

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 3.00 pm on 23 JANUARY 2002**

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

Mr S A Brady and Mr M A Hall (Independent Persons)

Officers in attendance:- A Farrow, M Perry and M T Purkiss.

S1 APPOINTMENT OF CHAIRMAN

RESOLVED that Mr M A Hall be appointed Chairman for the meeting.

S2 MINUTES

The Minutes of the meeting held on 17 April 2001 were received, confirmed and signed by the Chairman as a correct record.

S3 BUSINESS ARISING

(i) Conduct of a Member

It was confirmed that nothing had occurred to date which affected the previous decision taken on this matter.

S4 NEW ETHICAL FRAMEWORK – ROLES AND RESPONSIBILITIES

The Assistant Chief Executive presented a report advising Members of the establishment of the Standards Board for England and of new responsibilities placed on the Council and its Monitoring Officer by Part III of the Local Government Act 2000 in relation to the conduct of its own Members and those of Town and Parish Councils. It also recommended preliminary steps in assuming those responsibilities.

The Standards Board for England had been established in March 2001 and launched regionally on 16 November. Its role was to “work with local government and other public authorities to promote and maintain high standards of conduct by councillors, members and co-opted members”. It was noted that in particular:

- it could issue guidance on the conduct of members
- would issue guidance on the appropriate qualifications and experience of monitoring officers
- must consider written allegations that a Member or co-opted member of an authority had failed to comply with the authority’s own code of conduct.

It was noted that the Act required local authorities to set up standards committees whose role would include consideration of reports by its

monitoring officer on an allegation of a breach of its code of conduct by a member or co-opted member if such an allegation was referred to the Council by an Ethical Standards Officer of the Standards Board.

It was also noted that the Act required the standards committee of a district council whose area contained town and parish councils to have the same function for those councils and their members as it did for its own council and members. An authority would need to decide whether its functions in relation to town and parish councils should be discharged by its standards committee or a sub-committee of the standards committee.

It was reported that one requirement of the Relevant Authorities (Standards Committee) Regulations 2001 was that the appointment of Independent members had to be approved by a majority of the Council from 2003.

In relation to the codes of conduct, it was reported that all authorities must adopt a local code of conduct including the compulsory provisions by 5 May 2002. If an authority did not do this, the model code would automatically apply until a local code was adopted. A code could include additional provisions so long as they were consistent with the model code, but the Standards Board had advised against this, at least initially. Within two months of the adoption of a local code, all members of a local authority must agree in writing that they would observe it, otherwise they would automatically cease to be a member of the council.

The Order for town and parish councils required registers of interest, gifts and hospitality to be set up for all such councils within 28 days of a council adopting a local code. The district council's monitoring officer would be responsible for maintaining these registers.

As mentioned above, the Standards Board had advised against including provisions additional to those of the model code, at least initially. This advice might be based at least partly on the assumption that most authorities did not have already a local code in place, but also the Board believed that all councillors should be subject to the same standards. The Committee was asked to take a view on whether the best way forward would be to adopt the model code as it stood and to treat the Council's existing code, suitably amended, as guidance on how to apply the new code. This would be consistent with the advice of the Standards Board. Alternatively, the Council might prefer to incorporate the model code's provisions into the Council's own existing code, amending the latter as necessary. Some members felt that the Council's Code of Conduct should be consistent with the model code which would be adopted by town and parish councils in the area. However, it was appreciated that the Council's existing local code was much clearer.

The Act required that at least one town and parish representative be appointed to the Standards Committee or Sub-Committee of the district council, depending on which option the district council chose for dealing with town and parish issues. It was suggested that the nominations be sought from the Uttlesford Association of Local Councils on the basis of one representative to represent the town councils and larger parish councils and one to represent the smaller parish councils.

The new regime was likely to be of concern to many town and parish councils. The Standards Committee stressed the importance of increasing awareness and providing training for town and parish councillors. The National Association of Local Councils was understood to be issuing advice. However, many local councils might still look to Uttlesford's Monitoring Officer for guidance initially, as well as in the longer term. It was also understood that the National Association had advised its member authorities to adopt the model code without amendment.

It was suggested that the Council should approve its code on 23 April 2002. It was also considered that a member workshop should be held after 12 February to give members the opportunity to discuss the subject and to give this committee guidance on its final recommendations to the Council.

Mr Brady was concerned that there could be delays resulting from the requirement to refer matters in the first instance to the Standards Board for England and he considered that issues should go to a local body at the first stage.

RECOMMENDED that

- 1 the Standards Committee discharge the Council's functions for conduct issues in relation to town and parish councils and that the Uttlesford Association of Local Councils be invited to appoint two representatives to serve on the committee as detailed above.
- 2 the views of town and parish councils be sought on the above proposals by 31 March 2002.
- 3 pending a decision on the above issues, no immediate changes, be made to the terms of reference and delegation of the committee.
- 4 the Council adopt the new model Code of Conduct and adapt the existing local code as guidance with a view to incorporating relevant parts of the existing local code into the model code at a later stage.
- 5 a Member Workshop be held on this subject prior to 23 April 2002.
- 6 the Council approve the new Code of Conduct on 23 April 2002.
- 7 town and parish councils be advised to adopt the model Code of Conduct without amendment.
- 8 workshops be arranged for members of town and parish councils on this subject, if they so desire.