

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON
ROAD SAFFRON WALDEN at 4pm on 6 JULY 2015**

Present: Councillor T Knight – Chairman
Councillors K Artus, H Asker, A Dean and N Hargreaves
Georgina Butcher-Doulton, David Pearl and Catherine
Wellingbrook-Doswell (Independent Persons).

Officers in attendance: M Perry ((Assistant Chief Executive – Legal and
Monitoring Officer) and R Dobson (Principal Democratic
Services Officer).

SC5 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loughlin, Jones
and Sell.

*Councillors Artus and Knight declared non-pecuniary interests as
having appeared as subject members before the Committee.*

SC6 MINUTES

The minutes of the meetings held on 9 March, 26 March and 11 June
2015 were received and signed by the Chairman as a correct record.

SC7 MATTERS ARISING

**(i) Minute SC23 – Monitoring Officers' conference on
standards**

The Chairman observed it had been the intention of the previous
Committee to write to the Minister regarding legislation about
sanctions. However this action had been deferred until after
new ministerial appointments had been made following the
General Election.

The Monitoring Officer said the context in which members had
intended to write to the Minister was to ask for sanctions under
the standards regime.

The Chairman said members would further consider what points
to raise. The Monitoring Officer said it would be better to write
sooner rather than later, given this was a new administration.

Members agreed a letter would be sent on behalf of the new Committee once they had discussed the points they wished to put to the Minister.

(ii) **Minute SC24 – annual report to Council**

The Monitoring Officer said, in response to a request for confirmation of this point, that there had been no factual amendments to the report which had been submitted to the council.

(iii) **Minute SC25 – training for parish and district councillors**

Councillor Knight said the proposed letter to the Minister should refer to the issue of co-option to parish councils, which opened the way for people to co-opt those who were their friends. It should also be compulsory for parish or district councillors to attend a training session.

Mrs Wellingbrook-Doswell asked why it was not possible to make such training compulsory.

The Monitoring Officer said the requirement to sign an undertaking to observe the code of conduct had been abolished, so although councillors were obliged to abide by their council's rules, they did not have to formally sign up to a code of conduct. Their mandate was not from the council but from the electorate, so if a councillor chose not to attend code of conduct training, there was no sanction. The situation differed from requirements laid on members of for example planning or licensing committees, where a sanction for not attending training would be suspension by the group leader.

Councillor Dean said on the question of training generally, members of the Standards Committee would find training useful.

The Monitoring Officer said members could suggest specific training topics.

David Pearl suggested training on assessment of evidence.

The Principal Democratic Services Officer said information was shortly to be made available about a series of councillor workbooks provided by the Local Government Association for members. These were accessible on its website.

Regarding the code of conduct of the various town and parish councils, members asked how many had adopted the code of conduct of the district council. The Monitoring Officer said 49 of the 53 parish councils had adopted the council's code of

conduct; two had not informed him what they had done but were using the council's declaration of interests forms, implying they were using the council's code; one was not using the UDC Code and he had had no information from one.

(iv) **Minute SC29 – hearing into an allegation of a breach of the code of conduct**

Councillor Knight asked whether there was any redress for members who were the subject of untrue allegations.

The Monitoring Officer said there was no redress for untrue allegations, and each complaint had to be treated on its merits.

Councillor Hargreaves asked what publicity was given to the outcomes of hearings where allegations were not upheld.

The Monitoring Officer said there were two different stages: if a complaint was not passed for investigation, then it did not enter the public domain; where a complaint was passed for investigation but there was a finding of no breach, then the subject member chose whether the finding was published. Councillor Artus said if no breach was found, the name of the complainant should be published. Councillor Asker said the minutes should reflect the name of the complainant in those cases. The Monitoring Officer said he would look into the implications of this suggestion and would report back to members. In reply to a suggestion from Councillor Artus that a notice be sent to the relevant parish council after the hearing, the Monitoring Officer said it was his practice to submit his report on the outcome of a hearing to the parish clerk with a request that it go to a meeting of full council.

Councillor Artus said he had personally felt there were differences in how a code of conduct could be interpreted. Where there were questions of differences of interpretation then the Standards Committee should be able to take independent legal advice.

Mr Pearl said this was the role of the independent persons, to provide such independent advice or interpretation.

The Monitoring Officer said the procurement of external legal advice was subject to budgetary constraints. It would be wrong for the council to pay for a member to have independent legal advice.

Mrs Wellingbrook-Doswell said the committee should not discuss the individual cases of members of the committee. She agreed there was a need to have a clear set of interpretations.

Councillor Knight agreed it was important to avoid ambiguity, and that individual cases should not be discussed.

Mrs Butcher-Doulton said the provision of independent legal advice would be expensive, and it made sense to use the independent persons in considering interpretation of the code of conduct.

Councillor Knight said advice could be obtained from a solicitor. The Monitoring Officer said no budget for such a measure existed.

Councillor Artus said the options for third party advice could be considered if there were to be a dispute, and asked that the Monitoring Officer look into those options.

SC7

REVIEW OF THE CODE OF CONDUCT OF UTTLESFORD DISTRICT COUNCIL

Members considered a report asking whether or not they wished to carry out a review of the Council's code of conduct and if so, how it should be carried out.

Councillor Knight proposed there should be a review of the code of conduct and procedures.

Councillor Artus said he wished to raise the following issues. The first was that of sanctions or redress open to a subject member where an error was made. Secondly, there was no reference in the code to the Nolan principles, so no way of enforcing them. This meant they were meaningless: he referred to a situation regarding his own parish council which had had to make a Freedom of Information request to itself.

Councillor Artus said the procedures note from the Monitoring Officer referred only to investigation of a complaint regarding individual members. He would like to find a way of dealing with parish councils acting collectively otherwise there was no way to enforce the Nolan principles. It was a farce that a parish councillor had to use FoIA to get information about its own affairs.

Thirdly, the wording of the code should be reviewed, as it was badly written.

Finally, regarding parish councils, they needed to make sure their code of conduct was publicised and they should be advised on the code they intended to adopt.

A letter to the Minister should state the need for review of the standard code of conduct, because the model was not clear or workable, and did not set out how to enforce the Nolan principles.

Councillor Dean agreed. He said review was needed of definitions such as what it meant to “bring the council into disrepute” and “treating people with disrespect”. It was important to ensure the process was clear so that time was not unduly taken up with rebutting complaints, as well as ensuring matters were closed properly.

Councillor Hargreaves said in 2014 the previous committee had considered the code of conduct in detail, and the minutes showed their conclusion was that the code did not need to be altered. Whilst they had changed some of the procedures it was odd that they had not changed the code.

Councillor Knight said the code was badly written, which led to ambiguities, so it needed tidying up. She accepted there was some statutory content.

Mrs Wellingbrook-Doswell said parts of the model code were well written.

Councillor Asker said it was important to keep the code under review, and to aim for plain English.

RESOLVED to review the code of conduct of Uttlesford District Council.

Councillor Knight said she noted the independent members concurred with the above decision, and whilst she accepted that the independent persons could not vote, their views should be taken into account. The letter to the Minister should include a request that the independent persons should be allowed to vote and that an independent person could act as chairman of the committee.

Members then considered the second recommendation of the report, which was to determine how such a review should be carried out.

Councillor Knight said she would like to inform all councillors that the committee would be conducting this review, and to seek their views on any aspects of the code of conduct or procedures which they found difficult to understand. Responses would be treated in confidence.

RESOLVED

1. To appoint a Standards Task Group to review the code of conduct and procedures in relation to allegations of breaches of the code and to make recommendations accordingly
2. The members of the task group to be: Councillors Knight, Artus, Dean, Asker, Jones, and the independent members Georgina Butcher-Doulton, David Pearl and Catherine Wellingbrook-Doswell.
3. The date by when the Task Group would have to have submitted its report to the Standards Committee to be 21 March 2016.

Members discussed the process the task group should follow. It was suggested an email from the Chairman should be sent to all members informing them of the review and seeking views.

Councillor Artus said some initial background work prior to the first meeting of the task group should be carried out to see how the Nolan principles could be enforced.

The Monitoring Officer said the principles could not be enforced, as there was no statutory power to do so.

Councillor Knight said she would discuss with the Monitoring Officer the next steps.

Councillor Artus asked where in statute it was stated there was no sanction under the standards regime.

The Monitoring Officer gave details of the legislation in the Localism Act 2011, and in the Local Government Acts of 1972 and 1989.

It was agreed the first meeting of the task group would be Tuesday 4 August 2015 at 5.30pm.

The meeting ended at 5.40pm.