

**MINUTES OF A MEETING OF THE ESSEX COUNTY COUNCIL AND ESSEX FIRE
AUTHORITY JOINT STANDARDS COMMITTEE HELD AT COUNTY HALL,
CHELMSFORD, ON 22 SEPTEMBER 2010**

Membership

**Appointed by Essex County
Council**

Independent Members:

- * Mr D Farrow (Vice-Chairman)
- * Mr A French (Chairman)

Mr C Jackman

Councillors:

R Bass (Chairman of the Council,
ex officio)

- * C Pond
- * Mrs M Fisher
- M Mackrory
- J Pike
- * D Robinson
- K Twitchen

- * Mrs M Webster

* Present

**Appointed by Essex Fire
Authority**

Independent Member:

- * Mr M Goodswen

Councillors:

S McPherson (Thurrock Borough
Council)

- * R Pearson (Essex County Council)
- * Fay Evans (Southend Borough
Council)

The following officers were present in support throughout the meeting:

Janet Mills
Alex Hallam
Colin Ismay

Committee Officer
Deputy Monitoring Officer
Governance Manager

39. Election of Chairman

The Governance Manager opened the meeting by requesting nominations for an Independent Member Chairman to be elected. Mr Anthony French was nominated and duly elected. Mr French took the Chair.

40. Election of Vice-Chairman

The Chairman requested nominations for a Vice-Chairman to be elected. Mr Daniel Farrow was nominated and duly elected.

41. Apologies

The Committee Officer reported apologies from County Councillors R Bass, M. Mackrory, J. Pike and K. Twitchen. The Committee noted that County Councillor R Walters was no longer a member of the Committee. A replacement was being sought.

42. Declarations of Interest

There were no declarations of interest.

43. Minutes

The minutes of the meeting held on 26 May 2010 were approved as a correct record and signed by the Chairman.

44. Matters Arising

With reference to Minute 13 item 32 of the previous minutes *Update on Independent Member Recruitment*, the Governance Manager advised the Committee that there had been a very poor response to the recruitment advertisement.

Resolved:

The Chairman and the Governance Manager would discuss the applications received to date to determine whether interviews should go ahead or whether to re-advertise the position to seek further candidates.

With reference to Minute 13 item 33 of the previous minutes, *Ethical Governance Diagnostic*. The Governance Manager advised the Committee that the Leader and the Chief Executive of the Council would receive a report containing the initial findings from the recent Ethical Governance Diagnostic audit shortly.

During discussion the following points were made:

- A reasonable number of surveys had been returned by Members and a fair number of Members had attended focus groups as part of the audit process.
- Although Members had received information regarding the Standards Committee as part of the Member induction process the outcome of the survey of Members appeared to show that a small minority of Members did not know about the role of the Standards Committee.
- It was the statutory duty of the Committee to monitor standards in the Council. In order to maintain public confidence in the system, it was very important that the Committee maintained its independence from the ECC organisation.
- Members raised concerns that it was unclear at this stage, how the report commissioned by Essex County Council would be shared with Members.

Resolved:

That the Committee would informally approach the Chief Executive regarding the outcome of the audit. The information would be used to inform discussions regarding the future role of the Standards Committee.

With reference to Minute 13 item 34 of the previous minutes, *Members Allowances Schemes*. The Governance Manager advised the Committee that the Leader of the Council had requested the Governance Manager to discuss the Committee's concerns with the Chief Whip, Councillor Tracey Chapman. Work to consult with other local authorities regarding how they dealt with Member annual reports had not yet started.

During discussions Members expenses reports were very briefly mentioned and the following points were made:

- A copy of the Member expenses report should be sent to the Independent Members for background information as agreed at the 26 May meeting.
- The Committee concluded that it had acted within the appropriate guidance when dealing with a recent complaint regarding the former Leader of the Council.

Resolved:

That the Governance Manager should:

- (i) discuss the issues with the Chief Whip of the Council to provide more clarity and guidance as to how the Member Annual Reports would be audited and where the accountability lay in the Council for any poor performance;
- (ii) consult with other Local Authorities as to what they do with the Annual Reports and how they use the information and manage the process;
- (iii) give a progress report on item (i) and (ii) above at the next meeting of the Committee; and
- (iv) circulate the Member expenses to the Independent Members for background information.

45. Annual Report

The Committee noted that the Annual Report by the Deputy Monitoring Officer had been presented to the Full Council at its meeting on 13 July 2010.

Resolved:

That the Governance Manager should:

- (i) Make minor textual changes to item 2.1 (iv) of the Annual Report for next year's report.

46. Case Study Complaints

The Committee received report (SC/016/10) by the Deputy Monitoring Officer on the following complaints.

Resolved:

- (i) That the Committee noted the findings of the Assessment Sub-Committee of the Standards Committee on case number LAWA788 namely that:

In accordance with Section 57A(2) of the Local Government Act, 2000, the Assessment Sub-Committee decided that no action should be taken on the allegation.

- (ii) That the Committee noted the findings of the Ethical Standards Officer, Standards for England on case number MOLS/21 namely that:
 - (i) The Member failed to comply with the Code of Conduct, but in the circumstances of the case, no further action needed to be taken.
 - (ii) The Governance Manager and the Deputy Monitoring Officer prepare a paper for the next meeting of the Standards Committee, outlining how best to inform Members of the lessons to be learnt from this case.

47. Local Authority Website

The Committee received an oral report from the Governance Manager. The Committee was advised that a great deal of work had been undertaken to populate the new Committee Management Information System (CMIS) to meet the deadline of 31 August. The system now contained information about Members. The system was due to be fully launched on 1st October. The new system was currently available internally but due to some technical problems could not yet be viewed on the Council's external website.

Resolved:

- (i) That the Committee note the report.
- (ii) That Members could view the new system by making an appointment with the Governance Manager.
- (iii) That the Governance Manager update Members about the situation at the next Committee Meeting.

48. Standards for England

The Committee received the content of Bulletin 48, and noted that primary legislation was needed before Standards for England could be abolished. It was expected that the provisions would be included in the planned De-centralisation and Localism Bill which was due to be presented in late 2010. It remained unclear what new arrangements, (if any) would be put in place.

During discussion the following points were made:

- A great deal of previous legislation would need to be over come before changes could be implemented.
- The second reading of the Bill would produce information regarding what would be put in place in the future.
- The latest article by Peter Keith Lucas regarding the matter could provide information to Members.
- It was not within the Committee's remit to respond to consultation papers in relation to the abolition of Standards for England.

Resolved:

- (i) That the latest article by Peter Keith Lucas be circulated by the Deputy Monitoring Officer to Members for information.

49. Forward Look

The Committee considered the Forward Look circulated by the Governance Manager at the meeting.

Training needs of the newly appointed Fire Authority Member of the Committee were briefly discussed.

During general discussion the following points were made:

- Members training needs would need to be identified in relation to the outcome of the Ethical Governance Diagnostic Audit.

Resolved:

- (i) That reviewing of materials from Standards for England outlining what would replace the existing regime be added to the Committee's forward look.
- (ii) The Deputy Monitoring Officer would prepare a draft manual to assist Members in dealing with complaints for the next meeting of the Committee.

50. Date and Time of the Next Meeting

The Committee noted the date of the next meeting as follows:

Thursday 21 October 2010 at 10.00 in Committee Room 2

51. Urgent Business Part 1

There was no urgent business to be considered.

52. Exclusion of the Public

To consider whether the public (including the press) should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely disclosure of exempt information as specified in Part 1 of Schedule 12A of the Local Government Act 1972 Members noted that exclusion was recommended for the item set out in Part II of the meeting below.

Part II**53. Confidential Report on investigations under the Code of Conduct**

(information relating to any individual and information which is likely to reveal the identity of an individual)

The Committee received a confidential report (SC/017/10) from the Ethical Standards Officer presented by the Deputy Monitoring Officer.

Resolved:

That the Committee noted the findings of the Ethical Standards Officer, Standards for England on case number SBE-07513-OAO 15 namely that:

- (i) the Member had not breached the Code of Conduct; and
- (ii) the Committee should receive an HR Briefing related to Member involvement on Senior Manager Appointment Panels.

Chairman
25 November 2010