

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 4 OCTOBER 2004**

Present:- M Hall – Vice Chairman in the Chair
Councillors C A Cant, C D Down, V J T Lelliott and R M Lemon
(Uttlesford Members) and R A Merrion (Town and Parish
Councils)

Officers in attendance:- C Nicholson and M T Purkiss

S7 APOLOGIES

An apology for absence was received from Mr S Brady.

S8 DECLARATIONS OF INTEREST

Councillors C A Cant, C D Down and R A Merrion declared interests as members of SSE.

S9 MINUTES

The Minutes of the meeting held on 12 July 2004 were received, confirmed and signed by the Chairman as a correct record subject to the deletion of the word “not” in the paragraph prior to the final resolutions in Minute S6.

S10 BUSINESS ARISING

(i) Visit to Adjudication Panel for England

In answer to a question from Councillor Cant, the Democratic Services Manager reported that there would be a hearing of the Adjudication Panel for England at Newmarket on 23 November 2004. He asked Members to notify him if they wished to attend and share travel arrangements.

**S11 CONSULTATION ON DRAFT MODEL CODE OF CONDUCT FOR LOCAL
GOVERNMENT EMPLOYEES**

The Council's Solicitor presented a report on proposals by the Office of the Deputy Prime Minister (ODPM) to introduce a Model Code Of Conduct For Local Government Employees. She reported that the Government had already made orders setting out principles of conduct and a model code for elected members of local authorities. The Government were seeking to establish a common core of fundamental values to underpin standards of conduct in local government and the model code of conduct for employees was part of that process. Such a code would form part of the authority's standing orders and would become part of the employees terms and conditions. She advised that staff had been consulted but only two responses received.

The Committee examined the ten core principles included in the draft code and noted the specific questions which the Government had raised.

In relation to Core Principle 4, which read “an employee must (a) use any public funds entrusted to or handled by him in a responsible and lawful manner; and (b) not make personal use of property or facilities of the authority unless properly authorised to do so”. The Committee considered that the ODPM should be asked to give clearer definition of what was covered by the terms “property or facilities of the authority”. It was also noted that it was important in light of this that proper schemes of authority were clear.

Core Principle 5 stated “an employee must not in his official or personal capacity (a) allow his personal interest to conflict with the authority’s requirements; or (b) use his position improperly to confer an advantage or disadvantage on any person.

It was noted that the intention of this paragraph was to reflect the fact that the activities of an authority’s employees outside the working environment were under public scrutiny in a way that private sector employees were not, and therefore, the code required higher standards of conduct from them.

Members expressed some concern about this principle and felt that it was too restrictive and should be removed or at least clarified exactly as to what was meant by the term “an employee’s personal capacity”. The Committee also considered that the principle needed to be applied consistently and further clarification was needed as to whether it applied to agency staff and contractors acting on behalf of the Council.

Core Principle 6 stated that “an employee must comply with any requirements of the authority:-

- (a) to register and declare interest;
- (b) to declare hospitality, benefits or gifts received as a consequence of his employment.”

The Committee supported the requirement to declare gifts and hospitality and felt that this should be applied in the same way as the restrictions on Councillors. Members felt that the same list that they had would be appropriate. Members also pointed out that account needed to be taken of the value of multiple gifts of a low individual value.

Core Principle 7 stated that “an employee must not treat another employee of the authority less favourably than other employees by reason that the other employee had done, intends to do, or is suspected of doing anything under or by reference to any procedure the authority had for reporting misconduct.”

It was noted that this provision was intended to protect employees who “blow the whistle” from victimisation by their colleagues. Employees were already protected from detrimental treatment by the employer under the Public Interest Disclosure Act 1998 and this provision sought to strengthen the protection afforded to employees who reported their concerns from victimisation from another employee.

Members supported this principle but felt that there needed to be clear lines of accountability so that employees knew where to report such matters.

Core Principle 8 stated that “an employee must (a) not disclose information given to him in confidence by anyone, or information acquired which he believes is of a confidential nature, without the consent of a person authorised to give it, or unless he is required by law to do so and (b) not prevent another person from gaining access to information to which that person is entitled by law”.

The Council’s Solicitor said that in relation to Principle 8, the Monitoring Officer had asked that it should be made clear that this principle would not effect an employee’s rights to undertake “whistle blowing”.

Core Principle 9 stated that “an employee must not be involved in the appointment or any other decision relating to the discipline, promotion, pay or conditions of another employee or prospective employee who is a relative or friend”.

Whilst the definition of relative was clearly set out the Committee considered that it was impossible to define the term “friend”. They were happy to leave the term undefined but agreed that the principle was necessary.

The Committee considered the best way to inform staff would be through internal workshops. They also felt that any provisions needed to be compatible with schemes elsewhere in the public sector.

RESOLVED that the above comments be submitted to the ODPM.

S12

CONSULTATION ON REVIEW OF REGULATORY FRAMEWORK GOVERNING POLITICAL ACTIVITIES OF LOCAL GOVERNMENT EMPLOYEES

The Council’s Solicitor submitted a report on this consultation paper. She said that the Local Government and Housing Act 1989 had imposed restrictions on political activities by local government staff. The Government was committed to the principle of political neutrality of local government employees. Following the ruling of the European Court in 1998 that restrictions on political activities were compatible with Human Rights legislation, the Government undertook to review the regulatory framework to consider the detailed provisions that currently applied.

The Council’s solicitor said that under the Local Government and Housing Act 1989, there were currently 27 staff in Uttlesford affected by their spinal point plus other officers affected by the terms of their personal contract.

The Committee considered that if employees were in the public eye it was appropriate for them to be included within the provisions of the regulatory framework. Furthermore, the Committee considered that the posts identified under the Local Government and Housing Act 1989 were those appropriate to be covered by the proposed regulatory framework.

The Committee was advised that the local government Monitoring Officers were responsible for maintaining the standards of conduct within local authorities and it might, therefore, be that a Monitoring Officer was best placed to decide whether a post should be exempt from political restrictions. However, the Committee considered that this responsibility should be retained by the Independent Adjudicator.

RESOLVED that the above comments be submitted to the ODPM.

S13 **COMPLAINT TO THE STANDARDS BOARD FOR ENGLAND**

The Monitoring Officer submitted a report advising Members of a complaint which had been made to the Standards Board and of the possible outcome. Members stated that if similar circumstances arose in the future, a shorter report would be satisfactory.

S14 **UPDATE ON TRAINING**

The Democratic Services Manager informed Members of the arrangements for the training session to be held on 18 October 2004. The papers for this session were attached and Members were asked to read them in advance of the training session and prepare for their role.

S15 **REQUESTS FOR DISPENSATIONS**

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

It was reported that Councillor R A Merrion of Hatfield Broad Oak Parish Council had made a request for a dispensation 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 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 Councillor R A Merrion be permitted to attend and speak at meetings of Hatfield Broad Oak Parish Council when issues relating to Stansted Airport are discussed.

The Standards Committee also considered a letter received from Councillor J Sanders of Hatfield Broad Oak Parish Council in the following terms:-

“Further to our conversation this morning, I write regarding any personal interest that I may have now or in the future which would bar me from taking part in discussions concerning the Airport. As a Parish Councillor for Hatfield Broad Oak I request that the Standards Committee grant me dispensation in this matter.”

RESOLVED that Councillor J Sanders be permitted to attend and speak at meetings of Hatfield Broad Oak Parish Council when issues relating to Stansted Airport are discussed.

S16

MEMBERSHIP OF STANDARDS COMMITTEE

The Democratic Services Manager reported that Councillor D James of Great Dunmow Town Council had resigned from the Standards Committee. In accordance with the agreed procedure he had written to all Parish Councils and the Uttlesford Association of Local Councils seeking nominations to replace Councillor James. The closing date for nominations was 31 October 2004 and a further report would be made to the Committee after that date.

The meeting ended at 5.10 pm.