



AGENDA

For a meeting of the
STANDARDS COMMITTEE
to be held on
FRIDAY, 23 SEPTEMBER 2005
at
2.30 PM
in
COMMITTEE ROOM 2, COUNCIL OFFICES, ST. PETER'S HILL, GRANTHAM
Duncan Kerr, Chief Executive

PLEASE NOTE THE LOCATION OF THE MEETING

Committee Members:	Mr. C. Holtom (Chairman), Mr. F. Mann (Vice-Chairman), Councillor Reg Lovelock M.B.E., Councillor John Wilks and Councillor Mike Williams.
	Parish representatives: Councillor M Exton (Stamford Town Council), Councillor R Rose (Thurlby Parish Council), Councillor T Holmes (Bourne Town Council) and Councillor P Dolby (Braceborough and Wilsthorpe Parish Council)
Committee Support Officer:	Rebecca Chadwick 01476 406297 r.chadwick@southkesteven.gov.uk

Members of the Committee are invited to attend the above meeting to consider the items of business listed below.

- 1. MEMBERSHIP**
- 2. APOLOGIES**
- 3. DECLARATIONS OF INTEREST**
Members are asked to declare interests in matters for consideration at the meeting.
- 4. APPLICATIONS FOR DISPENSATIONS BY THE STANDARDS COMMITTEE**
No applications had been received at the date of agenda preparation.
- 5. MINUTES OF THE MEETINGS HELD ON 19TH MAY 2005 AND 30TH AUGUST 2005**

(Enclosures)

6. **SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT NOTIFIED BY THE STANDARDS BOARD FOR ENGLAND**
Report number DLS47 by the Monitoring Officer.

(Enclosure)
7. **PROCEDURE FOR DETERMINING THE NUMBER OF PARISH COUNCILLORS FOR EACH PARISH COUNCIL**
The Monitoring Officer to present an oral report on the procedure following the request made at the previous meeting of the Committee held on 30th August 2005.
8. **ANNUAL ASSEMBLY OF STANDARDS COMMITTEES**
Report by the Chairman on his visit to the Assembly.

(Enclosure)
9. **ANY OTHER BUSINESS, which the Chairman, by reasons of special circumstances, decides is urgent**



MINUTES

STANDARDS COMMITTEE
THURSDAY, 19 MAY 2005
2.30 PM

MEMBERS PRESENT

Mr. C. Holtom (Chairman)
Mr. F. Mann (Vice-Chairman)
Councillor J. Wilks
Councillor M. Williams
Councillor M. Exton (Stamford Town Council)
Councillor T. Holmes (Bourne Town Council)
Councillor R. Rose (Thulby Parish Council)

OFFICERS

Corporate Manager Democratic & Legal
Services (Monitoring Officer)
Committee Support Officer

1. MEMBERSHIP

The parish representatives were welcomed to the meeting and the Monitoring Officer appointed Councillor Exton as the voting member for this meeting.

2. APOLOGIES

Apologies for absence were received from Councillor Lovelock and parish Councillor Dolby.

3. DECLARATIONS OF INTEREST

Councillor Holmes declared a personal and prejudicial interest in minute number 36 by virtue of him being one of the members to which the application for dispensation applied and hence withdrew from the meeting during consideration of the application.

4. MINUTES OF THE MEETING HELD ON 11TH FEBRUARY 2005

Subject to the amendment of minute 25, paragraph 2 to read "...Monitoring Officers from **the Welland Partnership...**", the minutes of the meeting held on 11th February 2005 were confirmed as a true record of the decisions taken.

5. APPLICATIONS FOR DISPENSATIONS BY THE STANDARDS COMMITTEE

Decision:

- (1) To grant a dispensation for a period of six months to allow Bourne Town Council to consider matters relating to the possible relocation of the Town Council Offices. The dispensation to allow the six District Councillors who are also members of the Town Council to take part and decide matters relating to the relocation.***
- (2) The Standards Committee agrees that on the facts before them, it was in the overall public interest to grant the dispensation as it concerned a shared prejudicial interest between the said six Councillors on a proper and genuine matter of business for the Town Council.***
- (3) With regard to the Town Councillor who is described in the application as a Trustee of Wake House, that he be specifically excluded from the dispensation. He should restrict his involvement in these matters to providing and answering questions of fact. He is strongly advised to withdraw from the meeting before any decision is taken and should not influence the Town Council in any of their deliberations or decisions on the matter.***

Note to Decisions (1) and (2): The Committee wishes to record an advisory note for the attention of the six District Councillors concerned by this dispensation to the effect that if and when the matters the subject of this dispensation are considered by the District Council, that those six Councillors should be advised to declare a prejudicial interest and take no part in any decisions, if they participated in the decisions of the Town Council by virtue of this dispensation.

The Monitoring Officer circulated correspondence from Bourne Town Council requesting a dispensation in relation to six of its members, who were also District Councillors, and one member, who was a trustee of Wake House, to allow the inclusion of all members in the decision making process regarding the possible relocation of their Council Offices from its current location leased from the District Council. The Monitoring Officer advised that this was a valid request for dispensation and the Committee should consider whether there was a shared prejudicial interest, whether it related to a matter of public interest and how the public, having the same facts before them, would consider the situation.

A member of the Committee considered that granting the dispensation might be seen by the public as giving dual-hatted members the opportunity to influence unduly the decision-making process. This was considered alongside whether it was in the public interest for such a matter to be considered by a maximum of half the Town Council only. The Monitoring Officer added that if a dispensation was granted to the District Councillors and they participated in the decision-

making at Town Council level, they would be advised to declare interests for consideration of the same matter at the District Council. It was considered by the Committee that because the prejudicial interest of the six District Councillors was shared and it related to a matter of public concern, it was appropriate to grant a dispensation to them.

The Committee considered that dispensation should not be granted to the one member who was a Trustee of Wake House, because that Councillor's position was different to the others in that he had both a personal and prejudicial (financial) interest in Wake House and, on the basis of the evidence before them, it was neither safe, nor in the public interest to grant the dispensation. However, the Committee considered that the member's knowledge of the subject matter should not be excluded from the Town Council's deliberations and that he should be given the opportunity to speak on matters of fact but should not seek to influence or be seen to influence the decision-making of the Town Council on this matter in any way.

6. SITUATION REPORT - ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT NOTIFIED BY THE STANDARDS BOARD FOR ENGLAND

Decision:

To note the situation report.

Report number DLS38 was presented by the Monitoring Officer. He added that there were no allegations at district or parish level currently under investigation by the Standards Board for England.

7. CORPORATE GOVERNANCE REPORT ON LINCOLNSHIRE COUNTY COUNCIL - SOUTH KESTEVEN DISTRICT COUNCIL IMPLICATIONS

Decision:

(1) That the Standards Committee is satisfied with its relationship with the Council noting that all but one of its recommendations have been accepted to date.

(2) The Standards Committee can contribute to raising public confidence in local Government through its programme of Parish education sessions.

(3) The Standards Committee will support formal member induction training if required by Council.

(4) That the Chairman of the Standards Committee presents to Council the issues raised in his report.

The Chairman presented his report as circulated with the agenda and spoke further on each of the points it raised. He asked for comments and views from the rest of the Committee who then expressed their general agreement with its

content. The Committee acknowledged that further work was required on the development of inspiring public confidence and feedback mechanisms and that the parish council education programme should continue. The Committee also discussed broader issues of district and parish member training.

The Committee decided not to raise their recommendation to Council regarding electronic voting at meetings of the Development Control Committee again unless specifically asked. However, in light of new information provided by one of the members, the Committee considered that this should be reviewed at a future meeting.

8. STANDARDS BOARD CONSULTATION - A CODE FOR THE FUTURE

Decision:

That the Monitoring Officer makes representations on behalf of the Standards Committee to the effect that there should be no change to the members' Code of Conduct at this stage and that each member of the Committee also responds individually to the consultation document.

Members had before them a consultation document from the Standards Board for England regarding a review of the Code of Conduct for members. The Committee acknowledged that they were unable to make a substantive decision on the document at the meeting but they considered the broader issues that the document raised. This was evidently that the meaning of the Code as it stood was clear, there was no need for it to be made overly complicated and that the proposed review, although raising some credible issues, hinted at a more detailed approach to the Code which would likely receive significant objection and would be difficult to administer in practice.

9. DRAFT PROTOCOL FOR MEMBER AND OFFICER RELATIONS

Decision:

To endorse to Cabinet the new draft Protocol for Member and Officer Relations incorporating suggested amendments from the Committee at its meeting on 11th February 2005 and those made from its consultation with members and officers of the Council.

The Monitoring Officer circulated a revised draft of the Protocol for Member and Officer Relations which showed feedback from consultation with members and officers. Copy of representations from a member of the Council was also circulated which suggested, amongst other things, that the new Protocol should include a direct reference to officer attendance at political group meetings as per section 4.3 of the current Protocol. This was accepted by the Committee.

10. PARISH TRAINING

Decision:

That the Standards Committee continues its parish education programme.

The Chairman reported on the parish education events currently underway throughout the district. He explained that key points that had been raised by attendees at the events so far had included a lack of interaction between the district and parish councils and parishes' perception that their views were not considered properly by the district Council with particular regard to planning matters. The broader issues of training and education were considered further. Although training for planning matters was not within the remit of the Committee, it was considered that as most allegations to the Standards Board were concerning planning matters, the Committee had a duty to address these areas of concern. The Chairman commented that his report to Council, as per minute 38 above, would include reference to parishes' lack of knowledge on dispensations and the Code of Conduct.

11. ANY OTHER BUSINESS, WHICH THE CHAIRMAN, BY REASONS OF SPECIAL CIRCUMSTANCES, DECIDES IS URGENT

One of the parish representatives commented that he believed all parish representatives should have voting rights at all meetings of the Standards Committee. This was discussed and although it was acknowledged that there was currently no other opportunity for parish councils to directly effect the decisions of the district council, there was no consensus reached on the matter.

12. CLOSE OF MEETING

The meeting closed at 4.35p.m.



MINUTES

STANDARDS COMMITTEE
TUESDAY 30TH AUGUST 2005
2.30 PM

MEMBERS PRESENT

Mr C Holtom (Chairman)
Mr F Mann (Vice-Chairman)
Councillor J Wilks
Councillor M Williams
Councillor P Dolby (Braceborough & Wilsthorpe Parish Council)
Councillor M Exton (Stamford Town Council)
Councillor T Holmes (Bourne Town Council)
Councillor R Rose (Thurlby Parish Council)

OFFICERS

Corporate Manager Democratic & Legal Services (Monitoring Officer)
Scrutiny Officer

1. MEMBERSHIP

The parish representatives were welcomed to the meeting. In particular, Councillor P Dolby was welcomed to his first meeting of the Standards Committee.

The Monitoring Officer confirmed that Councillor Rose was the voting member for this meeting.

2. APOLOGIES

An apology for absence was received from Councillor Lovelock.

3. DECLARATIONS OF INTEREST

There were no declarations of interest.

4. MINUTES OF THE MEETING HELD ON 19TH MAY 2005

The minutes of the meeting held on 19th May 2005 were approved as a correct record of the decisions taken.

5. APPLICATION FOR DISPENSATION BY THE STANDARDS COMMITTEE

Decision: -

1. **To grant a dispensation for a period of six months to allow Baston Parish Council to consider items relative to the Baston Playing Fields Management Committee (BPFMC), the dispensation to allow the five parish councillors who do not have a prejudicial interest in this matter to pass resolutions as appropriate.**
2. **That Baston Parish Council be informed that the Standards Committee is of the opinion that the Parish Council should actively seek to co-opt additional members to the Parish Council to enable them to overcome this problem.**
3. **The Monitoring Officer advise the parish council representatives at the next meeting of the procedure whereby the number of parish councillors per parish council is determined by the District Council.**

The Standards Committee considered a letter from Baston Parish Council which had been circulated by the Monitoring Officer. The letter explained that they had only six councillors with five vacancies on the Parish Council. In respect of the Baston Playing Fields Management Committee (BPFMC) two members had a prejudicial interest which left only five who were eligible to vote which was below the required quorum. Having given this matter consideration the Standards Committee was unanimous in agreeing that, having considered this application on its individual merits, it was satisfied that it would be appropriate to grant the dispensation in this case.

The Committee noted that there were a number of parish councils in the district who were experiencing problems in recruiting members and questions were asked as to how the total number of councillors per parish council was arrived at. The Monitoring Officer agreed to prepare a paper and report back to a future meeting.

It was also suggested that it was time consuming and cumbersome to call a full meeting of the Standards Committee in order to consider one dispensation and the Monitoring Officer agreed to investigate whether or not there could be ways of streamlining this process.

6. CLOSE OF MEETING

The meeting closed at 2.50pm.

REPORT TO STANDARDS COMMITTEE

REPORT OF: MONITORING OFFICER

REPORT NO. DLS 47

DATE: 23rd SEPTEMBER 2005

SUBJECT	SITUATION REPORT – ALLEGATIONS OF BREACHES OF THE CODE OF CONDUCT NOTIFIED BY THE STANDARDS BOARD FOR ENGLAND
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COUNCIL POLICIES	None directly involved.
CORPORATE OBJECTIVES	Not relevant
RELEVANT STATUTORY POWERS	Local Government Act 2000
DISCRETIONARY/ MANDATORY SERVICE	The Standards Committee is a statutory committee with mandatory duties in relation to Councillor conduct.
BUDGETARY IMPLICATIONS	None
CONSULTATIONS	N/A
BACKGROUND PAPERS	None, other than published works

INTRODUCTION

1. The Standards Committee, at a past meeting, requested a regular update on allegations of breaches of the Code of Conduct received by the Standards Board for England.

PUBLISHED DECISIONS

2. The current position regarding allegations received by the Standards Board for England is summarised below. Further details will be given at the meeting.

NOTIFIED DECISIONS

3.

Case no.	Council	Draft Report	Findings	Date
11395.05	Bourne Town Council	Referred for Local Investigation	Investigation Continuing	N/A
11326.05	SKDC	Referred for Local Investigation	Investigation Continuing	N/A
11327.05	SKDC	Referred for Local Investigation	Investigation Continuing	N/A

CASE SUMMARIES PUBLISHED BY THE STANDARDS BOARD

4. Since the last scheduled meeting of the Committee on 19th May 2005, there has been one case summary published on the website of the Standards Board for England. This can be found at www.standardsboard.co.uk.

Case no.	Council	Councillor	Outcome
61910.04	Thurlby Parish Council	Councillor Gray	No action to be taken

N W Goddard
Corporate Manager, Democratic & Legal Services and Monitoring Officer

R D Chadwick
Committee Support Officer

FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES REPORT ON DAY ONE

Overview. The Assembly proves more useful each time. The Minister Phil Woolas indicated the important influence of Standards Committees in the relationship between the following two Government Policies:

- “Building Sustainable Communities” – Local Government the key
- “Social Political Contract” – mutual respect, social cohesion all dependent on trust - David Milliband’s lead

He also indicated that he would support the recommendations of Sir Alistair Graham’s review of Standards in Public life but that the debate over a centralised Standards Board and de-centralised local freedoms to investigate and adjudicate was not over.

Comprehensive Performance Assessment (CPA). The fact that the CPA requires a review of the Standards Committee’s performance and influence came up in plenary and workshop. The ethical component of the capacity section about respect, ethical responsibilities and expected behaviour fall firmly to the Standards Committee to set and uphold standards

Comment: In SKDC we enjoy good support from members and officers; not by any means a universal condition in other Authorities in UK. We could do more to build public confidence but the issue of a budget to match any objectives we may seek cannot be avoided, particularly as the burden of investigation of complaints now falls increasingly onto the Monitoring Officer.

Recommendation: I believe we should place an item on the Agenda about our objectives in respect of the CPA and their associated performance indicators

David Prince – CE Standards Board

David Prince summarised the review of the code drawn from the 1200 replies which we sent in. The key points are:

- A simpler enabling Code
- Councillors able to be Community advocates
- Confidentiality defined by FIA
- Public interest to be a defence
- Personal and prejudicial interests to be simplified
- Private life only an issue if a serious breach is concerned

Sir Alistair Graham.

The four recommendations he makes are:

- Standards Board as a strategic regulator
- Local filtering mechanism for complaints
- Independent Chairmen for all Standards Committees
- More support and training

Comment: I asked Paul Hoey (Head Policy and Guidance) if any additional resources for training and education were going to cascade down to our level and he was honest enough to admit that whatever may be saved from ESO job losses would make little difference amongst 450 Authorities. However they are bidding on the ODPM for support for:

- Chairperson skills training
- Support for PC clerks (mentoring scheme)
- Ethical Government tool kits (not further described)
- Additional resources for LGA

Appeals. There is no set appeals system and no published guidance and no immediate likelihood of anything emerging. Chris Boothman (Head of Legal Services Standards Board) indicated a level of frustration. Other delegates pointed out that where professional council are involved in local hearings, such a vacuum of understanding over rights and procedure will not encourage public confidence in an end-to-end system.

Independent Forum. I attended the Independent member's forum and filled in a form offering myself as assistant coordinator to the Welland Group. Its not active and that may be because it does not need to be. However, the one time I wanted to use it I found the names and addresses out of date – hence my offer.

Handouts. I have a selection of handouts which I will bring to the next meeting.