

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 6.00 pm on 9 APRIL 2002**

Present:- Councillors Mrs C A Cant and R D Green  
Mr S A Bradey and Mr M A Hall (Independent persons)

Officers in attendance:- A Forrow, M J Perry and M T Purkiss

**S5 APPOINTMENT OF CHAIRMAN**

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

**S6 APOLOGIES**

Apologies for absence were received from Councillors Mrs M A Caton and Mrs C D Down.

**S7 DECLARATIONS OF INTEREST**

Councillor Mrs C A Cant declared a non-pecuniary interest in relation to Minute S3 (Conduct of a Member) of the Minutes held on 23 January 2002.

**S8 MINUTES**

The Minutes of the meeting held on 23 January 2002 were received, confirmed and signed by the Chairman as a correct record.

**S9 BUSINESS ARISING**

**(i) Conduct of a Member**

Members received an update on the current situation concerning this matter. It was reported that Counsel's opinion was being sought on the validity of the recommendations made by the Committee on 17 April 2001 and the decisions taken by the Council on 24 April and 8 May 2001. A full report would be made to the first meeting of the Council after Counsel's opinion was received.

**S10 CODE OF CONDUCT FOR ELECTED MEMBERS**

It was noted that, on 12 February 2002, the Council had decided that on 23 April, it would adopt the new model Code of Conduct without amendment and adapt the existing code as guidance with a view to incorporating relevant parts of the existing local code into the model code at a later stage.

It was reported that following the adoption of its new Code of Conduct, Members would have a period of two months in which to give a written undertaking that they would observe it, otherwise they would automatically

cease to be Members of the Council. It was suggested that the form of words on this occasion should be as follows:-

“I undertake to observe the code as to the conduct which is expected of Members of Uttlesford District Council”.

This wording had been taken from the revised form of declaration of office, which all Members would have to sign after future elections.

It was also noted that within 28 days after the Council had adopted its new Code of Conduct, Members would have to complete a new notice setting out their financial and other interests. A copy of the form is attached as Appendix A to these Minutes.

It had not been practicable to arrange a workshop prior to 23 April. The Committee considered whether there was a need for a Member workshop after that date to address any general points arising from the code and the register of interests. Tuesday 7 May had been reserved for a workshop to which no subject had yet been allocated. It was suggested that Members should be given the opportunity to digest the new code prior to the Council meeting on 23 April and a decision on whether a workshop was needed could be taken at that meeting.

The Committee was advised that officers of the Council had participated in three briefings for Members and clerks of town and parish councils using a package prepared by the Essex Association of Local Councils. It was understood that all those councils who had so far adopted the code had adopted the model code without amendment.

Local Councillors' reactions to the model code had been mixed, with the register of interests being particularly contentious in some quarters. The Local Government Act 2000 required all authorities to advertise in at least one newspaper the fact that they had adopted a new code or adapted an existing one. Officers were looking at the possibility of arranging a joint advertisement in an effort to save costs.

#### RECOMMENDED that

- 1 the Council adopts the model Code of Conduct for authorities not operating executive arrangements as set out in the second schedule to the Local Authorities (Model Code of Conduct) England Order 2001.
- 2 Members be advised to give a written undertaking by not later than 5.00 pm on Friday 21 June 2002 that they will observe the Code.
- 3 Members be advised to register their financial and other interests by 5.00 pm on Tuesday 21 May 2002.
- 4 the Council decides at its meeting on 23 April 2002 whether a Member workshop is required on the new ethical framework.

S11

## COMPOSITION AND TERMS OF REFERENCE OF THE STANDARDS COMMITTEE

The views of local councils had been sought on proposals that the Committee itself rather than a Sub-Committee should discharge the Council's new functions for conduct issues in relation to local councils and that the Uttlesford Association of Local Councils (UALC) should be invited to appoint two representatives to serve on the Committee.

Fourteen parish councils had so far responded to the consultation. Of those fourteen, twelve councils considered that the Standards Committee should carry out the functions concerned, and two a Standards Sub-Committee. All fourteen agreed that there should be two local council representatives on the Committee and that the UALC should appoint those representatives.

Ten councils considered that one representative should come from "large" councils and one from "small" councils. Responses were evenly divided on whether size should be defined on the basis of electorate or population. A further suggestion was that the definition of "large" should be on the basis of whether a council had full time staff or staff who worked a considerable number of hours.

This was a potentially sensitive issue and it was considered that it might be more appropriate to ask the UALC to determine this matter. It was noted that if there was a delay in local council representatives being nominated, the Standards Committee could still function, but would not be able to consider any parish/town council matter until the issue was resolved. It was further suggested that the UALC should appoint its representatives on this Committee annually. The Committee could review the situation in 2003, when it would have to address the issue of the appointment of the two independent members of the Committee.

It was noted that the terms of reference of the Committee would need to be changed to include its responsibilities for local councils, including the granting of dispensations, and to reflect the fact that, once the Council had adopted its new Code of Conduct, complaints about breaches of the code would have to be made in writing to the Standards Board. The Committee's role, if any, in dealing with such complaints would depend on the decision of the Standards Board or one of the Board's ethical standards officers. Secondary legislation would be required to implement some of the new ethical framework provisions of the Local Government Act 2000. The Committee's Terms of Reference would therefore need to be both flexible and kept under constant review.

The Committee considered the provisions of the Local Government Act 2000 and what changes would need to be made to its Terms of Reference. The proposed revised Terms of Reference are set out as Appendix B to these Minutes and the changes are highlighted in italics.

### RECOMMENDED that

- 1 the Council confirm that the Standards Committee should carry out the functions for conduct issues relating to town and parish

councils and that the UALC be invited to nominate two town and parish council representatives to the Standards Committee.

- 2 the term of office of town and parish council representatives be one year, this to be reviewed when the arrangements for the appointment of independent members of the Committee are considered.
- 3 the UALC be invited to determine the categorisation of “large” and “small” councils.
- 4 the Council approve the revised Terms of Reference as set out in Appendix B to these Minutes.

The meeting ended at 7.40 pm.

## UTTLESFORD DISTRICT COUNCIL

## REGISTER OF MEMBERS' INTERESTS

## GENERAL NOTICE OF REGISTERABLE INTERESTS

I,  
A member of Uttlesford District Council, give notice that

EITHER

I have no direct or indirect pecuniary interests, which are required to be declared under The Local Government Act 2000

OR

I have set out below under the appropriate headings my interests, which I am required to declare under The Local Government Act 2000 and I have put "none " where I have no such interests under any heading.

1. Employment, office, trade, profession or vocation.	
2. The name of the person who employs or has appointed you, the name of any firm in which you are a partner, and the name of any company for which you are a remunerated director.	
3. The name of any person, other than a relevant authority, who has made a payment to you in respect of your election or any expenses incurred by you in carrying out your duties.	
4. The name of any corporate body which has a place of business or land in the authority's area, and in which you have a beneficial interest in a class of securities of that body that exceeds the nominal value of £25,000 or one hundredth of the total issued share capital of that body.	
5. A description of any contract for goods, services or works made between the authority and or a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph 4 above.	
6. The address or other description (sufficient to identify the location) of any land in which you have a beneficial interest and which is in the area of the authority.	Page 5

7. The address or other description (sufficient to identify the location) of any land where the landlord is the authority and the tenant is a firm in which you are a partner, a company of which you are a remunerated director, or a body of the description specified in paragraph 4 above.	
8. The address or other description (sufficient to identify the location of any land in the authority's area in which he has a licence (alone or jointly with other) to occupy for 28 days or longer.	
9. Membership of or position of general control or management in any- (a) body to which you have been appointed or nominated by the authority as its representative; (b) public authority or body exercising functions of a public nature; (c) company, industrial and provident society charity, or body directed to charitable purposes; (d) body whose principal purposes include the influence of public opinion or policy; and (e) trade union or professional association.	

I recognise that it can be a criminal offence to:

- (1) omit information that ought to be given in this notice;
- (2) provide information that is materially false or misleading;
- (3) fail to give further notices in order to:

-bring up to date information given in this notice

-declare an interest that I acquire after the date of this notice and have to declare.

I note that I must within 28 days of becoming aware of any changes to the interests specified above, provide written notification to the authority's monitoring officer of that change.

Signed :

Date:

RECEIVED

Signed:

Proper Officer of Uttlesford District Council

Date:

## Appendix B

## STANDARDS COMMITTEE

**A Terms of Reference**

- 1 Take steps to assist Members *and co-opted Members of the Council and of town and parish councils within the district to avoid impropriety.*
- 2 Formulate, review and disseminate guidance to *district, town and parish* Members and Officers on matters of conduct.
- 3 *If necessary, consider any report from the Council's monitoring officer as directed or permitted by legislation, the Standards Board of England or an Ethical Standards Officer of the Board, form a judgement upon and take such action on* complaints of misconduct made against individual members *as may be within its statutory powers.*
- 4 *Recommend relevant procedures to the Council and/or the appropriate Town or Parish Council.*

**B Terms of delegation**

- 1 To consider and recommend one or more codes of conduct or protocols for **members and/or officers of the Council and/or of town and parish councils within the district.**
- 2 To monitor and from time to time review and recommend changes to the codes of conduct or protocols for members and/or officers of the Council **and/ or of town and parish councils.**
- 3 To make representations to the Local Government Association and Central Government about any matter relating to the general principles of conduct for members or officers of the Councils **for which it is responsible.**
- 4 To consider and **if so authorised by legislation**, determine any allegations against members of the Councils **for which it is responsible** of misconduct, meaning a breach of the Code of Conduct **of any such council or** a code of conduct or protocol approved by the Council or the Standards Committee on its behalf, as amended from time to time, and for this purpose to resolve upon or recommend to a council, as appropriate, any sanction **within its statutory powers and the relevant procedure rules** as a consequence of a finding of misconduct.
- 5 To be responsible for liaison with external agencies, in particular the District Auditor and the Local Ombudsman, in connection with any matter within the Committee's terms of reference.
- 6 To provide advice and guidance to members **of any council for which it is responsible** and to make arrangements for training in connection with any matters within the terms of reference of the Committee, in particular to enable members and officers to identify and avoid impropriety, **actual or perceived.**

- 7 To ensure that relevant information contained in documents such as a **council's code of conduct** the Council's Anti-fraud policy and advice on gifts and hospitality are available and adequate to inform Members of their responsibilities.
- 8 ***To grant dispensations to members of town and parish councils in accordance with The Relevant Authorities (Standards Committee) (Dispensations) Regulations 2002 and/or any other relevant legislation.***