

CONSTITUTION WORKING GROUP held at COUNCIL OFFICES LONDON ROAD SAFFRON WALDEN at 6.00pm on 7 JUNE 2011

Present: Councillors J Davey, D Morson and L Wells.

Officers present: J Mitchell (Chief Executive), M Perry (Assistant Chief Executive Legal) and P Snow (Democratic and Electoral Services Manager).

1 APPOINTMENT OF CHAIRMAN

RESOLVED that Councillor D Morson be appointed Chairman of the Working Group for the ensuing year.

2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors I Evans, A Ketteridge, J Menell and D Watson. Councillor Rich arrived at the conclusion of the meeting and it was agreed to note his apology.

3 MINUTES

The Minutes of the meeting held on 18 January 2011 were approved and signed by the Chairman as a correct record.

4 BUSINESS ARISING: Minute CWG9 – Draft Constitution

Councillor Morson asked about the position relating to the representation of the tenant forum and the Museum Society on relevant working groups. The Democratic and Electoral Services Manager replied that the establishment and appointment of working groups would be dealt with at the cabinet meeting on 16 June. The intention was to incorporate tenant forum and Museum Society on those groups dealing respectively with housing and museum related matters.

5 STANDARDS OF CONDUCT

The Assistant Chief Executive Legal explained to members the present progress and likely effect of the Localism Bill 2010 as far as it related to the Council's standards regime. The Bill proposed the abolition of standards committees and removed any obligation of local authorities to adopt a code of conduct for its members and for those of town and parish councillors.

In its place the Bill imposed a duty on local authorities to promote and maintain high standards of conduct by its members and co-opted members.

During the passage of the bill a mandatory code of conduct had been

proposed but this had been defeated and it now appeared that the bill would not be significantly altered.

He asked members to consider how the Council could continue to fulfil its statutory duty to promote and maintain standards as posed by a series of questions listed in the report.

The first question related to whether the Council should adopt a voluntary code of conduct. Members agreed that a voluntary code was needed to provide a framework under which the duty could be monitored.

During the course of the discussion, it was noted that the requirement for the registration and declarations of interests would not be covered by a voluntary code of conduct but would be dealt with under criminal law to be contained in regulations made under the Act.

The next question related to the nature of the code to be adopted under a voluntary statutory regime. Members concluded that the Standards Committee was best placed to advise the Council on the preparation of a voluntary code.

The Assistant Chief Executive replied to questions about the membership of the committee and the likely continuity of expertise after the abolition of the statutory regime.

He then advised that time was short if the Council was to adopt a suitable framework for a voluntary regime for the promotion and maintenance of high standards and suggested that the Standards Committee should begin to consider this matter at its scheduled July meeting. Members agreed with this suggestion.

The Working Group then discussed the application of the present regulatory framework whereby members accused of misconduct were unaware of the nature of the complaint made against them and the identity of the complainant until a late stage of the complaint investigation process. This was felt to be against the laws of natural justice and they requested that the new voluntary regime should operate on the basis of full disclosure at the time of the complaint being made.

They next discussed the mechanism for the investigation of allegations of breaches of conduct. It was agreed that the Standards Committee should be asked to advise the Council on the procedure to be adopted for investigation. This should be on the basis of a more robust vetting system.

Members went on to consider the composition of a revised standards committee bearing in mind that the district council would have no responsibility for alleged breaches by town and parish councillors.

It was advised that town and parish councils would be subject to the same duty applicable to principal councils and would have to decide whether to adopt a voluntary code. Even if they did so there would be no obligation on this Council to offer any assistance with the investigation of complaints.

Any town or parish council adopting a voluntary code would have to consider how best to resource the investigation of any complaints in the absence of any agreement by Uttlesford to provide officer assistance. Members deferred consideration as to what assistance should be offered to town and parish councils if they were to adopt a code. At the same time, the Assistant Chief Executive Legal was asked to approach town and parish councils to ascertain which of those councils intended to adopt a voluntary code.

They also discussed the possibility of joint investigation arrangements involving other principal councils. After some consideration, this was not felt to offer a practical solution.

Members agreed that, although the Standards Committee should continue to operate in an investigatory role once the voluntary code came into effect, there would be no further need for town and parish councils to be represented on the committee. However, there was a continuing need for independent persons to be part of the investigation structure and the present number of three such representatives was considered to be about right.

It was agreed that the Standards Committee should be asked to consider a suitable standards regime on the basis of the points listed below and that the Working Group would consider any recommendation made by that Committee with a view to making appropriate recommendations to Council in November.

In the meantime, members of the Working Group would be invited to attend all meetings of the Standards Committee considering this matter, beginning with the scheduled meeting on 18 July.

The Standards Committee would be invited to consider the following matters:

- A voluntary code of conduct should be adopted by the Council based largely on the provisions of the existing code with suitable amendments.
- The vetting of alleged breaches of the code should be more robust and investigations streamlined.
- The Standards Committee should continue to be responsible for upholding the statutory duty to promote and maintain high standards of conduct among its members and co-opted members.
- Membership of the Standards Committee should be confined to district councillors and independent persons.

6

ANY OTHER URGENT BUSINESS

The Chief Executive suggested that the Development Control Committee should be renamed as the Planning Committee and that the Council should be asked to agree to amend the constitution accordingly. Members agreed with this suggestion on the grounds that the name would more accurately reflect

the Committee's terms of reference and would be better understood by the public.

RECOMMENDED that the Constitution be amended so as to change the name of the Development Control Committee to the Planning Committee.

The meeting ended at 6.50pm