

STANDARDS COMMITTEE

8 June 2005
(6.00pm – 7.00pm)

PRESENT: Councillors Dryden, Hymans, R Smith and Taylor (Chair).
External Members: Dr Clark, Ms Hobbs (Vice Chair)

FOR INFORMATION OF THE COUNCIL

05/s/16 MINUTES

The minutes of the meeting of 2 March 2005 were confirmed as a correct record and signed by the Chair.

05/s/17 APOLOGIES FOR ABSENCE

Apologies were received from Councillors Barrett-Payton and Stebbings.

05/s/18 DECLARATIONS OF INTEREST

None.

05/s/19 PUBLIC QUESTION TIME

No members of the public were present.

**05/s/20 PUBLICATION OF REPORT ON THE COUNCIL'S COMPLAINTS
HANDLING PERFORMANCE 2004/05**

Members of the Committee made the following comments for passing to the Executive Councillor for Customer Services & Resources:

The number of compliments received reflected very well on staff.

It was pleasing to see that the number of complaints received in the last year had fallen, although it is noted that at least some of this fall may have been due to the transfer of highways maintenance work to the County Council.

Officers should ensure that in the current year complaints data is collected so that the impact of new licensing arrangements and the introduction of fortnightly black bin collections can be assessed.

It was noted that the Independent Complaints Investigator often exceeded the target time of 6 weeks for a full response to complaints investigations. It should be decided whether it was sensible to have a target time which was not possible to meet.

**05/s/21 ANNUAL REPORT ON PREVENTION OF FRAUD AND CORRUPTION
POLICY**

The Head of Internal Audit undertook to write to members with answers to the following questions: Who takes the decision to prosecute? What are the criteria that Revenue Services use to distinguish between prosecution, formal caution and administrative penalties (particularly 'Formal Caution' where it says in the appendix 'a meaningful deterrent for those at the lower end of the range of benefit fraud' - what is the lower range)? What is the cost of prosecuting in terms of a) court costs, b) officer time and how much of these costs end up being a cost to the Council? How much of the fraudulent overpayments does the Council recover? Could officers clarify what is a Contrived Tenancy?

Dr Clark asked how the Council and/or the Standards Committee would deal with either a member or an officer issue of fraud/corruption. The Director of Central Services stated that with a member, the matter was likely to rest with the Standards Board (ie. at the national, not local, determination level). With regards officers of the Council, there were various disciplinary procedures, but these would not be undertaken by the Standards Committee.

05/s/22 STANDARDS BOARD REVIEW OF THE MEMBER CODE OF CONDUCT

Dr Clark made a suggestion for a slight amendment which was accepted to the Council's proposed response to Q5. Re. Q29, the Chair suggested that the Director of Central Services remind members of the need to register gifts and hospitality.

The Standards Committee bulletin is attached to these minutes.

05/s/23 NEXT MEETING

To held on Tuesday 1st November at 6:00pm.

The meeting closed at 7.00pm

Chair

CAMBRIDGE CITY COUNCIL'S STANDARDS COMMITTEE BULLETIN

Issue 4: June 2005

NEWS FROM THE LAST STANDARDS COMMITTEE MEETING

Members of the Standards Committee for the current Council year are: Cllrs Taylor (Chair), Barrett-Payton, Dryden, Hymans, R Smith and Stebbings. Our two external members are Ms L Hobbs (Vice-Chair) and Dr A Clark. Although Ms Hobbs had hoped to stand down this year, we have been unable to find a replacement external member, so she has agreed to stay on until May 2006, for which we are very grateful. If any member knows of someone in the community who might be interested in becoming an external member of the Standards Committee next year, please could they contact Gary Clift, from whom further details are available. (Anyone who has been a member or officer of the Council during the preceding 5 years is not allowed to be an external member, nor are relatives or close friends of current members or officers).

At our last meeting, in June, we considered and commented on a draft of the Council's Annual Complaints Report 2004 - 05.

We also looked at the Director of Finance's report on how the Prevention of Fraud and Corruption Policy is operating.

Finally, we discussed and commented on the National Standards Board's review of how the Member Code of Conduct is operating. We have submitted comments to the Standards Board on this and a copy of those comments is available from the Director of Central Services, if any member would like to see them (and will be available as an appendix to the committee's minutes, once these are published on our website).

HOSPITALITY REGISTER

There has been some uncertainty about when members need to register gifts or hospitality they are offered. In particular, does the national *de minimis* level of £25 apply at Cambridge City Council?

At the Standards Committee meeting June, members asked about the register of gifts and hospitality. There is a requirement in the Code of Conduct to notify the Monitoring Officer of the receipt of gifts or hospitality over the value of £25. Prior to the adoption of the Code, the Council had a similar scheme of its own but which required the declaration of **all** gifts or hospitality, apart from "trivial gifts or hospitality...; eg tea and biscuits at a meeting, or the gift of a calendar".

Our Code of Conduct is based on the model code issued by central government. We were required to adopt the Code in full and the advice from the Standards Board was that we should not change it. The adopted Code therefore refers to the £25 limit.

However, the Standards Committee expressed a view that the more stringent local

provision on declaration of gifts and hospitality should be retained as a local protocol. Unfortunately this was not translated into a formal resolution and the local protocol has not been included in the Constitution. Subsequently some confusion has arisen as to whether the local provision is still in force.

To clear up any uncertainty, the officers will report to the Standards Committee in November with a view to asking Council if it wishes to retain the local protocol on gifts and hospitality.

FREQUENTLY ASKED QUESTIONS

Q1. A scrutiny committee of which I am a member is to comment on a proposed grant to a body on which I am the Council's nominated trustee. Do I have to declare a personal and prejudicial interest and thus disqualify myself from commenting on the item?

A. Under the Code a member may regard themselves as not having a prejudicial interest which arises through membership of a body, if the member has been appointed or nominated by the Council. However, members in this position should make a decision on a case by case basis, depending on the nature of the item under consideration and the possible public perception.

Q2. Is it necessary to declare an interest in anything merely as a ward councillor (eg a licensing application) unless it is made more prejudicial by closer involvement (eg a regular at the pub, or having the licensee as a friend)?

A. No, although the location of premises may also be a factor for councillors who live in the ward. The mere fact of being a ward councillor does not amount to a Code of Conduct interest.

HELP WITH CODE OF CONDUCT ISSUES

Members are reminded that Simon Pugh, the Council's Head of Legal and Democratic Services, is happy to advise on Code of Conduct issues, especially when to declare an interest etc. However, Simon would appreciate as much notice as possible before the meeting in question!