

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4.00pm on 16 JUNE 2014**

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

There were no apologies for absence or declarations of interest.

**S2 MINUTES**

The minutes of the meetings held on 3 March 2014 were agreed and signed  
by the Chairman as a correct record.

**S3 BUSINESS ARISING**

**i) Minute S17 – Call-in Procedure**

Following the last meeting, this item had been referred back to Full Council  
on 8 April 2014. The new protocol for the call-in of planning applications had  
been adopted as originally recommended by the committee.

**ii) Minute S18 – Probity in Planning**

The Council meeting on 8 April 2014 had considered the committee's  
recommendation for a protocol for dealing with employee and councillor  
applications. It had agreed to adopt the Protocol with one change; that  
applications from ex-employees or ex-councillors should be dealt with after a  
period of 2 years, rather than the 4 years recommended by the committee.

**S4 ANNUAL REPORT TO FULL COUNCIL**

Members considered the proposed Annual Report to Council, which detailed  
the work carried out by the committee during the past year.

In relation to breach of the code of conduct complaints, Mr Brobyn asked for  
clarification on his role as independent advisor to the subject member, in  
terms of the type of advice he should be providing and what he should or  
shouldn't say. The other independent members agreed that it was unclear

whether the role was to discuss the core matters of the case or to offer support in understanding the procedure.

The Assistant Chief Executive – Legal explained that this was a new function introduced by the Localism Act 2011. The independent person's role was to give their views to the subject member and the Standards Committee, but there was nothing explicit about what this should entail.

The legislation only obliged councils to appoint one independent person but Uttlesford had appointed three members who worked in rotation. This addressed any issue of a conflict of interest as one person could provide the initial advice and a different person could attend any resultant hearing.

Mrs Butcher –Doulton said that in her experience every case was different, but she felt that the independent person did provide a useful role. It would however be useful to discuss this issue with the Monitoring Officer in order to achieve a broadly consistent approach.

It was AGREED that the independent members should meet with the Assistant Chief Executive – Legal to discuss their role in advising the subject member.

The Assistant Chief Executive – Legal informed the committee that the legislation did not permit the re appointment of the current independent members at the end of the Council term. He said this was disappointing, as he had valued their input over the last 4 years. It was now necessary to look to appoint new members, which would require a review of the job description and recruitment process.

The Chairman suggested that this should be added as a future action for the committee. Also, with the district and parish council elections in 2015, the committee should consider its role in the training of new members.

Councillor Cant raised the issue of member/member and member/officer relations at meetings. She felt that on recent occasions, the tone of some comments had been inappropriate, particularly when questioning an officer's professional opinion. She was informed that in terms of members' conduct this came under the umbrella of treating people with respect. However, it was legitimate for there to be a robust challenge at meetings as long as the remarks were not insulting or belittling. The Chairman suggested that this was an area that could be incorporated into the training for new members.

Councillor Loughlin asked if any action could be taken in relation to vexatious complaints, particularly those from serial complainers. The Assistant Chief Executive – Legal replied that the public had the right to make a complaint but the council had in place a robust procedure to assess whether there had been a breach of the Code of Conduct.

RESOLVED that the draft Annual report with the additional future actions set out above, be approved for submitting to Full Council on 15 July 2014.

S5

## **MONITORING OFFICER UPDATE**

The Assistant Chief Executive – Legal presented a report which set out standards activity since the last meeting. Members noted the increase in breach of the code of conduct complaints. There had been 20 complaints since the current standards regime had come into force in July 2012, compared to 27 complaints for the whole period from July 2008 to 30 June 2012.

This increase was despite the fact that the power of sanction was much more limited under the new regime. It appeared the complainant's main objective was to have it acknowledged that there had been a breach of the Code, and for the subject member it was very important to have their name cleared. Members commented that recently, there appeared to have been a number of tit for tat complaints, and this was an issue that might have to be looked at in the future.

The committee was advised that there were now only two parish councils who did not appear to have adopted a code of conduct. The chairman suggested that the Assistant Chief Executive – Legal should inform the ward members responsible for those parishes but otherwise it was agreed that it would be disproportionate to chase them any further. The Chairman thanked the Assistant Chief Executive - Legal for the considerable amount of work he had put into this exercise.

S6

## **DATE OF NEXT MEETING**

The next meeting would be held at 4.00pm on Monday 13 October 2014.

The meeting ended at 4.45pm