

MINUTES OF A MEETING OF THE
STANDARDS COMMITTEE HELD IN
ROOM 27, WALLFIELDS, HERTFORD
ON TUESDAY, 18 NOVEMBER 2008 AT
7.30 PM

PRESENT:

District Council Members:

Councillors P A Ruffles, J Warren and M Wood.

Town Councils' Representative:

Mrs E Woods

Independent Members:

Mr D Farrell
Mr J Morphew (Chairman)
Mr T Vickers

OFFICERS IN ATTENDANCE:

Simon Drinkwater	- Monitoring Officer
Jeff Hughes	- Head of Democratic and Legal Support Services

390 APOLOGIES

An apology for absence was submitted on behalf of
Councillor N C Poulton.

ACTION

RESOLVED ITEMS

391 ELECTION OF CHAIRMAN

The Head of Democratic and Legal Support Services
invited the Committee to elect its Chairman for the Civic

Year 2008/09.

The Committee recalled that, under the existing regulations, it would need to elect an independent member to this position. At its meeting held on 19 August 2008 it had agreed to elect Mr J Morpew as Chairman for that meeting.

The Committee agreed to elect Mr J Morpew as its Chairman for the remainder of the current Civic Year.

RESOLVED – that Mr J Morpew be elected Chairman of the Committee for the remainder of the current Civic Year.

392 EXCLUSION OF PRESS AND PUBLIC

The Committee considered whether or not to exclude the press and public from the meeting during the discussion of the item of business detailed at Minute 395 below on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 7c of Part 1 of Schedule 12A of the Local Government Act 1972. The Committee agreed that this item should not be considered in public and the Monitoring Officer would issue a notice of the decision.

RESOLVED - that the press and public be excluded from the meeting during discussion of the item of business detailed in Minute 395 below on the grounds that it involves the likely disclosure of exempt information as defined in paragraph of Part 1 of Schedule 12A of the Local Government Act 1972.

393 MINUTES

In relation to Minute 218 – Anti Fraud and Corruption Strategy and Confidential Reporting Code – a Member commented that a recent meeting of the Human Resources Committee had not considered the request made by this Committee on this matter.

The Monitoring Officer explained that the Committee's request had been overtaken by events. The Authority had embarked on a complete review of all its Human Resources Policies and this particular Code would form part of the review.

The Committee supported a suggestion that Mr T Vickers and Councillor J Warren participate in the review process on the basis now detailed. The Monitoring Officer undertook to notify the relevant lead officer for the review accordingly.

MO

Once the review was completed, the proposed Code would be submitted to a future meeting of the Committee for consideration before it was formally approved.

Mr T Vickers, with reference to Minute 219 – Training and Future Work Programme, commented that the training event identified was a success.

RESOLVED – that the Minutes of the meeting of the Standards Committee held on 19 August 2008 be confirmed as a correct record and signed by the Chairman.

394 CONSULTATION ON A CODE OF CONDUCT FOR MEMBERS AND OFFICERS

The Monitoring Officer submitted a report inviting the Committee to consider the Government's consultation paper on "Communities in control: Real people, real power Codes of conduct for local authority members and employees".

The Committee noted that the consultation document detailed proposals for revising the model code of conduct for local authority members, principally to clarify application of the code to members' conduct in their non-official capacity.

The consultation document also contained details of proposals:

- to amend the general principles which govern the conduct of local authority members; and
- to introduce a requirement for local authorities to incorporate a code of conduct for employees, based on a statutory model code of conduct, into their terms and conditions of employment.

The Monitoring Officer highlighted that, to facilitate the consultation process, the consultation paper contained particular questions on the proposals.

Members noted the questions posed and the suggested response to each one provided by the Monitoring Officer in the report now submitted.

The Committee made amendments to the suggested responses, including:

- an invitation to the Government to include a provision that allowed for the suspension, explicitly on a non judgemental basis, of a Councillor who was the subject of a serious criminal investigation for the duration of the investigation (and any subsequent court case);
- a suggestion that the limit for declaring receipt of gifts and hospitality be increased to £50;
- deletion of the term “nominal value” in relation to the value of shareholdings;
- a wish to highlight the problems of the existing provision of paragraph 8(1)(b) in terms of a Councillor’s ability to represent a constituent or constituents rather than identify any solution;
- its view that East Herts Council should not pursue, when statutorily allowed to do so, any arrangement that would allow for the discharge of its functions by a ward councillor;

- a sense of disappointment that the enduring principles which underpin the code were not simply those first identified by Lord Nolan on this subject, and
- confirmation that it supported the concept of a nationally prescribed mandatory code of conduct for all local government employees (with the exception of Clerks to parish (but not Town) Councils).

The Committee agreed to approve and warmly commend the suggested responses, as now amended. It further agreed to refer the issues identified relating to the Employees' Code of Conduct to the Council Local Joint Panel for consideration.

RESOLVED – that (A) the suggested responses to the questions raised in the consultation paper on “Communities in control: Real people, real power Codes of conduct for local authority members and employees”, as amended, be approved and warmly commended; and

MO

(B) issues relating to the Employees' Code of Conduct detailed within the consultation paper referred to in (A) above be referred to the Local Joint Panel for consideration.

MO

395 COMPLAINT IN RESPECT OF A TOWN COUNCILLOR:
STANDARDS BOARD REFERENCE SBE 21462.08

The Monitoring Officer submitted a report on a complaint in respect of a member of a Town Council.

The complaint had been investigated. The Investigating Officer had concluded that there had been no breach of the Code of Conduct.

Members considered the report and questioned the Monitoring Officer on the conclusion. The Committee noted it had to decide whether or not, based on the facts set out in the report, it agreed with the finding that there

was no failure to comply with the Code.

A notice of the decision would be prepared but if it was found that the Code of Conduct had not been breached then the subject of the complaint could ask that this should not be published in the press.

After careful consideration the Committee decided that there was no evidence of any failure to comply with the Code of Conduct and no further action should be taken.

RESOLVED – that, in relation to the complaint listed as Standards Board reference SBE 21462.08, all parties concerned be informed that the Committee considers that there is no evidence of any failure to comply with the Code of Conduct and no further action be taken. MO

The meeting closed at 9.40 pm

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Chairman
Date