

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 21 MARCH 2011**

Present:- S Brady – Chairman (Independent person).
M Hall (Independent person).
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 Cox (Democratic Services Officer) and M Perry
(Assistant Chief Executive - Legal).

S21 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Ruth Whitlam.

S22 MINUTES

The Minutes of the meeting held on 24 January 2011 were approved and signed by the Chairman as a correct record.

S23 BUSINESS ARISING

i) Minute S19 – The Localism Bill

The Committee asked if further details were available on how the new arrangements were likely to affect town and parish councils. The Assistant Chief Executive – Legal explained that town and parish councils were a relevant authority for the purpose of the Localism Act. Therefore the duty under para 15 of the Act would apply to them, that was to “promote and maintain high standards of conduct”. These councils did not however have a duty to adopt a code of conduct, but if they did so, they would then have a duty to investigate any written allegation made as to a breach of the code.

There was therefore a major disincentive for parish councils to adopt a code of conduct. At the moment it was the district council’s duty to deal with complaints against parish council’s but this would cease in 2012. If the district council discontinued this relationship then the parish council would be responsible for policing and enforcing the code of conduct, and if it did so, its powers of sanction would be very limited.

Members asked about the situation prior to the 2000 Act. At that time there was a voluntary national code of conduct, which was mostly concerned with interests, a breach of which could result in a claim for maladministration to the Local Government Ombudsman. There was no jurisdiction over parish councils.

In respect of arrangements for the District council, it already had the relevant expertise in this area and after 2012 the Council could recommend the continuation of a standards committee and determine the membership and terms of reference.

The committee agreed that the current system was overly bureaucratic in that a series of sub-committees had to be arranged for even the most minor complaint. Any new system should have a procedure to deal with trivial or mischievous complaints. Members though did not want to return to the situation of 10 years ago when there was little regulation of activity.

It was agreed that as the situation with the Localism Bill was still uncertain, the Chairman should wait until after the local elections to make contact with the Chairman of the Constitution Working Group to discuss the future of the standards function within the council.

S24

SOCIAL NETWORKING

As part of the committees work programme the Assistant Chief Executive – Legal had prepared a report on the application of the Code of Conduct in relation to social networking, based on Standards for England guidance.

The Committee welcomed the report and acknowledged that this was a new and potentially problematic area for councillors. It was requested that all councillors should be advised that social networking could engage the code of conduct and a link to the guidance and the committee report should be included in the member's bulletin and sent to parish clerks.

RESOLVED that guidance in relation to social networking be circulated to district and parish councillors.

S25

APPOINTMENT OF TOWN AND PARISH REPRESENTATIVES

Members were asked to consider alternative methods for appointing town and parish council representatives to the committee. Alternative methods might be to seek nominations through the UALC and ask candidates to submit an application form or to notify all parish council clerks when a vacancy arose. The prospective candidates would then be subject to selection and interview in a similar way to that of the independent members.

The last two appointments had been filled without any difficulty and Councillor Merrion explained that current practice was for the vacancy to be filled by one of the members of the UALC and he expected this arrangement to continue. The committee felt that the alternative arrangements suggested could be quite onerous and given the uncertain future of the Standards Committee no changes should be made at this time.

RESOLVED that no changes be made to the method of appointment for parish and town clerks.

S26 **ELECTION 2011**

The committee received a report which informed members of the position regarding the forthcoming district and parish elections.

S27 **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.

S28 **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.

S29 **MINUTES**

The Minutes of the meeting of the Standards Sub-Committee held on 24 January and 2 March 2011 were approved and signed as a correct record.

S30 **LAST MEETING**

This was the last meeting of this council term and the Chairman thanked members for their support and hard work over the past 4 years.

The meeting ended at 5.10pm