

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4.00 pm on 17 JUNE 2013**

Present: Councillor R M Lemon – Chairman.
Councillors C Cant, K Eden, E Godwin, J Loughlin,
J Menell (Uttlesford members).
Mrs G Butcher-Doulton and Mr V Lelliott (Independent
members)

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

S1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

An apology for absence was received from Mr A Brobyn (Independent
member).

S2 MINUTES

The minutes of the meetings held on 4 March and 20 May 2013 were agreed
and signed by the Chairman as a correct record.

S3 BUSINESS ARISING

i) Minute S12 – Revision to the Council’s Code of Practice.

The Chairman reported that the LGA in association with the Planning Advice
Service had published a document entitled ‘Probity in Planning for
Councillors and Officers’. This had been issued after the recently revised
Code of Good Practice: Probity in Planning had been adopted by Full
Council. The Assistant Chief Executive – Legal had reviewed this against
the Council’s current Code and did not consider that any amendment were
required as a result. The Public Law Partnership concurred with this view.
Members had received a copy of the document and agreed that it was not
necessary to make any changes to the Council’s Code.

S4 ANNUAL REPORT TO FULL COUNCIL

The Committee considered a draft of the annual report to Full Council on the
work of the Committee. Members were asked to agree the content of the
report and to suggest future actions.

Mrs Butcher-Doulton mentioned the system whereby a Member, subject to a
misconduct complaint was offered advice from one of the independent
members. She thought that this was a valuable resource, but questioned
whether members as part of their knowledge and understanding of the Code
were aware that this was available.

The Assistant Chief Executive – Legal said that the new system of dealing with complaints, and particularly the role of the 3 independent members was working well. He explained that when a complaint was passed for investigation the subject member would be made aware of the opportunity to obtain advice from the independent person. Out of the 4 complaints passed for investigation this year, 2 councillors were expected to take up this offer. The position with regard to a third member was not known as that member was currently on holiday.

The Committee felt that any member who was subject to a complaint would deal with this in their own way. Most councillors would probably speak to the Monitoring Officer in the first instance, and although he could not comment on the merits of the case, could help with the procedure and point the member towards other advice that was available.

In terms of future action the Committee felt that it had continuing role to offer training, particularly to parish councils to ensure that they were aware of the code and the requirements of the legislation.

In answer to a question it was reported that 37 of the 53 district councils had adopted the District Council's Code of Conduct. The other 16 councils had not advised whether they had adopted Uttlesford's Code, another code or not adopted one at all, The Committee would like these councils to be contacted again to ascertain the arrangements they had in place. At the suggestion of the Assistant Director for Planning and Building Control the Committee would also consider a protocol for dealing with call in of planning applications.

RESOLVED that the annual report be approved for presentation to Full Council with the inclusion of the additional matters in relation to future actions.

S5

REVIEW OF PROCEDURE FOR DEALING WITH COMPLAINTS

The Committee was reminded of the recently adopted procedures for dealing with complaints of misconduct by members of the council. After a period of operation, members were asked to consider if some changes might be appropriate.

The first concerned whether a hearing should be necessary when the Investigating Officer found that there had been no breach of the Code. The Committee was reminded that complaints were now considered by the Monitoring Officer in consultation with one of the independent members. If a report was passed for investigation, the Investigating Officer prepared a report which contained findings of fact and finding as to whether the facts constituted a breach of the code of conduct. There was then a hearing for a sub-committee of the Standards Committee to consider the report. If there was a finding of no breach the time and resources involved in convening a meeting appeared to be disproportionate. Equally it was not appropriate for the Monitoring Officer to determine the case himself. Therefore the following new procedure was suggested.

- When the investigation report was prepared and there was a finding of no breach, the report should be sent to the complainant, the subject member and also to the members of the committee.
- There would be a period of 10 working days during which any member or independent person could call- in the report and request a hearing.
- If after 10 days there was no call- in the report of the Investigating Officer would stand.

The Committee felt that this was a practical suggestion as it would provide a system of checks and balances. There was also an advantage that all members would have receive the report rather than a sub-committee when it would only be considered by 4 members

It was also suggested that if a members did have concerns about the content of the report they should discuss it with the Monitoring Officer or an independent person in the first instance. Also there should be a requirement to give clear reasons to be given for departing from the finding of the investigating officer.

The second issue concerned the publicising of the decision in cases where no breach was found. Under the old regulations there was a requirement for publicity but a member had the opportunity to 'opt out'. It now suggested that the report should not be published but the member would have the opportunity to 'opt in'. Although the committee understood that publishing the report would give greater transparency, it would also mean that the public would be aware of a complaint that might be wholly unjustified. This was considered to be unfair and it was agreed that report should only be published at the expressed wish of the member.

RESOLVED that

- 1 The Committee agree that it is not necessary for a hearing to be held when the Investigating Officer finds that there has been no breach of the Code.
- 2 A procedure for call- in should be introduced as set out above.
- 3 When there has not been a breach of the code of conduct the report should not be published unless requested by the member concerned.

S15

REVIEW OF PROTOCOLS GUIDANCE AND PROCEDURES

The Committee considered a report which suggested certain amendments to the outstanding protocols which had not so far been revised to take account of the change in governance arrangements of the council and the amendments to the Standards regime introduced by the Localism Act 2011. These were the Member/officer Protocol, Gifts and Hospitality Guidance and, Statutory Officer Protocol. There were no significant changes to be made.

The amended documents would be recommended for approval by Council in addition to the update on the procedures for dealing with complaints against members of the council which had been agreed at the previous item.

RECOMMENDED that the amendment to the protocols/ guidance/ and procedures attached as an appendix to these minutes be forwarded to Full Council for approval.

S16

DATE OF NEXT MEETING

The next meeting would be held at 4.00pm on Monday 7 October 2013.

The meeting ended at 5.00pm