

MINUTES OF A MEETING OF THE ESSEX COUNTY COUNCIL AND ESSEX FIRE AUTHORITY JOINT STANDARDS COMMITTEE HELD AT COUNTY HALL, CHELMSFORD, ON 15 JANUARY 2013 AT 10:00 AM

1. Attendance, Apologies and Substitutions

Essex County Councillors, N Hume, M Mackrory J W Pike(Chairman), C Pond, and Southend Borough Councillor Fay Evans were present at the meeting.

The following officers were present in support throughout the meeting:

Terry Osborne (Monitoring Officer), Miles Smith (Solicitor) and Ann Coldicott (Governance Officer);

The Chairman welcomed the Independent Persons Norman Hodson and Jonathan Swan, to the meeting.

Apologies for absence were received from Mrs M Fisher Mrs E Hart, K Twitchen D Robinson, Mrs E Webster and Mrs M Webster. There were no substitutions to report.

2. Declarations of Interest

None.

3. Minutes

Approved as a correct record the minutes of the meeting held on 2 October 2012.

4. The Role of Independent Persons for the Management of Allegations of Failure to Comply with the Members Code of Conduct

The Committee considered a joint report by the Monitoring Officers (SC/001/13) regarding the role of statutory independent persons, following the appointment of two independent persons and the approval of arrangements for the assessment and determination of complaints at the Fire Authority meeting on 5th September 2012 and at the Council meeting on 16th October 2012.

As this was a new statutory requirement the Monitoring Officers had prepared a protocol (set out as an Appendix to the report) which set out the Council's and the Authority's arrangements for the Assessment and Determination of Allegations of Failure to Comply with the Member Code of Conduct, including the Independent Persons' role and their relationship with the Monitoring Officers, the Joint Standards Committee and the Standards (Hearings) Sub-Committee.

During discussion of this item Councillor Mackrory asked how Members would be able to contact the Independent Members. The Council's Monitoring Officer advised that she would hope to be the first point of contact regarding any

complaint and having heard the nature of the complaint would then provide contact details of the Independent Persons.

The Independent Persons stated that they need clarification as to which matters they are able to advise on.

Resolved:

That the Protocol set out as an Appendix to the report be agreed.

5. Social Media Protocol for Members

The Committee considered a joint report by the Monitoring Officers inviting them to consider the adoption of a social media protocol to assist members in their use of social media.

The draft protocol set out in the appendix to the report provided guidance to members and co-opted members of Essex County Council and the Essex Fire Authority based upon their Codes of Member Conduct. It had been drafted to assist members as they explore and develop their use of social media. They noted there had already been one workshop to assist County Council members in doing this and more were planned.

Jonathon Swan, Independent Person suggested the Protocol be forwarded to the Essex Youth Council for their input. The Monitoring Officer agreed that the Protocol was likely to require amendment in the future she would keep it under review and bring reports to the committee as necessary.

It was suggested that the term 'social media' was inadequate, and possibly misleading, as a description of the open access sources identified in the report and intended to be covered by the protocol. The Monitoring Officer was asked to discuss this issue further with the Council's Chief information Officer and, if appropriate and following consultation with the Chairman, amend the title of the protocol.

Resolved:

That, subject as above, the draft Protocol set out in the appendix to the report be adopted and approved

6. New Code of Conduct – General Dispensations

The Committee considered a report by the Deputy Monitoring Officer inviting them to consider whether dispensations should be granted to all members and co-opted members of Essex County Council in certain circumstances which would enable them to take part in the business of the Council even if the member or co-opted member has a disclosable pecuniary interest, other pecuniary interest or a personal interest relating to that particular business.

Without a dispensation members would be prevented from taking part in important issues relating to the Council and it is in the interests of people living in Essex that members are able to play a full part in the decision making on key issues. It is recommended that the Committee grant a dispensation to all members in respect of the matters set out in the recommendation below. This covers both disclosable pecuniary interests and other pecuniary interests.

Councillor Pond suggested that a Dispensation Request form be included in the pack given to newly elected Members and that the Monitoring Officer be given power to agree requests for Dispensations as soon as possible after the Election has taken place.

Resolved:

That the following dispensations be granted by the Monitoring Officer on receipt of a written application, to all members and co-opted members of Essex County Council until a date/ dates (also to be agreed by the Monitoring Officer) to enable them to participate in debates and to vote on any such matter, notwithstanding that they may have a Disposable Pecuniary Interest, Other Pecuniary Interest or a Personal Interest in the business being transacted and that the Monitoring Officer be so authorised regarding:

- (a) School meals or school transport and travelling expenses – where a member is a parent, grandparent or guardian of a child in full time education, or where a member is a parent governor of a school, unless the decision relates particularly to the school which his child attends.
- (b) An allowance, payment or indemnity given to members.
- (c) Any ceremonial honour given to members.
- (d) Setting council tax under the Local Government Finance Act 1992.
- (e) Other decisions to be made which do not affect the member's financial position or the financial position of a person or body described in paragraph 7.1(i) and (ii) of the Code of Member Conduct.

7. Future Work Program and Date of Next Meeting

The Committee considered the proposed work programme for 2013/14. The Monitoring Officer confirmed that at present there were no complaints to be investigated.

Resolved:

That:

- the work programme be agreed;
- the revised Social Media Common Access Protocol be added to the programme for September 2013 be agreed; and
- the next meeting take place on Monday 8 April 2013 at 10am.

There being no further business the meeting closed at 10:35 am.

Chairman