

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4pm on 9 MARCH 2015**

Present: Councillor M Lemon (Chairman)  
Councillors C Cant, K Eden, E Godwin, J Loughlin, J Parry and J Menell.  
Mrs G Butcher-Doulton, Mr V Lelliott, Mr D Pearl and Mrs C Wellingbrook-Doswell.

Officers in attendance: M Perry (Assistant Chief Executive – Legal) and A Rees (Democratic and Electoral Services Officer).

**SC20 APOLOGIES FOR ABSENCE**

No apologies for absence were received.

Councillor Lemon welcomed Councillor Parry, Mr Pearl and Mrs Wellingbrook-Doswell to their first Committee meeting.

**SC21 MINUTES OF PREVIOUS MEETINGS**

The Chairman signed the minutes of the meetings on 13 October 2014 and 5 November 2014 as a correct record subject to the following amendments:

Minute SC13 – Correspondence from Debden Parish Council. The word *not* was removed from the sentence *The Parish Council accepted the committee's findings, and that Councillor Luck did not breach its code of conduct.*

The start time of the minutes for the meeting on 5 November 2014 was amended to be 2pm.

**SC23 MATTERS ARISING**

**(i) Minute SC14 – Monitoring Officer' Conference on Standards**

In response to a question by Mrs Butcher-Doulton, Councillor Lemon said he had not yet written to the Minister regarding legislation about sanctions.

Members agreed that writing to the Minister should be delayed until after the General Election in case there was a change of minister.

**SC24 ANNUAL REPORT TO FULL COUNCIL**

The Assistant Chief-Executive – Legal outlined the annual report. He said that following the publication of the agenda for the meeting, there had been eight further allegations made, bringing the total to thirty. Furthermore there were

now nineteen complaints against different councillors. The report would have to be amended to reflect the change in facts.

Responding to a question by Mr Lelliott, the Assistant Chief Executive - Legal said that if further allegations were made and when any pending investigations were concluded, he would amend the report accordingly. No allegations would be dealt with once the pre-election period started on 27 March 2015.

Members agreed the draft report should be presented to Full Council subject to any factual amendments that needed to be made.

RESOLVED that the draft Annual Report should be presented to Full Council subject to any factual amendments that needed to be made.

SC25

## **TRAINING**

Members received a report on training for parish and district councillors following the elections on 7 May.

The Assistant Chief Executive – Legal explained the training would focus on the Code of Conduct. Currently the Council Chamber had been booked on 20 and 28 May to provide training sessions. If there were a number of new councillors from the southern wards and parishes he would explore the possibility of hiring Foakes Hall, Dunmow to provide a more convenient venue for them.

Mrs Butcher-Doulton suggested that members of the Committee should be invited along to the training sessions in order to promote the objectives of the Committee. Additionally, it would be beneficial to include information about the role of independent members of the Committee.

Members discussed the idea of Committee members attending training sessions and agreed that a few Members attending each training session would be beneficial.

Discussions moved onto the political balance of the Committee. The Assistant Chief Executive – Legal informed Members the Committee had to be appointed under the Local Government Act 1972 and therefore the Committee would be subject to the rules of political balance. However, the Council's constitution provided that unless any Member objected to the idea there should be an equal number of Members from each political group.

Councillor Cant noted that parish councils often failed to achieve their full quota of members after an election and subsequently had to co-opt members. The process of co-option took time and this meant that the co-opted members would miss the training sessions. An extra session should be organised to provide training for co-opted members.

It was agreed that an extra training session would be organised for September.

The Assistant Chief Executive – Legal said it would be worthwhile encouraging people to stand for election, instead of waiting until it was necessary to co-opt. Parish Councils that employed qualified clerks and had 2/3<sup>rd</sup> of their members declared as elected would qualify for the general power of competence.

The Assistant Chief Executive – Legal said it was not possible to make attendance at training sessions compulsory, however the previous Standards Committee has stated that in view of the amount of training offered councillors could not use their failure to attend a training session as mitigation if they breached the Code of Conduct.

RESOLVED that the training offered, as outlined in the report was adequate, subject to the following additions:

- The inclusion of information about the role of Independent Persons in the training presentation.
- An additional training session in September.

SC26

## **MONITORING OFFICER'S UPDATE**

The Assistant Chief Executive – Legal, as Monitoring Officer, presented his report to the Committee. He said at the Committee meeting on 13 October 2014, he reported back on Monitoring Officer's Conference that he had attended. At the Conference the speakers had said it was unlikely a prosecution would be pursued for failing to declare a disclosable pecuniary interest. Shortly after the meeting charges were brought against a county councillor for failing to declare disclosable pecuniary interests while voting on a matter which related to those interests.

The Assistant Chief Executive – Legal said no reply had been received from Debden Parish Council following the Committee's meeting in October. The councillor who was the subject of the complaint had appealed to the Local Government Ombudsman. The Ombudsman had expressed a provisional view that the Council had dealt with the complaint properly. The final decision was expected shortly.

The Draft Protocol between Essex Police and local authorities had now been agreed by most councils, with the exceptions of the Council and the County Council. The Assistant Chief Executive – Legal said he still considered the governance arrangements to be problematic and the Protocol expected the Monitoring Officer to determine the seriousness of a complaint. He was of the view the Police should determine whether a matter should be investigated, not the Monitoring Officer.

Discussions moved onto Saffron Walden Town Council's decision to abandon the Council's code of conduct and adopt its own. The Assistant Chief Executive – Legal said the Town Council had been incorrectly advised by their clerk that they could not adopt the Council's code of conduct. He could find no evidence from the Town Council's minutes that work had been undertaken to ensure their new code of conduct complied with s.28(1) Localism Act 2011. If the Council's code of conduct was used, the Town Council could assume this statutory duty

had been met. Furthermore, by adopting a different code of conduct, the Town Council no longer had access to advice from the Council's legal department as they were not familiar with the Town Council's code.

In response to a question by Councillor Cant, the Assistant Chief Executive – Legal explained that complaints would still be dealt with by the Council, however complaints would be investigated using the code adopted by the Town Council. It was still up to the Committee as to whether any sanctions were imposed. If the subject of the complaint was not satisfied, the matter would be dealt with by the Chief Executive and following that the Local Government Ombudsman. The Ombudsman could not rule on the outcome of a hearing, only the process.

The report was noted.

SC27

### **ANY OTHER BUSINESS**

Councillor Lemon thanked all the officers who had attended Committee meetings throughout the year. He noted this was the last ordinary meeting Councillors Cant, Godwin and Eden, as well as Mr Lelliott, would attend and thanked them for their work during their time on the Committee.

The meeting ended at 4.40pm.