

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD
SAFFRON WALDEN at 4pm on 4 JULY 2016**

Present: Councillor T Knight – Chairman
Councillors K Artus (Acting Chairman until the arrival of
Councillor Knight), H Asker, A Dean D Jones and G Sell.
Mrs C Wellingbrook–Doswell (Independent Person)

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

SC3 APPOINTMENT OF CHAIRMAN FOR THE MEETING

As Councillor Knight had been delayed, Councillor Artus as vice chairman took the chair until her arrival.

SC4 APOLOGIES AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Loughlin and Hargreaves, and from Mrs Butcher-Doulton and Mr Pearl.

SC5 MINUTES OF PREVIOUS MEETINGS

The Committee received the minutes of the meetings held on 21 March (adjourned to 29 April), 17 March (adjourned to 14 April) and 1 June 2016.

There were no matters arising.

Councillor Knight arrived and assumed chairmanship of the meeting.

The minutes were signed as a correct record by the Chairman.

SC6 REPORT OF THE STANDARDS TASK GROUP

The Assistant Chief Executive-Legal expressed disappointment that members had approached the task with the view that the code of conduct was set in stone and that little could be done. This was not the case. The statutory requirements were simply that an authority should adopt a code of conduct, the code of conduct must include provision for registration and disclosure of interests, and the code must be consistent with the Nolan principles. Provided the code of conduct was consistent with these requirements, members could have devised a code to include whatever they wished.

Councillor Knight said whilst members had understood there were certain provisions around interests which could not be changed, there needed to be

more explanation of the implications regarding interests. She invited Councillor Jones to present his report.

Councillor Jones reminded members that two sub groups had been looking into the code of conduct and procedures, and that it had been agreed that it was not possible to update the procedures papers until the code was finalised. The revised code was presented now for consideration.

Members considered the draft code of conduct. It was agreed to make further amendments to reflect points agreed at the previous meeting of the sub group, as follows:

- To delete, because these were simply comments which had been inserted to advise members, the sentence beginning “S.27(2) in discharging its duty under subsection (1) . . .” as this sentence had only been inserted to make a point to members regarding the legal requirements.
- To delete the third paragraph from the end of the page.
- To delete the sentence starting “If so, any references . . .”
- It was agreed references to “the authority” should be to Uttlesford District Council, with additional wording to be inserted to state “and shall mean UDC or any town or parish council within this district which has adopted this code”.

Councillor Dean asked about the status of this meeting, since detailed amendments were being suggested. The Assistant Chief Executive – Legal said this meeting was a meeting of the Committee and not the Task Group, therefore members of the Task Group were presenting the draft code of conduct to the Committee for approval, and were not discussing the document as a Task Group.

Councillor Jones said he hoped the style of the report was now clearer for the average person to read, following much work at the sub group meeting last week and subsequent detail suggested by the Assistant Chief Executive – Legal. The intention of the code was that it should be transparent, and should be applied in a timely, fair and proportionate manner. The Task Group had taken the view that the duties in relation to handling complaints ought to be separated, and that the principle of calling witnesses should be followed.

Councillor Sell asked why the view had been that the Investigating Officer and the Monitoring Officer ought not to be the same person.

Councillor Knight said the Task Group had followed the best practice of other councils in this regard although there were different schools of thought as to which of the two officers should present the case.

Councillor Jones said witnesses for both sides should be allowed and that there should be efforts made to obtain resolution without moving to the hearing stage, in order to try to agree common ground. A flow chart to

demonstrate the steps in first trying to resolve the matter, including mediation should be devised.

Councillor Sell said he supported the concept of mediation to save officer time.

Councillor Knight agreed a major issue was officers' time, and that often these cases could be a matter of a simple apology.

Councillor Jones said that if a complaint moved to the hearing stage, there should be a clear set of instructions for a hearing. It would be good to have simple diagrammatic aids, which he suggested should be included in the recommendations to Full Council once the code of conduct and procedures reports had been finalised.

Councillor Knight said the production of the revised code of conduct was a huge task, and all members of the task group had put in a tremendous amount of work. The report was well presented, and minutes of the task group could be included if the Task Group so decided when the recommendations were reported to Full Council.

Councillor Jones asked how references to the Council's cabinet should be treated, since town and parish councils did not have a cabinet.

The Assistant Chief Executive – Legal said the code of conduct would be adopted as it stood.

Clarification was sought of the meaning of "close association". Councillor Knight suggested this definition should be made very clear. Councillor Sell suggested it would be good to have examples.

The Assistant Chief Executive – Legal said that under the old regime the regulations had initially defined certain phrases. When the statutory code was revised it left certain elements such as this phrase undefined, as the government had left the interpretation of such aspects to guidance.

Councillor Sell said the perception of the person in the street was relevant.

Councillor Knight asked the The Assistant Chief Executive – Legal to draft some examples for circulation to members.

Councillor Knight said she was not happy about the definition of non pecuniary interest and pecuniary interest where a person was raising money for charity.

Councillor Sell agreed and suggested the example of being a member of a committee to raise funds for a village hall, whilst also acting as a member of a parish council at which decisions were made about that subject.

Councillor Artus said the code covered this situation, where a person was a member of one body and was in a position of management in another body.

If someone did not understand this distinction, it was the fault of the person not the code.

Councillor Jones asked a question about the scheme of delegation of duties to the Monitoring Officer. The Assistant Chief Executive – Legal said there would be an amendment to the scheme of delegation recommended to Full Council in July.

He said the draft code still made no reference to other pecuniary interests and non pecuniary interests. Legislation set out that disclosable pecuniary interests need not be declared if they are registered. However the Council's requirements were more stringent. Members were required to declare DPis even when registered.

Councillor Knight said the figure of £25 in relation to declarations of hospitality should be increased.

Members agreed to make provision in the code of conduct to register other interests and to register the non pecuniary interests defined in the draft at paragraphs 8.1, 8.2 and 8.3. Members considered where best to insert the wording to make it clear which interests should be registered.

Mrs Wellingbrook-Doswell said this process was quite difficult to follow and frustrating because effectively the committee was doing the work of the task group. It was important that The Assistant Chief Executive – Legal was involved. These details could be worked on elsewhere then brought to the meeting.

Councillor Knight asked why the question of other and non-pecuniary interests had not been raised before. The Assistant Chief Executive – Legal said he had raised these points previously.

Members agreed the document required further work outside the meeting before it could be approved in a final form, but he understood it was brought as an interim document for further approval after amendment.

Councillor Jones said it was a frustration that many of the points of discussion today had not been addressed at the previous meeting.

The Assistant Chief Executive – Legal said the only point which had so far not been addressed was the question of registration of other and non pecuniary interests, which he had flagged last week at the task group meeting.

Councillor Dean said he had hoped for a top level summary from both sub groups, as both halves of the work had to come together for cross-checking

before being submitted to the Committee. He was not putting anything on the table from the procedures sub group.

Councillor Knight said she felt the meeting last week had covered members' points, and the Assistant Chief Executive – Legal had gone through the draft thoroughly. The intention was that the chairman of the task group present the report as amended to ask for feedback, and then would finalise the report. Ideally the number of further meetings would be minimised.

Regarding inclusion of reference to the sanctions in the code under the definitions section, Members made the point that the intention was to limit cross-referencing across different sections, so as to make the documents straightforward to read.

The addition of details around the publication of sanctions was discussed. The Assistant Chief Executive – Legal said there was no need to expand on the wording of this provision.

Councillor Sell said the draft code of conduct had the basis of a good working document, subject to fine-tuning.

Councillor Dean gave a summary of the work of the Standards Task Group sub-group on procedures. The main points to highlight were as follows: there was a need to have a set of documents which were comprehensible to the layman; to have procedures which tried to resolve any complaint at the earliest stage; to enable a member to make an early response to any complaint and avoid the need for a full investigation by getting as much information as possible; to separate the responsibilities of the Monitoring Officer and the Investigating Officer. The document should set out the investigating procedure and enable anyone attending a hearing to understand how it would be conducted, including how the room would be set up; it was important that hearings would be conducted to a professional standard, therefore members should have training.

Finally, the sub group was of the opinion that any member of the Standards Committee who was a subject of a complaint if it proceeded to investigation stage should stand down from responsibilities of the Committee until the conclusion of the case, and a protocol to cover this situation should be written into the procedures. He invited the Committee to consider this suggestion further, in order to clarify what was needed for such a provision.

Councillor Dean said the report would be further refined and brought back to the Committee.

Members agreed to the above approach.

Councillor Knight said it was important that one of the Independent Persons who was not involved in the hearing could be available to give guidance and advice to a subject member, to alleviate the stress involved and also to save time.

RESOLVED to note good progress had been made regarding the draft code of conduct and revised standards procedures, and to invite officers to continue to participate in order to move forward.

Councillor Knight suggested a further meeting of the Task Group would be needed to enable the final report to be recommended to the Committee.

The meeting ended at 5.45pm.