

AGENDA REPORTS PACK

STANDARDS COMMITTEE

22nd JUNE 2015

15S/028.

Minutes of the Standards Committee

Meeting held in the Parish Office, Community Centre, Cottenham

On **Wednesday 29th April 2015 at 8.00pm**

Present: Cllrs Morris (Chair), Heydon and Nicholas

- 15S/012. Any Questions from the Public or Press – Standing orders to be suspended** – none present.
- 15S/013. Standing Orders re-instated - Chairman’s Introduction and Apologies** – apologies accepted from Cllrs Leeks (holiday) and Young (work).
- 15S/014. Declarations of Interest** *To receive disclosures of pecuniary and non-pecuniary interests from Councillors on matters to be considered at the meeting* - none received.
- 15S/015. Minutes** – Resolution that the minutes of the Committee meeting held on 27th January be signed as a correct record. **RESOLVED.**
- 15S/016. Terms of Reference** – To consider and recommend for adoption by the Parish Council, the (possibly revised) Terms of Reference of the Standards Committee. Cllr Morris outlined. Resolution to amend 1f (Councillors who are not currently members of the Standards Committee) and 1g (non-Councillor residents from a list approved by Council) to say ‘two co-opted non-councillors familiar with council matters’. **RESOLVED.**
- 15S/017. Code of Conduct** – Cllr Morris outlined. Some discussions around interpretation of the wording. Resolution to recommend for adoption by the Parish Council, the Code of Conduct. **RESOLVED.**
- 15S/018. Complaints procedure** – To consider and recommend for adoption by the Parish Council, the (revised) Complaints Handling procedure. The document was amended to reflect those changes made to the ToR’s as per item 15S/016. Cllr Morris ran through the proposed amends and complaint handling procedure. Resolution to recommend for adoption by the Parish Council, the revised Complaints Handling procedure. **RESOLVED.**
- 15S/019. Code of Conduct Committee membership** – To consider the nominee list of non-Councillor residents, two of whom are to be appointed by the Standards Committee as ad-hoc co-opted members to form, with 3 members of the Standards Committee, a 5-member Code of Conduct Committee in the event of a complaint about actions by a Councillor. Clerk reported that SCDC Cllr Simon Edwards and John Garstang had already confirmed their acceptance to join the Code of Conduct Committee. Clerk to resend invitation to Rick Bristow to repeat our invitation.
- 15S/020. Annual report** – Resolution to accept annual report of the Committee’s activities to be presented the Parish Council at the Annual Meeting. **RESOLVED.**
- 15S/021. Training** – Resolution to recommend to the Parish Council any necessary training required during 2015/6 for Councillors and/or staff. **RESOLVED.**
- 15S/022. Date of next meeting** – TBC.
- 15S/023. Close of meeting** – 9.17pm.

Signed _____ (Chair) Date _____

15S/029. To consider amendments to the Code of Conduct and recommend these to Council for adoption

Previous Standards Committee meetings have avoided changes to the core text, relying instead on interpretations (shown italicised in red) to clarify the intent and follow up with a Council training session to go through the interpretations.

When recently submitted to Council for ratification of the approach, it was pointed out that the Code of Conduct still required, in paragraph 4.2.4, requests for dispensations to be referred to the "Authority's Monitoring Officer" when these can now be handled by Council itself, or delegated to the Clerk if Council resolves that. In addition, several suggestions were made to improve the clarity of the code.

The suggested revisions are:

Includes (as tracked changes) four proposed generic amendments:

1. "Authority" is replaced by "Parish Council"
2. Paragraph 4.2.4 now refers to "Council" rather than the Authority's Monitoring officer.
3. "M" in the extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - has been substituted by "you"
4. "relevant authority" in the extract from the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 - has been substituted by "Parish Council"

Code of Conduct for Members

Introduction

Cottenham Parish 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 Parish Council or when they claim to act or give the impression of acting as a representative of the Parish 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, claim to act or give the impression you are acting in your capacity as a Member of the Authority, including:-

- 1.1 at formal Meetings of the Authority (*Council or Committee*)
- 1.2 when acting as a representative of the Authority (*formally delegated and/or self-declared*)
- 1.3 when corresponding with the authority other than in a private capacity (*including email*)

2 Meeting

In this Code "Meeting" means any meeting organised by or on behalf of the Authority, including :-

- 2.1 any meeting of the Council, or a Committee or Sub-Committee of Council

2.2 at any site visit to do with the business of the Authority

3 General Conduct

You must –

- 3.1 provide leadership to the authority and the community within its area, by personal example and
 - 3.2 respect others and not bully or threaten or attempt to bully or threaten any person (*perceptions and reality can be different*)
- 3.3 respect the confidentiality of information which you receive as a Member by–
 - 3.3.1 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
 - 3.3.2 not obstructing third parties' legal rights of access to information
- 3.4 not conduct yourself in a manner which is likely to bring the Authority into disrepute (*avoid introducing misinformation; decisions debated in open meetings "afresh" unless delegated by resolution to a WG or Clerk*
- FoI request could extract email trail that implies secret decision-making and or pressurisation)
- 3.5 use your position as a Member in the public interest and not for personal advantage
- 3.6 comply with the Authority's reasonable rules on the use of public resources for private and political purposes
- 3.7 exercise your own independent judgement, taking decisions for good and substantial reasons by –
 - 3.7.1 attaching appropriate weight to all relevant considerations including, where appropriate, public opinion and the views of political groups (*avoid predetermination*)
 - 3.7.2 paying due regard to the advice of Officers (*without claiming reliance on the advice*)
 - 3.7.3 stating the reasons for your decisions where those reasons are not otherwise apparent (*explanation rather than simple assertion*)
- 3.8 do nothing that causes the Authority to act unlawfully. (*compliance with SO, FR and ToR*)

4 Disclosable Pecuniary Interests

- 4.1 You have a disclosable pecuniary interest if it is of a description specified in regulations made by the Secretary of State (as set out in the Appendix) and either:
 - (a) it is an interest of yours, or
 - (b) it is an interest of:
 - (i) your spouse or civil partner; or
 - (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 other person has the interest.
- 4.2 You must -

4.2.1 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

4.2.2 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

4.2.3 make a 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

4.2.4 Where you have a disclosable pecuniary interest, whether the interest is registered or not, you must not (unless you have obtained a dispensation from the Parish Council) –

- (i) 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.

5 Other Interests

5.1 In addition to the requirements of Paragraph 4, 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

5.2 You have a “non-disclosable pecuniary interest or non-pecuniary interest” in an item of business of your authority where –

5.2.1 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 Parish Council Tax payers, ratepayers or inhabitants of the parish area for which you have been elected or otherwise of the authority’s administrative area, or

5.2.2 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.

6 Gifts and Hospitality

- 6.1 You must, within 28 days of receipt, notify the Parish Clerk 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.
- 6.2 The Parish Clerk will place your notification on a public register of gifts and hospitality.

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 - amended to replace “relevant authority” by “Parish Council” and M(ember of relevant authority) by “you”–

<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 Parish Council) made or provided within the relevant period in respect of any expenses incurred by you in carrying out duties as a member, or towards your election expenses. 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 Parish Council— (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 Parish Council.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the Parish Council for a month or longer.
Corporate tenancies	Any tenancy where (to your knowledge)— (a) the landlord is the Parish Council; 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 your knowledge) has a place of business or land in the area of the Parish Council; 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;

“member” includes a co-opted member;

“relevant authority” means the authority of which you are a member;

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

“relevant person” means you 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.

15S/030. To consider amendments to the Complaints Handling Procedure and recommend these to Council for adoption

Our current Council-adopted Complaints Handling procedure focuses on complaints about the Council's administrative and procedural issues, but does not address complaints against a Councillor.

This recommendation, approved by Standards Committee but not Council, is based on the NALC text (in black) extended (in red) to cover complaints against a Councillor using text used by Histon & Impington, further modified following a discussion at the last Standards meeting.

A further amendment is proposed here to require, in paragraph 9, "three members of the Standards Committee" rather than its Chair alone to review the "technical validity" of a complaint prior to review by the full Complaints Committee.

Proposed Complaint handling procedure

1. *The following procedure will be adopted for dealing with complaints:*
 - (a) *about a policy decision made by the Council will be referred back to the Council, or relevant Committee, as appropriate, for consideration.*
 - (b) *about the Council's administration or its procedures will be handled as outlined in paragraphs 2 to 7 and A to D below*
 - (c) *about the conduct of a member of the Parish Council will be handled as outlined in paragraphs 8 to 12 and A to D below.*
 - (d) *Matters relating to **Grievance or Disciplinary proceedings** that are taking, or are likely to take place, should be dealt with in accordance with paragraphs 2 to 7 below then in accordance with the Council's grievance and disciplinary procedures.*
2. If a complaint about **procedures, administration or the actions** of any of the Council's employees is notified orally to a Councillor, or to the Clerk to the Council, a written record of the complaint will be made, noting the name and contact details of the complainant and the nature of the complaint.
3. The complainant will be asked to put the complaint in writing (letter/e-mail/standard form) to the Clerk to the Council at Right Side Entrance, Community Centre, 250a High Street, Cottenham, Cambridge CB24 8XZ. The complaint will be dealt with within 21 days of receipt. Refusal to put the complaint in writing does not necessarily mean that the complaint cannot be investigated, but it is easier to deal with if it is in writing.
4. If the complainant prefers not to put the complaint to the Clerk to the Council (because the matter relates to the Clerk, for example,) he or she should be advised to write to the Chair.
5. On receipt of a written complaint, the Clerk to the Council (except where the complainant is about his or her own actions) or Chair of Council (if the complaint relates to the Clerk), will seek to settle the complaint directly with the complainant. This will not be done without first notifying any person complained about and giving him or her an opportunity to comment. Efforts should be made to resolve the complaint at this stage.
 - (a) Where the Clerk to the Council or a Councillor receives a written complaint about the Clerk's actions, he or she shall refer the complaint to the Chair of Council. The Clerk to the Council will be formally advised of the matter and given an opportunity to comment.
6. The Clerk to the Council (or Chair) will report any complaint disposed of by direct action with the complainant to the next meeting of the Council.
7. *If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Complaints Committee, comprising three members of the Standards Committee and two co-opted Councillors who are not currently members of the Standards Committee, whose procedure is outlined at paragraphs A to D below.*
8. ***Complaints about the conduct of a Member of the Parish Council should be made in writing to the Clerk of the Council (or the Chair of the Standards Committee if the complainant prefers***

not to put the complaint to the Clerk) at the Parish Office, Right Side Entrance, Community Office, 250a High Street, Cottenham, Cambridge CB24 8XZ or by email to clerk@cottenhampc.org.uk

9. Upon receipt of a written complaint the Clerk will notify a member of the Standards Committee, normally the Chair unless the subject of the complaint, who will, if necessary seek further information from the complainant **until three members of the Standards Committee** are able to assess whether the complaint, in principle, qualifies as a breach of the Code of Conduct and likely acceptable forms of redress.
 10. In the event of a technically valid complaint, the complainant will be advised that the councillor(s) against whom the complaint(s) is made will be given 10 working days to offer a response and that response will be copied to the complainant within 2 working days of such receipt
 11. The complainant will then be given 5 working days to consider the response after which time the Clerk will ask whether the complainant is satisfied or whether further action is required.
 12. If the matter cannot be resolved in this way the complaint, in writing, should be put to CPC's Code of Conduct Committee, comprising three members of the Standards Committee and two co-opted non-Councillor residents from a list approved by Council. Their procedure is outlined in paragraphs A to D below.
- A. The Committee may defer dealing with any complaint if it is of the opinion that issues arise on which further advice is necessary. The advice will be considered and the complaint dealt with after the advice has been received.
 - B. The complainant will be invited to attend a meeting of the relevant committee on the understanding that any documentation of other evidence on which the complainant may rely has been copied to and received by the Clerk seven working days prior to the meeting date. The complainant may be accompanied by whomsoever he/she wishes but such person may only attend as an observer and whilst their presence will be acknowledged they must take no part in the proceedings.
 - C. The meeting will be held in private at which time:
 - i. The Chair will introduce everyone
 - ii. The Chair will then state the nature of the complaint and thereafter ensure that the hearing adheres to the following:
 - iii. The Complainant will detail the grounds for complaint and the action he/she would expect to resolve the complaint.
 - iv. The Committee members will then be given time to ask questions of the Complainant.
 - v. The Parish Clerk, a Councillor or the subject of the complaint (the nominee) will explain their position.
 - vi. The Committee will then have time to question the nominee.
 - vii. The nominee and then the Claimant (that order) will be given an opportunity to make a final address to the Committee.
 - viii. The nominee and the Claimant will be asked to leave the room whilst the Committee decides whether or not the grounds for complaint have been made. (In the event that any point is in need of clarification then both parties will be invited back in).
 - ix. The nominee and the Complainant will return to hear the decision or be told when the decision will be made.
 - D. The decision will be confirmed in writing, and with details of any action to be taken, within seven working days of the decision date. Furthermore such decision shall be announced, and explained at the next council meeting and in the presence of any members of the public or press.