

**MINUTES OF A MEETING OF THE ESSEX COUNTY COUNCIL AND ESSEX FIRE
AUTHORITY JOINT STANDARDS COMMITTEE HELD AT COUNTY HALL,
CHELMSFORD, ON 24 NOVEMBER 2011**

Membership

**Appointed by Essex County
Council**

Independent Members:

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

Mr Colin Booth

Councillors:

- * R Bass (Chairman of the Council,
ex officio)
- * Mrs M Fisher
- * Mrs E Hart
- * M Mackrory
- * J Pike
- * C Pond
- 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:

Ann Coldicott	Governance Officer
Vivien Door	Committee Officer
Terry Osborne	Assistant Director for Corporate Law

45. Apologies

The Committee Officer reported apologies from Mr C Booth.

46. Changes to Committee Support

The Chairman informed the Committee that Vivien Door would be no longer supporting this Committee, he thanked her for her support. He also thanked Colin Ismay for his support to the Committee although he may continue to support the Committee on occasions. The Chairman welcomed Ann Coldicott as Governance Officer support to this Committee.

47. Declarations of Interest

There were no declarations of interest reported.

48. Minutes

The minutes of the meeting held on 22 September 2011 were approved as a correct record and signed by the Chairman.

49. Matters Arising

Minute 40, Development of a Local Code of Conduct: the Chairman informed the Committee that after consulting with the Leader and the Chairman of the Council correspondence had been sent to the Secretary of State raising the Committee's concerns regarding meaningful sanctions.

Localism Act

The Monitoring Officer updated the Committee on the Localism Bill which was given Royal Assent on 15 November to become the Localism Act 2011, taking effect from April 2012. Monitoring Officers have been looking at how it affects Standards Committees.

The main points from the Bill were:

- The general duty to promote and maintain high standards of conduct remains;
- A relevant authority (including Parish Councils) must adopt a Code of Conduct, but a parish council may comply by adopting the code of its Principal Authority;
- The Code of Conduct adopted must be consistent with the Nolan Principles of selflessness, integrity, objectivity, accountability, openness, honesty and leadership;
- The Code of Conduct must also include 'appropriate provision' for the registration and disclosure of pecuniary and non-pecuniary interests;
- The adoption, revision or replacement of the Code of Conduct must be appropriately publicised by the relevant Authority;
- Complaints must be in writing;
- Any failure to comply with the Code of Conduct must be dealt with in accordance with arrangements put in place by the relevant Authority to investigate and decide upon complaints. Parish Councils do not need separate arrangements in this respect;
- Arrangements for deciding complaints must include provision for the appointment of at least one Independent Person whose views must be taken into account by the Authority before it decides on an allegation it had investigated;
- If a relevant Authority finds a Member had failed to comply with the Code of Conduct (whether by investigation or not) it 'may have regard to the failure' in deciding whether to take action and what action to take. There does not appear to be statutory provision in relation to the actual sanctions available to relevant Authorities for breaches of the Code of Conduct.

During the discussion the following points were made:

- That Independent Members could be co-opted onto the Committee but they would have no voting rights;
- That Co-opted Members of Council Committees were subject to the same rules of Code of Conduct as the Elected Members;
- Any Local Authority adopted Code of Conduct should include the Nolan Seven Principles of Public Life;

- That an Essex Code of Conduct should be encouraged across the County to avoid Councillors having to adhere to more than one Code of Conduct.

Minute 41, Member Annual Statements: the Committee Officer informed the Committee that she was updating these statements from information supplied by the Members.

Minute 42, Ethical Governance Audit: the Monitoring Officer informed the Committee that this report was still outstanding from the Audit Commission.

Member Information published on the website

The Chairman informed the Committee that he had looked at the information published for each Member, a number of Members had not attended Code of Conduct training recently.

50. Procedures for Allegations of Misconduct

The Committee received a draft report (SC/010/11) from Terry Osborne, Monitoring Officer.

The Monitoring Officer informed the Committee that the Council had two complaints which may result in hearings, one of which would take place today and on 15 December with the other complaint being available for a hearing in the next couple of months. It seemed sensible to adopt a procedure from another Local Authority which had used this procedure with several Hearings.

The Committee **agreed**:

- i) to endorse the amended report and asked the Chairman and the Monitoring Officer to make the relevant amendments;
- ii) the whole Committee should be contacted and asked for their availability for future Sub-Committees.

51. Recent Complaints

The Committee received an oral update on recent complaints from Terry Osborne, Monitoring Officer.

The Monitoring Officer updated the Committee about two recent complaints. One of these complaints had been investigated by an Investigating Officer who had found that the Code had been breached, which resulted in the pre-Hearing assessment today. The second complaint was a more complex case and was still being investigated by the Investigating Officer, although the report should be finalised within the next few weeks.

52. Date and Time of the Next Meeting

The Committee noted that the next scheduled meeting date taking place on Thursday 15 December 2011 at 2.00 pm in Committee Room 1 would be used

for the Hearing. Therefore the date of the next scheduled meeting would take place on Tuesday 24 January 2012 at 2.00 pm in Committee Room 1.

As there was no further business the Chairman closed the meeting at 3.05 pm.

Chairman