

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 21 MARCH 2005**

Present:- S Brady – Chairman and Independent Person.
Councillors C A Cant, C D Down, V J T Lelliott and R M Lemon
(Uttlesford Members), M Hall (Independent Person) and
Councillors P Leeder and R M Merrion (Town and Parish
Councils).

Officers in attendance:- M Cox, C Hughes and M J Perry

S29 **WELCOME**

The Chairman welcomed Philip Leeder, Town and Parish Council representative to his first meeting of the Committee.

S30 **DECLARATION OF INTERESTS**

Councillors C A Cant and R M Lemon declared interests as Members of a village hall management committee and members of a parish council.

S31 **MINUTES**

The Minutes of the meeting held on 17 January 2005 were received, confirmed and signed by the Chairman as a correct record.

S32 **BUSINESS ARISING**

i) Minute S19(iv) – Report on the outcome of an investigation by the Standards Board into an allegation of a breach of the Code of Conduct by a Member

The Executive Manager (Corporate Governance) read a letter from the Member concerning a number of issues that had arisen from the recent investigation by the Standards Board.

The Member was particularly concerned that details of the case had been released to the press before the Standards Board had informed the Member that the complaint had been received. The Committee sympathised with this situation and asked that guidance on common courtesy be discussed at a future meeting. The Committee was advised that if a councillor did make false or malicious allegations in the press, the Member concerned had the opportunity to complain to the Standards Board on the grounds that he/she had not been “treated with respect”.

The Committee agreed that representations should be made to the Standards Board about the following issues.

- There should be regular updates from the Standards Board and the Member should be advised of any reasons for delay.
- A record of any interviews undertaken should to be sent to the Member.
- A timetable for the investigation should be published and any deviations explained.
- The confidentiality requirements should be relaxed so that the Member can discuss issues with a lawyer or person approved by the Standards Board.

The Committee asked that a copy of the Council's response be forwarded to the Member concerned with an explanation of why certain issues had not been taken up.

RESOLVED that the Executive Manager Corporate Governance in consultation with the Chairman of the Committee be authorised to make representations to the Standards Board.

S33

REVIEW OF CODE OF CONDUCT FOR MEMBERS

The Standards Board for England, with the support of HM Government, was conducting a review of the Code of Conduct for Members. The consultation paper asked for a response on a number of specific questions. Members considered each question in detail and made the following comments.

- 1) Should the ten general principles be incorporated as a preamble to the Code of Conduct?**
- 2) Are there any other principles, which should be included in the Code of Conduct?**

It would be sensible for the general principles to form part of the same document as the Code. No other general principles need to be added to the Code

- 3) Is it appropriate to have a broad test for disrespect? Should there be a more defined statement or should the Code of Conduct include a specific provision on bullying? If so, is the ACAS definition appropriate for this purpose?**

The broad test for disrespect should remain as it is. As bullying is a more frequent occurrence, there should be a specific provision, and the ACAS definition appears to be appropriate.

- 4) Should the Code of Conduct contain an explicit public interest defence for Members who believe they have acted in the public interest by disclosing confidential information?**
- 5) Should the Code of Conduct cover only information which is in law "exempt" or "confidential" to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully.**

There should be an explicit defence for Members who disclose information, which would be disclosable by the Authority itself under the provisions of the

Freedom of Information Act 2000 but that this should be subject to a caveat that Members ought to seek legal advice before making any such disclosure.

6) Should the provision relating to disrepute be limited to activities undertaken in a Member's official capacity or should it continue to apply to certain activities in a Member's private life?

7) If the latter, should it continue to be a broad provision or should it be restricted solely to criminal convictions and situations where criminal conduct has been acknowledged?

The provisions should also apply to members in their private life and it should continue to be a broad provision. It is considered that conduct which is not in an official capacity and which does not attract a conviction may still reflect badly on the Council.

8) Should the Code prohibit breaches of the publicity code, breaches of any local protocols and misuse of resources for inappropriate political purposes?

9) If so, how could inappropriate political purposes be defined?

10) Is the Code of Conduct right not to distinguish between physical and electronic resources?

The authority can currently amend the Code, either to incorporate such a provision or to incorporate the provisions of the codes or protocols themselves. As these would have the same force and effect as the current Members Code. It is not considered that this provision of the Code requires amending.

It is agreed that there isn't any significant difference between physical and electronic resources.

11) Should the provision of the Code of Conduct that requires Members to report breaches of the Code by fellow Members be retained in full, removed altogether or somehow narrowed

12) If the provision should be narrowed, how should it be defined (e.g. should it apply to misconduct in a Member's public capacity only or only to significant breaches of the Code)?

The provisions of the existing code should be retained.

13) Should there be a further provision about making false, malicious or politically motivated allegations?

There should be a further provision about making false or malicious allegations, but this should not extend to politically motivated allegations, as where there are reasonable grounds for a Member to believe that there has been a breach of the Code the motive for reporting this is irrelevant.

14) Does the Code of Conduct need to provide effective protection for complainants against intimidation or do the existing sections of the Code of Conduct and other current legislation already cover this area adequately?

This area is adequately covered by the provisions regarding disrespect and will be enhanced if provisions against bullying are introduced.

15) Does the term “friend” require further definition in the Code of Conduct?

An over prescriptive description would not be helpful but it might be useful for there to be an objective test.

16) Should the personal interest test be narrowed so that Members do not have to declare interests shared by a substantial number of other inhabitants in the authority’s area?

This is not considered to be workable.

17) Should a new category of “public service interests” be created relating to service on other public bodies and which is subject to different rules of conduct?

It would be sensible for this new category to be created, as the current rules are often difficult for dual hatted members.

18) If so, should public service interests which are not prejudicial and which appear in the public register of interests have to be declared at meetings?

Where members are also members of public bodies this should still be declared at the meeting.

19) Should Paragraph 10(2)(A-C) which provides limited exemption from the prejudicial interest rules for some Members in certain circumstances be removed from the Code of Conduct?

This would need to be deleted in order to implement the new public service interest.

20) Should less stringent rules apply to prejudicial interests, which arise through public service and membership of charities and lobby groups?

Members should be allowed to speak but not vote where the interest is prejudicial.

21) Should Members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing?

Members should be allowed to address the committee in the same way as a member of the public although at local level Members favour the applicant/councillor withdrawing from meetings of Development Control after addressing the Committee, remaining available in the building to answer questions if required. This can be dealt with by a local amendment to the Code.

22) Should Members with prejudicial public service interests be allowed to contribute to the debate before withdrawing from the vote?

A Member should be allowed to present his or her case and then withdraw. Members or their constituents may feel disenfranchised if the Member cannot present a case.

23) Should Members employed in areas of sensitive employment (e.g. the security services) need to declare their occupation in the Public Register of Interest?

It is suggested that dispensations should be available from the Standards Committee whereby details of employment are kept in a separate private register held by the Monitoring Officer in certain specified cases.

24) Should Members be required to register membership of private clubs and organisations? If so should it be limited to organisations within or near an authority's area.

Members should register their interests in private clubs and organisations, both within and outside the authority's area.

25) Should the Code of Conduct require that the register of gifts and hospitality be made publicly available?

This is agreed, as there was little purpose in holding a register if the public cannot inspect it. The registers of interest and of gifts and hospitality could be combined in one register.

26) Should Members also need to declare offers of gifts and hospitality that are declined?

This is agreed.

27) Should Members need to declare a series of gifts from the same source even if these gifts do not individually meet the threshold for declaration? How could this be defined?

Members should declare gifts from the same source if they aggregate more than £40 a year.

28) Is £25 an appropriate threshold for the declaration of gifts and hospitality?

It is suggested that the current figure be raised to £40

RESOLVED that the above comments be forwarded to the Standards Board for England in response to the consultation on the Code of Conduct

S34 **REQUESTS FOR DISPENSATION**

Members were reminded of the circumstances where the Committee could grant dispensations permitting members of District or parish councils to take part in meetings notwithstanding the fact that they would be otherwise prevented from doing so by virtue of the Code of Conduct.

i) Swards End Parish Council

It was reported that Members of Swards End Parish Council had made requests for dispensations to discuss and vote upon issues relating to the Swards End Recreational Ground. The reason for the request was that all Members of the Council were members of the management committee for the ground and were therefore prevented from taking part in discussions relating to the ground without a dispensation.

RESOLVED that Councillors Mary Sandles, Alice Olley, Joyce Harper, Seamus McNally and Tariq Ali be permitted to speak and vote at meetings of Seward End Parish Council when issues relating to the Swards End Recreational Ground were discussed.

(ii) Waste Management

Councillors Merrion, Lemon, Leeder and Cant left the meeting for the consideration of this item

Members of Uttlesford District Council had made requests for dispensation to allow them to speak and vote on issues relating to the collection of commercial waste from Town and Parish Council offices, village halls and similar buildings. The basis of the request was that more than one half of the Council and its individual committees were either Town or Parish Councillors or members of management committees or village halls or similar buildings and would therefore be prevented from taking part in discussions relating to such issues without a dispensation.

RESOLVED that Councillors Bayley, Cheetham, Cant, Freeman, Gayler, Hughes, Jones, Ketteridge, Lemon, Murphy, Loughlin, Pedder, Savage, Schneider, Silver and Wattebot .be permitted to attend and speak at meetings of the Council where the issue of commercial waste collection from village/church halls and Town Councils was discussed

S35 **TRAINING**

The Executive Manager Corporate Governance reported that the issue of training requirements had been raised at the last meeting but no members had yet come forward. The Chairman asked that this item be placed on future agenda.

S36 **NEXT MEETING**

The next meeting was scheduled for 16 May 2005

The meeting ended at 6.00 pm. Page 6