

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 12 JULY 2004.**

Present:- S Brady – Chairman.
Councillors C A Cant, V J T Lelliot and R M Lemon (Uttlesford Members), M Hall (independent person) and Councillors D James and R M Merrion (Town and Parish Councils).

Officers in attendance:- C Hughes, C Nicholson, M J Perry and M T Purkiss.

S1 APOLOGIES

An apology for absence was received from Councillor C D Down.

S2 DECLARATIONS OF INTEREST

Councillor C A Cant and R A Merrion declared interests as members of SSE.

S3 MINUTES

The Minutes of the meeting held on 22 March and of the Extraordinary Meeting held on 21 April 2004 were received, confirmed and signed by the Chairman as correct records.

S4 GUIDANCE ON MEMBER/OFFICER RELATIONSHIPS

The Committee considered a detailed report providing supplementary guidance on Members and Officers working together on designated projects.

It was noted that the Quality of Life Plan contained a large number of projects and it was the wish of Members that they should be more closely involved in the delivery of these. With this object in mind, the Administration had nominated Members to be assigned to the individual projects and opposition groups had been invited to nominate Members to them. Both as a matter of law and pursuant to the current Member/Officer protocol, officers must be politically neutral. It was therefore suggested that political groups which did not form part of the Administration should be actively encouraged by Members and officers to nominate members of their groups to these specific projects.

The report also suggested that the responsibility for making initial contact should rest with the lead officer and where there were competing demands upon resources, the lead officer would report back to the Members assigned to the project. Members who were concerned at the rate of progress would contact the lead officer in the first instance. If they were not satisfied with the explanation they should then refer the matter to the executive manager with overall responsibility for the project or, if the lead officer was an executive manager, to the Chief Executive.

Furthermore, it was suggested that Members and officers designated to a project should meet at agreed intervals to discuss and monitor progress. Officers should supply designated Members with background papers relevant to the project or alternatively, if such material was bulky, inform Members where that material could be accessed. Officers should keep Members advised of any progress between meetings.

One of the prime objectives of closer Member/Officer working was that officers should be able to gauge the views of Members in advance of preparing a report. Members assigned to projects should, therefore, act as a liaison between the lead officer and their political groups and, in particular, should report back to their groups on progress to minimise the number of enquiries lead officers receive from other Members and to enable lead officers to have an understanding of the view of the individual groups with regard to particular projects.

Finally, under the Local Government Act 1972, a district council operating under alternative arrangements could only act by full council, through committees or sub committees, through another local authority by way of joint working arrangements or through officers with delegated powers. It was clarified that individual Members did not have any decision-making powers. Further, officers' duty was to the Council as a whole and not to individual Members. It was also clarified that officers must report facts impartially and give the Council their personal, professional advice and opinions. It was suggested that any guidance should make it clear that where there was a difference of opinion between Members assigned to a project and the lead officers that any recommendations in the report would be that of the officer although the Member's views would be fairly reported.

RECOMMENDED that the supplementary guidance as detailed in the report regarding Member/Officer working relationships be adopted by the Council.

S5

VISIT TO ADJUDICATION PANEL FOR ENGLAND

The Committee received a report concerning a hearing of the Adjudication Panel for England which some of the Members and officers had attended on 14 June 2004. The hearing involved a complaint of alleged breach of the Members' Code of Conduct against a councillor from the London Borough of Barnet.

As the facts of the case were not in dispute no summary of the facts were given at the start of the hearing. However, certain facts emerged during the course of the hearing and further information had been obtained from a report in the Management Journal.

The allegations against the councillor were that he had brought his office as councillor into disrepute in three ways:-

- (a) He had been convicted of an offence of attempting to evade payment of parking fines by deception.

- (b) He had used his position as a councillor to endeavour to secure an improper advantage for another person by writing a letter on council notepaper trying to persuade the London Borough of Camden to waive four penalty charges against his son because his son had displayed a disabled badge. The badge had, in fact, been left in the car by the previous owner.
- (c) He had further attempted to use his position as Councillor to obtain an improper advantage for his son by telephoning the London Borough of Barnet and speaking to an officer there responsible for issuing disabled parking permits. Councillor Sloam introduced himself by his title to the officer concerned and asked her to issue a disabled parking permit for his son that day, which the Councillor would collect, notwithstanding that the Councillor's son was not entitled to such a permit.

Having heard the submissions the Panel found, as admitted by the councillor, that the act of writing the letter to the London Borough of Camden and the fact of the councillor's conviction for an offence of dishonesty did bring his office as councillor into disrepute. The panel also found that in writing the letter to the London Borough of Camden, the councillor was using his position to try to obtain an improper advantage for his son in breach of the code. With regard to the telephone conversation the Panel decided that whilst the councillor was trying to obtain an improper advantage for his son, his explanation that he introduced himself as a councillor as a courtesy was accepted and that he had, therefore, not tried to obtain an improper advantage in his capacity as a councillor. In that regard there had, therefore, been no breach of the Code of Conduct. The Panel decided that the councillor should be disqualified from being a member of any relevant authority for a period of twelve months.

It was generally agreed that whilst it was educational and helpful to see the procedure at this hearing it would also be useful to see a hearing where the case was in dispute and a summary of the facts would be given at the start of such a hearing. Councillor Cant said that having witnessed the hearing she felt that it was a salutary lesson for any councillor and a situation to be avoided. In relation to the letter sent by the councillor, she pointed out that emails had the same standing in law as a letter and asked for guidance on how councillors should use the council laptops to send emails as any email sent on the Council's system gave the impression that the email was coming from the Council.

The Executive Manager Human Resources said that as a general principle the laptops had been provided for council business and not for sending personal emails. However, a PPN was currently being prepared concerning the use of computers and laptops and she would include reference to councillors in this guidance.

The Executive Manager Corporate Governance said that details of all hearings could be viewed on the Adjudication Panel's website and drew attention to a recent case where a councillor had been disqualified for a period of four years for showing disrespect to a council officer.

- 1 further guidance be given to councillors concerning the use of council computers and laptops;
- 2 advice be provided to parish and town councils concerning the use of headed notepaper;
- 3 a training session involving role playing be arranged in the Autumn for the Standards Committee.

S6

REQUEST FOR DISPENSATIONS

Councillors Cant and Merrion declared interests as members of SSE and left the meeting during consideration of this item.

The Chairman agreed to the consideration of this item as a matter of urgency as the request had just been received and a further meeting of the Standards Committee was not scheduled until 4 October and in the meantime the inability of the parish councillors to speak and vote at meetings would be prejudicial.

It was reported that Members of Elsenham Parish Council had made requests for dispensations in the following terms: "I wish to apply to the Standards Committee for a dispensation to permit me to attend and speak at meetings of the Elsenham Parish Council on issues relating to Stop Stansted Expansion and Stansted Airport, the reason I make this application is that as the Parish Council and I are members of Stop Stansted Expansion we consider it desirable that we should be able to debate matters relating to Stop Stansted Expansion and the Airport in the interests of our electorate."

RESOLVED that

- 1 Councillor P Clear be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 2 Councillor K Oemering be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 3 Councillor P Lees be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 4 Councillor J Hurwitz be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 5 Councillor J Platt be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted

Airport, and in particular, the issue of additional runways, are discussed.

- 6 Councillor R Franklin be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 7 Councillor C Clarke be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.
- 8 Councillor J S Pimblett be permitted to attend and speak at meetings of Elsenham Parish Council when issues relating to Stansted Airport, and in particular, the issue of additional runways, are discussed.

The Standards Committee also considered letters received from two councillors from Hatfield Broad Oak Parish Council for dispensations in the following terms:

“I am concerned that it might be construed that I have a personal interest in the proposed development at Stansted Airport which would bar me from taking part in any discussion concerning the Airport.

I request that the Standards Committee grant me a dispensation since more than half of Hatfield Broad Oak Parish Council is in a similar situation because their properties are blighted and secondly, because the development would not have such a serious impact on the parish of Hatfield Broad Oak. It is desirable that the village has a voice on the issue through the Parish Council.”

RESOLVED that

- 1 Councillor P Clark be permitted to attend and speak at meetings of Hatfield Broad Oak Parish Council when issues relating to Stansted Airport are discussed.
- 2 Councillor K Artus be permitted to attend and speak at meetings of Hatfield Broad Oak Parish Council when issues relating to Stansted Airport are discussed.

It was noted that the Chairman would not be available to attend the next meeting on 4 October and Mr M Hall, the Vice Chairman, said that he would be available to chair this meeting.

The meeting ended at 5.05 pm.