

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 18 JULY 2011**

Present:- S Brady, M Hall and R Whitlam (independent persons).
Councillors C A Cant, K L Eden and R M Lemon (Uttlesford
Members).
Councillors C Clarke and M Sullivan (Town and Parish Councils).

Also Present: Councillors J Davey and L Wells (Members of the Constitution
Working Group).

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

S1 ELECTION OF CHAIRMAN

RESOLVED that Mr Sean Brady be elected as Chairman of the
Committee for the ensuing year.

S2 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor Menell and also from
members of the Constitution Working Group - Councillors A Ketteridge,
Morson, Rich and Watson.

S3 MINUTES

The Minutes of the meeting held on 21 March 2011 were approved and signed
by the Chairman subject to the correction of two typographical errors.

S3 BUSINESS ARISING

i) **Minute S29 – Standards Sub-Committee**

The Assistant Chief Executive reported on the Ombudsman's findings in
respect of the case brought by the complainant. It had been concluded that the
Council had dealt with this matter properly.

S4 COMMITTEE WORK PROGRAMME

The Committee received its proposed work programme for 2011/12. The main
area of activity would be concerned with advising on the Code of Conduct to
be adopted once the Localism Bill became law and devising appropriate
procedures for vetting and investigation of complaints.

RESOLVED that the Committee adopt the proposed work programme
for 2011/12.

S5 ANNUAL REPORT TO FULL COUNCIL

The Committee received details of the proposed annual report which would be presented by the Chairman to the Full Council meeting on 26 July 2011.

RESOLVED that the draft annual report be approved.

S6 REFERENCE FROM THE CONSTITUTION WORKING GROUP

The committee considered a recommendation from the Constitution Working Group held on 7 June 2011 concerning the future of the council's standards regime. The working group meeting had considered a report on the implications of the Localism Bill and how the council should respond to the new duty to maintain high standards of conduct by members. It had concluded that a voluntary code of conduct should be adopted by Full Council and that the Standards Committee should advise on the content of this and on how the allegations of a breach should be investigated. It also felt that the Standards Committee should continue to include independent members.

The new voluntary code would be a fresh document but could include elements of the existing code if appropriate. The meeting took the model code of conduct as a basis for its discussions. It noted that parts 2 and 3 would no longer be relevant as under the Localism Bill declarations of interest would be dealt with by regulations to be laid by the Secretary of State as a criminal offence, although the details of how this would operate were not yet known.

The committee also agreed that various sections of the model code that referred to the definition of a meeting, or relating to town and parish councils would not now be relevant to the new voluntary code.

Members asked about the implications of the new provisions on parish councils. It was noted that parish councils were under the same statutory duty to maintain high standards of conduct for parish council members. However there was no obligation to adopt a Code of Conduct but the parish council decided to do so it would then have a statutory duty to investigate complaints and most councils would be unlikely to have the necessary expertise or resources to deal with this.

The general obligations at para 3 were considered relevant to go forward into the new code. It was agreed that the reference to 'conduct which would bring the office or the authority into disrepute' should be deleted as it was too vague with the potential for legal challenge.

Having taken on board the points above it was

RESOLVED that the Assistant Chief Executive – Legal prepare a draft Code of Conduct for consideration at the next meeting.

The meeting then discussed the procedure for dealing with allegations of a breach of the code. The existing system was considered to be overly complicated and it was suggested to streamline the vetting so that the initial complaint was considered by the Monitoring Officer together with the Chairman or another independent member. The complaint could be rejected at this stage if there was no chance of finding a breach. Members welcomed this approach but suggested that in order to ensure public confidence in the process there should be a presumption to investigate the allegation if that was the view of either one of the parties.

It was also felt that it would be appropriate for the subject of the complaint to be advised initially of the nature of the complaint unless the disclosure would impede or interfere with a fair investigation.

A further change suggested was that when the report was passed for investigation, the investigator would set out in the report those facts that had been agreed and those that had not and it would be up to the committee to decide on those facts and determine whether there had been a breach of the code of conduct. Members agreed that it was appropriate for the committee to determine the facts and in answer to concerns were assured that there would continue to be a legal officer at the hearing to give appropriate advice. It was also recommended that every case should proceed to a full hearing without first considering the investigators report.

The Localism Bill did not contain any power of sanction, so it in the event of a breach the committee could only censure the member or require an apology or to undergo training. Other sanctions such as removal from committees would require approval from the member's group. The Committee felt that it should act as an advisory committee and make recommendations about appropriate sanctions to Full Council. The independent chairman should present the recommendation to the council and so that the decision was seen to be unbiased the sub-committee determining the case should be chaired by an independent person and include 2 elected members but not from the same political group.

RESOLVED that for the next meeting the Assistant Chief Executive – Legal prepare a draft of the investigation mechanism incorporating the points made above.

The meeting to also consider the detailed operation of the hearings.

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 **DISPENSATIONS**

The Chairman agreed to the consideration of this item on the grounds of urgency on the grounds that it might fetter the parish council if the matter was deferred to the next meeting of the Committee.

A request for dispensation had been received from five members of Broxted parish council relating to their membership of Stop Stansted Expansion, to enable them to vote and speak on issues relating to Stansted Airport.

RESOLVED that Councillors Bull, Clark, Cousins, Kesterton and S Perry of Broxted Parish Council be granted the dispensation for a period of 4 years.

S9

TRAINING

The Assistant Chief Executive – Legal reported that he undertaken training on the Code of Conduct for new district council members which had been well received. A training session had been arranged for town and parish councils.

The meeting ended at 5.50pm