

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 25 JUNE 2007**

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

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

S1 ELECTION OF CHAIRMAN

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

S2 APOLOGIES

Apologies for absence were received from Councillors K L Eden and P G Leeder.

S3 MINUTES

The Minutes of the meeting held on 26 March 2007 were approved as a correct record and signed by the Chairman.

S4 LEAD OFFICER'S REPORT

The Committee received the report of the Assistant Chief Executive which gave details of items of interest which did not appear on the agenda.

In particular, he reported on an investigation which he had carried out for a neighbouring local authority into an alleged breach of the Members Code of Conduct by a member of that authority who was also a member of a parish council within that district. He also reported upon a complaint which had been made to the Standards Board regarding an alleged breach of the Code of Conduct by a member of a parish council within Uttlesford which had now been referred to him for investigation and determination by this Committee. He anticipated tabling a report on this matter at the next meeting of the Committee. He also informed the Committee that he was aware of another complaint regarding the same Council which had been passed for investigation but at that stage he did not know if it would be referred to him for a local investigation. He advised the Committee that the parish council and the Councillor concerned had both requested him to undertake the investigation personally and he was willing to do this. The Committee agreed that this course of action was acceptable and noted that as a consequence the Deputy Monitoring Officer would present the case to the Standards Committee.

CODE OF CONDUCT

The Assistant Chief Executive reminded Members that at their last meeting, they had recommended to Full Council that it adopt a code of conduct in a form approved by the Committee subject to any further amendments which might be required to comply with the mandatory provisions of the legislation once the appropriate statutory instrument had been laid.

He reported that the statutory instrument had been laid on 2 April. Amendments were made to the code approved by the Committee to take account of the differences between the consultation draft and the model code as laid. Full Council had adopted the revised code at its meeting on 17 April to be effective from 8 May 2007.

He outlined the differences between the consultation draft and the code as laid and asked Members to consider whether they wished to recommend any amendments in the light of the changes made by the Government and consider what guidance, if any, they wished to give to Members of the District and town and parishes with regard to the code.

In particular, the Committee noted that the definition of prejudicial interest had been clarified and matters which did not relate to finance or the regulatory functions of the Council were excluded from being prejudicial interests. The consultation draft contained complex provisions regarding Members speaking where a prejudicial interest existed. He reported that these had been greatly simplified. A Member with a prejudicial interest would be able to attend meetings of the Council or any committees for the purpose of making representations, answering questions or giving evidence provided that the public were also allowed to attend the meeting for that purpose. If the public were not allowed to speak, Members may not do so and were required to withdraw. Where a Member with a prejudicial interest may speak under this exemption, he or she must withdraw from the meeting having done so.

The Assistant Chief Executive considered that where a Member had a prejudicial interest and exercised the right to speak, it was essential for that Member to be seen as being separate from the decision making process. He stated that his advice in the circumstances would be for the Member of the Committee to go to the public part of the room when the matter was under discussion and to make representations at the public chair at the appropriate time.

He further suggested that in order to clarify the situation regarding the rights of the public and Members with prejudicial interest to speak at meetings, that the agendas for meetings should state that the meeting starts at 7.30 pm with the first item being public question time, thus allowing Members with prejudicial interests to be treated as Members of the public.

The Assistant Chief Executive also reported that the draft code required disclosure of interests relating to friends, family and persons with whom the Member had a close personal association. The reference to friends had been deleted and the requirement now required disclosure of interest relating to family and persons with whom the Member had a close association. The Standards Board guidance was that "family" was exactly the same as the

former statutory definition of “relatives”. He suggested that advice should be issued to councillors regarding the definition of “family” and adding the guidance from the Standards Board.

RESOLVED that the Assistant Chief Executive issue guidance as detailed above.

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TRAINING

Members noted that the Assistant Chief Executive had undertaken two training sessions on the code for district councillors and had arranged three further sessions for parish councillors at Great Dunmow, Stansted and Saffron Walden and had invited those district councillors who had not attended the previous sessions. He reported that approximately 75% of district councillors had now received training on the code and he intended to hold a “mop up” session. The attendance of parish councillors at the training sessions had also been poor.

Members were disappointed at the lack of take up and Councillor Merrion reported that the Uttlesford Association of Local Councils (UALC) intended to host a session to which all town and parish councils would be invited and the Assistant Chief Executive confirmed that he would be willing to attend this meeting. It was suggested that the invitation to town and parish councils should state that chairmen and clerks of all councils would be expected to attend and urge that training on the Code of Conduct should be part of the induction process at town and parish councils to ensure that all new Members were aware of their obligations.

The Assistant Chief Executive also advised that he would write to councillors stating that the new Code of Conduct clarified it was the Members’ responsibility to observe the code and receive training and to add that the Standards Committee would find it difficult to accept a claim of ignorance of the Code as being a mitigating factor if a complaint was referred to the Committee.

RESOLVED that officers proceed with the action as detailed above.

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REQUESTS FOR DISPENSATIONS

Members were reminded of the circumstances where the Committee could grant dispensations permitting Members of parish councils to take part in meetings notwithstanding the fact that they would otherwise be prevented from doing so by virtue of the Code of Conduct.

It was reported that Members of Broxted Parish Council had made requests for dispensations in the following terms:-

“I write as a Parish Councillor, a resident of the Parish of Broxted, and a member of the Stop Stansted Expansion Campaign.

I am concerned that it might be construed that I have a personal interest in the proposed development of Stansted Airport which would bar me from taking part in any discussion concerning the Airport.

I request that the Standards Committee grant me a dispensation since more than half of Broxted Parish Council is in a similar situation because their properties are blighted. And secondly because the development would have such a serious impact on the village of Broxted it is desirable that the village has a voice on the issue through its Parish Council”.

RESOLVED that

- 1 Councillor Bull be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 2 Councillor Clark be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 3 Councillor Cousins be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 4 Councillor Kesterton be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 5 Councillor Oliveira be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 6 Councillor Perry be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.
- 7 Councillor Rixson be permitted to attend, speak and vote at meetings of Broxted Parish Council when issues relating to Stansted Airport are discussed until the next ordinary elections for parish councils.

It was reported that Members of Elsenham Parish Council had made requests for dispensations in the following terms:-

“I wish to apply for a dispensation to enable me to speak and vote at meetings of Elsenham Parish Council on issues relating to Stop Stansted Expansion and Stansted Airport.

The reason I make this application is that as the Parish Council are members of Stop Stansted Expansion, we consider it desirable that we should be able to debate matters relating to Stop Stansted Expansion and the Airport in the interests of our electorate”.

RESOLVED that

- 1 Councillor Clarke be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 2 Councillor Clear be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 3 Councillor Platt be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 4 Councillor Fry be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 5 Councillor Fulton be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 6 Councillor Johnson be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 7 Councillor Lees be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 8 Councillor Franklin be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 9 Councillor Pimblett be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.

- 10 Councillor Scott be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 11 Councillor Woollvin be permitted to attend, speak and vote at meetings of Elsenham Parish Council when matters relating to Stop Stansted Expansion and Stansted Airport are discussed, until the next ordinary elections for parish councils.

It was reported that some members of Takeley Parish Council had made requests for dispensations in the following terms:-

“I write to inform you that at a meeting of Takeley Parish Council (5 June 2007) it was identified that 6 (of 11) members of the Council will write to you to request dispensation. The 6 councillors are all members of NWEHPA/Stop Stansted Expansion organisation.

As one of the 6 councillors, I am applying for dispensation because I together with 5 fellow members make up more than 50% of the Council prevented from taking part in any debate regarding Stansted Airport by virtue of the Code of Conduct.

I would request that this application be granted permitting me to take a full part in a debate and then vote, in order that Takeley Parish Council can represent the community effectively when responding to airport related matters”.

RESOLVED that

- 1 Councillor Barber be permitted to attend, speak and vote at meetings of Takeley Parish Council when issues relating to Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 2 Councillor Pratt be permitted to attend, speak and vote at meetings of Takeley Parish Council when issues relating to Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 3 Councillor Garrick be permitted to attend, speak and vote at meetings of Takeley Parish Council when issues relating to Stansted Airport are discussed, until the next ordinary elections for parish councils.
- 4 Councillor Allen be permitted to attend, speak and vote at meetings of Takeley Parish Council when issues relating to Stansted Airport are discussed, until the next ordinary elections for parish councils.

It was reported that members of Swards End Parish Council had made requests for dispensations in the following terms:-

“I am applying for a dispensation to allow me to speak and vote on issues regarding Swards End Village Hall/Village Green.

I am a member of the Village Hall Committee/Village Green Committee and therefore have a personal and prejudicial interest and unable to take part or vote on issues discussed on the Parish Council agenda.

More than half of the Parish Council are unable to speak or vote about the Village Hall or Village Green due to being involved in the committees of the hall and/or the Village Green and without dispensations the Council could not conduct business relating to the hall or green”.

The Assistant Chief Executive reported that there were some doubts as to the grounds for the requests as he understood that some might relate to the proximity of residence rather than membership of management committees. In the circumstances, he suggested that the dispensations should only be granted until the next meeting of the Standards Committee on 17 September 2007.

RESOLVED that

- 1 Councillor Ali be permitted to attend, speak and vote at meetings of Swards End Parish Council when issues relating to Swards End Village Hall and Swards End Village Green are discussed until the next meeting of the Standards Committee on 17 September 2007.
- 2 Councillor Stocking be permitted to attend, speak and vote at meetings of Swards End Parish Council when issues relating to Swards End Village Hall and Swards End Village Green are discussed until the next meeting of the Standards Committee on 17 September 2007.
- 3 Councillor Olley be permitted to attend, speak and vote at meetings of Swards End Parish Council when issues relating to Swards End Village Hall and Swards End Village Green are discussed until the next meeting of the Standards Committee on 17 September 2007.
- 4 Councillor Hockaday be permitted to attend, speak and vote at meetings of Swards End Parish Council when issues relating to Swards End Village Hall and Swards End Village Green are discussed until the next meeting of the Standards Committee on 17 September 2007.

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ACCREDITATION

The Assistant Chief Executive reported that he had been accredited as a “critical friend” by the IDeA to carry out health checks on other councils on probity issues.

He also reported that he had been accredited as part of the selection panel for quality status for town and parish councils.

The meeting ended at 5.30 pm.