

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 16 JANUARY 2006**

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

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

S15 **MINUTES**

The Minutes of the meeting held on 18 July 2005 and of the Extraordinary meeting held 28 November 2005 were received, confirmed and signed by the Chairman as a correct record.

S16 **BUSINESS ARISING**

(i) **Minute S12 – Breach of the Code of Conduct by a Member**

In answer to a question, the Executive Manager Corporate Governance reported that details of this case had been published in the local press and on the Council's website and a copy of the report had been forwarded to the Standards Board for inclusion on its website.

(ii) **Minute S4(i) - Review of Code of Conduct for Members**

Councillor Cant reiterated that many Councillors felt that a suggested threshold of £40 for the declaration of gifts and hospitality was not appropriate and considered that all gifts should be declared. The Executive Manager Corporate Governance said that the threshold had not been raised and the current limit of £25 was still appropriate.

(iii) **Minute S7 – Probity in Licensing**

It was noted that the Licensing Committee had considered the responses to the revised draft Licensing Policy at its meeting on 29 November and the Council had adopted the revised policy on 13 December 2005.

(iv) **Minute S4(ii) – Breach of the Code of Conduct by a Member**

In response to a question, the Executive Manager Corporate Governance said that the training on the revised Code of Conduct would include reference to the "common courtesy" definition.

STANDARDS OF CONDUCT IN ENGLISH LOCAL GOVERNMENT: THE FUTURE

It was noted that the Government had considered reports from the Graham Committee and Standards Board which had made recommendations regarding the monitoring of standards of conduct in Local Government. The Government had accepted the recommendations which had been made and had indicated that it would introduce the necessary primary and secondary legislation to give effect to these recommendations in due course. Whilst the Government was not proposing consulting further on the proposed amendments, it had indicated that interested parties could communicate their views on the proposal to the Government.

It was proposed that the role of the Standards Board would change. The Board would be a strategic arms length body and would only deal with the most serious cases nationally. The emphasis on dealing with complaints would switch to standards committees. It was noted that once the necessary legislation was in place, standards committees and not the Standards Board would be responsible for monitoring complaints of alleged breaches of the Code and determining which should be passed for investigation. Investigations would usually be undertaken by monitoring officers, or those designated by them, and standards committees would deal with most cases. Only the most serious cases would be referred to the Standards Board for investigation. The Board would have the power to refuse to take on referred cases if it felt they would be better handled locally. The Board would monitor the performance of standards committees with default powers to withdraw the ability to determine cases locally.

It was also proposed that it should be a legal requirement that the chairmen of standards committees should be independent members. There was also likely to be a requirement that committees include independent members who reflect a balance of experience. It was intended that the powers of standards committees to impose sanctions should be increased to enable committees to deal with more serious cases.

The Government had acknowledged that the proposed changes would impose a greater workload on standards committees and that across district boundaries there would be disparity in workloads with some areas having a larger number of parishes than others. There would, therefore, be provisions enabling standards committees to combine to enable countywide committees to deal with parish cases. It was probable that the Standards Board would give guidelines for the recruitment of independent members and might oversee the recruitment process.

The Committee was advised that some local government posts were politically restricted. These post holders might not be members of political parties, nor might they seek elected office other than at town or parish level. An independent adjudicator appointed by the Government was empowered to grant exemptions from political restrictions. It was proposed that the role of the independent adjudicator should be abolished and that this function should be undertaken by standards committees. Councillor Harris suggested that it was important to find out how the independent adjudicator currently operated so that the Standards Committee could replicate this function.

Councillor Merrion said that the Standards Committee had previously expressed concern that a subject member was not able to discuss a complaint confidentially with a person other than a solicitor. It was considered that a subject member should be able to discuss such an issue with any person who was prepared to sign a confidentiality agreement.

Councillor Cant said that whatever arrangements were made for dealing with complaints, it was vital that the public had confidence in the system and that it was clear and open. She added that she had some concerns that if all complaints were dealt with by the Standards Committee, the public could feel that some issues were being covered up. However, Mr Brady felt that the safeguard of having independent persons on the Standards Committee would be of reassurance to the public.

The Committee also considered that in the event of a standards committee deciding not to pass a complaint for investigation there should be a right of review by the Standards Board.

It was generally agreed that the current delays in investigations by the Standards Board had brought the system into disrepute and the proposals should speed up the process and would also ensure that decisions were made in the public domain. Mr Hall added that whilst the proposals were probably motivated by capacity and resources, it was a positive move which would give greater local accountability.

RESOLVED that

- 1 the Office of the Deputy Prime Minister be advised of the Committee's comments concerning the ability of subject members to speak to persons other than a solicitor and the issue concerning the right of review to the Standards Board;
- 2 no amendments to the Code of Conduct be proposed at this stage;
- 3 members of the Council and members of town and parish councils be advised that until revised codes of conduct have been adopted the current rules still apply.

S18

PROBITY IN GAMBLING LICENSING

Councillor Lemon declared an interest as a Member of the Licensing Committee.

Members considered a report setting out what the responsibility of the Council would be once the Gambling Act 2005 came into effect. The Act was a radical overhaul of the control of gambling and local authorities would play a role in licensing premises, but the licensing of operators and personal licences for those engaged in managing premises would be the responsibility of the Gambling Commission. It was considered unlikely that Uttlesford would attract any casinos and searches of Yellow Pages and websites indicated that

there could be up to eight premises which might need to be licensed within the District.

Members were reminded that they had previously recommended codes of probity with regard to planning and licensing under the Licensing Act 2003 and were asked whether they were minded to offer guidance on probity with regard to gambling licensing.

The Committee concluded that no additional guidance was required as the issue of probity was adequately covered in the guidance to the Licensing Committee.

S19

FUTURE OPERATION OF THE STANDARDS COMMITTEE

It was reported that the Council was currently operating with a Standards Committee appointed before the Local Government Act 2000 came into effect under permitted transitional arrangements. It was therefore now necessary to review the structure of the Committee and its operation to ensure that the Council was compliant with the legislation after the 2007 elections.

The statutory requirements for a standards committee were that it should have at least two members of the authority and at least one independent person. In addition, if the Committee dealt with matters relating to town and parish councils, it must have at least one member from town and parish councils. Uttlesford's Standards Committee consisted of eight members, four elected members of the district council, two independent persons and two members from town or parish councils. The articles of the constitution also required that all political groups should be represented on the Committee.

It was noted that this issue would be considered by the Constitution Task Group at its meeting on 23 January 2006 and that Group would have regard to the guidance published by the Standards Board and any comments made by this Committee.

Councillor Merrion said that members of the Committee had a high level of experience and had been well trained. However, it could be possible that all parish and district members could not be returned at the next elections in 2007 and regard should be given to this.

The Committee were of the opinion that the current arrangements worked exceedingly well and the inclusion of two independent persons and two parish/town council representatives provided valuable input. Also, the fact that each political group was represented on the Committee helped ensure that there was a good balance and level of fairness at meetings.

RESOLVED that the above comments be forwarded to the Constitution Task Group.

The meeting ended at 5.10 pm.