

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 17 SEPTEMBER 2007**

Present:- M Hall and R Whitlam (Independent Persons).
Councillor P G Leeder (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.

S9 CHAIRMAN

In the absence of the Chairman it was

RESOLVED that M Hall be appointed Chairman for the meeting.

S10 APOLOGIES

Apologies for absence were received from S Brady and Councillors Eden and Merrion.

S11 MINUTES

The Minutes of the meeting held on 25 June 2007 were approved as a correct record and signed by the Chairman.

S12 BUSINESS ARISING

Minute S6 – Training

In answer to a question from Councillor Cant, the Assistant Chief Executive explained that the online training session provided by the Learning Pool had not been helpful as it did not relate to the new Code of Conduct which had been adopted by this Council.

S13 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 referred to complaints which had been made to the Standards Board concerning one parish within the District and said that two further complaints had been submitted, but the Standards Board had decided that the issues were more related to the Freedom of Information Act rather than the Code and had declined to investigate the matter further.

His report also referred to matters arising from the Adjudication Panel for England and in particular a case involving a referral concerning a Councillor Higgenbottom of Great Hanwood Parish Council.

S14

ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND

The Assistant Chief Executive submitted a report giving details of the Association of Independent Members of Standards Committees in England (AIMSce) and sought Members views as to whether it would be appropriate for one or more of the Council's Independent Persons to become members of the organisation.

The report set out details of the Association's constitution and subscription fees. However, there were some concerns regarding the operation of the organisation, in particular, the fact that the first annual general meeting was due to be held in June 2007 and still had not taken place.

The Committee felt that it would be useful if the Chairman found out more details about the Association at the Birmingham Assembly and reported back to the next meeting of the Committee.

RESOLVED that the matter be reviewed at the meeting of the Committee on 12 November 2007.

S15

THE BIRMINGHAM ASSEMBLY

It was noted that the Chairman and the Assistant Chief Executive would attend the Birmingham Assembly and Members were asked if there were any issues which they would like to be raised.

The Assistant Chief Executive said that the two main sessions were "The Local Filter in Detail" and "What's The Score?" which would look at the current state of the regulatory framework. He said that he and the Chairman would cover as many of the break out sessions as possible.

Following further discussion, it was

RESOLVED that the issues to be raised at the Assembly would be clarification of the definitions in the new Code of "close association" and "member of the family" and the implications of the Higgenbottom case.

S16

REQUESTS FOR DISPENSATIONS

It was reported that two 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 six (of eleven) Members of the Council will write to

you to request dispensation. The six councillors are all Members of NWEPPHA/Stop Stansted Expansion Organisation.

As one of the six councillors, I am applying for dispensation because I and five 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”.

It was noted that four other members of the parish council had been granted dispensations at the last meeting.

RESOLVED that

- 1 Councillor R Cheetham 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 B A Baldwin 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.

At the last meeting, it had also been reported that members of Swards End Parish Council had made requests for dispensations, but as there were some doubts as to the grounds for the requests, dispensations had only been permitted up to the date of this meeting. Clarification had now been received that the four Members were also members of the Village Hall Committee or the Village Green Committee. The Village Hall Committee owned the village green and the Village Green Committee was a sub-committee of the Village Hall Committee. The requests were therefore in order. The request for dispensations were made in the following terms:-

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

I am a member of the 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 committee of hall and/or the village green and without dispensations, the Council would not conduct business relating to the hall or green”.

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 ordinary elections for parish councils.
- 2 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 ordinary elections for parish councils.
- 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 ordinary elections for parish councils.
- 4 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 ordinary elections for parish councils.

S17 **TRAINING**

The Assistant Chief Executive reported that he had held a further training session with parish councils on the new Code of Conduct on 5 September 2007.

He added that he had received a new training DVD from the Standards Board on the new Code of Conduct and once he had viewed this, he would make arrangements for it to be viewed by Members of the Committee.

S18 **EXCLUSION OF THE PUBLIC**

RESOLVED that under Section 100 A of the Local Government Act 1972, the public be excluded for the following item of business on the grounds that it involved the likely disclosure of Exempt Information as defined in Paragraph 1 of Part 1 of Schedule 12A of the Act.

S19 **FINAL REPORT INTO ALLEGED BREACHES OF THE CODE OF CONDUCT BY A PARISH COUNCILLOR**

The Committee considered a report concerning an investigation carried out by the Assistant Chief Executive which had been referred to him as Monitoring Officer of the Council by an Ethical Standards Officer appointed by the Standards Board under Section 60 (2) of the Local Government Act 2000.

The allegations were that a parish councillor had failed to withdraw from a meeting of the parish council which was considering a planning application in which he had a prejudicial interest by virtue of the proximity of the proposed development site to his home. It was also alleged that the parish councillor

tried to improperly influence the decision notwithstanding the fact that he had a prejudicial interest.

The Committee considered full details of the investigation and noted that the conclusion of the Assistant Chief Executive was that, whilst the parish councillor did influence the decision of the parish council to make representations that the planning application be refused, he did not do so improperly. He had therefore concluded that there had been no breach of the Code of Conduct in respect of the matters which were the subject of the complaint.

The Assistant Chief Executive reported that, in accordance with his rights under the Act, the parish councillor had asked that a summary of the report be not published in a local newspaper.

RESOLVED that the report and recommendation be accepted.

The meeting ended at 4.55 pm.