

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 14 NOVEMBER 2011**

Present: - S Brady – Chairman (Independent person).
M Hall (Independent person)
Councillors C Cant, K Eden, M Lemon and J Menell (Uttlesford
Members).
Councillor M Sullivan (Town and Parish Councils).

Officers in attendance: - M Cox (Democratic Services Officer) and M Perry
(Assistant Chief Executive - Legal).

S10 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Ruth Whitlam and Councillor
Clarke.

Councillors Cant, Eden, Lemon and Menell declared a personal in item 9 being
fellow district councillors to the member referred to in the report. Councillor
Cant declared a further interest in so far as she was a member of the same
political group and Councillor Lemon declared that he had attended the
wedding of the subject member's daughter as invited by the groom's family.

S11 MINUTES

The Minutes of the meeting held on 18 July 2011 were approved and signed
by the Chairman subject to the correction of two typographical errors.

S12 BUSINESS ARISING

i) Minute S5 – Annual Report to Full Council

The Chairman said that he had presented the annual report to the
Council meeting on 26 July 2011.

ii) Minute S6 – reference from Constitution working group

The Assistant Chief Executive – Legal reported that following
confirmation that the Council would support the adoption of a voluntary
code of conduct, the Cabinet had indicated that it wished to extend this
to parish councils and to assist with the adoption of a local code of
conduct and with investigating allegations.

Councillor Sullivan said that the parish councils were very appreciative
of this decision. A training session for parish councils had been

S13

DRAFT VOLUNTARY CODE OF CONDUCT

Further to the decision at the last meeting the Assistant Chief Executive - Legal had prepared a draft Code of Conduct. The existing code of conduct had been used as a starting point but parts 2 and 3 were omitted because matters relating to registration and declaration of interest were to be dealt with under secondary legislation.

Other paragraphs were omitted because they were not compatible with proposed legislation or did not relate to the district. In his report to the last meeting the Assistant Chief Executive – Legal had suggested that paragraph 3.5, (that a member must not conduct himself in a manner which could reasonably be regarded as bringing their office or the authority into disrepute) could be removed because it was unlikely that circumstances would arise where this could occur without breaching another provision of the Code. Since that report the Assistant Chief Executive – Legal had reconsidered the position and felt that there may be exceptional circumstances where this could apply as a free standing breach of the Code. He therefore recommended re-instating the requirement not to bring the authority into disrepute, but not the requirement not to bring the office of councillor into disrepute. In his view if the office of councillor was brought into disrepute by action which did not amount to a breach of another provision of the Code (including the requirement not to bring the authority into disrepute) this was a matter for the ballot box, not the Code of Conduct.

The Committee also agreed to remove paragraphs 3.6 and 3.7 which required a member to have regard to relevant advice provided by the Chief Finance Officer or the Monitoring Officer and which required members to give reasons for decisions when required to do so as these were already a statutory requirements.

Members asked a number of questions as to the detail of the Code. The Assistant Chief Executive - Legal explained that the voluntary code was intended, as far as possible, to be familiar to members, concise and not to cover matters that could be dealt with elsewhere.

RESOLVED that the Committee approve the draft Code of Conduct subject to the amendments agreed.

S14

PROCEDURE FOR DEALING WITH ALLEGATIONS OF A BREACH OF THE CODE OF CONDUCT

The Committee considered draft procedures for dealing with a breach of the Code of conduct. It included the points raised by members at the last meeting and aimed to simplify the current arrangements, which were felt to be overly complicated. The report set out the procedures to be adopted for the initial consideration, the conduct of the investigation and the procedure post investigation.

The Committee was happy to accept the proposed procedure with a few minor amendments.

RESOLVED that the procedure for dealing with complaints be approved, to take effect once a voluntary Code of Conduct had been adopted.

S15 **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.

S16 **TRAINING**

The Assistant Chief Executive – Legal reported that the session for parish councils on the new code of conduct would be held on 21 November. It would cover the new legislation, the model code and how the District Council might assist with adopting the code and carrying out investigations.

S17 **EXCLUSION OF THE PUBLIC**

RESOLVED that under section 100I 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 7C of schedule 12A of the Act.

S18 **CONSIDERATION OF THE REPORT OF THE MONITORING OFFICER PUSUANT TO REGULATION 17 STANDARDS COMMITTEE (ENGLAND) REGULATIONS 2008**

The Committee received the report of an investigation carried out into an allegation of a breach of the Code of Conduct by a member of the District Council. As the investigation had found a breach of the Code there was a requirement for a hearing to be held to determine whether there had been a breach of the Code, and if so what sanction should apply. The hearing could be either before a sub-committee of the Standards Committee or before the First Tier Tribunal Local Government Standards in England. However it could only be referred to the Tribunal if the Committee felt that its powers of sanction would be insufficient to deal with the breach. After discussion, Members were satisfied that the matter could be dealt with within the range of sanctions that the Committee had available.

RESOLVED the matter be referred to a hearing by a sub – committee of the Standards Committee to be held on Monday 28 November 2011 at 10.00am at the Council Offices, Saffron Walden.

The meeting ended at 5.10pm