (0.8 incorporated into Environmental Health Officers in 2011/12)		0.8
Commercial Team Leader (0.5 incorporated into Environmental Health Officers in 2011/12)		0.5
Health Protection Manager	0.2	0.2
	4.7	4.7
Admin Support Staff	1.3	1.3
Total	6.0	6.0
FINANCIAL	2011/12	2012/13
Direct Costs (Employees)	£306,250	£275,550.,
Overheads	£157,190	£158,400
Other Direct costs (specialist equipment legal fees and sampling)	£9,850	£10,110
Total	<u>£473,290</u>	<u>£444,060.</u>
Income	<u>-£1,500</u>	<u>-£2,000</u>
NET EXPENDITURE	<u>£471,790</u>	<u>£442,060</u>

ACTIONS AND TIME ALLOCATIONS

All calculations assume 1 x FTE = 1290 hours per year (215 working days x 6 productive hours per working day). Time does not include administrative support.

Proactive Tasks	Level of activity		Hours	FTE
	Actual 2011/12	Estimate 2012/13	Estimate 2012/13	Estimate 2012/13
Planned food hygiene inspections (A-D risk rated, in addition to those below)	383	470	3207	2.48
Alternative Enforcement Strategy (AES)	99	236		
Unrated food business interventions	41	66		
Revisits	145	144		
Inspection of new food businesses (occurring during course of year)	136	200		
Inspection of temporary food businesses	150	300		
Inspection of Approved establishments*	10	10		
Other visits (food, water and environmental samples/ advisory)	311	350		
TOTAL	1275	1776		
Prosecutions	4			
Formal action (service of notices)	36			
Food safety and public health promotion	Project work linked to delivery of Corporate aims, Sustainable Community Strategy, Statutory duties and the delivery of the Service Development Plan (eg Provision of targeted interventions, food hygiene training courses, scores on the doors/National Food Hygiene Rating Scheme(FHRS), development of newsletters, leaflets, website, promoting food safety, healthy eating initiatives and reduction in infectious diseases.		555	0.44
Liaison with other organisations and agencies	Maintenance and development of existing links and initiatives both internal and external.		165	0.13

*includes dairy, meat cutting, gelatine re-wrapping, and egg packing establishments, cold stores and establishments producing meat products,

Reactive Tasks	Level of activity		Hours	FTE
	Actual 2011/12	Estimated 2012/13	Estimated 2012/13	Estimated 2012/13
Food related service requests/complaints – estimate service requests/complaints re premises and food	298	280	629	0.48
Food inspection and sampling - estimate food, water and environmental samples to be taken	133	120	120	0.09
Infectious disease control - estimate notifications of food borne/food poisoning illnesses	240	250	129	0.1
Food Safety Recalls, allergy alerts, FSA food alerts for action-estimate receipt	102	80	30	0.02
Advice to business enquiries/response to business and consumer queries	Provision of guidance to start up businesses on implementation of relevant legislation and all businesses on changes to legislation, emerging risks and issues of interest. Alternative Interventions to specific business groups including newsletters. Promotion of the FSA 'Safer Food Better Business' toolkit to all relevant food business. Advice given at the time of each inspection plus an estimated further 200 service requests and enquiries from the public and businesses on food safety matters, including voluntary organisations, community events, emerging risks and issues of interest , Home Authority/Primary Authority Principle.		530	0.42
Staff development and training	Internal and external training courses, peer review exercises, research		200	0.15
Service management	Overall supervision and management of service, policy and procedural development. Responding to central government consultations and audits.		500	0.39
Total			6064	4.7

The overall budget for 2012/13 represents a decrease of 6.18%% on the previous financial year. This is primarily as a result of a review of employee cost calculations and time allocation to the food safety service and the impact of the Council's savings plan including voluntary redundancy being reflected in current budgets. It is anticipated that the budget will be sufficient to meet the demands of the service but in the event of a complex legal case or the introduction of central sampling charges then additional funds will have to be sought.

The administrative support workload includes producing post-inspection letters; data entries to Flare and Anite; taking and recording enquiries and service requests; collating data on infectious diseases; collating information for the Food Standards Agency; internal performance monitoring; on-line services; and legislative compliance.

A balanced workload has been proposed for the 2012/13 year which incorporates a full range of enforcement actions including food safety interventions, advice and assistance. Due to the nature of the service some interventions are carried out during evenings and weekends. The plan has been based upon the service being fully staffed. If staffing levels are not maintained, then the service will be under-resourced to meet the requirements of this service plan. This will have an impact on completion of inspections targets (particularly lower-risk ones) and the delivery of the development plan as outlined below. The occurrence of any major incidents, large or legally or technically complex cases or enforcement action, or a food poisoning outbreak would also have a significant impact on the delivery of the service plan.

The impact of large scale events such as the Secret Garden Party (SGP) and Heritage events also needs to be recognised. In 2011 the SGP resulted in an additional 100 food hygiene inspections of temporary caterers, enforcement activity, use of sampling resources, and considerable staff involvement.

DEVELOPMENT PLAN 2012/13

During 2012/13, the following developments are planned. This work is in addition to proactive and reactive food enforcement and promotional work being undertaken as identified in this service plan and is linked to the objectives and outcomes identified in the Corporate Plan 2012/13, the Sustainable Community Strategy and Regional and National strategies

- Maintain, review and update the Flare database to include business email addresses so as to improve communication with businesses and identify efficiency savings
- Maintain, review and where relevant develop the work undertaken to address the FSA guidance on controlling the risk of cross contamination from E.coli O157 within catering and retail businesses
- Deliver targeted educational and enforcement interventions for high-risk businesses which consistently demonstrate poor compliance (ratings between 0-2)
- Continue to review existing and identify any new private water supplies and onward distribution systems within the district and carry out appropriate risk assessments as required by legislation
- Finalise Standard Operating Procedures in the light of changes to legislation and regional and national policy changes
- Further promote the healthy eating project 'tips on chips' and other health-related projects and campaigns to relevant caterers and the local community

- Migrate to FSA National Food Hygiene Rating Scheme (FHRS) replacing the Scores on the Doors Scheme. Continue to develop and review the FHRS
- Review the Better Regulation Delivery Office's Primary Authority Scheme in relation to local businesses
- Maintain and review the Council's food service website content and customer information access.
- Assess the effectiveness of identified online food hygiene training available to food handlers working in the district
- Develop an intervention strategy to deal with the use of community halls and buildings as venues for Food Business Operator's (FBO's)
- Consider the feasibility of adopting and implementing the UK Food Surveillance system (UKFSS) national database to record results of all food and water samples
- Provide and display promotional materials to support the 2012 FSA National Food Safety Week 11-17 June
- Identify the number and whereabouts of car boot sales within the district and formulate a plan to identify the number and types of food businesses trading on them

Standards Committee

Report of the meeting held on 21st June 2012

Matter for Decision

1. NEW STANDARDS REGIME

The Committee has considered a report by the Head of Legal & Democratic Services and Monitoring Officer, a copy of which is reproduced as Annex A hereto, on the issues that require to be considered to ensure that the District Council is ready to comply with the requirements of Chapter 7 of the Localism Act 2011 and recently published Regulations in respect of new 'standards' and code of conduct arrangements.

The Council still is required to

- to promote and maintain high standards of conduct by elected Members and co opted Members of the Authority;
- adopt a Code dealing with the conduct that is expected of Members and co opted Members of the Authority when they are acting in that capacity; and
- have in place arrangements under which complaints can be investigated and under which allegations of misconduct can be made.

The Monitoring Officer must establish and maintain a Register of interests of Members and co opted Members and provide a means for disclosure on pecuniary and other interests. Because of the timescale imposed by the Government for the adoption of a new Code and given the range and volume of associated implications, the Committee has authorised the Head of Legal & Democratic Services and Monitoring Officer to take appropriate action, for instance, to establish and maintain registers, arrange training sessions for District, Town and Parish Councils, commence the process for the appointment of Independent Persons, act as 'Proper Officer' for the receipt of complaints and finalise a protocol responding to allegations of misconduct. These requirements are described in more detail in Annex A .

Matters relating to the Constitution and proposed variations to the Council Procedure Rules (Standing Orders) also have been considered by the Corporate Governance Panel and the views of that Panel will be reflected in the Report of their meeting in Item No 7(j).

The District Council and all Parish Councils within Huntingdonshire must adopt a new Code setting out the conduct expected of their Councillors when acting in their capacity as an elected Member. Having reviewed the merits of draft Codes compiled by the Cambridgeshire District and County Councils, the Department for Communities and Local Government, the National Association of Local Councils and the Local Government Association, the Committee has indicated a preference for the option reproduced at Annex B hereto which is based on a draft produced by a well regarded legal expert on ethical standards matters.

Whilst there is no longer a statutory duty to appoint a Standards Committee, there remains a need to respond to standards issues, consider complaints and potentially undertake investigations. For these purposes, existing Members considered that it remained convenient to retain a Standards Committee and, as this Committee would continue to have responsibility for dealing with complaints against Members of Parish Councils, for the membership to include Parish Council representatives as non voting Members of the Committee.

The new arrangements adopted by the Council must include provision for the appointment of at least one independent person. This individual must be appointed through a process of public advertisement and application. A Selection Panel appointed by the new Standards Committee will be required to shortlist and interview candidates for this position. Arrangements for the appointment of the successful candidate will be reported to the next meeting of the Council.

Lastly, and subject to the views of the Corporate Governance Panel, the changes to 'standards' arrangements will result in the requirement for variations to the Constitution.

Having discussed these matters in detail, the Committee

RECOMMEND

- (a) that the Code of Conduct reproduced at Annex B hereto be adopted as the basis for the new Code of Conduct for Huntingdonshire and the Head of Legal & Democratic Services and Monitoring Officer authorised to finalise the preferred option after consultation with the Chairman of the Standards Committee;**
- (b) that a Standards Committee be appointed comprising seven elected Members of the District Council based on appropriate political proportionality and to include one Member who is a Member of the Executive (as currently constituted);**
- (c) that Parish Councils be invited to nominate two parish councillors to be co opted as non voting Members of the new Committee; and**

- (d) that the Head of Legal & Democratic Services and Monitoring Officer be authorised, after consultation with the Chairmen of the Standards Committee and Corporate Governance Panel to make any appropriate variations to the Constitution consequent upon the changes to the District Council's standards arrangements.**

Matters for Information

2. APPLICATIONS FOR DISPENSATION

To prevent the transaction of town and parish council business from being impeded by virtue of the interests that would need to be declared by Members of the Councils in question, the Committee has approved two applications for dispensation from St Ives Town and Great & Little Gidding Parish Councils. Granting the dispensations will enable Members of those Councils to speak and vote on matters relating to the community interest company set up to manage the Corn Exchange in St Ives and the Village Hall, Recreation Field and Great Gidding Charity for the period ending 30th April 2016 after which time an application for the newly elected Councillors will need to be submitted.

3 LOG OF CODE OF CONDUCT ENQUIRIES

The Committee has noted the nature of the Code of Conduct enquiries recorded by the Monitoring Officer over the period December 2011 to June 2012.

4. TRAINING UPDATE

The Monitoring Officer has reported that he has presented training on the code of conduct to St Ives Town Council, to the Society of Local Council Clerks and to newly elected District Councillors as part of their 'new Member induction'.

5. CASE DETAILS

For interest and training purposes, the Committee has noted details of a case which had involved a Member seeking a judicial review of a decision taken by the Adjudication Panel for Wales in respect of an alleged breach of the local authority Code of Conduct. Given the strength of the right to freedom of expression and the fact that the majority of comments posted by a Councillor on his website were directed at other Councillors, it was held that the decision by the Adjudication Panel was a disproportionate interference with the Councillor's rights under the European Convention on Human Rights.

6. REPORTS OF SUB COMMITTEES

Reports on the activities of the Referrals (Assessment), Review and Consideration & Hearing Sub Committees have been presented to the

Committee. Complaints considered over seven meetings have involved Members of the District and St Neots Town, Upwood & The Raveleys and Yaxley Parish Councils.

D L Hall
Chairman

NEW STANDARDS REGIME
Report by the Head of Legal & Democratic Services
and Monitoring Officer)

1. INTRODUCTION

- 1.1 At its meeting held on 1st December 2011, the Standards Committee was advised, in general terms, of the provisions of the Localism Act 2011 as it related to Standards and the Code of Conduct. The Committee expected that the Regulations due to follow would interpret the detail of the Act and assist the Monitoring Officer in putting in place new 'standards' arrangements for the District Council.
- 1.2 Draft Regulations have only just been published and despite representations to Government requesting a postponement of the commencement date (on the basis that the timescale for adoption of a new Code and its implications was too short) it is unlikely that the implementation date of 1st July 2012 will change. A special meeting of the Committee has therefore been called to ensure that the District Council is ready to comply with the Act by 1st July 2012. The recommendations in this report are based on the assumption that the necessary Regulations have come into effect by this date.

2. BACKGROUND AND ESSENTIAL REQUIREMENTS

- 2.1 Chapter 7 of the Localism Act 2011 relating to Standards makes it a duty for –
- ◆ each "relevant authority" to promote and maintain high standards of conduct by elected Members and Co-opted Members of the Authority;
 - ◆ a "relevant authority" must, in particular, adopt a Code dealing with the conduct that is expected of Members and Co-opted Members of the Authority when they are acting in that capacity;
 - ◆ the Monitoring Officer must establish and maintain a Register of Interests of Members and Co-opted Members of the Authority and provide a means for the disclosure of pecuniary and other interests; and
 - ◆ a relevant Authority must have in place arrangements under which complaints can be investigated and under which allegations of misconduct can be made.
- 2.2 Changes to the way in which requests for dispensation and the appointment of the Standards Committee and Independent Persons also need to be addressed. The intention of the Act is to replace the current standards regime with shorter, more cost-effective and proportionate investigations with less time consuming hearings and procedures. There is local discretion to design a process which meets the District Council's circumstances but that is sufficiently robust to assure members of the public that any complaints will be dealt with appropriately.

2.3 The following paragraphs address each requirement in turn.

3. A NEW CODE OF CONDUCT

3.1 The Model Code of Conduct will be replaced and the District Council and all Parish Councils within Huntingdonshire must adopt a new Code setting out the conduct expected of their Members when acting in their capacity as an elected Member. The Code should be consistent with the following principles –

- (i) selflessness;
- (ii) integrity;
- (iii) objectivity;
- (iv) accountability;
- (v) openness;
- (vi) honesty;
- (vii) leadership

and should provide for the registration (and disclosure) of pecuniary interests and interests other than pecuniary interests.

3.2 To seek to achieve consistency of approach locally, Monitoring Officers across all Cambridgeshire Authorities have produced a draft Code of Conduct which is reproduced as Appendix A hereto.

3.3 The Government also has published illustrative text (Appendix B) setting out what a Council's Code of Conduct might look like under the incoming standards regime.

3.4 For completeness and for comparative purposes, copies of draft Codes produced by the National Association of Local Councils (NALC) and the Local Government Association (LGA) are also enclosed at Appendices C and D.

3.5 Although in the existing Code, no provision is made in the draft Code produced by Cambridgeshire Monitoring Officers for the declaration of gifts and hospitality. The Committee might wish to consider whether the following text relating to gifts and hospitality should be included in the new Code for Huntingdonshire –

- i. You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £50 which you have accepted as a Member from any person or body other than the authority;
- ii. The Monitoring Officer will place your notification on a public register of gifts and hospitality; and
- iii. This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

RECOMMENDATION

that the Head of Legal & Democratic Services and Monitoring Officer be authorised to finalise the preferred option and that the Council be recommended to adopt this option as the new Code of Conduct for Huntingdonshire.

4. REGISTRATION AND DISCLOSURE OF MEMBERS' INTERESTS

- 4.1 The Monitoring Officer is required to establish and maintain a Register of Interests of Members and Co-opted Members of the Authority and to define what interests must be registered. The Register of Interests must be made available for inspection and published on the District Council's website. The Monitoring Officer also is responsible for maintaining the Register for Parish Councils which also is required to be open for inspection at the District Council's offices and on the District Council's website and where a Parish Council has a website, the District Council is required to provide the Parish Council with the information required to enable the Parish Council to publish its current Register on its own website.
- 4.2 The Code of Conduct to be adopted by the District Council should contain appropriate requirements for the registration and disclosure, of pecuniary interests and interests other than pecuniary interests.
- 4.3 As previously, an elected Member or Co-opted Member must register their disclosable interests within 28 days of their election to office or co-option. Whilst there is no continuing requirement for a Member to keep the Register up to date except on re-election/re-appointment, it would seem to be good practice for Members to review their registered interests regularly and update their declaration as necessary.
- 4.4 The Secretary of State for Communities and Local Government has now specified the disclosable pecuniary interests for the purposes of Section 30 (3) of the Act. These are broadly equivalent to the current prejudicial interests and are described in Appendix E hereto. The Act extends the requirement for registration to cover not just the Members' own interests but also those of the Members' spouse, or civil partner, or someone living with the Member in a similar capacity provided the Member is aware that the other person has the interest. The duty to disclose interests at and withdraw from meetings and advice on sensitive interests is covered in the proposed Code of Conduct referred to in paragraph 3.2. Failure to disclose without a reasonable excuse is a criminal offence potentially carrying a scale 5 fine (£5,000) and/or disqualification of up to five years.

RECOMMENDATIONS

- (a) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain a new Register of Members' Interests in compliance with the requirements of the Localism Act 2011 and the Council's Code of Conduct and ensure it is available for public inspection in accordance with the Act;
- (b) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to establish and maintain new registers of interest for each Parish Council in Huntingdonshire in compliance with the Localism Act 2011 and the Code of Conduct adopted by the respective Parish Council and ensure that they are available for public inspection in accordance with the Act; and

- (c) that, after consultation with the Chairman of the Committee, the Head of Legal & Democratic Services and Monitoring Officer be requested to arrange sessions to train District, Town and Parish Councillors on the new registration and disclosure requirements.

5. STANDARDS COMMITTEES (APPOINTMENT OF INDEPENDENT PERSONS AND PARISH COUNCIL REPRESENTATIVES)

5.1 The Localism Act repeals Section 55 of the Local Government Act 2000 which imposes a statutory duty to appoint a Standards Committee. Whilst there is no longer a requirement for a Standards Committee, there still will be a need to respond to standards issues and consider how best to deal with any complaints and investigations. Should Members consider that it remains convenient to retain a Standards Committee or Sub-Committee, that body would be an ordinary Committee or Sub-Committee established under Section 102 of the Local Government Act 1972 and thus –

- ◆ its composition would be governed by proportionality and the present restriction to only one member of the Executive on the Committee will cease to apply (*on the recommendation of the former 'Standards For England', the District Council has since 2000 appointed the Committee with appropriate political representation with the support of all parties and included one Cabinet Member in its membership.*)
- ◆ it will be subject to the same requirements on confidential and exempt information as any other Committee;
- ◆ it would not include Independent Members (other than as non-voting co-optees);
- ◆ it would not include Parish Council representatives unless the Council decides to retain them as non-voting co-optees.

Independent Persons

5.2 The four current independent Members will cease to hold office with effect from 30th June 2012. The Act establishes a new category of independent persons and arrangements adopted by Council must include provision for the appointment of at least one independent person. Independent persons must be appointed through a process of public advertisement and application and there are strict rules preventing a person from being appointed if they are a friend or relative to any Member or Officer of the Authority, or of any Parish Council within the Authority's area.

5.3 The functions of the Independent Person(s) are:

- They **must** be consulted by the authority before it makes a finding as to whether a member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that member (this means on a decision to take no action where the investigation finds no evidence of breach or, where the investigation finds evidence that there has been a breach, on any local resolution of the complaint, or on any finding of breach

and on any decision on action as a result of that finding);

- They **may** be consulted by the authority in respect of a standards complaint at any other stage;
- They **may** be consulted by a member or co-opted member of the District Council or of a Parish Council against whom a complaint has been made; and
- They may be involved in the grant of dispensations.

5.4 In response to representations, transitional provisions appear now to enable Councils to re-appoint existing independent Members as independent persons to retain expertise and skills but following a robust recruitment process. Such arrangements only apply to appointments made before 1st July 2013. Whilst the Act gives discretion to appoint one or more independent persons, Members might consider that there appears to be little advantage in that provided that a reserve independent person was retained without need for re-advertisement in the event that the independent person is not available to discharge the function. The remuneration of the independent person would no longer fall under the Scheme of Members' Allowances and can therefore be determined without reference to the Independent Remuneration Panel. As the role of the independent person is likely to be less onerous, it might be appropriate to undertake a review of the function before setting the remuneration.

5.5 At one stage during discussions between the Monitoring Officers of Cambridgeshire Authorities, there was a suggestion that it would be appropriate to co ordinate the advertisement of all vacancies for independent persons with neighbouring authorities so that experienced independent members could be retained as an independent person at a neighbouring authority. The Committee may consider that joint recruitment of independent persons might be appropriate.

Parish Council Representatives

5.6 The District Council will continue to have responsibility for dealing with standards complaints against Members of Parish Councils but the current Parish Council representatives will cease to hold office. The District Council can choose whether it wishes to continue to involve Parish Council representatives (currently two appointed by CPALC with one vacancy) and if so, how many. A Standards Committee or Sub-Committee could be established with co-opted but non-voting Parish Council representatives.

RECOMMENDATIONS

- (a) that the Council be recommended to appoint a Standards Committee comprising seven elected Members of the District Council based on appropriate political proportionality and to include one Member who is a Member of the Executive (*as currently constituted*);

- (b) that the Council be recommended to invite Parish Councils to nominate 2 Parish Councillors to be co-opted as non-voting members of the committee;
- (c) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to commence the process for the appointment of at least 2 independent person(s)(one permanent and one able to act in reserve) and to undertake a review of the role and remuneration of the position;
- (d) that a Selection Panel comprising three Members of the Committee be established to short list and interview candidates for the position of independent persons and to recommend an appointment to Council; and
- (e) that the Head of Legal & Democratic Services and Monitoring Officer be authorised to pursue, if appropriate, the possibility of a joint recruitment exercise with Cambridgeshire Authorities to appoint independent persons.

6. **ARRANGEMENTS FOR RESPONDING TO COMPLAINTS (MONITORING OFFICER'S PROTOCOL)**

- 6.1 The Localism Act requires that the Council adopt "arrangements" for dealing with complaints of breach of conduct both by District and Parish Council Members as such complaints can only be dealt with in accordance with such "arrangements". The "arrangements" must set out in some detail the process for dealing with complaints of misconduct and the actions which may be taken against a Member who is found to have failed to comply with the relevant Code of Conduct. The Act repeals the requirements for separate Referrals, Review and Consideration & Hearing Sub-Committees and enables the Council to establish its own process and delegate appropriate powers to any Committee and the Monitoring Officer.
- 6.2 Major changes are required to the current Monitoring Officer's Protocol which is contained in the Part 5 of the Constitution (page 347). Principally this will require amendment to make provisions for the new functions of the independent person. From experience of the nature of complaints which have arisen over the last four years and given the increasing pressure to be placed on the Monitoring Officer in any proposed new approach to the handling of complaints, the Committee might wish to express the view that any new local assessment procedure should include a requirement that complaints made about Parish Councillors should be addressed to the Parish Council under their complaints process in the first instance and only be considered by the Monitoring Officer once local measures have been exhausted unless the town or parish council can demonstrate to the satisfaction of the Monitoring Officer that such a course of action is not practicable.
- 6.3 Most Members have been involved in the Referrals, Review and Consideration & Hearing Sub-Committees over recent years and may wish to comment on how the District Council should respond to

complaints in the future bearing in mind that it is the desire to streamline current arrangements.

- 6.4 A draft Monitoring Officer's protocol for the management of complaints and proposed Complaints Procedure Flowchart are enclosed at Appendices F and G respectively. Member's comments are invited on these proposed procedures.

RECOMMENDATIONS

- (a) that, subject to Members' views, the Head of Legal & Democratic Services and Monitoring Officer be authorised to finalise the protocol for the discharge of functions in relation to allegations that a Member of Huntingdonshire District Council or Parish Council in the District failed to comply with the adopted Code of Conduct; and
- (b) that the Head of Legal & Democratic Services and Monitoring Officer be appointed as the Proper Officer to receive complaints of failure to comply with the Code of Conduct and authorised to determine allegations in accordance with the agreed protocol.

7. OTHER ISSUES

- 7.1 The various changes required to the standards regime will have a major impact on the District Council's Constitution. Once decisions have been made by the Council on how it intends to manage standard issues in the future, amendments will have to be made to the following sections -

Article 9 - Standards Committee
Table 1 - Responsibility for Local Choice functions

Part 5 - Codes and Protocols

- 7.2 Whilst the proposed new Code of Conduct will make appropriate provisions for the disclosure of interests and for Members to withdraw from the meeting room there is a suggestion that the requirement to withdraw could formally be included within the District Council's Procedure Rules (Council Standing Orders).
- 7.3 If a Member has a disclosable pecuniary interest in any matter, he/she must not -
- ◆ participate in any discussion of the matter at the meeting. (The Act does not define discussion, but this would appear to preclude making representations as currently permitted under paragraph 12 (2) of the Model Code of Conduct); or
 - ◆ participate in any vote on the matter, unless he/she has obtained a dispensation allowing him/her to speak and/or vote.
- 7.4 Failure to comply with the requirements becomes a criminal offence rather than leading to sanctions. The requirement to withdraw from

the meeting room can be covered by Standing Orders so that failure to comply will be neither a criminal offence nor a breach of code of conduct. A meeting could also vote to exclude a Member. Under the existing statutory Code, Members are required to leave a meeting if they have a prejudicial interest in the business under consideration. As the Code to be adopted by the District Council is not statutorily prescribed, Members may feel that it is appropriate to reflect this requirement in Standing Orders to strengthen the obligation to declare a disclosable pecuniary interest and withdraw.

7.5 Transitional provisions provide for the determination of any outstanding complaints under the current Code of Conduct if these were received before 1st July 2012.

7.6 **Dispensations**

The provisions on dispensations are significantly changed by the Localism Act 2011.

At present, a Member who has a prejudicial interest may apply to Standards Committee for a dispensation on two grounds:

- that at least half of the Members of a decision-making body have prejudicial interests; and
- that so many Members of one political party have prejudicial interests that it will upset the result of the vote on the matter.

In future, a dispensation will be able to be granted in the following circumstances:

- i. that so many Members of the decision-making body have DPs in a matter that it would “impede the transaction of the business”. In practice this means that the decision-making body would be inquorate as a result; and
- ii. that, without the dispensation, the representation of different political groups on the body transacting the business would be so upset as to alter the outcome of any vote on the matter.
- iii. that the authority considers that the dispensation is in the interests of persons living in the authority’s area;
- iv. that, without a dispensation, no Member of the Cabinet would be able to participate on this matter (so, the assumption is that, where the Cabinet would be inquorate as a result, the matter can then be dealt with by an individual Cabinet Member. It will be necessary to make provision in the scheme of delegations from the Leader to cover this, admittedly unlikely, eventuality); or
- v. that the authority considers that it is otherwise appropriate to grant a dispensation.

As at present, any grant of a dispensation must specify how long it lasts for, up to a maximum of 4 years.

The next significant change is that, where the Local Government Act 2000 required that dispensations be granted by a Standards Committee, the Localism Act gives discretion for this power to be delegated to Standards Committee or a Sub-Committee, or to the Monitoring Officer. Grounds (i) and (iv) are pretty objective, so it may be appropriate to delegate dispensations on these grounds to the Monitoring Officer, with an appeal to the Standards Committee. Grounds (ii), (iii) and (v) are rather more objective and so it may be appropriate that the discretion to grant dispensations on these grounds remains with Standards Committee, after consultation with the Independent Person.

7.7 RECOMMENDATIONS

- (a) that, after consultation with the Chairman of the Standards Committee, the Head of Legal & Democratic Services and Monitoring Officer be authorised to make any appropriate variations to the Constitution consequent upon the changes to the District Council's Standards arrangements (7.1);
- (b) that the views of the Committee be requested on whether to amend the Council's Procedure Rules (Standing Orders) to require that a Member must withdraw from a meeting room during the consideration of any item of business in which he/she has a disclosable pecuniary interest (7.2); and
- (c) that the Committee consider the arrangements that would be appropriate for granting dispensations (7.6).

8. CONCLUSIONS

- 8.1 The Committee/Panel are invited to express their views and consider the recommendations set out in this report.

BACKGROUND PAPERS

Localism Act 2011 (Part 1 - Local Government, Chapter 7, Standards).
 Draft Regulations - The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
 The Localism Act 2011 (Commencement No 6 and Transitional Savings, Transitional Provisions) Order 2012

**Contact Officer: Colin Meadowcroft,
 Head of Legal & Democratic Services and
 Monitoring Officer/**

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**CAMBRIDGESHIRE AUTHORITIES
MEMBERS' CODE OF CONDUCT**

The Members' Code of Conduct is intended to promote high standards of behaviour amongst the elected and co-opted members of the council.

The Code is underpinned by the following principles of public life which should borne in mind when interpreting the meaning of the Code:-

- (i) **Selflessness** Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.
- (ii) **Integrity** Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.
- (iii) **Objectivity** In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.
- (iv) **Accountability** Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.
- (v) **Openness** Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.
- (vi) **Honesty** Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.
- (vii) **Leadership** Holders of public office should promote and support these principles by leadership and example.

PART 1

GENERAL PROVISIONS

1. INTRODUCTION AND INTERPRETATION

- 1.1. This Code applies to **you** as a member of Cambridgeshire Authorities.
- 1.2. The term “**the Authority**” used in this Code refers to Cambridgeshire Authorities.
- 1.3. “**Member**” means any person being an elected or co-opted member of the Authority.
- 1.4. It is **your** responsibility to comply with the provisions of this Code.
- 1.5. In this code –
- “**Meeting**” means any meeting of
- (a) The Authority;
 - (b) The executive of the Authority;
 - (c) Any of the Authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees, or area committees;
 - (d) Any of the Authority’s advisory groups and executive boards, working parties and panels
- 1.6. In this Code “relevant authority” has the meaning given to it by section 27(6) of the Localism Act 2011.

2. SCOPE

- 2.1. You must comply with this Code whenever you act, claim to act or give the impression you are acting in your official capacity as a Member of the Authority.
- 2.2. Where you act as a representative of the Authority:-
- (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. GENERAL OBLIGATIONS

3.1. You must treat others with respect.

3.2. You must not:-

- (a) do anything which may cause the Authority to breach UK equalities legislation;
- (b) bully any person
- (c) intimidate or attempt to intimidate any person who is or is likely to be:-
 - (i) a complainant;
 - (ii) a witness; or
 - (iii) involved in the administration of any investigation or proceedings,
- (d) in relation to an allegation that a Member (including yourself) has failed to comply with his or her authority's code of conduct, do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, the Authority.
- (e) conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.

4. YOU MUST NOT

4.1. Disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:-

- (a) you have the consent of a person authorised to give it;
- (b) you are required by law to do so;
- (c) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
- (d) the disclosure is:-
 - (i) reasonable and in the public interest; and
 - (ii) made in good faith and in compliance with the reasonable requirements of the authority; or

4.2. Prevent another person from gaining access to information to which that person is entitled by law.

5. YOU MUST NOT

- 5.1. Use or attempt to use your position as a member improperly to confer on, or secure for yourself or any other person, an advantage or disadvantage; and

6. YOU MUST

- 6.1. When using or authorising the use by others of the resources of your authority:-
- (a) act in accordance with your authority's reasonable requirements;
 - (b) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- 6.2. Have regard to any Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2

INTERESTS

7. DISCLOSABLE PECUNIARY INTERESTS

- 7.1. Breaches of the rules relating to disclosable pecuniary interests may lead to criminal sanctions being imposed.
- 7.2. You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State and either:
- (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner;
 - (ii) a person with whom you are living as husband and wife, or
 - (iii) a person with whom you are living as if you were civil partners

and you are aware that that other person has the interest.

8. REGISTRATION OF DISCLOSABLE PECUNIARY INTERESTS AND PERSONAL INTERESTS

8.1. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of:

- (a) this Code being adopted or applied by the Authority; or
- (b) your election or appointment (where that is later),

notify the Authority's Monitoring Officer in writing of any Disclosable Pecuniary Interests and/or Personal Interests you have at that time.

8.2. Subject to paragraph 10 below (sensitive interests), you must, within 28 days of becoming aware of any new Disclosable Pecuniary Interest/Personal Interests or any change to any such interest, notify the Authority's Monitoring Officer in writing of that new pecuniary interest or change, pursuant to sub-paragraph 9.1 above.

9. DISCLOSABLE PECUNIARY INTERESTS IN MATTERS CONSIDERED AT MEETINGS OR BY A SINGLE MEMBER

9.1. If you attend a meeting and have and are aware that you have a disclosable pecuniary interest in any matter to be considered, or being considered, at that meeting -

- (a) if the interest is not entered in the Authority's register of members' interests, you must, subject to sub-paragraph 11.1 below, disclose to the meeting the fact that you have a Disclosable Pecuniary Interest in that matter. If you have not already done so, you must notify the Authority's Monitoring Officer of the interest before the end of 28 days beginning with the date of the disclosure, and
- (b) whether the interest is registered or not you must not – unless you have obtained a dispensation from the Authority's Monitoring Officer –
 - (i) apart from making representations, giving evidence or answering questions, prior to the commencement of the debate on that matter, participate, or participate further, in any discussion of the matter at the meeting; or
 - (ii) remain in the meeting room whilst the matter is being debated or participate in any vote taken on the matter at the meeting.

Single member action

9.2. If you are empowered to discharge functions of the Authority acting alone, and have and aware that you have a disclosable pecuniary interest in any matter dealt with, or being dealt with, by you in the course of discharging that function, you must not take any steps, or any further steps, in relation to the matter (except for the purposes of enabling the matter to be dealt with otherwise than by you).

10. SENSITIVE INTERESTS

- 10.1. Where you consider (and the Authority's Monitoring Officer agrees) that the nature of a Disclosable Pecuniary or Personal Interest is such that disclosure of the details of the interest could lead to you or a person connected with you being subject to intimidation or violence, it is a "sensitive interest" for the purposes of the Code, and the details of the sensitive interest do not need to be disclosed to a meeting, although the fact that you have a sensitive interest must be disclosed, in accordance with paragraph 9.1 above.

11. PERSONAL INTERESTS

- 11.1. You have a personal interest in any business of your authority where either -
- (a) it relates to or is likely to affect -
 - (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
 - (ii) any body -
 - (aa) exercising functions of a public nature;
 - (bb) directed to charitable purposes; or
 - (cc) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union), of which you are a member or in a position of general control or management;
 - (iii) any employment or business carried on by you;
 - (iv) any person or body who employs or has appointed you;
 - (v) any person or body, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties;
 - (vi) any person or body who has a place of business or land in your authority's area, and in whom you have a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);
 - (vii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi);

- (viii) the interests of any person from whom you have received a gift or hospitality th an estimated value of at least £50;
 - (ix) any land in your authority's area in which you have a beneficial interest;
 - (x) any land where the landlord is your authority and you are, or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specified in paragraph (vi) is, the tenant;
 - (xi) any land in the authority's area for which you have a licence (alone or jointly with others) to occupy for 28 days or longer; or
- (b) a decision in relation to that business might reasonably be regarded as affecting your well-being or financial position or the well-being or financial position of a relevant person to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision.
- 11.2. In sub-paragraph (1)(b), a relevant person is -
- (a) a member of your family or any person with whom you have a close association; or
 - (b) any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors;
 - (c) any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000; or
 - (d) any body of a type described in sub-paragraph (1)(a)(i) or (ii).

PART 3

RELATED DOCUMENTS

12. Arrangements for dealing with alleged breaches of the Cambridgeshire Authorities Members' Code of Conduct.

Illustrative text for code dealing with the conduct expected of members and co-opted members of the authority when acting in that capacity

You are a member or co-opted member of the [name] council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a member or co-opted member -

You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.

When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.

You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.

You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.

You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out in the box below.

You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

Registering and declaring pecuniary and non-pecuniary interests

You must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary interest as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.

In addition, you must, within 28 days of taking office as a member or co-opted member, notify your authority's monitoring officer of any disclosable pecuniary or non-pecuniary interest which your authority has decided should be included in the register.

If an interest has not been entered onto the authority's register, then the member must disclose the interest to any meeting of the authority at which they are present, where they have a disclosable interest in any matter being considered and where the matter is not a 'sensitive interest'.¹

Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the monitoring officer of the interest within 28 days beginning with the date of disclosure.

Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a pecuniary interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

¹ A 'sensitive interest' is described in the Localism Act 2011 as a member or co-opted member of an authority having an interest, and the nature of the interest being such that the member or co-opted member, and the authority's monitoring officer, consider that disclosure of the details of the interest could lead to the member or co-opted member, or a person connected with the member or co-opted member, being subject to violence or intimidation.

APPENDIX C

Template Code of Conduct

As a member or co-opted member of *[X authority]* I have a responsibility to represent the community and work constructively with our staff and partner organisations to secure better social, economic and environmental outcomes for all.

In accordance with the Localism Act provisions, when acting in this capacity I am committed to behaving in a manner that is consistent with the following principles to achieve best value for our residents and maintain public confidence in this authority.

SELFLESSNESS: Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other material benefits for themselves, their family, or their friends.

INTEGRITY: Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

OBJECTIVITY: In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

ACCOUNTABILITY: Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

OPENNESS: Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

HONESTY: Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

LEADERSHIP: Holders of public office should promote and support these principles by leadership and example.

The Act further provides for registration and disclosure of interests and in *[X authority]* this will be done as follows: *[to be completed by individual authorities]*

APPENDIX C

As a Member of *[X authority]*, my conduct will in particular address the statutory principles of the code of conduct by:

- Championing the needs of residents – the whole community and in a special way my constituents, including those who did not vote for me - and putting their interests first.
- Dealing with representations or enquiries from residents, members of our communities and visitors fairly, appropriately and impartially.
- Not allowing other pressures, including the financial interests of myself or others connected to me, to deter me from pursuing constituents' casework, the interests of the *[county][borough][Authority's area]* or the good governance of the authority in a proper manner.
- Exercising independent judgement and not compromising my position by placing myself under obligations to outside individuals or organisations who might seek to influence the way I perform my duties as a member/co-opted member of this authority.
- Listening to the interests of all parties, including relevant advice from statutory and other professional officers, taking all relevant information into consideration, remaining objective and making decisions on merit.
- Being accountable for my decisions and co-operating when scrutinised internally and externally, including by local residents.
- Contributing to making this authority's decision-making processes as open and transparent as possible to enable residents to understand the reasoning behind those decisions and to be informed when holding me and other members to account but restricting access to information when the wider public interest or the law requires it
- Behaving in accordance with all our legal obligations, alongside any requirements contained within this authority's policies, protocols and procedures, including on the use of the Authority's resources.
- Valuing my colleagues and staff and engaging with them in an appropriate manner and one that underpins the mutual respect between us that is essential to good local government.
- Always treating people with respect, including the organisations and public I engage with and those I work alongside.
- Providing leadership through behaving in accordance with these principles when championing the interests of the community with other organisations as well as within this authority.

NALC's template code of conduct for parish councils

As explained in paragraph 13 of LTN 80 – 'Members' conduct and the registration and disclosure of their interests (England)', NALC has produced a template code of conduct for parish councils because:

- it does not recommend that parish councils adopt the LGA's template code of conduct and
- parish councils may not want to draft their own or adopt their principal authority's code of conduct.

Unlike the LGA's template code of conduct, the attached NALC template code of conduct has the following features:

1. It uses concise and clear language to define members' obligations in respect of their conduct.
2. It incorporates members' mandatory obligations in respect of disclosable pecuniary interests. These are yet to be defined by regulations which are expected to be made before 1 July 2012 and will be inserted in Appendix A of the NALC template.
3. It sets out other pecuniary interests and non pecuniary interests in Appendix B of the NALC template about which members have obligations with regard to registration, disclosure, and speaking at meetings.
4. It describes the circumstances in which a parish council may grant a dispensation for members to participate and vote on a matter at a meeting.
5. It accommodates variations to be made to it except in relation to members' mandatory obligations about disclosable pecuniary interests in Appendix A. Substantive amendments to the NALC template code of conduct are not recommended because it establishes (i) the minimum standards for members' conduct which are consistent with the Nolan principles of conduct in public life and (ii) a proportionate range of pecuniary and non pecuniary interests which members are subject to.

It is likely that some of the interests presently included in Appendix B of the NALC template will constitute disclosable pecuniary interests, prescribed by regulation, and that any such interests will need to be included in Appendix A. NALC will publish the final version of its template code of conduct after regulations which define disclosable pecuniary interests have been made.

This briefing was issued by Meera Tharmarajah, Solicitor and Head of Legal Services

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NALC template code of conduct for parish councils

Introduction

Pursuant to section 27 of the Localism Act 2011, X [Parish/Town/Village/Community/Neighbourhood] Council ('the Council') has adopted this Code of Conduct to promote and maintain high standards of behaviour by its members and co-opted members whenever they conduct the business of the Council including the business of the office to which they were elected or appointed or when they claim to act or give the impression of acting as a representative of the Council.

This Code of Conduct is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty, and leadership.

Definitions

For the purposes of this Code, a 'co-opted member' is a person who is not a member of the Council but who is either a member of any committee or sub-committee of the Council, or a member of, and represents the Council on any joint committee or joint sub-committee of the Council, and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee.

For the purposes of this Code, a 'meeting' is a meeting of the Council, any of its committees, sub-committees, joint committees or joint sub-committees.

For the purposes of this Code, and unless otherwise expressed, a reference to a member of the Council includes a co-opted member of the Council.

Member obligations

When a member of the Council acts, claims to act or gives the impression of acting as a representative of the Council, he/she has the following obligations.

1. He/she shall behave in such a way that a reasonable person would regard as respectful.
2. He/she shall not act in a way which a reasonable person would regard as bullying or intimidatory.
3. He/she shall not seek to improperly confer an advantage or disadvantage on any person.
4. He/she shall use the resources of the Council in accordance with its requirements.
5. He/she shall not disclose information which is confidential or where disclosure is prohibited by law.

Registration of interests

6. Within 28 days of this Code being adopted by the Council, or the member's election or the co-opted member's appointment (where that is later), he/she shall register all interests which fall within the categories set out in Appendices A and B.
7. Upon the re-election of a member or the re-appointment of a co-opted member, he/she shall within 28 days re-register any interests in Appendices A and B.
8. A member shall register any change to interests or new interests in Appendices A and B within 28 days of becoming aware of it.
9. A member need only declare on the public register of interests the existence but not the details of any interest which the Monitoring Officer agrees is a 'sensitive interest'.

APPENDIX D

A sensitive interest is one which, if disclosed on a public register, could lead the member or a person connected with the member to be subject to violence or intimidation.

Declaration of interests

9. Where a matter arises at a meeting which relates to an interest in Appendix A the member shall not participate in a discussion or vote on the matter. He/she only has to declare what his/her interest is if it is not already entered in the member's register of interests or if he/she has not notified the Monitoring Officer of it.
10. Where a matter arises at a meeting which relates to an interest in Appendix A which is a sensitive interest, the member shall not participate in a discussion or vote on the matter. If it is a sensitive interest which has not already been disclosed to the Monitoring Officer, the member shall disclose he/she has an interest but not the nature of it.
11. Where a matter arises at a meeting which relates to an interest in Appendix B, the member shall withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting.
12. A member only has to declare his/her interest in Appendix B if it is not already entered in his/her register of interests or he/she has not notified the Monitoring Officer of it or if he/she speaks on the matter before withdrawing. If he/she holds an interest in Appendix B which is a sensitive interest not already disclosed to the Monitoring Officer, he/she shall declare the interest but not the nature of the interest.

APPENDIX D

13. Where a matter arises at a meeting which relates to a financial interest of a friend, relative or close associate, the member shall disclose the nature of the interest and withdraw from the meeting. He/she may speak on the matter before withdrawing only if members of the public are also allowed to speak at the meeting. If it is a 'sensitive interest' the member shall declare the interest but not the nature of the interest.

Dispensations

14. On a written request made to the Council's proper officer, the Council may grant a member a dispensation to participate in a discussion and vote on a matter at a meeting even if he/she has an interest in Appendices A and B if the Council believes that the number of members otherwise prohibited from taking part in the meeting would impede the transaction of the business; or it is in the interests of the inhabitants in the Council's area to allow the member to take part or it is otherwise appropriate to grant a dispensation.

Appendix A

Such interests, as prescribed by regulations, are.....

Appendix B

[Unless they are interests prescribed by regulation for inclusion in Appendix A] any interest which relates to or is likely to affect:

- (i) any body of which the member is in a position of general control or management and to which he/she is appointed or nominated by the Council;
- (ii) any body—
 - (a) exercising functions of a public nature;
 - (b) directed to charitable purposes; or
 - (c) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which the member of the Council is a member or in a position of general control or management;
- (iii) any employment or business carried on by the member;
- (iv) any person or body who employs or has appointed the member;
- (v) any person or body, other than the Council, who has made a payment to the member in respect of his/her election or any expenses incurred by him/her in carrying out his/her duties;
- (vi) any person or body who has a place of business or land in the Council's area, and in whom the member has a beneficial interest in a class of securities of that person or body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital (whichever is the lower);

APPENDIX D

- (vii) any contract for goods, services or works made between the member's Council and the member or a firm in which he/she is a partner, a company of which he /she is a remunerated director, or a person or body of the description specified in paragraph (vi);
- (viii) any gifts or hospitality worth more than an estimated value of £50 which the member has received by virtue of his or her office.
- (ix) any land in the Council's area in which the member has a beneficial interest;
- (x) any land where the landlord is the Council and the member is, or a firm in which the member is a partner, a company of which the member is a remunerated director, or a person or body of the description specified in paragraph (vi), is the tenant;
- (xi) any land in the Council's area for which the member has a licence (alone or jointly with others) to occupy for 28 days or longer.

 STATUTORY INSTRUMENTS

2012 No.

LOCAL GOVERNMENT, ENGLAND

 The Relevant Authorities (Disclosable Pecuniary Interests)
 Regulations 2012

<i>Made</i>	- - - -	***
<i>Laid before Parliament</i>		***
<i>Coming into force</i>	- -	1st July 2012

The Secretary of State, in exercise of the powers conferred by sections 30(3) and 235(2) of the Localism Act 2011(a), makes the following Regulations.

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 and shall come into force on 1st July 2012.

(2) In these regulations—

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” includes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means the person M referred to in section 30 of the Act;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000(b) and other securities of any description, other than money deposited with a building society.

(a) 2011 c.20.

(b) 2000 c. 8.

Specified pecuniary interests

2. The pecuniary interests which are specified for the purposes of section 30(3) of the Localism Act 2011 are the interests specified in the Schedule to these Regulations.

Signed by authority of the Secretary of State for Communities and Local Government

Date _____
Name
Parliamentary Under Secretary of State
Department for Communities and Local Government

SCHEDULE

Regulation 2

<i>Subject</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992(a).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.

(a) 1992 c. 52.

Securities

Any beneficial interest in securities of a body where—

(a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and

(b) either—

(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 30 of the Localism Act 2011 provides that a member or co-opted member of a local authority and certain other authorities, on taking office, must notify the authority's monitoring officer of any disclosable pecuniary interest which that person has at the time of notification. These Regulations specify what is a pecuniary interest. Section 30(3) sets out the circumstances in which such an interest is a disclosable interest.

A full impact assessment has not been produced for these Regulations as no impact on the private or voluntary sectors is foreseen.

**Huntingdonshire District Council
Draft Model Arrangements
for dealing with standards allegations under the Localism Act 2011**

1 Context

Under Section 28 of the Localism Act 2011, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the authority or of a parish council within the authority’s area, has failed to comply with that authority’s Code of Conduct can be investigated and decisions made on such allegations.

2 The Code of Conduct

The Council has adopted a Code of Conduct for members, which is attached as an Appendix to these arrangements and available for inspection on the authority’s website and on request from the Council’s Offices.

Each parish council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the parish council and request the parish clerk to allow you to inspect the parish council’s Code of Conduct.

3 Making a complaint

If you wish to make a complaint, please write to:

“The Monitoring Officer
Huntingdonshire District Council

Or email: colin.meadowcroft@huntingdonshire.gov.uk

The Monitoring Officer is a senior officer of the authority who has statutory responsibility for maintaining the register of members’ interests and who is responsible for administering the system in respect of complaints of member misconduct.

In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the model complaint form, which can be downloaded from the authority’s website, next to the Code of Conduct, and is available on request from the Council Offices.

Please do provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form, in which case we will not disclose your name and address to the member against whom you make the complaint, without your prior consent. The authority does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

4 Complaint Process

The Monitoring Officer will acknowledge receipt of your complaint within five working days of receiving it, and will keep you informed of the progress of your complaint. If sufficient supporting evidence is not provided, the Monitoring Officer will require the complainant to provide such evidence.

Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

Within 5 working days of receiving a valid Code of conduct complaint and supporting evidence the Monitoring Officer shall:-

- (i) Contact the subject member with a summary of the complaint and evidence; and
- (ii) Ask the subject member to provide a written response to the allegation(s) and supporting evidence within 5 working days.

The Monitoring Officer will review every complaint received and, after consultation with the Independent Person, take a decision as to whether it merits formal investigation. This decision will normally be taken within 20 working days of receipt of your complaint and the subject member's response. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision.

5 Criteria for Assessment

The Monitoring Officer has the discretion to refuse any complaints:-

- (i) Containing no or insufficient evidence to demonstrate a breach of the code;
- (ii) Are trivial, malicious or tit for tat;
- (iii) Are anonymous, unless serious and supported by sufficient evidence;
- (iv) Where an investigation would not be in the public interest or the matter would not warrant any sanction;
- (v) Where a substantially similar complaint has previously been considered and no new material evidence has been submitted;
- (vi) Relate to allegations concerning a Member's private life;
- (vii) Relate to conduct in the distant past (over 12 months before)
- (viii) Relate to dissatisfaction with a Council [or Parish Council] decision;
- (ix) Is about someone who is no longer a member of the Council [or relevant Parish council] or who is seriously ill;

6 Informal Resolution

In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where a reasonable proposal for local resolution is proposed, but the complainant is not willing to accept that offer, the Monitoring Officer will take account of this in deciding whether the complaint merits formal investigation.

7 Criminal Conduct

If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to refer the matter to the Police or any other relevant regulatory agency. In such cases the complainant and subject member will be notified in writing.

8 How is the investigation conducted?

If the Monitoring Officer decides that a complaint merits formal investigation, he/she will appoint an Investigating Officer, who may be another senior officer of the authority, an officer of another authority or an external investigator. The Investigating Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents the Investigating Officer needs to see, and who the Investigating Officer needs to interview.

The Investigating Officer would normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview.

At the end of his/her investigation, the Investigating Officer will produce a draft report and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

Having received and taken account of any comments which you may make on the draft report, the Investigating Officer will send his/her final report to the Monitoring Officer.

9 What happens if the Investigating Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and, if he is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he is satisfied that no further action is required, and give you both a copy of the Investigating Officer's final report. If the Monitoring Officer is not satisfied that the investigation has been conducted properly, he may ask the Investigating Officer to reconsider his/her report.

10 What happens if the Investigating Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

The Monitoring Officer will review the Investigating Officer's report and will then either send the matter for local hearing before the Hearings Panel or, after consulting the Independent Person, seek local resolution.

10.1 Local Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution. Such resolution may include the member accepting

that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the authority. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the Standards Committee [and the Parish Council where appropriate] for information, but will take no further action. However, if you tell the Monitoring Officer that any suggested resolution would not be adequate, the Monitoring Officer will refer the matter for a local hearing.

10.2 Local Hearing

If the Monitoring Officer considers that local resolution is not appropriate, or you are not satisfied by the proposed resolution, or the member concerned is not prepared to undertake any proposed remedial action, then the Monitoring Officer will report the Investigating Officer's report to the Hearings Panel which will conduct a local hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

Essentially, the Monitoring Officer will conduct a "pre-hearing process", requiring the member to give his/her response to the Investigating Officer's report, in order to identify what is likely to be agreed and what is likely to be in contention at the hearing, and the Chair of the Hearings Panel may issue directions as to the manner in which the hearing will be conducted. At the hearing, the Investigating Officer will present his/her report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer may ask you as the complainant to attend and give evidence to the Hearings Panel. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Hearings Panel as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

If the Hearings Panel, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and so dismiss the complaint. If the Hearings Panel concludes that the member did fail to comply with the Code of Conduct, the Chair will inform the member of this finding and the Hearings Panel will then consider what action, if any, the Hearings Panel should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Hearings Panel will give the member an opportunity to make representations to the Panel and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter..

11 **What action can the Hearings Panel take where a member has failed to comply with the Code of Conduct?**

The Council has delegated to the Hearings Panel such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Hearings Panel may:

- 11.1 Censure or reprimand the member;
- 11.2 Publish its findings in respect of the member's conduct;
- 11.3 Report its findings to Council [or to the Parish Council] for information;

- 11.4 Recommend to the member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committees) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- 11.5 Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- 11.6 Recommend to Council that the member be replaced as Executive Leader;
- 11.7 Instruct the Monitoring Officer to [or recommend that the Parish Council] arrange training for the member;
- 11.8 Remove [or recommend to the Parish Council that the member be removed] from all outside appointments to which he/she has been appointed or nominated by the authority [or by the Parish Council];
- 11.9 Withdraw [or recommend to the Parish Council that it withdraws] facilities provided to the member by the Council, such as a computer, website and/or email and Internet access; or
- 11.10 Exclude [or recommend that the Parish Council exclude] the member from the Council's offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

The Hearings Panel has no power to suspend or disqualify the member or to withdraw members' or special responsibility allowances.

12 What happens at the end of the hearing?

At the end of the hearing, the Chair will state the decision of the Hearings Panel as to whether the member failed to comply with the Code of Conduct and as to any actions which the Hearings Panel resolves to take.

As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chair of the Hearings Panel, and send a copy to the complainant, to the member and to the Parish Council, make that decision notice available for public inspection and report the decision to the next convenient meeting of the Standards Committee.

13 Who are the Hearings Panel?

The Hearings Panel is a sub-committee of the Council's Standards Committee comprising a maximum of five members, including not more than one member of the authority's Executive and comprising members drawn from at least two different political parties. Subject to those requirements, it is appointed in proportion to the strengths of each party group on the Council.

The Independent Person is invited to attend all meetings of the Hearings Panel and his views are sought and taken into consideration before the Hearings Panel takes any decision on whether the member's conduct constitutes a failure to comply with the Code of conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

14 Who is the Independent Person?

The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of Council.

A person cannot be “independent” if he/she:

- 14.1 Is, or has been within the past five years, a member, co-opted member or officer of the authority, with the exception that former Independent Members of Standards Committees can be appointed as Independent Persons;
- 14.2 [Is or has been within the past five years, a member, co-opted member or officer of a parish council within the authority’s area], or
- 14.3 Is a relative, or close friend, of a person within paragraph 11.1 or 11.2 above. For this purpose, “relative” means:
 - 14.3.1 Spouse or civil partner;
 - 14.3.2 Living with the other person as husband and wife or as if they were civil partners;
 - 14.3.3 Grandparent of the other person;
 - 14.3.4 A lineal descendant of a grandparent of the other person;
 - 14.3.5 A parent, sibling or child of a person within paragraphs 11.3.1 or 11.3.2;
 - 14.3.6 A spouse or civil partner of a person within paragraphs 11.3.3, 11.3.4 or 11.3.5; or
 - 14.3.7 Living with a person within paragraphs 11.3.3, 11.3.4 or 11.3.5 as husband and wife or as if they were civil partners.

15 Revision of these arrangements

The Council may amend these arrangements, and has delegated to the Chair of the Hearings Panel the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

16 Appeals

There is no right of appeal for you as complainant or for the member against a decision of the Monitoring Officer or of the Hearings Panel.

If you feel that the authority has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

Cambridgeshire Authorities' Complaints Procedure Flowchart

Note: It is proposed that any complaint against a Town/Parish Council shall be considered initially by that Council and only forwarded on if resolution locally has not been possible or the Town/Parish Council can demonstrate to the satisfaction of the Monitoring Officer that such a course of action is not practicable

Complaint with supporting evidence received in writing by the Monitoring Officer

Monitoring Officer acknowledges complaint within 5 working days and seeks additional information/supporting evidence if required

Subject Member contacted for response

- Preliminary Tests -
- Acting in capacity as Member?
 - Was Member in office at time of alleged conduct?
 - Very minor or trivial matter?
 - Vexatious or malicious?
 - Historical?
 - Potential breach of Code?
 - Assessment of public interest?

Independent Person to consider complaint and response and advise Monitoring Officer

Decision by Monitoring Officer within 20 working days of fully evidenced complaint

Complaint rejected with reasons given

- Investigation report to include -
- Agreed facts
 - Facts not agreed and corresponding conflicting evidence
 - Conclusion whether or not a breach of the Code

or

Monitoring Officer explores informal resolution (eg mediation, apology, etc)

Potentially criminal conduct/breach of other regulations - referral to Police

Investigating Officer appointed

Referral to Standards Committee Hearing Panel

Panel to arbitrate on facts and conclude whether a breach of the Code of Conduct occurred.

- Formal decision -
- Action;
 - No further action;
 - Informal resolution

Decision made in consultation with IP and, in parish council matters, with co-opted parish member (both of whom are present throughout)

Huntingdonshire District Council

Code of Conduct for Members

Introduction

Huntingdonshire District Council (the Council) has adopted this Code of conduct pursuant to Section 27 of the Localism Act 2011 to promote and maintain high standards of behaviour by its members and co-opted members whenever they are acting in their capacity as a member of the Council or when they claim to act or give the impression of acting as a representative of the Council.

This Code is based on the principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership (“the Nolan Principles”).

1 Application

This Code of Conduct applies to you whenever you are acting in your capacity as a member of Huntingdonshire District Council, including –

- 1.1 at formal meetings of the Council, its Committees and Sub-Committees, its Cabinet and Cabinet Committees
- 1.2 when acting as a representative of the authority
- 1.3 in taking any decision as a Cabinet member or a Ward Councillor
- 1.4 in discharging your functions as a ward Councillor
- 1.5 at briefing meetings with officers and
- 1.6 at site visits
- 1.7 when corresponding with the authority other than in a private capacity

2 General Conduct

You must –

- 2.1 provide leadership to the authority and communities within its area, by personal example and
- 2.2 respect others and not bully any person
- 2.3 recognise that officers (other than political assistants) are employed by and serve the whole authority
- 2.4 respect the confidentiality of information which you receive as a member –
 - 2.4.1 not disclosing confidential information to third parties unless required by law to do so or where there is a clear and over-riding public interest in doing so; and
 - 2.4.2 not obstructing third parties’ legal rights of access to information
- 2.5 not misconduct yourself in a manner which is likely to bring the authority into disrepute
- 2.6 use your position as a member in the public interest and not for personal advantage
- 2.7 accord with the authority’s reasonable rules on the use of public resources for private and political purposes

- 2.8 exercise your own independent judgement, taking decisions for good and substantial reasons –
 - 2.8.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups
 - 2.8.2 paying due regard to the advice of officers, and in particular to the advice of the statutory officers, namely the Head of Paid Service, the Chief Finance Officer and the Monitoring Officer and
 - 2.8.3 stating the reasons for your decisions where those reasons are not otherwise apparent
- 2.9 account for your actions, particularly by supporting the authority’s scrutiny function
- 2.10 ensure that the authority acts within the law.

3 Disclosable Pecuniary Interests

You must -

- 3.1 comply with the statutory requirements to register, disclose and withdraw from participating in respect of any matter in which you have a disclosable pecuniary interest
- 3.2 ensure that your register of interests is kept up to date and notify the Monitoring Officer in writing within 28 days of becoming aware of any change in respect of your disclosable pecuniary interests
- 3.3 make verbal declaration of the existence and nature of any disclosable pecuniary interest at any meeting at which you are present at which an item of business which affects or relates to the subject matter of that interest is under consideration, at or before the consideration of the item of business or as soon as the interest becomes apparent
- 3.4 “Meeting” means any meeting organised by or on behalf of the authority, including –
 - 3.4.1 any meeting of the Council, or a Committee or Sub-Committee of Council
 - 3.4.2 any meeting of the Cabinet and any Committee of the Cabinet
 - 3.4.3 in taking a decision as a Ward Councillor or as a Member of the Cabinet
 - 3.4.4 at any briefing by officers; and
 - 3.4.5 at any site visit to do with business of the authority

4 Other Interests

- 4.1 In addition to the requirements of Paragraph 3, if you attend a meeting at which any item of business is to be considered and you are aware that you have a “non-disclosable pecuniary interest or non-pecuniary interest” in that item, you must make verbal declaration of the existence and nature of that interest at or before the consideration of the item of business or as soon as the interest becomes apparent
- 4.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –
 - 4.2.1 a decision in relation to that business might reasonably be regarded as affecting the well-being or financial standing of you or a member of your family or a person with whom you have a close association to a greater extent than it would affect the majority of the Council Tax payers, ratepayers or inhabitants of the ward or electoral area for which you have been elected or otherwise of the authority’s administrative area, or
 - 4.2.2 it relates to or is likely to affect any of the interests listed in the Table in the Appendix to this Code, but in respect of a member of your family (other than a “relevant person”) or a person with whom you have a close association
 and that interest is not a disclosable pecuniary interest.

5 Gifts and Hospitality

- 5.1 You must, within 28 days of receipt, notify the Monitoring Officer in writing of any gift, benefit or hospitality with a value in excess of £(50?) which you have accepted as a member from any person or body other than the authority.
- 5.2 The Monitoring Officer will place your notification on a public register of gifts and hospitality.
- 5.3 This duty to notify the Monitoring Officer does not apply where the gift, benefit or hospitality comes within any description approved by the authority for this purpose.

Appendix

Disclosable Pecuniary Interests

The duties to register, disclose and not to participate in respect of any matter in which a member has a Disclosable Pecuniary Interest are set out in Chapter 7 of the Localism Act 2011.

Disclosable pecuniary interests are defined in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 as follows –

<i>Interest</i>	<i>Prescribed description</i>
Employment, office, trade, profession or vacation	Any employment, office, trade, profession or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a member, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992).
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority— (a) under which goods or services are to be provided or works are to be executed; and (b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate tenancies	Any tenancy where (to M's knowledge)— (a) the landlord is the relevant authority; and (b) the tenant is a body in which the relevant person has a beneficial interest.
Securities	Any beneficial interest in securities of a body where— (a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and (b) either— (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

For this purpose –

“the Act” means the Localism Act 2011;

“body in which the relevant person has a beneficial interest” means a firm in which the relevant person is a partner or a body corporate of which the relevant person is a director, or in the securities of which the relevant person has a beneficial interest;

“director” includes a member of the committee of management of an industrial and provident society;

“land” excludes an easement, servitude, interest or right in or over land which does not carry with it a right for the relevant person (alone or jointly with another) to occupy the land or to receive income;

“M” means a member of a relevant authority;

“member” includes a co-opted member;

“relevant authority” means the authority of which M is a member;

“relevant period” means the period of 12 months ending with the day on which M gives a notification for the purposes of section 30(1) or 31(7), as the case may be, of the Act;

“relevant person” means M or any other person referred to in section 30(3)(b) of the Act;

“securities” means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

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Overview & Scrutiny Panel (Economic Well-Being)

Report of the meeting held on 14th June 2012

Matters for Information

1. MAKING ASSETS COUNT – PROGRESS REPORT

The Panel has received an update on the progress being made by the Cambridgeshire Making Assets Count (MAC) initiative and on the specific developments in the Huntingdonshire area. The purpose of the programme is to enable all public sector organisations in the Cambridgeshire area to develop a joined-up approach to the management and use of their property and other assets. The initiative is currently being regarded nationally as best practice.

In considering the recent developments in the Huntingdonshire area, Members have noted that a half day Countywide seminar will be held on 11th July 2012 at Pathfinder House, which the Under Secretary of State, Baroness Hanham, will be attending. Their attention has also been drawn to the resources which have been made available from Improvement East to assist with the development of business cases for the various area projects in St Ives and St Neots. Whilst the District Council does not possess a significant property portfolio within these towns, Members noted that resources have been made available to develop a robust project methodology and have asked the Managing Director (CPP) to report back on developments at a future meeting.

The Panel's attention has been drawn to the aims and objectives of the Huntingdonshire MAC Board which have been revised following Members' comments at a previous meeting. The Panel has concluded that they are satisfied with the amendments that have been made.

2. TREASURY MANAGEMENT ANNUAL REPORT 2011/12

In accordance with the requirements of the CIPFA Code of Best Practice and the Council's Treasury Management Strategy, the Panel has reviewed the performance for the year ending 31st March 2012 in the investment of the Council's capital receipts. Members have been pleased to note that the funds have performed well, significantly exceeding both the benchmark and the budgeted investment interest.

This achievement is particularly significant in the current economic climate.

In considering the contents of the report, the Panel has commented on a range of issues including the 'trigger points' used by the Treasury Management Group to determine whether future investments should be of a short term or long term nature and the approach which will be taken on the expiry of the Council's existing Medium Term Investments.

Councillor P G Mitchell has expressed his continuing concerns with regard to the Council's long term borrowing strategy and specifically its impact on the Council's revenue position. However, the Head of Financial Services has explained that the Government requires the Council to set aside funds for its repayment and that over the course of the 50 year repayment period the investment is likely to have been to the Council's advantage.

In order to continue to use the existing liquidity accounts criteria. Officers have asked the Cabinet to reduce the currently set credit rating levels in relation to the Council's investments in banks and building societies. Members have endorsed this approach.

3. REMIT AND WORK PROGRAMME

During a review of its programme of studies and work programme for the forthcoming year, the Panel has examined the Membership of its existing working groups and agreed that there should be no changes to their composition during 2012/13. Councillor A Mackender-Lawrence will be asked if he wishes to remain on the One Leisure business model study.

Whilst reviewing the existing programme of studies, updates have been provided on the activities of the groups which have been established to review the Council's Document Centre and the business model for One Leisure. Members have also been informed that reports on the governance arrangements for the Community Infrastructure Levy and the future of National Non Domestic Rates will be presented to a future meeting in due course.

The Chairman has acquainted the Panel with the discussions at the meeting of the Overview and Scrutiny Panel (Social Well-Being) on the implications of forthcoming changes to the Housing Benefit system for the Council's Budget. Further information will be provided at the Panel's next meeting. In addition, Members have been provided with details of studies being undertaken by the other Overview and Scrutiny Panels and reminded of the opportunity that they have to participate in the investigations should they wish.

In considering potential areas for future investigation, the Panel has included Economic Development, Fraud Prevention and the

implications of planning social housing requirements on Community Infrastructure Levy income and the housing waiting list within its work programme for the forthcoming year. A briefing on the Supporting People Back to Work Initiative has also been requested at a future meeting.

Other Matters of Interest

4. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

The Panel has been acquainted with details of the current Forward Plan of Key Decisions at each of its meetings. Members have noted those items which will be presented to future meetings and been advised that a report on the proposals for the localisation of National Non Domestic Rates will be available for their July meeting.

5. SCRUTINY

The Panel has considered the latest edition of the Decision Digest and discussed matters contained therein. In so doing, an update has been provided on the current position with regard to the finalisation of the Council's 2010/11 Accounts.

T V Rogers
Chairman

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Overview & Scrutiny Panel (Environmental Well-Being)

Report of the meeting held on 19th June 2012

Matters for Information

1. ST. NEOTS SURFACE WATER MANAGEMENT PLAN

The Panel has received a presentation by the County Council's Flood and Water Manager on the management of surface water in St. Neots and possible ways of reducing the occurrence of surface water flooding. The Surface Water Management Plan Study has been undertaken to produce a long-term Surface Water Management 'Action Plan' for St. Neots. Data for the Plan has been obtained from a variety of sources including historical flooding information from stakeholders and members of the public. Four 'wetspot' areas in St. Neots have been identified along with measures to help reduce surface water flood risk in these 'wetspots'. The Panel has been advised that funding to implement the Action Plan will be sought from the Environment Agency who administer the "Medium Term Plan Grant in Aid".

Members have discussed instances of sewage flooding in the District and have been advised that the DG5 Register is the official register of properties at risk of sewage flooding. Anglian Water is only allocated funding to investigate and, where necessary, carry out remediation works for the areas that appear on this register. All other flooding matters fall under the Maintenance Plan, which has limited resources for conducting investigations and undertaking works.

Members have questioned why steps are only being taken to alleviate the flood risk in St. Neots when other areas of the District also suffer from significant flooding. It has been explained that the Surface Water Management Plan for the whole of Cambridgeshire contains a prioritised list of areas that have been identified as being susceptible to surface water flooding through a multi-factor analysis. St. Neots is the highest priority area on the list and therefore most in need of flood alleviation measures. Members have been assured that other areas will be dealt with in due course.

The Panel has supported the approach being taken through the St. Neots Surface Water Management Plan.

2. REMIT AND WORK PROGRAMME

The Panel has reviewed its programme of studies and considered its work programme for the forthcoming year. Members have been reminded that they can scrutinise external matters as they have a wide remit to examine any issues affecting the environmental well-being of the District by conducting in-depth studies.

The Panel has reviewed the progress and Membership of its Working Groups relating to the Tree Strategy, Design Principles for Future Developments and Land Use for Agricultural Purposes in the Context of Planning Policies and its Contribution to the Local Economy. With regard to the delayed Waste Collection Study, a Member has emphasised the need for the Council to educate residents as to what can be placed in recycling bins. Despite letters having been sent to residents, problems in this area have been exacerbated by a change in the Council's policy on emptying "contaminated" bins. Having acknowledged that waste contamination incurs cost for the Council it has been suggested that residents ought to be encouraged to recycle and educated as to what can be recycled. A meeting of the Working Group will be arranged so that these matters can be discussed in more detail.

Further to their discussion on the St. Neots Surface Water Management Plan, the Panel has decided that as drainage problems within the District are widespread, a working group should be convened to engage with Anglian Water in order to establish their general powers, responsibilities and the limitations on its ability to prevent flooding.

The Panel has noted the studies being undertaken by the other Overview and Scrutiny Panels.

3. SCRUTINY

The Panel has considered the latest edition of the Decision Digest and discussed the matters contained therein. The latest position on the 2010/2011 final accounts has been noted.

D Harty
Chairman

Overview and Scrutiny Panel (Social Well-Being)

Report of the meeting held on 12th June 2012

Matters for Information

**1. EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT:
EQUALITY PEER CHALLENGE – ACHIEVING ACCREDITATION**

The recent achievement by the Council of accreditation as an “Achieving” authority under the Equality Framework for Local Government has been noted by the Panel. Members’ attention has been drawn to the findings arising from the assessment, in particular, the areas for future consideration. In response to a question on how the Council compared to other local authorities, it has been noted that South Cambridgeshire is the only other Cambridgeshire authority that has attained the “Achieving” status.

The Panel has been informed that an action plan has been produced to address the areas which have been identified for future consideration. The Panel has established a Working Group to review the plan and make recommendations on achieving it.

**2. HOUSING BENEFIT CHANGES AND THE POTENTIAL IMPACT
ON HUNTINGDONSHIRE**

The Panel has considered the effect of Government changes to the Housing Benefits system which have arisen from the Welfare Reform Act. The changes have resulted in a reduction of £370,000 per annum being paid to Housing Benefit claimants renting in the private sector. Of particular concern to Members are the larger households that reside in 4 bedroom properties that will experience a significant reduction in their entitlement. Given a shortage in the availability of social rented housing, it is likely that there will be an increase in the number of households facing homelessness. This is a trend that is already starting to emerge and there has been an increase in the number of households accepted as homeless in 2011/12 when compared to the previous year. Efforts are being made to approach these households with a view to discussing the options available to them, however this is resource intensive and is dependent on households accepting the Council’s offer for assistance.

The Panel has discussed a number of ways in which the changes could have an impact. These include landlords potentially selling their properties because the returns are insufficient, thereby further reducing the number of homes available for rent in the private sector,

the relocation of households into the District from other local authority areas, in particular London Boroughs, in their search for more affordable housing, whether certain areas within the District will be affected more than others, utilising empty properties in the District to assist with meeting the shortfall in housing and other ways of increasing the stock of social rented housing.

Mention has been made of the financial implications of the reforms for Cambridgeshire Councils. Local authorities are required to have in place localised Council Tax Support schemes by April 2013. Consultations with precepting authorities will take place over the summer, the outcome of which will be presented to the Overview and Scrutiny Panel (Economic Well-Being) and the Cabinet in September 2012. The Panel has requested an invitation to attend the Economic Well-Being Panel's meeting when discussion on this takes place. If agreement on a local scheme is not reached by January 2013, then the Government will impose its own scheme on the Council. The challenge will be to meet claimants' needs while not introducing a scheme that attracts claimants from different areas because it is less draconian than others. It will also be necessary to balance this against the Council's other budget priorities.

Officers are exploring a number of ways to mitigate the impact of the reforms on claimants and on the Council. These include a review of the Council's Housing Strategy, which incorporates the Lettings Policy and discussions with the Head of Planning and Housing Strategy on the use of planning policy to assist with meeting the need for social housing.

The Panel has placed on record their grave concerns over the impact of the Government's Welfare Reform programme and reiterated their wish to receive quarterly updates on the matter.

3. CAMBRIDGESHIRE ADULTS, WELLBEING AND HEALTH SCRUTINY COMMITTEE

The Minutes of the Cambridgeshire Adults, Well-Being and Health Overview and Scrutiny Committee held on 21st March 2012 have been received and noted by the Panel. Members have also been informed of matters that have been discussed at a subsequent meeting held on 29th May 2012. These include the development of clinical commissioning in Cambridgeshire and Peterborough, review of progress against the Adult Social Care Integrated Plan, sexual health redesign, developing Healthwatch Cambridgeshire and an update on the redesign of mental health services across Cambridgeshire and Peterborough.

4. REMIT AND WORK PROGRAMME

The Panel has reviewed its programme of studies and considered its work programme for the forthcoming year. Updates have been received on the redesign of mental health services across Cambridgeshire and Peterborough, the Corporate Plan and the ongoing review of the Neighbourhood Forums in Huntingdonshire.

Members have reaffirmed their wish to undertake scrutiny of the Council's budgets of the services that fall within their remit. The Corporate Plan will be presented to the Panel at its July 2012 meeting. The Plan will be used to produce quarterly performance reports, which the Panel may use to inform future study work.

The Panel also has reviewed the membership of its Working Groups looking at the Council's Consultation Processes and One Leisure Performance (Social Well-Being). Further to earlier discussions on the Equality Peer Challenge, the Panel has established a new Working Group to consider the action plan arising from the peer assessment.

Members have been acquainted with details of studies being undertaken by the other Overview and Scrutiny Panels and have been reminded of the opportunity they have to participate in these investigations should they wish.

Other Matters of Interest

5. LOCAL GOVERNMENT ACT 2000 – FORWARD PLAN

The Panel has been acquainted with the Forward Plan of Key Decisions. The item entitled Housing Strategy 2012-15, which includes the Tenancy Strategy, will be considered by the Panel at its September 2012 meeting.

6. SCRUTINY

The Panel has considered the latest edition of the Decision Digest.

S J Criswell
Chairman

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Cabinet

Report of the meetings held on 17th May and 21st June 2012

Matter for Determination

1. TREASURY MANAGEMENT ANNUAL REPORT 2011/2012

By way of a report by the Head of Financial Services (attached as an Annex), the Cabinet has been acquainted with the respective levels of performance by fund managers in the investment of the Council's capital receipts for the year ending 31st March 2012.

The Council has continued to carry out its treasury management activities with due regard to minimising risk, and in accordance with the relevant legislation.

Having been acquainted with the deliberations of the Overview and Scrutiny (Economic Well-Being) Panel on this matter, as described in Item No. 2 of their Report, the Cabinet

RECOMMEND

that Council adopts the Treasury Management Strategy for 2012/13.

Matters for Information

2. APPOINTMENT OF EXECUTIVE COUNCILLORS

Executive responsibilities for the Municipal Year 2012/13 have been allocated by the Executive Leader of the Council as follows:-

- ◆ Strategic Economic Development -
Councillor J D Ablewhite
- ◆ Strategic Planning and Housing -
Councillor N J Guyatt
- ◆ Healthy and Active Communities -
Councillor T D Sanderson
- ◆ Resources -
Councillor J A Gray
- ◆ Environment -
Councillor D M Tysoe

- ◆ Customer Services -
Councillor B S Chapman

Executive Councillors have been appointed to serve as ex-officio Members of Panels as follows –

Executive Councillor for	Ex-Officio for
Strategic Planning and Housing Healthy and Active Communities	Development Management Panel Licensing and Protection Panel/ Licensing Committee

The Executive Leader has been appointed ex-officio member of the Employment Panel.

3. REPRESENTATION ON ORGANISATIONS AND PARTNERSHIPS 2012/13

The Cabinet has made appointments/nominations in relation to representation on a variety of organisations/partnerships and has authorised the Head of Legal and Democratic Services, after consultation with the Deputy Executive Leader of the Council, to make any changes that may be required throughout the year.

4. EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT EQUALITY PEER CHALLENGE – ACHIEVING ACCREDITATION

In conjunction with the Overview and Scrutiny Panel (Social Well-Being) and the Employment Panel, Item Nos 1 and 5 of their Reports refer, the Cabinet has noted the accreditation obtained by the Council as an “Achieving” authority under the Equality Framework for Local Government. The Framework is a performance improvement and benchmarking tool which is designed to help local government meet their legal equality duties.

In considering the key findings of the assessment, Executive Councillors have noted that the areas identified for future consideration will be progressed by way of an action plan which includes issues regarding future growth, service equity, engagement and staff communication.

J D Ablewhite
Chairman

TREASURY MANAGEMENT ANNUAL REPORT 2011/12 (Report by the Head of Financial Services)

1. INTRODUCTION

- 1.1 Council approves the Treasury Management strategy for the forthcoming year when it approves the budget and MTP each February. It also receives a mid-year report and an annual report after the end of the financial year. The Council's Strategy also requires scrutiny of the Treasury Management function to be carried out by the Economic Well-being Panel.
- 1.2 The Council approved the 2010/11 treasury management strategy at its meeting on 17th February 2011. The key points were:
- to invest any available funds in a manner that balanced low risk of default by the borrower with a fair rate of interest.
 - to ensure it had sufficient cash to meet its day-to-day obligations
 - to borrow when necessary to fund capital expenditure and to borrow in advance if rates were considered to be low. It envisaged the need for further borrowing in the range of £4.9M to £19.8M.

2. ECONOMIC REVIEW

- 2.1 The Eurozone debt crisis dominated the financial year 2011/12. The apparent inability of leaders to either agree on remedial policies or implement fiscal consolidation measures prompted frequent bouts of market volatility, exacerbated by multiple sovereign rating downgrades, as investors positioned themselves for potential government defaults or even the breakup of the Eurozone itself.
- 2.2 Exposure to the Eurozone periphery and new regulations aimed at reducing the need for government support created downward pressure on the creditworthiness of many European banks, prompting a raft of credit rating downgrades. The European Central Bank (ECB) pulled the Eurozone back from the brink in late December by cutting interest rates and providing cheap long-term loans, immediately reducing the near-term risk of a liquidity crisis and temporarily calming financial markets.
- 2.3 The UK's reliance on the Eurozone as a major trading partner was illustrated when it followed the Eurozone into recession over the last six months of the financial year. Other factors responsible for the fall in economic activity included the government's deficit reduction programme and the weakness in household and business spending. The decline in household spending was the result of low confidence and the erosion of disposable income by persistently elevated inflation, subdued wage growth, higher taxes and rising unemployment. Businesses were in a similarly weak position, with access to credit restricted or too expensive due to a risk-averse banking sector, and subdued domestic and foreign demand.
- 2.4 Weakening economic growth and signs of further deterioration in the Eurozone prompted the Bank of England to loosen monetary policy in October, despite above target inflation. With Bank Rate already at 0.5%, the Monetary Policy

Committee (MPC) voted for a further £50bn of quantitative easing which helped push gilt yields to record lows over the following few months. Policymakers justified the action because they were confident inflation would fall quickly back to target during 2012. However, although the annual Consumer Price Index (CPI) rate declined from the September peak of 5.2%, a combination of higher crude oil and food prices caused the rate to rise slightly in March to 3.5%, leaving Bank of England policymakers in the unenviable position of setting policy to battle both weak growth and high inflation.

3. PERFORMANCE OF FUNDS

- 3.1 The following table summarises the treasury management transactions undertaken during the 2011/12 financial year and the details of the investments and loans held as at 31 March 2012 are shown in Annex A.

	Principal Amount £m	Interest Rate %
Investments		
at 31 st March 2011	15.5	3.50
less matured in year	-161.0	
plus arranged in year	+155.9	
at 31 st March 2012	10.4	4.29
Average Investments	20.1	2.90
Borrowing		
at 31 st March 2011	13.1	3.13
less repaid in year	-37.4	
plus arranged in year	+38.8	
at 31 st March 2012	14.5	2.82
Average Borrowing	12.3	3.23

- 3.2 The average rate of interest on investments of 2.9% was 2.5% above the 7-day benchmark rate of 0.4%. This very good performance was due to £10m of the investments being locked into higher rates before the year started together with the use of liquidity accounts with major banks and building societies which gave the added safety of instant access together with interest rates comfortably in excess of the benchmark.
- 3.3 The Council's exposure to interest rate risk at the end of the year was the £10M long term PWLB borrowing from 3 years ago which is still well below current long term rates and £4.5M short term borrowing for less than 3 weeks at a mixture of 0.3% and 0.5%. This gave an average borrowing rate of 3.23%.
- 3.4 The actual net investment interest (after deduction of interest payable on loans) was a credit of £183k compared with a credit budget of £93k due to the higher than estimated interest rates and higher levels of reserves.

4. STRATEGY – BORROWING

- 4.1 Long-term borrowing. The strategy allowed for 'must borrow' to finance that part of the capital programme that could not be met from internal funds. There was also a provision for 'may borrow' which allowed borrowing in anticipation of need, based on whether longer term rates seemed low compared with future likely levels. No long-term borrowing was carried out as the rates were not deemed to be low enough, short-term borrowing rates were very low, and for most of the

year much of the funding need was covered by internal funding.

- 4.2 Short-term borrowing. The Authority needed to borrow short-term during the year to manage its cash flow; it averaged £2.3m.

5. STRATEGY - INVESTMENTS

- 5.1 The Council's strategy for 2011/12 was based on all investments being managed in-house. The investments were of two types, time deposits and liquidity (call) accounts with banks with a high credit rating and the top 25 building societies by asset value. The strategy included limits on the size of investments with each organisation and country limits. The limits are shown in Annex B.
- 5.2 The strategy was reviewed during the course of the year with the Treasury Management Advisory Group, which re-confirmed their comfort with investments in building societies.
- 5.3 The Authority arranged a facility to invest in a AAA money market fund, as an alternative to using liquidity accounts. However as at 31 March 2012 it had not been used as a higher return was obtained from the liquidity accounts.

6. RISK MANAGEMENT

- 6.1 The Council's primary objectives for the management of its investments are to give priority to the security and liquidity of its funds before seeking the best rate of return.
- 6.2 **Security** is managed by investing short-term with highly-rated banks, building societies and local authorities in the UK. The Authority receives regular updates from its advisors, Sterling Consultancy Services, sometimes daily, on changes to the credit rating of counterparties. This allows the Council to amend its counterparty list and not invest where there is concern about the credit rating.
- 6.3 **Liquidity.** The Authority has £10m invested in time deposits since December 2008 and due for repayment, £5m in December 2012 and £5m in December 2013, but otherwise the majority of the funds are in liquidity accounts which have a rate or interest above base rate and provide instant access to funds.
- 6.4 Overall, liquidity is managed by producing cash flow forecasts that help set the limit on the duration of the investments in time deposits. The projections tend to be cautious which sometimes resulted in funds being available before they were needed with any surplus easily being invested on a temporary basis.
- 6.5 **Return on investments.** Security and liquidity take precedence over the return on investments, which has resulted in investments during 2011/12 generally being of short duration due to the benefit of good rates on liquidity and growing concerns over the credit rating of counterparties.
- 6.6 When the Authority borrowed £10M in advance in December 2008 it invested the funds at marginally higher interest rates thus protecting the Council from any short term loss of interest.

7. COMPLIANCE WITH REGULATIONS AND CODES

- 7.1 All the treasury management activity undertaken during the financial year complied with the approved strategy, the CIPFA Code of Practice, and the relevant legislation

7.2 The Code requires the Council to approve Treasury Management and Prudential Indicators. Those for 2011/12 were approved at the Council meeting on 17th February 2011. Annex C shows the relevant indicators and the actual results.

8 CONCLUSION

8.1 The performance of the funds in a year when rates stayed very low was pleasing, significantly exceeding both the benchmark and the budgeted investment interest.

8.2 In a year of uncertainty in the financial markets all of the Council's investments were repaid in full and on time.

8.3 The Authority has carried out its treasury management activities with due regard to minimising risk, and in accordance with legislation. During the year it reviewed its strategy in the light of external events in the markets.

9 RECOMMENDATION

9.1 It is recommended that Cabinet note this report.

BACKGROUND INFORMATION

2011/12 cash management files and working papers
Reports to the Cabinet and Treasury Management Advisory Group
CIPFA Code on Treasury Management

CONTACT OFFICER

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Tel. 01480 388157

BORROWING AND INVESTMENTS AT 31 MARCH 2012

	SHORT-TERM RATING		DATE INVESTED/ BORROWED	AMOUNT		INTEREST RATE %	REPAYMENT DATE	YEAR OF MATURITY
	FITCH	MOODY'S		£M	£M			
BORROWING								
Short term								
Coventry City Council			19-Mar-12	-2.0		0.30	18-Apr-12	2012/13
Shropshire Council			14-Mar-12	-2.5		0.50	20-Apr-12	2012/13
					-4.5			
Long term								
PWLB			19-Dec-08	-5.0		3.91	19-Dec-57	2057/58
PWLB			19-Dec-08	-5.0		3.90	19-Dec-58	2058/59
					-10.0			
TOTAL BORROWING					-14.5			
INVESTMENTS								
IN-HOUSE								
Short term								
Natwest Liquidity Account	F1	P1		0.3		0.80		2012/13
Cambridge Building Society		Not rated		0.1		1.25		2012/13
					0.4			
Medium term								
Royal Bank of Scotland	F1	P1	19-Dec-08	5.0		4.04	19-Dec-12	2012/13
Skipton Building Society	F3		19-Dec-08	5.0		4.85	19-Dec-13	2013/14
					10.0			
TOTAL - INVESTMENTS					10.4			
NET BORROWING					-4.1			

**IN-HOUSE FUND MANAGEMENT 2011/12
(IF NO FURTHER BORROWING IN ANTICIPATION)**

Duration of investments	No investment shall be longer than 5 years. Maximum duration for a Building Society with a rating of BBB+ or lower, or no credit rating, is 6 months
Types of investments	Fixed term Deposits Deposits at call, two or seven day notice Corporate bonds Money market funds
Credit Ratings	Excluding Building Societies Short term rating F1 by Fitch or equivalent) Long-term rating of AA- by Fitch or equivalent if the investment is longer than 1 year.
Maximum limits per counterparty (group), country or non-specified category	<p>F1+ or have a legal position that guarantees repayment for the period of the investment £5M</p> <p>F1 £4M</p> <p>Building Society with assets over £2bn in top 25 (Currently 10) £5M</p> <p>Building Society with assets over £1bn if in top 25 (Currently 3) £4M</p> <p>Building Society with assets under £1bn in top 25 £3M</p> <p>Liquidity (Call) Account with a credit rating of F1+ or with a legal position that guarantees repayment or a Building Society. £5M</p> <p>BUT total invest with counterparty/group shall not exceed £8M</p> <p>Money market fund AAA Credit rating £4m</p> <p>Limit for Non-specified investments</p> <ul style="list-style-type: none"> - £10M in time deposits more than one year - £5M in corporate bonds - £10M in total <p>Country limits</p> <ul style="list-style-type: none"> - UK - unlimited - £5M in a country outside the EU - £10M in a country within the EU (excluding UK) - £20M in EU countries combined (excluding UK) <p>These limits will be applied when considering any new investment from 23 February 2011. Lower limits may be set during the course of the year or for later years to avoid too high a proportion of the Council's funds being with any one counterparty.</p>
Benchmark	LGC 7 day rate

**Prudential Indicators for 2011/12 relating to Treasury Management
Comparison of actual results with limits**

EXTERNAL DEBT

The authorised limit for external debt.

This is the maximum limit for borrowing and is based on a worst-case scenario. This limit, and the operational boundary below, were set to allow up to £36.5m of borrowing in anticipation of need.

2011/12 Limit £000	2011/12 Actual £000
65,000	15,100

The operational boundary for external debt.

This reflects a less extreme position. Although the figure can be exceeded without further approval it represents an early warning monitoring device to ensure that the authorised limit (above) is not exceeded.

2011/12 Limit £000	2011/12 Actual £000
60,000	15,100

Both of these actual results reflect the fact that long term rates were not considered low enough to borrow in anticipation of need

TREASURY MANAGEMENT

Exposure to investments with fixed interest and variable interest.

These limits are given as a percentage of total investments. Investments of less than 12 months count as variable rate.

	2011/12 Limit	2011/12 Actual as at 31.3.12
Upper limit on fixed rate exposure	100%	96%
Upper limit on variable rate exposure	100%	4%

Borrowing Repayment Profile

The proportion of 2011/12 borrowing that matured in successive periods.

Borrowing	Upper limit	Actual As at 31.3.12	Lower limit
Under 12 months	75%	31%	0%
12 months and within 24 months	25%	0%	0%
24 months and within 5 years	25%	0%	0%
5 years and within 10 years	50%	0%	0%
10 years and above	100%	69%	0%

Investment Repayment Profile

Limit on the value of investments that cannot be redeemed within 364 days.

2011/12 Limit £000	2011/12 Actual - maximum in year £000	2011/12 Actual as at 31.3.12 £000
18,700	10,000	5,000

Development Management Panel

Report of the meetings held on 21st May and 18th June 2012

Matters for Information

1. IMPLEMENTATION OF THE COMMUNITY INFRASTRUCTURE LEVY – FINALISATION OF OUTSTANDING SECTION 106 AGREEMENTS

The Panel has considered proposed procedures to finalise outstanding Section 106 Agreements in view of the recent adoption of the Huntingdonshire CIL Charging Schedule. Providing the overall amount to be collected towards infrastructure provision is not materially different to that previously agreed, the Panel has authorised the Head of Planning and Housing Strategy, in conjunction with the Head of Legal and Democratic Services and after consultation with the Chairmen of the Section 106 Agreement Advisory Group and the Panel to finalise all outstanding Section 106 Agreements in accordance with agreed operating principles. In the event that the proposals might result in a materially different outcome, the Panel has agreed that they should be re-submitted to the Section 106 Agreement Advisory Group.

2. DIVERSION OF PUBLIC RIGHT OF WAY – PART OF PUBLIC FOOTPATH NO. 13 – FENSTANTON: TOWN AND COUNTRY PLANNING ACT 1990

The Panel has considered a proposal to divert the route of part of Public Footpath No. 13 at Fenstanton following the approval of planning permission to extend the existing marina at that location and to excavate a new marina basin. Having been advised that the applicant has agreed to meet all legal and advertising costs, the Panel has agreed that an appropriate Order be made under Section 257 of the Town and Country Planning Act 1990 to enable the diversion of the footpath and to allow the development to proceed.

3. DEVELOPMENT MANAGEMENT PROGRESS REPORT: 1ST JANUARY – 31ST MARCH 2012

The Panel has undertaken its regular review of the activities of the Development Management Service over the period 1st January – 31st March 2012 in comparison with the corresponding period in 2011. Having drawn attention to the number of applications delayed for processing reasons, the Planning Service Manager (Development

Management) undertook to report to a future meeting on the reasons for the increase over previous quarters.

4. DEVELOPMENT APPLICATIONS

Over two meetings, the Panel has considered a total of nine applications and of these four have been approved, four refused and one deferred to enable the Panel and Ward Councillors to undertake an accompanied visit to a site at 154B St. Neots Road, Eaton Ford. Following the opportunity to view the development site, the Panel approved the application when it was re-submitted to them.

5. APPEAL DECISIONS

As part of its regular update, the Panel has noted that HM Planning Inspectorate has allowed an appeal against the District Council's decision to refuse planning permission for the erection of 4 wind turbines and associated development at Woolley Hill, Ellington.

The principal reasons for the Inspector's decision were as follows –

- the proposal would have a limited impact on the perception of church spires in the landscape and therefore minimal conflict with the Council's Wind Power SPD 2006;
- the proposed turbines would not be out of scale with the landscape as a whole nor in terms of their relationship with settlements in the landscape. Although the view of Ellington from the south would 'rest more easily' without Turbine No 4, the three turbines visible in the open landscape beyond and to the east of the village would not be 'overly unnerving';
- the effect upon the heritage asset of All Saints Church, Ellington, would not appear overbearing or dominant given the diminishing effects of distance nor impair the use of the Church so the degree of harm would be limited; and
- in terms of the impact on the residents of Ellington, the effects of the development would not reach a level which should lead to planning consent being refused.

D B Dew
Chairman

Licensing and Protection Panel

Report of the meeting held on 20th June 2012

Matter for Decision

1. FOOD SAFETY SERVICE PLAN 2012/13

The Panel has considered an executive summary of the proposed Service Plan for Food Safety 2012/13. The Plan has been developed to comply with the requirements of the Food Standards Agency and incorporates the aims and objectives of the service, the resources available and a review of work undertaken during the previous year.

Approval of the Plan is reserved to Council and appears as Item No. 7 on the Agenda for the meeting.

Matters for Information

2. PAVEMENT CAFES

The Panel has agreed to return the function for the licensing of pavement cafés to Cambridgeshire County Council. This function has been successfully undertaken by the Licensing and Protection Panel since 2003. At its meeting on 25th October 2011, the County Council's Cabinet agreed changes to the procedures and charges in an effort to provide a consistent approach throughout the County. The Panel has been advised that these changes would result in a reduction in income for the District Council if they chose to continue to administer the licensing of pavement cafes themselves.

Members have been advised that businesses will still be able to apply for and operate pavement cafes in the same way as at present and that the District Council would remain a consultee. However, the process will now be administered and enforced by the County Council.

3. TAXI REFORM

The Panel has been made aware of consultation currently being undertaken by the Law Commission with the purpose of reforming the laws affecting taxis and private hire vehicles. The Commission has highlighted a number of problems with the current system which includes legislation dating from 1831.

The Commission considers that the overall effect of the proposals, which provide for national minimum safety standards for both taxis and private hire and an ability for private hire services to operate on a national basis, would be a moderate reform of the current arrangements, with much of the existing structure of Regulation retained albeit in an improved and simplified way. The consultation continues until 10th August 2012.

4. LOCAL GOVERNMENT (MISCELLANEOUS PROVISIONS) ACT 1982 – HEARINGS PROCEDURE

The Panel has approved a standardised procedure to be followed by the Applications Sub-Group for hearings relating to individual applications for the grant, renewal or transfer of sex establishments. The standardised procedure replaces the individual procedure that previously required formal adoption at each hearing and follows the pattern of standardised procedures previously approved for hearings of the Licensing Sub-Committees and the Applications Sub-Group with regard to taxi matters.

5. SEX SHOPS – STANDARD CONDITIONS

Amendments to the prescribed standard conditions applicable to all sex shop licences have been approved by the Panel. Regulations made under the Local Government (Miscellaneous Provisions) Act 1982 permit local authorities to prescribe standard conditions setting out the way in which licensed premises are to be conducted. In addition special conditions can also be attached to licences to address particular issues. The need for amendment of the current standard conditions was highlighted during a recent renewal application process when the impracticalities of being able to comply with a standard condition were identified.

6. HEALTH AND SAFETY ENFORCEMENT SERVICE PLAN 2012/13

The Panel has endorsed the content of the Service Plan for Health and Safety Enforcement for 2012/13. The Plan has been developed in accordance with guidance issued by the Health and Safety Executive, covers the aims and objectives of the service, the resources available and reviews the work undertaken during the previous year.

Despite a 25% reduction in staff resources since the 2010/11 service plan, the Panel has been informed that a number of premises inspections have been carried out over the year with high customer satisfaction ratings. The Panel wish to place on record their concern at the lack of resources available to undertake inspections in the current year, given that priority is given to undertaking inspections at those premises which are regarded as high risk. The Panel has requested the Executive Councillor for Healthy and Active Communities to investigate the matter and to report back thereon to a future Panel meeting.

7. HEALTH AND SAFETY ENFORCEMENT PLAN 2012/13.

The Panel has endorsed the content of the Service Plan for Health and Safety Enforcement for 2012/13. The Plan has been developed in accordance with guidance issued by the Health and Safety Executive and covers the aims and objectives of the service, the resources available and a review of the work undertaken in the previous year.

Because of a 20% reduction in staff and the allocation of significant resources to a work related fatal accident involving a young child, there has been a reduction in the total number of inspection visits and revisits carried out by the service. Available resources were directed toward high risk premises and some projects identified in the Plan were scaled down or postponed. However, despite these problems the service still delivered many of the targets and outcomes identified in the 2011/12 Plan.

It is anticipated that the reduced budget for 2012/13 will be sufficient to meet the demands of the service although in the event of a complex legal case, additional funds might be required.

8. REPRESENTATION ON ORGANISATIONS

The Panel has appointed a number of representatives to outside organisations for the ensuing Municipal Year.

J W Davies
Chairman

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Licensing Committee

Report of the meeting held on 20th June 2012

Matters for Information

1. GAMBLING ACT 2005 – STATEMENT OF PRINCIPLES

The Gambling Act 2005 requires the Council to license premises where gambling takes place and to license certain other activities related to gambling.

The Council is required to publish a Statement of Principles which outlines how it will exercise its functions under the Act. This Statement must be reviewed every three years. The current Statement is due for review and best practice set by the Department for Business, Innovation and Skills recommends a 12 week period of public consultation. The Committee has, therefore, considered a draft Statement for consultation. Having noted the timetable for the consultation exercise and that all Members would have the opportunity to comment, the Committee has approved the Statement for submission to the Cabinet.

J W Davies
Chairman

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Employment Panel

Report of the meeting held on 20th June 2012

Matters for Information

1. HR & PAYROLL SUPPORT SERVICES

The Panel has received a presentation by Ms J Maulder, HR Business Partner on the future plans of Local Government Shared Services (LGSS), who has been providing Human Resources (HR) support to the District Council from 1 May 2012.

Information on the vision and values of LGSS, their governance arrangements and the benefits that they were able to offer their customers was presented. Members also have been advised of the work which was being undertaken by LGSS to develop their understanding of the District Council and its HR policies, and their expectations in terms of the service they can offer to the Authority in the future.

Arising from the presentation, a number of questions were raised about the future aspirations of LGSS and the point at which any benefits from economies of scale become impractical. Members also were advised of the benefits which could be achieved from the pooling of professional expertise. With regard to their contract with the District Council which had been in operation for a 6 week period, the Panel was pleased to note that the Managing Director had received positive feedback about the LGSS service thus far.

2. EMPLOYMENT REPORT

The Panel received a quarterly report on a range of information relating to the management of the Council's workforce and the workload of the Human Resources Team. On this occasion, the report included the latest position and trends relating to:-

- ◆ employee numbers;
- ◆ salary costs;
- ◆ employee turnover;
- ◆ retention of new starters;
- ◆ sickness absence reporting; and
- ◆ the Human Resources caseload.

In considering the information which was provided, the Panel has noted that employee numbers had fallen by just over 8% in the year

since 31st March 2011 and that salary costs had also reduced significantly. Whilst these figures did not include the recent transfer of HR employees to LGSS, Officers undertook to clarify this position in future reports. With regard to the overall reduction in employee numbers and having recognised the need to maintain staff morale, the Managing Director (Resources) has indicated that he hoped to be in a position to promote more positive messages about job security as progress was made with the Council's pay review.

Members have also noted that the annual average days sickness per FTE employee has reduced from 8.4 to 8.1 days in the year to 31st March 2012 and remains well below the average for local government. This also compares well with the figures for the private sector published by the Chartered Institute for Personnel Development. Whilst this outcome was pleasing, the Panel has been informed that sickness absence will remain a key focus for the Human Resources' Team and Heads of Services would continue to be directed to pay specific attention to this matter. With this in mind and to improve their understanding of the sickness absence policy and procedure, the Panel have requested a presentation on the subject at a future meeting.

A copy of the full report is available from Democratic Services on request and has been published on the District Council's website.

3. REVIEW OF ESSENTIAL MILEAGE, TRAVEL ARRANGEMENTS AND POOL CARS

Further to Item No.5 of their Report to Council on 28th September 2011, the Panel has received an update on the impact of changes to employee mileage allowances for both essential and casual car users.

Although the reduction in mileage rates appears to have had little effect on business mileage at this stage, Members have noted that the effect of removing lump sum payments for essential users is still unknown. In this respect, the Panel has been advised that a review of pool car requirements will be undertaken shortly and that work is ongoing to identify service areas where special arrangements may be required. It was also intended to approach existing recipients on an individual basis to discuss the alternative arrangements which could be put in place to address their situation.

In considering the report, Members have discussed the cost and value of the Council's pool cars and the need to ensure that the changes did not have an adverse impact on service provision. Members have also been advised that the situation will remain under review and that further updates will be submitted to the Panel in due course.

4. ACCIDENT REPORTING PROCEDURE

In order to fulfil the Council's statutory responsibilities and to ensure consistency in the recording and reporting of accidents across the

organisation, the Panel has formally adopted a new Accident Reporting Procedure for the Authority. Whilst the Council has a number of informal service based practices for ensuring accidents are reported, the new procedure has been devised to establish a corporate system which clearly sets out the Council's duties and responsibilities.

To assist in the implementation and to introduce the procedure to Heads of Service and Activity Managers, a training seminar has been arranged to ensure they are aware of their legal responsibilities and have the necessary competencies to record and report accidents to the Health and Safety Executive's Incident Contact Centre.

5. EQUALITY FRAMEWORK FOR LOCAL GOVERNMENT – EQUALITY PEER CHALLENGE – ACHIEVING ACCREDITATION

The outcome of a recent accreditation obtained by the Council as an "Achieving" authority under the Equality Framework for Local Government was noted by the Panel. The Framework is a performance improvement and benchmarking tool which is designed to help local government meet their equality duties.

The findings from the assessment will be incorporated into an action plan to take forward those areas which required further consideration.

Attention also has been drawn to the forthcoming welfare reforms and specifically the equality issues and financial pressures which may arise for the Council as a result. Members have been informed that the Overview and Scrutiny Panels have given preliminary consideration to the matter and that further reports would be submitted to their future meetings.

6. RETIREMENT OF EMPLOYEES – ACKNOWLEDGEMENTS

The Panel has placed on record its recognition of, and gratitude for, the excellent contributions made by the following employees during their employment in the local government service and conveyed its best wishes to them for a long and happy retirement.

Name	Division	Local Government Service:
Mr A Yeldham	Customer Services	6 years
Mr M Mann	Operations Division	14 years
Mr S Plant	Housing Services	36 years

7. PAY REVIEW PROJECT

(The following item was considered as a confidential item under paragraph 4 of Part 1 of Schedule 12A to the Local Government Act 1972.)

The Panel has received an update on the progress being made with the Council's Pay Review project and have been informed that the project had been split into a number of work streams with the first of these involving a review of the Council's existing job evaluation scheme. Once this activity has concluded, Local Government Shared Services (LGSS) will examine the Council's existing Grading Framework.

The Panel has been assured that any decisions regarding pay and pay structure will be determined by the District Council and not the LGSS Joint Committee.

S Cawley
Chairman

Representation of Political Groups on District Council Panels, etc

Report by the Head of Legal and Democratic Services

1. INTRODUCTION

- 1.1 The Local Government and Housing Act 1989 and associated Regulations describe arrangements for achieving a balance on Panels etc, to reflect the representation of political groups and independent Members on the District Council. The Act requires the District Council to review the representation of different political groups at the time when the Authority holds its Annual Meeting and as soon as practicable and over one month after the last review if the Proper Officer receives a request to undertake a further review of the allocation of seats given a change to membership of a political group.

2. PRINCIPLES OF PROPORTIONALITY

- 2.1 Members are reminded that in performing the duty to review representation, the Council must, so far as reasonably practicable, only determine the allocation of seats having regard to the following principles -

- ◆ that not all the seats are allocated to the same political group;
- ◆ that the majority of seats are allocated to the political group which forms a majority of the Council's membership; and
- ◆ that the number of seats allocated is in the same proportion as is borne by the number of Members of a political group to the membership of the Council.

- 2.2 Currently it is open to the Council to approve alternative arrangements otherwise than in accordance with the principles of proportionality providing that the alternative arrangements are approved without any Member voting against them.

3. CONSTITUTION OF POLITICAL GROUPS

- 3.1 Following the by election in Earith Ward on 21st June 2012, the constitution of political groups on the Council is varied as follows:-

Name of Group	No. of Members
Conservative	39
Liberal Democrat	7
UKIP	3
Labour	1

There are two Members of the Council who are not aligned to a political group.

- 3.2 The membership of groups in proportion to the total membership of the Council is therefore as follows:-

	%
Conservative	75
Liberal Democrat	13.46
UKIP	5.77
Labour	1.92

The Independent Members represent 3.85% of the membership of the Council.

4. LOCAL GOVERNMENT ACT 2000

- 4.1 Under the Local Government Act 2000, the proportionality requirements do not apply to the Cabinet or to any Sub-Groups or Sub-Committees, which the Cabinet may appoint. The Council has recently altered arrangements for the appointment of the Cabinet which is now at the discretion of the Executive Leader of the Council. The Localism Act repealed Section 55 of the Local Government Act 2000 which imposed a statutory duty to appoint a Standards Committee. The existing Standards Committee (to 30th June 2012) recommended the Council to appoint a new Committee comprising seven elected Members of the District Council based on appropriate political proportionality and to include one Member of the Executive. Agenda Item No 7(a) refers. This Committee would be established under Section 102 of the Local Government Act 1972 and thus the number of seats to which the Council normally would appoint has increased.

- 4.2 The following requirements of the Act also need to be adhered to by the Council in determining the membership of Panels, etc -

- ◆ the Cabinet may not include either the Chairman or Vice-Chairman of the Council;
- ◆ Overview and Scrutiny Panels may not comprise any Member of the Cabinet;
- ◆ The present restriction to only one member of the Executive on the Standards Committee will cease to apply;
- ◆ the Executive Leader, Deputy Executive Leader and any Member of the Cabinet shall not be elected as Chairman of any Committee or Panel other than any that may be appointed by the Cabinet.

- 4.3 The Constitution also provides for the Development Management Panel, Licensing and Protection Panel, the Employment Panel and the Licensing Committee to include the relevant Executive Councillor within their respective membership.

Every Member of the Council shall be appointed to serve on a minimum of one Overview and Scrutiny Panel, Committee or Panel of the Council or the Cabinet.

5. PROPORTIONALITY

- 5.1 Excluding the Cabinet the aggregate number of seats on Panels is now 80. Using the proportionality percentage referred to in paragraph 3.2 and rounding up or down as appropriate, produces the following entitlement -

	Seats
Conservative Group	60
Liberal Democrat Group	11
UKIP	5
Independent Members	3
Labour	1

- 5.2 Applying the principles of the Act and, similarly, rounding the figures as necessary, gives the distribution as set out in the Annex.
- 5.3 The principles of proportionality apply similarly to advisory/sub-groups appointed or nominated by panels and regard must be given to the entitlement to seats although it is the expectation that the appointments made to Advisory Groups/Sub Groups etc at the Annual Meeting or by the Cabinet will remain unchanged.

6. CONCLUSION

- 6.1 The Council is invited to determine the allocation of seats on District Council Panels to political groups and to the non-aligned Members in accordance with the distribution illustrated in the attached Appendix.
- 6.2 The opportunity otherwise is available currently to allocate seats in accordance with an alternative arrangement, with the exception of the Cabinet, provided this arrangement is approved by the Council with no Member voting against.

BACKGROUND PAPERS

Local Government and Housing Act 1989

Local Government Act 2000

District Council Constitution

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Panel/Committee	No. of Seats*	No. of Ex-officio	Title of Ex-officio	Cons	Lib Dem	UKIP	Indep.	Lab	Cons	Lib Dem	UKIP	Indep.	Lab
Corporate Governance Panel	7	0		5.25	.94	.40	.27	.13	5 (6)**	1	1 or 0*	0 or 1*	0
Development Management Panel	16	1	Not defined	12.00	2.15	.92	.62	.31	12	2	1	1	0
Employment Panel	8	1	Not defined	6	1.08	.46	.31	.15	6	1	1 or 0*	1 or 0*	0
Licensing & Protection Panel/ Committee	12	1	Not defined	9	1.61	.69	.46	.23	9	2	1	1 or 0*	0
Overview & Scrutiny Panel (Economic Well-Being)	10	0		7.50	1.35	.58	.38	.19	7	1 or 2*	1 or 0*	1 or 0*	0 or 1*
Overview & Scrutiny Panel (Environmental Well-Being)	10	0		7.50	1.35	.58	.38	.19	7	1 or 2*	1 or 0*	1 or 0*	0 or 1*
Overview & Scrutiny Panel (Social Well-Being)	10	0		7.50	1.35	.58	.38	.19	7(8)**	1 or 2*	1 or 0*	1 or 0*	0 or 1*
Standards	7	0		5.25	.94	.40	.27	.13	5	1	1 or 0*	0 or 1*	0
Total	80			60.00	11.00	5.00	3.00	1.00	58(60)**	11	5	3	1**

* The allocation of these seats must be balanced so that the total entitlement to seats on each group is not exceeded.

** At the Annual Council Meeting, the calculation included the vacant seat in the Earith Ward. With the exception of the Conservative Group, the remaining Groups already have been allocated the number of seats to which they are entitled. It is for the Conservative Group to nominate to the vacant seats.

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