

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 22 NOVEMBER 2010**

Present:- S Brady – Chairman (Independent person)
R Whitlam, M Hall (Independent persons)
Councillors C A Cant, C D Down, 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 Perry (Assistant Chief Executive – Legal) and C
Roberts (Democratic Services Officer).

S9 MINUTES

The Minutes of the meeting of the Committee held on 21 June 2010 and of the Standards Sub-Committee held on 6 September 2010 were approved and signed as a correct record.

S10 DECENTRALISATION AND LOCALISM BILL

The Committee considered a report from the Assistant Chief Executive - Legal about the likely content of the proposed Decentralisation and Localism Bill which, it seemed, would include the repeal of part 3 of the Local Government Act 2000 and the abolition of the first-tier tribunal.

The Standards Board, model codes of conduct and the statutory requirement for a standards committee would all be abolished. In their place there would be a new statutory register of interests and it would be a criminal offence for members to fail to register or declare interests or to deceive the public.

Abolition of the code of conduct would mean that members would no longer run the risk of being reported to the standards committee for breach of equality legislation, bullying, compromising the impartiality of staff, breaching confidentiality, refusing access to information, misusing the position of councillor for personal advantage, misusing council resources, breaching the local authority code on publicity, failing to have regard to the advice of the section 151 officer or monitoring officer when acting in a statutory capacity or failing to give reasons for decisions. The proposed new offence of failing to register or declare interests or misleading the public would be subject to the criminal standard of proof (beyond reasonable doubt) as opposed to the civil standard of proof applied by standards committees (the balance of probabilities). Further, unless the member was sentenced to a term of imprisonment of three months or more he or she would remain as a Council member.

The reforms made no provision for members to withdraw from the chamber when what is currently defined as a prejudicial interest was under consideration.

If there remained no statutory obligation to provide a standards committee, local authorities would nevertheless be able to self-regulate their affairs. There was

power to restrict a member's access to council premises and staff, to withdraw or limit their use of council facilities and to remove them from committees/outside bodies/the executive. Removal of a member from a committee or outside body would require the consent of the member's group leader or a motion of the appointing body if the member was an independent and not a member of a political group. This was because of the rules of political balance. The removal of a member from the executive of the council could only be achieved by the Leader of the Council.

The authority did have power to establish a non-statutory standards committee with membership and terms of reference which would be a matter for the council rather than legislation. Similarly the Council could adopt a code of conduct which it expected members to follow but this would not be prescribed by statute.

Abolition of statutory standards committees would also mean that district council involvement in standards of conduct for town and parish councillors would cease. Town and parish councils could regulate their own affairs but without the help of significant sanctions.

Councillor Cant expressed the view that influence of the Standards Board had effectively regularised the way the Council operated and made members more aware of their own interests. She suggested writing to the Secretary of State that the Council saw the proposed wide sweeping reform as a retrograde step.

In answer to a question the Assistant Chief Executive – Legal explained that the Government had not consulted the District Council on these issues. As the Bill would shortly be considered in the House of Commons it would be best to lobby the local MP to convey the Committee's views in the debate stage.

Councillor Eden suggested waiting to establish the detail of the proposed legislation which had not yet been published.

In answer to a question the Assistant Chief Executive – Legal confirmed that training on the current code of conduct would be given to new Members in 2011 and the proposed legislation would not take effect until 2012.

RESOLVED that the Council considers the content of the Bill when published and asks the local MP to speak in the debate stage of the Bill's progress in favour of retaining part of the Standards system..

S11 IMPLICATIONS OF THE PROPOSED CHANGES TO THE DISTRICT COUNCIL GOVERNANCE ARRANGEMENTS FROM 2011

The Committee considered a report from the Assistant Chief Executive – Legal on the implications of the proposed changes to the district council governance arrangements from 2011.

RESOLVED that the report be noted.

S12 RECENT DECISIONS OF THE FIRST TIER TRIBUNAL LOCAL GOVERNMENT STANDARDS IN ENGLAND

The Committee considered decisions published since the last meeting of the committee.

S13 ASSISTANCE TO PARISHES

The committee had considered a report regarding offering assistance to town and parish councils with regard to observing the Code of Conduct. As a result of that report, members had resolved to commence a pilot of visits to town and parish council meetings to make a brief presentation as to the role of Standards Committees and to report back to the committee. Members were now invited to consider how the pilot had fared and whether further visits should be arranged.

RESOLVED that the Parish Councils be offered training as usual after the elections next year and that they be offered a visit from a member of the Committee in addition to training.

S14 EXCLUSION OF THE PUBLIC

RESOLVED that under section 100 I 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 Local Government Act 1972.

S15 MINUTES

The Minutes of the meeting of the Standards Assessment Sub-Committee held on 25 January, 16 February, 26 February, 15 March, 8 April, 13 May and 5 August 2010 were approved and signed as a correct record.

The meeting ended at 5.40pm