

**STANDARDS SUB-COMMITTEE held at COUNCIL OFFICES
LONDON ROAD SAFFRON WALDEN at 2.00pm on 24 SEPTEMBER
2012**

Present: Councillors C Cant, R Lemon and J Menell (District Council members).
Mr V Lelliott (Independent member).

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

SS3 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Councillor J Loughlin.

SS4 GUIDANCE ON THE CODE OF CONDUCT

The Sub-Committee had been appointed to consider whether the Standards Committee should issue guidance regarding the Council's Code of Conduct, and if so what form the guidance should take. This would replace the guidance that had been provided by Standards for England, the previous statutory regime regarding the Code of conduct, and which had now ceased to have effect.

As the Standards Committee was not obliged to issue guidance the sub-committee considered the merit in doing so. The guidance would need to positively assist councillors in observing the code and also to aid the Standards Committee when considering breaches of the Code. It was not possible to cover every situation that might arise and the committee would need to accept that the guidance would give a broad indication of what was expected, but the detail would continue to be a matter of judgement. Although there had been a call for more clarity on what defined a breach of the Code members felt that it was not possible to clarify this in precise terms. However, it was considered that much of what had previously been issued was still relevant and would be useful to councillors. The guidance had previously been issued in a piecemeal fashion and it was suggested that it would be more helpful to produce one guide encompassing all the separate elements.

The Sub-Committee then considered whether the guidance should apply to all parish council's or just those that had adopted the District Council's code. The Assistant Chief Executive – Legal said that so far he had been informed that 13 out of 53 councils had adopted the district's code. All parish councils had been advised of their obligations under the Localism Act to adopt a code but this only had to include a provision to promote high standards of conduct and the register and declaration of interests. It was suggested that parish councils be contacted again advising them of their duty to adopt a code and highlighting the opportunity for them to adopt the districts code which would give the advantages of certainty, familiarity and consistency.

Guidance had previously been issued in the following areas

- The code of conduct
- Blogging
- Bullying and the code of conduct
- Charitable Trustees and declarations of interest under the code
- Disclosing confidential information
- Council's, Freemasons and the Code of Conduct
- Gifts and Hospitality
- Independent members
- Lobbying
- Notification of town and parish councils concerning complaints about their members
- Personal and prejudicial interest

The following elements were considered unnecessary to be included in the new guidance:-

- There was no need for separate guidance for Freemasons, this could be included with the guidance in relation to charitable trustees.
- The guidance on Independent members was not relevant to assisting Councillors in observing the code of conduct.
- Guidance on Lobbying was included in detail within the guidance for Probity in Planning and Probity in Licensing.
- The new code in relation to registration and declaration of disclosable pecuniary, other pecuniary and non pecuniary interests was quite clear in its definitions and further guidance was not considered necessary.

In relation to the question of when to notify parish councils of a breach of the Code of conduct by one of their members, the sub-committee felt that the most appropriate time would be when the complaint was passed for investigation.

It was agreed that the Assistant Chief Executive - Legal would draft guidance based on the comments made at the meeting and circulate it to the members of the Committee for comment prior to the Standards Committee meeting on 1 October 2012.

RECOMMENDED to the Standards Committee that

- 1 The Standards Committee should issue guidance to members to assist them in observing the code of conduct
- 2 General guidance relating to the Code be prepared, and incorporating the following areas - blogging, bullying, charitable trusts and declarations, disclosing confidential information, gifts and hospitality
- 3 The guidance be placed on the council's website and be made available to all District Councillors and parish council's

The meeting ended at 2.45pm