

(FOR INFORMATION – APPROVED BY COUNCIL ON 24 APRIL 2001)

**STANDARDS COMMITTEE held at 2.30 pm at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN on 17 APRIL 2001**

Present:- Councillors Mrs M A Caton, Mrs C D Down, R D Green and
G Sell.

Mr S A Brady (Independent Person)

Officers in attendance:- Mrs E Forbes, A Forrow, Mrs J Postings and
M T Purkiss.

S1 APPOINTMENT OF CHAIRMAN

RESOLVED that Mr S A Brady be appointed Chairman for the meeting.

S2 APOLOGIES

Apologies for absence were received from Mr M A Hall and Councillor
Mrs C A Cant. It was noted that Councillor Sell was acting as substitute for
Mrs Cant for this meeting.

S3 MINUTES

The minutes of the meeting held on 17 August 2000 were received, confirmed
and signed by the Chairman as a correct record.

S4 CONDUCT OF A MEMBER

The Committee was advised of an incident which had occurred during a
meeting of the Licensing Sub-Committee held on 6 September 2000.

Following the events at that meeting the Council's Head of Legal Services had
written to her line manager detailing a number of concerns and asking what
actions he intended to take "to prevent and resolve the harassment and
related issues as required by PPN13". The Committee noted that part of the
relevant section of Personnel Policy Note 13 (Harassment Policy and
Procedure) said "It is the responsibility of Members to ensure that their actions
and conduct are beyond reproach when dealing with officers and members of
the community and to ensure that the Council's policies and procedures are
complied with."

In consultation with the Chief Executive, it had been decided that the
Assistant to the Chief Executive should conduct a preliminary investigation in
accordance with the Council's procedure. Following further consultation with

the Chief Executive, it had been decided that a full investigation should be conducted and that the Assistant to the Chief Executive should conduct the investigation.

All the Councillors and Officers present at the meeting of the Licensing Sub-Committee at the relevant time had been interviewed and a copy of the background note setting out the scope of the investigation and the questions asked at the interviews was attached. Copies of the statements made by the individuals concerned were also considered together with copies of the relevant minute (L22) and of that part of an informal note prepared shortly after the meeting by one of the Officers present, dealing with the events up to the time of the adjournment of the meeting.

Whilst the scope of the investigation had been limited to the events at the meeting on 6 September the Committee was advised of the following information with a view to clarifying references to previous events in several of the statements. At a meeting of the Licensing Sub-Committee on 19 June 2000, Councillor Powers had disagreed with advice given by the Head of Legal Services and had left the meeting. Correspondence had followed involving Councillor Powers, the Chief Executive and the Head of Legal Services. On 27 July 2000 Councillors Powers and Gayler had met with the Chief Executive and the Head of Legal Services in an effort to resolve the situation. The differences over the advice given by the Head of Legal Services had not been resolved, although they had been pursued and external advice had been obtained. These differences and the present investigation had been treated as entirely separate issues. The Committee noted that Councillor Powers did not accept this distinction and had declined to co-operate in this investigation which he considered had no validity.

Following consideration of the evidence before it, the Standards Committee was satisfied that the incident had occurred and that the scope of the investigation had been correct. The Committee also noted that Councillor Powers had been made aware of the meeting but did not wish to attend.

The Committee considered that it would be appropriate to ask the Head of Legal Services to leave the meeting during the detailed consideration of this matter. Before leaving, she was asked whether she wished to make any statement. She referred to the earlier meeting of the Licensing Sub-Committee, to the meeting on 27 July 2000 and to subsequent correspondence before the meeting which had been held on 6 September 2000. She also expressed thanks for the support which she had received from colleagues and Councillors. She then left the meeting for the remainder of this item.

The Standards Committee then discussed the matter in detail. It was noted that the statements made by those present at the meeting were consistent and many of those present had been clearly surprised and some had been upset by the behaviour at that meeting. The Committee felt that it was important that the message should be given that behaviour of this nature would not be tolerated in the future and would be firmly dealt with. Concern

was also expressed that this incident should not adversely affect the good relationship which had existed between Members and Officers.

The Committee being satisfied that the incident had occurred then considered the sanctions which were available as follows:-

- (a) Censuring the Member
- (b) Requiring the Member to apologise publicly to the Council for his impropriety.
- (c) Withdrawing from the Member, for a specified period, the use of any particular Council facilities (provided that this does not deny the Member rights to which he is legally entitled).
- (d) Recommending the Council or the Member's political group, as appropriate, remove the Member from any office or position to which the Member has been appointed by the Council.

The Committee regretted that Councillor Powers had chosen not to co-operate with the investigation and did not accept its validity. The Committee was not, therefore, in a position to take full account of his views. However, Members considered it clear from the consistency of the statements of all those present at the meeting of the Licensing Sub-Committee on 6 September that the unduly aggressive behaviour of Councillor Powers was unacceptable and constituted a personal attack on a professional officer in the performance of her duties. The behaviour constituted harassment and was incompatible with both Paragraph 24 of the National Code of Local Government Conduct and the principles of the Council's Personnel Policy Note 13 (Harassment Policy and Procedure).

The Committee therefore

RESOLVED that

- 1 Councillor Powers be censured and,
- 2 Be required to apologise in writing to the Head of Legal Services and to all Members and Officers present at the meeting of the Licensing Sub-Committee on 6 September, that apology to be by way of a letter to the Head of Legal Services copied to all other individuals concerned and the Chief Executive.

It further

RECOMMENDED to the Council that

- 3 Councillor Powers be not appointed to represent the Council on any outside bodies in 2001/02 and
- 4 In the event of Councillor Powers failing to comply with 2 above by 8 May 2001, he be not appointed to any of the Council's committees or sub-committees for 2001/02.

In coming to this decision the Committee was mindful of the principles of public life and was concerned to ensure that this Council should maintain the highest standards of conduct between Members and between Members and Officers.

The Committee expressed its appreciation to officers for undertaking this investigation in difficult circumstances. The Committee further agreed that Councillor Sell would present these minutes at the Council meeting on 24 April 2001.

S5

COMPLAINTS MONITORING

The Committee was advised that in carrying out a preliminary investigation into a previous incident the Council's Equal Opportunities Policy PPN 11 and Harassment Policy and Procedure PPN 13 had been considered. These had been approved by the Council and covered employee/customer and contractor issues. However, the contents did not apply to Councillors as individuals when carrying out any of their Councillor roles.

Members were asked whether they wished to recommend adopting the principles of the Equal Opportunities Policy and Harassment Policy and Procedure in respect of Councillors. However, the Committee considered that they should not be adopted in full but the principles should be taken into account.

RECOMMENDED that the principles of the Equal Opportunities Policy and Harassment Policy and Procedure be taken into account when a review is undertaken of the Councillors' Code of Conduct.

S6

NEW ETHICAL FRAMEWORK

(i) General Principles of Conduct in Local Government

On 10 October 2000 the Council had adopted nine general principles that the Government proposed should guide the conduct of Members and co-opted Members on Local Authorities. In the light of responses to its consultation, the Government had made various changes including incorporation of a new principle of Respect for Others. The revised general principles were as follows:-

Selflessness

Members should serve only the public interest and should never improperly confer an advantage or disadvantage on any person.

Honesty and Integrity

Members should not place themselves in situations where their honesty and integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour.

Objectivity

Members should make decisions on merit, including when making appointments, awarding contracts, or recommending individuals for rewards or benefits.

Accountability

Members should be accountable to the public for their actions and the manner in which they carry out their responsibilities, and should co-operate fully and honestly with any scrutiny appropriate to their particular office.

Openness

Members should be as open as possible about their actions and those of their authority, and should be prepared to give reasons for those actions.

Personal Judgement

Members may take account of the views of others, including their political groups, but should reach their own conclusions on the issues before them and act in accordance with those conclusions.

Respect for Others

Members should promote equality by not discriminating unlawfully against any person, and by treating people with respect, regardless of their race, age, religion, gender, sexual orientation or disability. They should respect the impartiality and integrity of the authority's statutory officers, and its other employees.

Duty to Uphold the Law

Members should uphold the law and, on all occasions, act in accordance with the trust that the public is entitled to place in them.

Stewardship

Members should do whatever they are able to do, to ensure that their authorities use their resources prudently and in accordance with the law.

Leadership

Members should promote and support these principles by leadership, and by example, and should always act in a way that secures or preserves public confidence.

Pending implementation of the Order it was

RECOMMENDED that the Council adopt the revised general principles.

(ii) Model Code of Conduct for Members

The general principles formed the basis for the Model Code of Conduct to be introduced under Section 49 of the Local Government Act 2000. The Government had produced a consultation paper on the draft Model Code of Conduct in February. In the Members' Bulletin on 20 February 2001 Members had been advised of its publication and that the closing date for responses to the consultation paper was 27 April 2001.

The Council must adopt its own Code of Conduct within six months of the Government issuing a Model Code. This was intended to take place in mid-2001. Members were asked to pass on any comments on the draft Model Code of Conduct to the Chief Executive.

(iii) Standards Committee

The Local Government Act 2000 required relevant authorities to establish Standards Committees to promote and maintain high standards of conduct in the authority and to assist Members to observe the authority's Code of Conduct. It was specifically required to advise the authority on the adoption of its Code of Conduct. Also, the Standards Committee was to promote and maintain standards of conduct in the parishes in its area.

In the Members Bulletin on 9 February 2001 Members had been advised of the publication of draft regulations and a consultation paper on the establishment of standards committees and the procedures which they were to operate.

The Government proposed that:

- (a) Standards Committees have a minimum of three Members (Section 53 of the 2000 Act), with requirements for minimum numbers of those present.
- (b) At least 25% of the Members are independent of the authority.
- (c) A parish member be included, even if the Council adopts a Standards Sub-Committee. Such a Member is not to be both a member of a parish and district council.

- (d)(i) Authorities must advertise for independent persons in two or more local newspapers
- (ii) All applications should be considered by a selection panel, which will make recommendations to Full Council.
- (iii) The panel's recommendation will have to be agreed by at least 75% of the Council.
- (iv) An independent person shall be disqualified if he is related to or has a close friendship or relationship with a Member or Officer which might be thought to prejudice his independence or is a co-opted Member.
- (e) The requirements of Part VA of the Local Government Act 1972 apply – namely production of agendas, advance publicity, the extent to which meetings are open to the public, and the public's access to papers for and records of the meetings.
- (f) There be transitional arrangements – if authorities are satisfied that the appointment process was sufficiently rigorous to guarantee the independence of an independent person, the reappointment process may be delayed for up to 2 years.

Once the regulations took effect, a report on suggested action by the Council would be made to the Standards Committee. In the meantime, it was confirmed that the Standards Committee satisfied points (a), (b), (d)(i) and (iv), (e) and (f).

The meeting ended at 4.40pm.