

**STANDARDS COMMITTEE held at COUNCIL OFFICES
LONDONROAD SAFFRON WALDEN at 4.00 pm on 1 OCTOBER
2012**

Present: Councillor R M Lemon – Chairman.
Councillors C Cant, K Eden and E Godwin (Uttlesford members).
Mrs G Butcher-Doulton, Mr A Brobyn and Mr V Lelliott (Independent members)

Officers in attendance: M Cox (Democratic Services Officer) and M Perry (Assistant Chief Executive - Legal).

S5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors J Loughlin and J Menell.

S6 MINUTES

The minutes of the meeting held on 23 July 2012 were agreed and signed by the Chairman as a correct record.

**S7 RECOMMENDATIONS FROM THE STANDARDS SUB-COMMITTEE
1 – REVISIONS TO THE COUNCIL’S CODES OF PRACTICE**

The Committee received the minutes and recommendations from the sub-committee 1 meeting on 18 September 2012. The meeting had agreed amendments to the Codes of Good Practice: Probity in Licensing and Probity in Planning. The changes had been required because of the changes in the Standards regime which meant that aspects of the Code no longer reflected the legislation or the new Code of Conduct of the Council.

The Assistant Chief Executive – Legal explained that the main amendments were to reflect the changes introduced by the Localism Act and in particular Section 25. This stated that Council members should not be taken as having a closed mind just because they had previously done something to indicate their view on a matter. However, it was not considered that this provision would offer protection to councillors in such circumstances as the provision only related to the validity of a decision and would not prevent a councillor being investigated for maladministration by the Ombudsman or for a breach of the Code of Conduct. The revised Codes therefore recommended that the existing guidance for members should continue and they should not indicate how they were likely to vote before a meeting.

RECOMMENDED to Full Council that the amendments to the Codes of Practise: Probity in Planning and Probity in Licensing be approved.

S8

RECOMMENDATIONS FROM THE STANDARDS SUB-COMMITTEE 2 – GUIDANCE ON THE CODE OF CONDUCT

The Sub-Committee had considered whether it would be useful to members to issue guidance regarding the Council's Code of Conduct and if so what form it should take. The guidance would replace that previously provided by Standards for England which had ceased to have effect. The aim was to provide members of the district council and those town and parish councils that had adopted the Uttlesford Code with a general understanding of the Code of Conduct and its requirements. The Standards Committee would also have regard to the guidance in considering allegations of breaches of the Code of Conduct.

The Sub-Committee had considered the existing guidance and suggested the areas that should be included in the updated version. A draft guide had been prepared encompassing all these different parts and was now before members for approval. There had been a request at the last meeting for the guidance to define more clearly what constituted a breach of the Code but the sub-committee felt that it was not possible to clarify this in precise terms.

It had been agreed that the guidance should be available to all parish councils even if they had not adopted the District's code. It was noted that 20 of the parish council's had now confirmed that they had adopted the District's code; the position of the other parishes was unclear. Members highlighted the problem of engaging with parish councils about this issue, when many parishes met infrequently and tended to discuss small local issues. The Assistant Chief Executive – Legal said that all the parish clerks had been sent the relevant information, and there had been training events on the subject where all Parish Councils had been invited. It was agreed that the guidance would now be sent to the parish councils and they should again be reminded of their obligations under the Act.

RESOLVED that

- 1 the draft guidance to members to assist them in observing the Code of Conduct be approved.
- 2 the guidance be placed on the Council's website and made available to all District Councillors and Parish Councils.

SUGGESTED AMENDMENTS TO THE CODE OF CONDUCT

The Committee considered suggested amendments to the Code of Conduct in the light of the implications of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012. The regulations had been effective from 10 September 2012 but as they had been introduced without consultation, there had been no time to amend the constitution to enable compliance.

The report outlined the main changes introduced by the regulations. The part that affected the Code of Conduct related to the reference to the words 'conflict of interest', which had not been defined. The Localism Act, referred to disclosable pecuniary interests, other pecuniary interests and non-pecuniary interests and these applied to all councillors and all meetings. The regulations only applied to members of the Executive, when making executive decisions.

The regulations also provided for dispensations to be granted by the Head of Paid Service, whereas under the Localism Act the Council had delegated the function of granting dispensations to the Monitoring Officer.

The regulations did not repeal or amend the Act which left the Council operating two concurrent regimes.

The Assistant Chief Executive - Legal had drafted proposed amendments to the Code of Conduct to take account of the provisions in the regulations. In relation to granting of dispensations, the Committee agreed that a dispensation from the Head of Paid Service was not necessary where the member held a dispensation granted under the Act or under the Council's Code of Conduct. However to avoid any possibility of duplication the Head of Paid Service had indicated that he would delegate to the Monitoring Officer his power to grant dispensations under the regulations.

With regard to the issue of 'conflict of interest' it was noted that the current Executive Procedure Rules referred to 'conflict of interest' in the context of the previous regulations and appeared to be synonymous with prejudicial interests. The Constitution Task Group had recently met to consider the implications of the regulations and had recommended that in the light of the confusion caused by the regulations the references to "conflicts of interests" should be dealt with in the Code of Conduct. The proposed amendments therefore set out an additional section to the Code which defined 'conflict of interest' and how it would apply to executive members.

RECOMMENDED to Full Council that the amendments to the Code of Conduct be approved and adopted.

The meeting ended at 4.40 pm