

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 12 NOVEMBER 2007**

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

Officers in attendance:- M J Perry [Assistant Chief Executive] and
M T Purkiss [Democratic Services Manager].

S20 APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors C A Cant and P G
Leeder.

In relation to the item concerning an alleged breach of the Code of Conduct,
Councillor Merrion declared a personal interest as he had served on the
Council with Councillor Abrahams, Councillor Lemon declared a personal
interest as he was a member of the Independent Group which included
Councillor Abrahams and Councillors Down and Eden declared personal
interests as they served on the Development Control Committee with
Councillor Abrahams.

S21 MINUTES

The Minutes of the meeting held on 17 September 2007 were approved as a
correct record and signed by the Chairman.

S22 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, the report referred to a complaint made to the Standards Board,
matters arising from the Adjudication Panel and issues which had been raised
at the Annual Assembly of Standards Committees.

At the last meeting, Members had asked the Assistant Chief Executive to take
issues to the Assembly for clarification. The questions and the responses
were as follows:-

Q "The guidance as to who is a member of the family repeats the former
statutory definition of relative. If the government had intended the
meaning to be the same why was the terminology changed and the
definition deleted?"

A "One of the issues which emerged during the consultation carried out
by the government on the review of the code was the need to simplify
the code by removing certain definitions and leaving some

expressions to be dealt with by guidance. This was an area which fell to be dealt with in this way”.

Q “In the light of the decision in Higgenbottom will the Standards Board be lobbying government to include a provision enabling monitoring officers to investigate other potential breaches of the code uncovered during an investigation rather than requiring a fresh complaint to be made?”

A “It has generally been the case (as reflected in the government’s stance) that an assessment process dealing with a complaint is kept separate from the investigation process, hence the current legislation in the LGA 2000. The ESO does have a remit to widen an investigation but the statute and the regulations never gave that power to an MO when local investigations were possible, hence the APE decision in Shrewsbury and Atcham. Coupled with the stance taken by the government that standards committees and not MO’s should assess complaints, the new bill, which we understand will shortly have final parliamentary approval, maintains the distinction and there is no intention to change this position”.

A further question was asked at the request of another Member of the Council.

Q “Has the Board any views on the application of the party whip on matters before the scrutiny committee (particularly in councils operating alternative arrangements) bearing in mind the requirement for scrutiny committees to be politically balanced?”

A “We have no particular view insofar as the operation of the code is concerned. To the extent that there may be a wider ethical governance issue I can consult with my policy colleagues and I would be happy to consider particular scenarios if that would help”.

The Assistant Chief Executive said that the answers were not particularly helpful and the issue of family members had been confused further by reference to “cousin” in the training DVD issued by the Standards Board.

In relation to the Higgenbottom case, the Standards Committee felt that it was commonsense and would streamline the process if the Monitoring Officer was able to investigate any approximate or akin issues which were uncovered during an investigation process rather than having to refer these to the Committee and it was

RESOLVED that representations be made to the Government on this issue.

Committees held on 15 and 16 October 2007. The report sought Members views on how they wished to respond to proposed changes in legislation and on recommendations that all independent members should have a role description, particularly regarding their involvement with one or more stages of the local filter.

It was suggested that the three stages; initial, review and hearing, should be progressed by sub-committees of the Standards Committee.

The Committee felt that a Member who sat on the first stage of the process should not be able to be part of the sub-committee which dealt with the review or hearing but that Members who dealt with a review could take part in a subsequent hearing. It was therefore considered that an additional town and parish council representative would be required to ensure adequate availability of representatives at each stage of the process. It was also suggested that the scope for joint working with other similar authorities should be investigated further.

RESOLVED that

- 1 The Council be requested to agree to increasing the number of town and parish council representatives on the Standards Committee to three.
- 2 The Communications Section to prepare proposals for publication of the revised complaints procedure (to include Uttlesford Life, parish magazines and the website) for consideration at the next meeting of the Committee.
- 3 Consideration of what level cases ought to be referred for investigation be deferred to the next meeting of the Committee and consultation be undertaken with similar authorities particularly in relation to joint training.
- 4 The review process be dealt with through sub-committees of the Standards Committee to include one independent person, one district councillor and one representative of town and parish councils. Representation would be on a rota basis and Members who sit on the review sub-committee would be able to sit on the hearing sub-committee.
- 5 Opportunities to engage in joint working/bench marking should be pursued.

S24

ASSOCIATION OF INDEPENDENT MEMBERS OF STANDARDS COMMITTEES IN ENGLAND

At the meeting on 12 September 2007, Members had deferred consideration of a report of the Assistant Chief Executive concerning the possibility of the independent members joining the Association of Independent Members of Standards Committees in England.

The Chairman of the Committee had attended a fringe event organised by the Association at the Annual Assembly and he reported back on his findings.

Members of the Committee felt that there was still some confusion about the aims and objectives of the Association and it was noted that its AGM had still not been held. The independent members on the Committee felt that there was more value in building on the local understanding between the three independent members and discussing issues with independent members on neighbouring authorities. It was suggested that there would be advantage in meeting with independent members on neighbouring authorities once or twice each year to discuss common issues.

RESOLVED that

- 1 The Association of Independent Members of Standards Committees in England be advised that it would not be appropriate to have representation from this Council at the present time.
- 2 The Assistant Chief Executive to raise the issue of joint consultation at the next meeting of the Association of Council Secretaries and Solicitors.

S25

TRAINING

The Assistant Chief Executive said that the training DVD produced by the Standards Board was a very good production. He suggested that at the next meeting the DVD could be viewed by Members and some case studies could be looked at afterwards. Members of the Standards Committee felt that it might also be appropriate to make the DVD available to a wider audience including district council members and parish councillors.

RESOLVED that officers arrange for the DVD to be viewed at the next meeting.

S26

ALLEGATION OF A BREACH OF THE CODE OF CONDUCT

The Committee considered the report of the Assistant Chief Executive following an investigation carried out into allegations made to him as Monitoring Officer. He said that since the preparation of the original report, the complainant had confirmed that he was content to have the report and the hearing in the public arena. Furthermore, in the light of the complainant's comments with regard to the draft report, a further meeting had been held with Councillor Abrahams and the Assistant Chief Executive had been able to proceed to the final report which was now considered by the Committee.

In the final report, the Assistant Chief Executive concluded that there had been breaches of the Code of Conduct. He reported that from his discussions with Councillor Abrahams he had accepted all the findings of fact with the exception of paragraph 7.7 (in which the Assistant Chief Executive had found that Councillor Abrahams did not leave the meeting during the discussion of a

particular matter) and paragraph 7.8.2 (where the Assistant Chief Executive found that Councillor Abrahams was informed that the discussion which he was initiating was a breach of financial regulations). The Assistant Chief Executive's conclusions as to whether the facts established a breach of the Code of Conduct were not accepted by Councillor Abrahams.

Councillor Abrahams had indicated that he would wish to call two witnesses to the hearing. In the circumstances the Committee now had sufficient information to deal with all of the pre-hearing procedures. Members confirmed that, having regard to the written evidence submitted, they did not require other witnesses to give evidence at the hearing.

The Assistant Chief Executive also felt that there would be advantage in some members of the Standards Committee attending the next meeting of the parish council and he would make the necessary arrangements.

The meeting ended at 5.45 pm.