

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 20 MARCH 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).

Also present:- Representatives of a Parish Council for item S24.

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

S20 DECLARATIONS OF INTEREST

Councillors Cant, Down, Harris, Leeder, Lemon and Merrion declared personal interests insofar as they knew the Councillors referred to in Minute S24 and had served on committees with him.

S21 MINUTES

The Minutes of the meeting held on 18 January 2006 were received, confirmed and signed by the Chairman as a correct record.

S22 BUSINESS ARISING

(i) Minute S17 – Standards of Conduct in English Local Government

Councillor Cant said that at the last meeting, she had raised some concerns that, if all complaints were dealt with by the Standards Committee, the public could feel that some issues were being covered up. She said that, having read the report of the adjudication panel at Maldon, she felt that her concerns were justified and emphasised that it was vital that the public had confidence in the system. The Monitoring Officer said that the Standards Board had confirmed that it had no intention of providing a right of appeal from standards committees to the Board, but it would monitor performance and it could intervene if the performance of a standards committee was consistently poor.

S23 EXCLUSION OF THE PUBLIC

RESOLVED that under Sections 100A and 100B and Schedule 12A, Paragraphs 1 & 2 of the Local Government Act 1972, the Press and Public be excluded from the meeting whilst the Committee considered the following items on the grounds that it was in the public interests so to do to permit the free and frank exchange of views between Members.

Members considered an issue regarding declaration of interests at a parish council and issued advice and guidance to help resolve the issue.

S25 CHAIRMAN'S ATTENDANCE AT ASSEMBLY

The Chairman said that he had circulated a summary of his attendance at the Assembly at the last meeting and this would be appended to these Minutes.

S26 FEEDBACK FROM ADJUDICATION PANEL AT MALDON

The Monitoring Officer reported that on 1 March 2006, some Members of the Standards Committee, along with the Democratic Services Manager and himself had attended a meeting of the Adjudication Panel for England at the Five Lakes Resort, Tolleshunt D'Arcy when the Panel had considered an allegation of a breach of the Code of Conduct by Councillor Reisberg of Maldon Town Council. The Monitoring Officer provided a summary of the procedure adopted by the Adjudication Panel and the outcome of the proceedings. He said that the purpose of the attendance was to enable Members to experience the operation of the Adjudication Panel in anticipation of being required to deal with allegations at local level. He had highlighted some issues of concern and made suggestions as to how the Standards Committee could learn from this experience.

The Committee considered this matter in detail and

RESOLVED that the following procedures be adopted when the Standards Committee dealt with a local hearing:-

- In the event of a complaint being referred for local hearing, a sub-committee of four Members be set up on a rota basis and at least one Member of this to be an independent Member and in the event that the allegation was against a town or parish council, then at least one member of the sub-committee must be a town or parish council representative.
- Where the press or public are present at a hearing, the Chairman to summarise the agreed facts at the start of the hearing.
- The term 'chairman' should be the appropriate form of address at a hearing.
- The Chairman of the Standards Committee should make it clear at the outset and remind parties during the course of the hearing that the procedure is in the following three stages:-
 - (i) to determine the facts;

- (ii) having reached findings of fact to hear submissions as to whether the facts constitute a breach of the Code and to reach a decision on that point;
- (iii) if the Committee concludes there is a breach of the Code to determine what sanction, if any, is appropriate;
- That the lawyer present at the committee hearing should advise as to the range of sanctions which may be imposed, the guidance given by the President of the Adjudication Panel and any similar cases which have been determined by the Adjudication Panel or, where known, other standards committees. Such advice should be given after the mitigation had been heard and it should not be open to the investigating officer to make representations as to the appropriate sanction.
- The policy that all legal advice to be given in public session is endorsed.
- The committee should not be bound by the findings of fact and should reach their own conclusions having heard all the evidence and submissions even where on the face of it, the facts and conclusion are agreed.
- Where the Committee decide for good reason to depart from what might be regarded as “the tariff”, it is important that clear reasons are given which illustrate both that the Committee is aware of the usual sanction and why sanction is not appropriate in the instant case.

S27

APPLICATION FOR DISPENSATION BY MEMBERS OF BARNSTON PARISH COUNCIL

It was reported that some members of Barnston Parish Council had made requests for dispensations in the following terms.

“I wish to apply to be able to talk and vote under a dispensation on the issue of the provision of free school buses from Barnston to Dunmow. It is proposed that it is discussed at the next parish council meeting which takes place on Monday 13 March 2006. The reason is more than 50% of Barnston Parish Councillors have a prejudicial interest in this matter”

RESOLVED that

- 1 Councillor Ball be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.
- 2 Councillor Le Mesurier be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.

- 3 Councillor Sellens be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.
- 4 Councillor Singleton be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.
- 5 Councillor Tuttlebury be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.
- 6 Councillor Burlend be permitted to attend and speak and vote at meetings of Barnston Parish Council when issues relating to free school buses from Barnston to Dunmow are discussed.

The meeting ended at 6.20 pm.