

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 24 JANUARY 2011**

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).

S16 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillor R M Lemon.

S17 MINUTES

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

S18 BUSINESS ARISING

i) Minute S13 – Assistance to parishes

The Committee commented on the effect that the Localism Bill was likely to have on town and parish councils. There was concern that parish council's would have more responsibility for their own governance but did not have the expertise to put the necessary procedures in place. There was a fear that parish councillors would be less accountable as fewer sanctions would be available. It was hoped that the UALC would be able to provide assistance.

S19 THE LOCALISM BILL

The Committee considered a report from the Assistant Chief Executive - Legal which updated the Committee on the localism Bill which had now been laid before Parliament. It contained various amendments to the Local Government & Housing Act 1989 and the Local Government Act 2000.

The amendments which were of concern to this committee were the intention to revoke the Secretary of State's power to specify general principles of conduct for members of local authorities and also to issue a Model Code of Conduct. The requirement for local authorities to have a standards committee would no longer apply and as a result the section which extended its functions to parish councils and parish councillors. Standards for England was to be abolished, so if a local authority chose to have a voluntary standards committee there will be no power to refer allegations for investigation. The

First Tier Tribunal – Local Government Standards in England was to be abolished.

The Bill also included some new provisions. It gave local authorities a general power of competence, to do anything which individuals generally might do. It would also give the Secretary of State power to make regulations to enable authorities to move more easily between the various types of governance arrangements. There were also proposed new rules for predetermination

Although many of the provisions relating to standards were to be revoked, the Bill still imposed a duty on local authorities to promote and maintain high standards of conduct by its members but town and parish councils were not subject to this duty. Local authorities would be given power to adopt a code of conduct. Whilst technically the power to adopt such a code did not extend to town and parish councils, arguably they could have power to adopt a code under other legislation. The Bill set out rules about how this could operate but there were no powers to impose any sanction and a local authority would be limited to requesting an apology, censuring a member or making a recommendation of a greater sanction to Full Council or the cabinet such as suspension from committees, removal from outside bodies or suspension or removal from the cabinet.

The Bill empowered the Secretary of State to make the regulations regarding the establishment and maintenance of the Register of Interests and the disclosure of interests. For a breach of the regulations the Bill proposed a fine not exceeding £5,000 and for the courts to have power to disqualify a councillor for up to 5 years.

The functions of the Council under the proposed new standards regime were not yet clear but it was hoped that the standards functions should be the function of the executive or reserved to Full Council where they could be delegated to a committee. The consideration of this would fall within the remit of the Constitution Working Group. However, if the working group recommended forming a standards committee it would be the function of that committee to assist in advising on the adoption of a code of conduct for the authority.

Members discussed the implications of the Bill. There was a general view that a form of Standards Committee should continue, and in particular the involvement of independent members, not least to maintain the confidence of the public. Ideally there should also be some form of code of conduct although the limitations of possible sanctions were acknowledged. Although the existing arrangements would continue until 2012, the Committee felt that it would take some time to put in place a new system. The meeting suggested that the Chairman should arrange a meeting with the Chairman of the Constitution Task Group to discuss future arrangements for the Standards function.

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.

Councillor Eden reported on a recent meeting that he had attended regarding the implications of social networking for elected councillors. The rules on this were not clear and he suggested that this was a policy area that could be looked at by the Standards Committee.

The meeting ended at 5.40pm