

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4.00 pm on 18 JULY 2005**

Present:- Councillors C A Cant and C D Down (Uttlesford Members),  
S Brady and M Hall (Independent Persons) and Councillor  
R M Merrion (Town and Parish Councils).

Officers in attendance:- M J Perry and M T Purkiss.

**S1 CHAIRMAN**

RESOLVED that Mr S Brady be appointed Chairman of the Committee for the ensuing year.

**S2 APOLOGIES**

Apologies for absence were received from Councillors V J T Lelliott,  
R M Lemon and P G Leeder.

**S3 MINUTES**

The Minutes of the meeting held on 21 March 2005 were received, confirmed and signed by the Chairman as a correct record.

**S4 BUSINESS ARISING**

**(i) Minute S33 – Review of Code of Conduct for Members**

Councillor Cant said that a number of Councillors had suggested that raising the threshold for the declaration of gifts and hospitality to £40 was not appropriate and it was felt that any gift should be declared, particularly in the field of planning. The Executive Manager Corporate Governance confirmed that both the guidance on gifts and hospitality and the Code of Good Practice on Probity in Planning clarified that as a general rule, gifts and hospitality should not be accepted. In answer to a question from Councillor Merrion, he also clarified the current obligations relating to the declaration of membership of private clubs.

**(ii) Minute S32 – Breach of the Code of Conduct by a Member**

In response to a question from Mr Brady concerning the definition of “common courtesy” the Executive Manager Corporate Governance said that this issue would be incorporated in training on the revised Code of Conduct once this had been approved.

(iii) **Minute S35 – Training**

The Executive Manager Corporate Governance confirmed that an item on training would be incorporated on future agenda and he also reported on his attendance at a meeting of Clavering Parish Council.

S5 **REPORT ON RESPONSE OF STANDARDS BOARD TO THE COMMITTEE'S COMMENTS ON THE INVESTIGATION OF A MEMBER**

At its meeting on 17 January 2005, the Committee had received a 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 Committee had expressed its misgivings into the manner in which the investigation had been dealt with. As a result, the Monitoring Officer, in consultation with the Chairman of the Committee had written to the Standards Board expressing the Committee's concerns. The Standards Board had regarded the letter as a complaint and Members were informed of the response from the Board.

The Standards Committee had recommended that the confidentiality rules should be changed to permit Members undergoing investigation to discuss matters with a lawyer or friend who had signed a confidentiality statement which was approved by the Standards Board. The Board had indicated that they did not object to subject Members discussing the investigation with a solicitor and did not consider that such discussions would be a breach of the statutory provision regarding confidentiality. However, the Committee was still concerned about a subject Member not being able to discuss a complaint confidentially with a person other than a solicitor. Mr Brady agreed to raise this issue at the conference in September. The Committee also considered that a Member facing investigation should keep detailed notes of any telephone conversations with the Investigating Officer as this provided much more sound evidence.

S6 **ALLEGATION OF A BREACH OF THE CODE OF CONDUCT BY TWO MEMBERS OF LITTLE HALLINGBURY PARISH COUNCIL**

It was reported that in July 2004, a complaint had been made to the Standards Board that two Members of Little Hallingbury Parish Council had failed to treat an officer of Uttlesford District Council with respect. The Complaint was accepted by the Standards Board for investigation and referred to an Ethical Standards Officer. The Committee was informed of the outcome of the investigation and noted that with regard to the first Councillor, the Ethical Standards Officer had considered that the incident was a "one off" provoked by the controversy over the issue discussed at the meeting and in the circumstances he had found that no action needed to be taken. With regard to the second Councillor, the Ethical Standards Officer, whilst concluding that the Councillor had implied that the officer was corrupt and in so doing had failed to treat the office with respect, he considered that the issues discussed were controversial and had evoked strong feelings and he had not brought his office or authority into disrepute. Again, the Ethical Standards Officer had found that no further action needed to be taken.

Councillor Cant said that she was concerned at the decision and felt that officers would be deterred from attending other parish council meetings. The Executive Manager Corporate Governance said that he felt that the long delay in the officer reporting the matter to the Standards Board might have been an influencing factor. However, despite this delay, the Standards Committee felt that the decision was to be regretted and the Chairman added that good chairmanship could have addressed the problem at the time and stressed the importance of training.

RESOLVED that the officer involved be advised that the Standards Committee is dissatisfied with the decision and regrets the outcome.

## S7 **PROBITY IN LICENSING**

Members were advised of changes in the law relating to licensing and were asked for their views on what guidance, if any, it wished to give to Members of the Council regarding Probity in Licensing. It was noted that the Licensing Act 2003 created one licensing regime for the sale or supply of alcohol, the provision of regulated entertainment and the provision of late night refreshment. Under the Act, the District Council was now the Licensing Authority.

For sometime, the Council had operated a Code of Good Practice for Probity in Planning. This was last considered by the Standards Committee in 2003 when it recommended some amendments to the then existing code which were subsequently adopted by the Council. The guidance was binding upon all Members of the Council. The Committee was now requested to consider whether it wished to offer any guidance regarding probity issues in connection with licensing matters to Members of the Council. A draft Code of Good Practice for Probity in Licensing was attached to Members' papers and it was noted that had been drawn from the Code of Good Practice for Probity in Planning and guidance issued by LACORS (Local Authorities Co-ordinators for Regulatory Services).

Members were in general agreement with the suggested code. However, Councillor Cant felt that there could be a situation where people in the vicinity of a public house would not be aware of an application being submitted and suggested that wider publicity could be provided. The Executive Manager Corporate Governance clarified that the regulations did not provide for notification to neighbours and said that such action could breach the rules of fairness and could lead to a judicial review. He also said that if the activities from a public house were causing nuisance, the public could ask for the licence to be reviewed. He concluded that the current notification system appeared to be working well as many representations were being received.

Councillor Cant suggested that an article could be included in the local press suggesting that the public should be vigilant and look out for the notices displayed in public houses.

RESOLVED that the Council be advised that the suggested Code of Good Practice for Probity in Licensing should be adopted subject to the

reference in paragraphs 15, 21 and 33 to “planning” being amended to read “licensing”.

**S8 STANDARDS BOARD ROADSHOW**

Mr S Brady gave a report on his attendance at the Standards Board Road Show which had been held in London on 21 June 2005. A copy of his notes would be circulated to all Members of the Committee for information.

Mr Brady also asked that if Members wished to have any issues raised at the conference in September to advise the Democratic Services Manager who would pass the information on to him.

**S9 DEPUTY MONITORING OFFICER**

The Executive Manager Corporate Governance reported that due to the ill health of Carole Hughes, the Deputy Monitoring Officer, she had requested that she be released from this position. Therefore, he had decided to agree to this request and appoint Christine Oliva, the Council’s Solicitor, to undertake this role.

**S10 TRAINING**

The Executive Manager Corporate Governance reported on his attendance at a meeting of Clavering Parish Council and said that a workshop would be arranged on probity in licensing.

The meeting ended at 5.45 pm.