

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN on 2 APRIL 2003 at 3.00 pm**

Present:- Councillors Mrs C A Cant, Mrs M A Caton and Mrs C D Down;
Mr S Brady and Mr M Hall (Independent Persons) and
Councillor D James (representing parish and town councils).

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

S20 **APOLOGIES**

An apology for absence was received from Councillor R D Green.

S21 **APPOINTMENT OF CHAIRMAN**

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

S22 **MINUTES**

The Minutes of the meeting held on 21 January 2003 were received,
confirmed and signed by the Chairman as a correct record.

S23 **BUSINESS ARISING**

Mr S A Brady apologised for not extending a welcome to Councillor D James
at the last meeting.

S24 **DRAFT MEMBER/OFFICER PROTOCOL**

At the last meeting, the Committee had considered a revised draft protocol for
Member/Officer relations. The Committee had also agreed with the
suggestion that there would be benefits from further discussions on
Member/Officer relationships being externally facilitated. The Chief Executive
reported that two sessions had been held at the end of February which had
been well attended by Members and Officers. As a result of these workshops
some minor changes had been made to the draft protocol. Also, a Member
had suggested that paragraph 30 should be amended to read;

“Local Matters

Where an officer is dealing with a specific matter which could have significant
implications for a ward or area, relevant local members should be kept
informed. This may include projects or issues raised by members of the
public or as a result of local or national policy initiatives. Where appropriate,
local members, should be sent copies of relevant correspondence and
informed of or invited to associated meetings”.

The Committee supported this amendment and made some further minor amendments to the text. A full report on the Member/Officer Protocol would be submitted to the Council meeting on 15 April 2003.

S25 **OPERATION OF THE STANDARDS BOARD**

Members received a progress report on the workings of the Standards Board and proposed changes in legislation, in particular, the current position regarding proposed Section 66 Regulations which dealt with the reference of complaints to local authorities for investigation and determination.

S26 **GUIDANCE WITH REGARD TO THE CODE OF CONDUCT**

The Head of Legal Services advised Members of some likely changes to the model Code of Conduct, one of which was due to an error in the drafting of the Statutory Instruments.

It was noted that the code would be amended to take account of situations where registering details of employment conflicted with the requirements of the Official Secrets Act and concerns on safety grounds.

An error had also been identified in the model Code of Conduct. The intention of the Government was that in declaring or registering interests, shareholders in limited companies which were not significant should not be subject to either declaration or registration. However, the reference to companies in paragraph 14(c) of the model code incorporated minimum financial or share holding levels. It followed that a member of a Council who was a share holder in a company either on his own account or as a trustee or nominee for another had a duty to register that interest and to declare it as a personal interest regardless of the value of the shareholding. This was not the intention of the Government. However, it was understood that an amendment to the model code would be forthcoming. In the meantime, failure by Members to register and declare as personal interests share holdings in companies of whatever value would be a technical breach of the Council's Code of Conduct. The Committee agreed that councillors of district, parish and town councils should be advised of this situation and advised to register all interests and to declare where appropriate.

A further issue had arisen over whether membership of a lodge of freemasons should be registered and declared as a personal interest. The Grand Lodge was understood to have obtained counsel's opinion that registration was not required. However, the QC concerned had modified advice on discovering that the Lodge claimed to be the largest secular charity in the UK. It was noted that membership of a charity was a registerable interest by virtue of paragraph 14(c) of the code. Consequently, membership of a freemasons' lodge should be registered and declared as a personal interest whenever a matter relating to freemasons was discussed at a meeting. The Committee agreed that this advice should be given to Councillors at all levels.

The Committee then considered an issue relating to prejudicial interests and noted that when a member was declaring a prejudicial interest, before

withdrawing from a meeting, he or she must declare, not only the existence of the interest, but also the nature of it. This was contrary to advice previously given to the Standards Board which would issue revised guidance in due course and, in the meantime, all Councillors would be advised of this requirement.

The Committee also noted the advice of the Standards Board in relation to the declaration of interests which related to membership of certain outside bodies to which a member had been appointed.

Mr S Brady said that he would be attending a Standards Board Assembly in June and hoped that this would shed more light on the above issues and progress with the regulations.

RESOLVED that District, Parish and Town Councillors be advised of the above matters.

S27

DISPENSATIONS

The Head of Legal Services introduced a report advising Members of the power of the Standards Committee to grant dispensations in certain circumstances, permitting Councillors with a prejudicial interest to take part in discussions and vote on issues, even though such interests arose.

The Local Government Act 2000 provided that it was not a breach of the Code for a member to take part in a discussion on a matter in which he or she had a prejudicial interest if that member held a dispensation from the Standards Committee for that authority. The regulations provided that a dispensation could only be granted if the business of the Council could be impeded because either more than one half of the Members of the authority would be prohibited from taking part or the authority would be unable to comply with its obligations regarding political balance. However, the Standards Board had now advised that the regulations as drafted do not achieve the latter aim.

The Committee discussed situations where the business of a parish or town council could be delayed while a dispensation was sought and granted. Whilst it was suggested that this could occur where an individual was known to all the parish or town council members, it was noted that merely knowing someone is not a prejudicial interest in itself. The Head of Legal Services said that he would provide guidance to town and parish councils and advise them that the Standards Committee would be willing to provide assistance if required.

The meeting ended at 4.25 pm.