

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 19 JUNE 2006**

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

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

S1 APOLOGIES

Apologies for absence were received from Councillors R M Lemon and
P G Leeder and from Mr M Hall.

S2 MINUTES

The Minutes of the meeting held on 20 March 2006 were received, confirmed
and signed by the Chairman as a correct record.

S3 BUSINESS ARISING

(i) Minute S26 – Feedback from Adjudication Panel at Maldon

The Committee clarified that the procedures adopted at the last meeting were
in addition to the procedures and guidance issued by the Standards Board. It
was also confirmed that when a sub committee of the Standards Committee
was set up to deal with a local hearing the independent Member would chair
the meeting.

**S4 INVESTIGATIONS INTO ALLEGATIONS OF A BREACH OF THE CODE OF
CONDUCT**

It was reported that until the publication of the Government's response to the
Standards Board and the Graham Committee's submissions, most
investigations into allegations of a breach of the Code were carried out by
Ethical Standards Officers. However, that situation had now changed due to
two factors. The first was that the High Court had indicated in some fields that
the sanctions imposed by the Adjudication Panel on occasions had been too
severe. The inference was that a softer approach to applying sanctions was
to be preferred and meant that more cases might be suitable for local
determination. Secondly, the Government had given its approval to
fundamental changes in the operation of the ethical framework. The intention
was that Standards Committees, as opposed to the Standards Board, would
be responsible for vetting allegations of breaches of the Code and determining
whether or not they should be investigated. Also, only the most serious cases
would be accepted by the Standards Board for investigation and
determination by the Adjudication Panel.

Whilst these changes would require primary legislation, the Standards Board had indicated that they intended to refer many more cases for local investigation and determination than they had done in the past.

The Monitoring Officer pointed out that difficulties would arise in circumstances where a Member had received advice from him and subsequently it was alleged that the Member had breached the Code. If that allegation were to be referred to him for investigation he would in effect be investigating his own advice and it was clear that he should not investigate complaints where the act or omission complained of had been the subject of advice previously given by him.

He said that in the immediate future where such a conflict arose, it was likely that the ethical standards officer would retain control of the investigation, referring the matter to the Standards Committee for local determination if he considered it appropriate. However, that situation would change, of necessity, when the new legislation was on the statute book but probably before that as the Standards Board slimmed down its staff and put pressure upon councils to make other arrangements where the position of the Monitoring Officer had been compromised.

The Committee considered the following options which were open to them and the advantages and disadvantages of each:

- The Monitoring Officer ceases to advise
- The Monitoring Officer does not carry out any investigations
- Arranging for investigations by monitoring officers from neighbouring authorities
- Use of outside agencies for investigations.

Members said that it was important that Councillors had access to the Monitoring Officer for advice and said that the first two options should be dismissed.

Similarly, it was suggested that the fourth option should be dismissed due to the inability to monitor the quality of investigations and knowledge of the ethical code and budgetary implications.

The Committee supported the suggestion that district councils in Essex should form a pool of monitoring officers with a view to either having a system whereby monitoring officers were not required to investigate complaints into their own advice. However, Members stressed that it was important to ensure that there was equality in the work load between the monitoring officers.

The Monitoring Officer said that the precise details for this arrangement would be looked at by the Essex ACSES Group and he would report back to a future meeting on progress.

S5

TRAINING

Following the last meeting, the Monitoring Officer had undertaken further training at a parish council in the district on the Code of Conduct.

Members also asked the Monitoring Officer to advise all town and parish council clerks that it would be good practice to include an item entitled "Declarations of Interest" on all their agenda. He would also reinforce the need to advise of any changes to declarations of interest within 28 days.

Councillors Down and Harris expressed some concern that the requirements of the Code of Conduct would deter a number of people from standing for re-election in 2007 and there would be a consequent loss of experience on town and parish councils. However, the Monitoring Officer did not share this view.

The Chairman of the Committee circulated a discussion paper setting out what he saw as the problems some parish and town councillors had with the Code of Conduct and, in particular, declarations of interest. It was suggested that a reminder about declaring interest could be available at all meetings and it might be useful to arrange further training with parish clerks and new parish chairmen after the 2007 elections.

Whilst all town and parish councils had been informed of the requirements of the Code of Conduct in relation to declarations of interest, the Committee felt that a clear, concise leaflet would be advantageous and the Chairman undertook to draft a leaflet which he would ask the Monitoring Officer to check the legal aspects and it would then be circulated to members of the Committee for their views.

The meeting ended at 5.30 pm.