

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 20 NOVEMBER 2006**

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

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

S7 **MINUTES**

The Minutes of the meeting held on 19 June 2006 and the extraordinary meeting held on 31 October 2006 were received, confirmed and signed by the Chairman as a correct record subject to the amendment of Minute S3 (i) to read "it was also confirmed that when a sub-committee of the Standards Committee was set up to deal with a local hearing an Independent Member, in the first instance the Chairman of the Standards Committee, would chair the meeting".

S8 **BUSINESS ARISING**

(i) **Minute S5 – Training**

The Chairman said that, whilst he had undertaken some work on the preparation of a concise leaflet about declarations of interest, this was proving to be a difficult task. Councillor Merrion said that he understood that the Essex Association of Local Councils had prepared a similar leaflet for parish councillors and the Democratic Services Manager undertook to obtain a copy for the Chairman and Monitoring Officer to consider.

(ii) **Minute S6 – Local Investigation of Alleged Breach of Code of Conduct by a Parish Councillor**

The Committee reviewed the hearing which had been held on 31 October 2006. The Monitoring Officer said that it had been particularly useful for one of the Council's solicitors to carry out the investigation and for the other solicitor to get first hand, practical experience in her role as Deputy Monitoring Officer.

Councillor Cant referred to the facts of the case and felt it was unsatisfactory that the parish councillor in question and many others placed over reliance on the advice of the clerk on when they should declare interests or withdraw from meetings. She said that Members should take full responsibility. The Monitoring Officer felt that it was appropriate that Members should seek advice and added that if district council officers were aware of a situation they would normally pre-empt the matter and be proactive.

The Chairman said that a large amount of paperwork and time had been spent on this case and said that he would welcome a less bureaucratic approach in dealing with future cases where the facts were not in dispute.

S9

KEN LIVINGSTONE V THE ADJUDICATION PANEL FOR ENGLAND

The Committee considered the details of this case. It was noted that the Ethical Standards Officer had determined that Mr Livingstone had breached the Code of Conduct in two respects. The first breach was that Mr Livingstone had failed to treat Mr Finegold with respect. The second was that Mr Livingstone had brought his office into disrepute.

In the course of the hearing before the Adjudication Panel, the Panel determined that Mr Livingstone had not breached the Code by failing to treat Mr Finegold with respect. Whilst no doubt Mr Livingstone had been disrespectful, the comments were made after a reception which he was attending had ended and he was no longer acting in an official capacity. Accordingly, it was determined that there had been no breach of the Code. However, the Panel upheld the allegation that Mr Livingstone had brought his office into disrepute and suspended him from office for a period of one month.

It was noted that Mr Livingstone had appealed that decision to the High Court and had secured a stay of this suspension pending the hearing of the appeal. The case was subsequently heard by Mr Justice Collins and he had drawn a distinction between the reputation of the individual and the reputation of the office and concluded that he had not brought his office into disrepute. He said “misuse of office can obviously bring disrepute on the office, but personal misconduct will be unlikely to do so”.

In considering this case, the Committee discussed whether, in the light of the findings of the High Court, they should offer any guidance to Members of the district, town and parish councils.

Councillor Cant felt that once elected to public office, the mantle followed you regardless of whether or not you were in the constraints of meetings. She added that public perception seems to have been ignored and felt that the case lowered the standing in which people held politicians. She said that it was difficult for the general public to separate the person from the office.

Councillor Harris said that whilst he was aware of the high profile which Ken Livingstone had, he felt that he should be able to have a private life. The Monitoring Officer reminded the Committee that when commenting on the draft Code of Conduct, they had been of the opinion that a high degree of conduct was required by Councillors.

The Committee concluded that it was difficult to publish further advice at this stage and considered that it would be helpful to ascertain how the Standards Board viewed the decision before issuing any further guidance.

S10

TRAINING

The Monitoring Officer reported that once the new Code of Conduct had been adopted, further training would be undertaken with Councillors.

S11

INDEPENDENT MEMBERS

The Monitoring Officer reported that the Standards Committee was currently acting under transitional arrangements and It would be necessary to reappoint the Committee after the May elections. The Constitution Task Group had agreed a job and person specification and advertisements would appear in December. The current independent persons could apply for re-appointment.

The meeting ended at 5.00 pm.