

**STANDARDS COMMITTEE held at COUNCIL OFFICES LONDON ROAD  
SAFFRON WALDEN at 4pm on 20 March 2017**

Present: Councillor T Knight – Chairman  
Councillors H Asker, A Dean, N Hargreaves, D Jones, J  
Loughlin.  
Mrs Butcher- Daulton, Mr D Pearl, Mrs C Wellingbrook–Doswell  
(Independent Persons).

Officers in attendance: P Snow (Democratic and Electoral Services  
Manager), B Ferguson (Democratic Services Officer) and S  
Pugh (Interim Head of Legal Services).

SC10 **APOLOGIES AND DECLARATIONS OF INTEREST**

Apologies for absence were received from Councillors Sell and Artus.

SC11 **MINUTES OF PREVIOUS MEETINGS**

The minutes of the meeting held on 3 February 2017 were agreed as a  
correct record and signed by the Chairman.

SC12 **REVIEW OF STANDARDS CODE OF CONDUCT AND PROCEDURE**

The Chairman referred to the previous meeting and updated members on  
the progress of the new Code of Conduct and attempts to resolve the issue  
of how the Nolan principles should be treated within the Code.

The main point of contention at the meeting on 3 February was whether  
breach of the Nolan principles should be considered a direct breach of the  
Code.

Councillor Artus was unable to attend the meeting but had put forward the  
following wording, "*You must comply with the principles set out in the first  
paragraph of this Code.*" During the discussion the majority of members  
expressed concern that the phrase "*must comply*" was too rigid and  
members would be held to account over subjective principles such as  
'selflessness' and 'leadership'. Such a code could be used in a vexatious  
manner and would be difficult to enforce in a political environment.

Members discussed where the Nolan principles should be sequentially  
placed in the Code. Mrs Butcher-Daulton said Councillor Artus wanted them  
at the beginning. The Chairman agreed and said placing them at the  
beginning of the document would reinforce the aspiration of how Council  
members should behave. Councillor Dean said he did not see the point of  
having a set of broad principles, which were unenforceable, and a set of

detailed rules, which were obligatory. However, the Chairman said they would be an to an aspirational benchmark for councillors to follow. Councillor Asker reinforced this by reminding the meeting that the initial aim of the task group was to make the Code accessible to the general public. By putting the Nolan principles at the beginning of the document, this aim was achieved and the principles would be supported by more detailed information that came later in the document.

The meeting considered how the Code would affect parish councils. Councillor Dean stated that the purpose of the Standards Committee was not to tell parish councils how to run themselves. He emphasised the danger of trying to produce a political mechanism which could be used against councillors in an undemocratic way. The public should deal with principles such as poor leadership at an election. It should not be decided by a Code of Conduct and expressed his fear of opening the door to vexatious complaints. Councillor Asker responded by saying parish councils look to the District for guidance and a Code of Conduct which could be utilised by them was a major plus.

Mr Pearl said he had researched the intention of the Nolan principles and thought the differences concerning the Code could be overcome. The intention of the Code was to provide principles, not obligatory laws, to which members of national and local government would aspire. The wording of 'to comply' was therefore deemed too strong and he suggested an alternative phrase 'to promote adherence to'.

The meeting discussed the implications of complying with the Nolan principles. Councillor Hargreaves said it would allow a member to be accused of a lack of leadership by a political opponent, which would do real damage to a member's reputation. He reiterated the point that the principles could not be absolutely binding and therefore he rejected the word 'comply' but agreed with the term 'promote adherence to'. Councillor Dean said that even if the Nolan principles weren't regarded as rules, members who broke the principles could still be subjected to disciplinary action. He drew attention to the draft, which stated,

*"It sets out standards of conduct expected of elected and co-opted members of the Council. It is also intended to promote the following principles."*

Councillor Dean asked the Head of Legal Services if the phrase 'promoting adherence to' would make adherence to the Nolan principles a legal obligation. The Head of Legal Services said such wording prevented a breach of Nolan's principles becoming an automatic breach of the Code. The members voted in favour of the following wording to introduce the Nolan principles into the Code of Conduct.

*"This is the Code of Conduct adopted by Uttlesford District Council. It sets out standards of conduct expected of elected and co-opted members of the Council. It is also intended to **promote adherence to** the following principles"*

Councillor Dean abstained from the vote.

The Head of Legal Services stated that in light of the approval, paragraph 4 would be taken out and all subsequent articles would be renumbered.

Mr Pearl asked the meeting to check the wording on P.47 paragraph 8.11 as this suggested that the complainant would also be invited to make submissions. The Head of Legal Services said this was an error and the paragraph should have read,

*“8.11 Following announcement of the Hearing Panel’s findings, the **investigating officer** and the member will be invited to make submissions, if necessary, regarding remedies or sanctions.”*

Councillor Jones highlighted a drafting error on p. 22 of The Head of Legal Services draft where the title ‘THE COUNCILLORS’ CODE OF CONDUCT Part 1’ was repeated twice.

**RESOLVED** to recommend to Full Council the approval of the revised Code of Conduct, to include the agreed amendment as set out above.

The Chairman thanked the Independent members for their contribution to the Standards Committee. She reiterated how important their work had been in bringing about a fairer and more balanced standards procedure.

The Head of Legal Services explained that the Member Officer Protocol was referred by council to the Constitution Working Group, Members of the Standards Committee had been invited to attend this meeting as there was an overlap between the work of the committees. The protocol had been redrafted and the CWG would welcome the committees views.

The Chairman thanked all for attending.

The meeting ended at 5.15pm.