

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 21 JUNE 2010**

Present:- S Brady – Chairman (Independent person)
R Whitlam, M Hall (Independent persons)
Councillors K L Eden and R M Lemon (Uttlesford Members).
Councillors C Clarke, R Merrion and M Sullivan (Town and
Parish Councils).

Officers in attendance:- M Cox (Democratic Services Officer) and C Oliva
(Solicitor).

S1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors C A Cant and C D
Down.

S2 MINUTES

The Minutes of the meeting held on 22 March 2010 were approved and
signed as a correct record.

S3 BUSINESS ARISING

i) Minute S33 (ii) – Assistance to parishes

Members of the committee gave a brief account of their recent visits to parish
council meetings.

Colin Clarke had attended the meeting of the Great Dunmow Town Council on
22 April. He had given the presentation but there had been no questions from
the town council members. He had stayed for the whole meeting and had
found it to be extremely well conducted in a well ordered manner.

Sean Brady had attended the meeting of Thaxted Parish Council on 8 April.
He had been warmly welcomed and had joined the table to make his
presentation. In his presentation he had emphasised that the role of the
Standards Committee was to assist parish councils to prevent breaches of the
code. There had been a heated discussion on one item but the meeting had
been well conducted and he thought it had been an effective visit.

Councillor Eden had attended the Clavering Parish Council meeting on 10
May 2010. There had been a lengthy agenda and the meeting had been
properly conducted in quite a formal style. There had been a number of
questions in response to his presentation. He had noticed that there had been
opportunities for public speaking at each of the items but this had been
managed in an orderly way.

There were a small number of parish council visits still to be undertaken as part of this initial trial. At the next meeting the committee would be in a position to discuss the value of these visits and to consider the way forward.

ii) Minute S38 –Confidentially

In response to the item at the last meeting the Assistant Chief Executive had prepared guidance for members regarding the disclosure of confidential information. The Committee discussed the paper and welcomed it as useful guidance although thought that the layout could be improved to emphasise the key points more clearly. It was also felt that paragraph 14, about seeking advice when considering disclosing information received in confidence, was very important and should be highlighted

S4 ANNUAL REPORT TO FULL COUNCIL

The Committee considered the draft report that outlined the work of the committee during the year 2009/10 which was to be presented to the Full Council meeting.

RESOLVED that the Committee approve the draft report for presentation by the Chairman to the Full Council meeting on 29 June 2010.

S5 AMENDMENTS TO THE LICENSING ACT 2003

The Committee considered a report from the Assistant Chief Executive regarding changes to the Licensing Act 2003 which gave greater powers to district members. The definition of 'interested party' had recently been amended to include a member of the relevant Licensing Authority. That meant that any district member could make a representation on a Licensing application and that would result in there being a hearing to determine the application. As the definition did not limit the member to making comments on an application in his own ward area, there was the potential for conflict if a member impinged upon an application in another member's ward. Depending on the circumstances, the conflict could lead to a breach of the Code of Conduct by failing to treat the ward member, where the premises were situated, with respect and could even bring the office of the councillor into disrepute.

The report suggested that a protocol could be adopted to avoid these problems and set out options for the guidance that could be given.

Members said that problems were only likely to occur if the Councillors had differing opinions and even then was very unlikely as members tended to speak to each other regarding matters outside their own ward. It was considered that a protocol on this matter was unnecessary but it would be useful to issue guidance on the following lines

Members should be guided that they inform the Ward member that they wish to make a representation on an application regarding a premises licence (Licensing Act 2003) in their Ward.

Members should be advised that depending on the circumstances of each case it may well be that a non-ward member making representations regarding premises may be in breach of the Code of Conduct by failing to treat the Ward member or members with respect and depending on the facts of the case possibly even bringing the Council or the office of councillor into disrepute.

RESOLVED that guidance be issued on the lines set out above.

S6 **POSSIBLE CHANGES TO THE STANDARDS FRAMEWORK**

The Committee considered a report that discussed the possible implications for the Standards for England regime following the Government's announcement of its intention to abolish the Standards Board as part of the Decentralisation and Localism Bill.

The report set out a number of options that were open to the Government and discussed the likely consequences. One matter of concern was the mechanism for dealing with those matters currently referred to the Standards Board, which could result in increasing the powers of the Standards Committee. There was no mention about how any appeal against a decision would be dealt with and whether the First Tier Tribunal would continue. Any other mechanism would be likely to lead to an increase in costs. It was noted that there was an option to repeal the whole of part 3 of the Local Government Act to remove the Code of Conduct and Standards Committee, although this was thought to be unlikely given the Government's commitment to managing the behaviour of elected members.

The Committee thought that the Standards Committee was likely to continue in some form but there were many issues to be resolved. Members decided not to make any representations at this stage but to wait to assess any further guidance when it was issued.

S7 **RECENT DECISIONS OF THE FIRST TIER TRIBUNAL LOCAL GOVERNMENT STANDARDS FOR ENGLAND**

The Committee received details of the tribunal cases that had been published since the last meeting.

S8 **INDEPENDENT MEMBER'S FORUM**

The Chairman reported on a recent meeting that had attended for Independent members of Standards Committees in Essex.

The meeting had viewed a DVD on assessment committees and discussed guidance on blogging and the future of Standards Committees.

The Chairman was unsure of the value of this forum as there was little exchange of ideas or any new information coming forward. However, the various chairmen had agreed to keep in touch via email and this could prove a useful link when the implications of the abolition of the Standards Board were being considered.

The meeting ended at 5.40pm