

STANDARDS COMMITTEE held at COMMITTEE ROOM - COUNCIL OFFICES, LONDON ROAD, SAFFRON WALDEN, ESSEX CB11 4ER, on MONDAY, 5 NOVEMBER 2018 at 5.00 pm

Present: Councillor D Jones (Chairman)
Councillors A Dean, G LeCount (In place of N Hargreaves),
P Lees, B Light, J Loughlin and G Sell

Independent Persons Present: G Butcher-Doulton, D Pearl and C Wellingbrooke-Doswell,

Officers in attendance: A Bochel (Democratic Services Officer) and S Pugh (Assistant Director - Governance and Legal)

ST1 APOLOGIES FOR ABSENCE AND DECLARATIONS OF INTEREST

Apologies for absence were received from Councillors Artus, Hargreaves and Knight.

ST2 MINUTES OF THE PREVIOUS MEETING

The minutes of the meeting held on 16 April 2018 were agreed as a correct record and signed by the Chairman.

The Assistant Director – Governance and Legal Services advised that he would circulate the guidance on Member use of social media as mentioned in SC24.

ST3 STANDARDS COMMITTEE AND EMPLOYMENT ISSUES FOLLOWING HARVEY V LEDBURY TOWN COUNCIL

The Assistant Director – Governance and Legal Services gave a summary of the report regarding issues raised by a recent court case concerning action taken by Ledbury Town Council in respect of an allegation by an employee of bullying against a councillor. The report also considered the implications of the case for the Standards Committee and Monitoring Officer. The Assistant Director – Governance and Legal Services noted that town and parish councils needed to manage the situation if a councillor was accused of bullying an employee, but could not make findings or impose punishment.

Members noted that bullying could be to one person what being over-sensitive could be to another, and that this made such issues more complex.

Members noted that for parish councils with only one employee, a personality clash between the employee and members made the functioning of that council harder.

The Assistant Director – Governance and Legal Services said he would send the report on employment issues following Harvey v Ledbury Town Council to town and parish councils.

ST4 VISIT TO UTTLESFORD BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

The Assistant Director – Governance and Legal Services said the item enabled him to present the letter from the Committee on Standards in Public Life thanking members of the Standards Committee for their time, and asked if there were comments about the visit that the Committee wished to make.

General consensus was that the visit by the Committee on Standards in Public Life had been a useful experience.

Members agreed that should the need for an investigatory panel meeting arise, it would be good for them to have had some training beforehand. The Independent Persons volunteered to run this training. The Assistant Director – Legal Services said he would consult the Independent Members on suitable dates for this training.

In response to a Member question, the Assistant Director – Governance and Legal Services said the report by the Committee on Standards in Public Life regarding ethical standards in local government was planned to be released by central government in December.

ST5 HEARING PANEL PROCEDURE

The hearing panel procedure had been supplied to members for information.

Members discussed whether it was appropriate to invite the complainant and the member to make submissions once a Hearing Panel's findings had been announced. The Assistant Director – Governance and Legal Services noted that current procedure had been the Committee's recommendation to Council, and had been approved by Council.

Councillor Loughlin said that she strongly disagreed with paragraph 2.1 in the procedure, which noted that there was no right of appeal against a decision on a Code of Conduct complaint. The Assistant Director – Governance and Legal Services noted the procedure said that a Member could complain to the Local Government Ombudsman or seek permission for a judicial review. Legislation did not however provide Members with any other means to appeal the decision of a Hearing Panel.

Councillor Light said she believed it was unfair that Hearing Panels were held in public as this could be damaging to those involved in the case, particularly before a decision had been issued.

Councillor Dean said he believed that not to hold meetings in public and not to make the results public would be against the principles of democratic accountability.

The Chairman noted that the Committee had spent 2 years reviewing the procedure and it had been approved by Council. He said Members' comments on the procedure had been noted.

The meeting closed at 6.05pm.