
Standards Committee

Report of the meeting held on 6th September 2012

Matter for Decision

7. APPOINTMENT OF INDEPENDENT PERSONS

In Item No 1 of the Report to the last meeting of the Council held on 4th July 2012, the Committee reported that it had authorised the Head of Legal & Democratic Services and the Monitoring Officer to commence the process for the appointment of Independent Persons (one permanent Lead Member and one able to act in reserve) in accordance with Chapter 7 of the Localism Act 2011. Independent persons must be appointed after public advertisement, application and interview.

A Panel comprising the Chairman and Vice Chairman of the Committee, Councillors A Hansard and Mrs B E Boddington respectively and Councillor T D Sanderson was appointed by the Committee to interview applicants for the posts and to recommend to the Council the candidates they consider should be appointed. In common with other District Councils in Cambridgeshire, the Committee has noted that the positions will attract allowances of £1000 and £500 for the Lead and Deputy respectively plus reimbursement for travel and subsistence expenses. The Independent Person is consulted before a decision is made on an investigated complaint and usually on receipt of the initial complaint. The Independent Person may also be consulted on other standards matters, including by a Councillor who is the subject of an allegation. The Independent Person may also attend meetings of the Committee but only as a non-voting co optee.

As interviews for the posts of Independent Persons are to be held after the Agenda for the Council meeting has been despatched, the Chairman of the Interviewing Panel will advise the Council of the outcome.

RECOMMEND

that the Council be requested to appoint those candidates recommended by the Interviewing Panel for the posts of Lead and Deputy Independent Persons.

Matters for Information

8. APPOINTMENT OF PARISH COUNCIL REPRESENTATIVES

Members may recall that the Council agreed to invite Parish Councils to nominate two parish councillors to be co opted as non voting Members of the new Standards Committee (Item No 1(c) of the Report of the last meeting refers). The Committee has now considered how these town and parish council representatives should be recruited bearing in mind how important it is that these representatives should have the trust of town and parish Councils in the authority's area. Given also the experience and knowledge held by the former town and parish council representatives, the Committee considered that it would be reasonable to –

- ◆ invite the former town and parish council representatives to express an interest in the two posts;
- ◆ invite the views of CPALC on the appointment process and, if appropriate, to seek the two nominations required through their membership; and
- ◆ invite all Parish Councils to request their Members to express an interest in the positions.

The Committee has agreed that an allowance of £231 per annum should continue to be payable to the new parish representatives together with the reimbursement of any travelling and subsistence expenses incurred in attending meetings and training events. Following receipt of expressions of interest from the various sources, the Monitoring Officer has been authorised to appoint the two new representatives after consultation with the Chairman of the Committee.

9. PROPOSED CHANGES TO TERMS OF REFERENCE

As the timescale for the adoption of the new Code of Conduct and consequential arrangements was so short, there was little opportunity to consider how a new Standards Committee might operate in the future. The Committee now has considered its terms of reference and suggested several amendments to reflect the way in which it is envisaged the Committee might operate in the future.

Minor amendments are required to Article 9 in the Constitution relating to the Standards Committee largely to take account of the changes in legislation. The Committee has also concluded that a Sub Committee comprising three Members should be appointed from amongst its number when it is necessary to hear complaints of misconduct by Councillors and that this Sub Committee also should meet to consider urgent requests for dispensation from District Councillors. The Head of Legal & Democratic Services & Monitoring Officer has been authorised to convene meetings of the Sub Committee when necessary and has previously been authorised by the Council to vary the Constitution to take account of changes to

standards arrangements after consultation with the Chairmen of the Committee and the Corporate Governance Panel.

10. NEW STANDARDS REGIME - PROGRESS

The Monitoring Officer has reported on the arrangements which have been made to ensure that the District Council has complied with the requirements of the Localism Act 2011 since the Council adopted a new Code of Conduct at its last meeting in July. This has involved the issue of guidance to District Members and Town and Parish Councils on the adoption of a new Code and the completion of declaration of interest forms and advice notes to Parish Clerks on the granting of dispensations. Action also has been taken to encourage interest in the posts of Lead and Deputy Independent Members (see Item No 7 ante).

Under the former Model Code of Conduct, specific circumstances were prescribed when a Member could exclude themselves from having to declare a prejudicial interest and leave the room when business arose in connection with that interest. As there were no similar exclusions in the recent Regulations, the Committee has granted a dispensation for the period ending 30th April 2016 to enable all Members to speak and vote in the following circumstances where it is considered that they would have a disclosable pecuniary interest –

- ◆ setting the Council Tax and budget under the Local Government Finance Act 1992; and
- ◆ setting the allowances, payments or indemnity given to Members.

11. MONITORING OFFICER PROTOCOL AND FLOWCHART

Subject to review of the arrangements after twelve months operation, the Committee has approved a final version of the protocol and flow chart to be used by the Monitoring Officer when responding to allegations of misconduct by a Member of the District Council or Parish Council in the District. The Committee has also reaffirmed its view that the new protocol should include a requirement for complaints made about Parish Councillors to be referred, in the first instance, to the relevant Parish Council for local resolution and only considered by the Monitoring Officer once these measures have been exhausted or if such a course of action is not practicable. The Committee also confirmed that there shall be no right of appeal against the outcome of a complaint referred to a Hearings Panel.

12. PROPOSED TRAINING PROGRAMME

It remains the role of the Committee to give advice and training on matters relating to the Code of Conduct. In view of the recent changes in legislation and the issue of new Regulations on the declaration of pecuniary interests, the Committee has endorsed proposals for a programme of training sessions to be held in the Autumn at various locations in the District for Town and Parish

Councils and for several drop in sessions to be held in advance of scheduled meetings of District Council Panels and Committees in the current cycle.

A Hansard
Chairman