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APOLOGIES Committee Services
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CHIEF EXECUTIVE'S OFFICE
CHIEF EXECUTIVE
Fiona Marshall

Date Not Specified

Dear Councillor

You are summoned to attend the meeting of the;

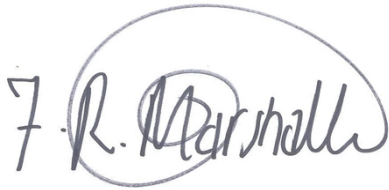
JOINT STANDARDS COMMITTEE

on **FRIDAY 18 DECEMBER 2015** at **3.00 pm**.

in the Council Chamber. Maldon District Council Offices, Princes Road, Maldon.

A copy of the agenda is attached.

Yours faithfully

A handwritten signature in blue ink, appearing to read 'F. R. Marshall', enclosed within a hand-drawn oval.

Chief Executive

COMMITTEE MEMBERSHIP

CHAIRMAN

Councillor Rev. A E J Shrimpton

VICE-CHAIRMAN

Councillor M R Pearlman

COUNCILLORS

Mrs B F Acevedo
R G Boyce MBE, CC
I E Dobson

PARISH COUNCILLORS

Councillor B Ledger
Councillor S Nunn

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AGENDA
JOINT STANDARDS COMMITTEE
FRIDAY 18 DECEMBER 2015

1. Apologies for Absence
2. **Minutes of the last meeting** (Pages 1 - 4)

To confirm the Minutes of the special meeting of the Joint Standards Committee held on the 30 July 2015, (copy enclosed).

3. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

4. **Appointment of Independent Persons - Remuneration** (Pages 5 - 8)

To consider the report of the Monitoring Officer (copy enclosed).

5. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph ??? of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

6. **Allegation of Misconduct 5 /2015** (Pages 9 - 10)

To consider the report of the Monitoring Officer (copy enclosed).

7. Any other items of business that the Chairman of the Committee decides are urgent

NOTICES

Sound Recording of Meeting

Please note that the Council will be recording any part of this meeting held in open session for subsequent publication on the Council's website. At the start of the meeting an announcement will be made about the sound recording. Members of the public attending the meeting with a view to speaking are deemed to be giving permission to be included in the recording.

Fire

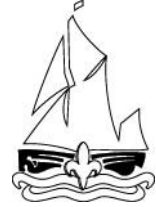
In event of a fire, a siren will sound. Please use the fire exits marked with the green running man. The fire assembly point is outside the main entrance to the Council Offices. Please gather there and await further instruction.

Health and Safety

Please be advised of the different levels of flooring within the Council Chamber. There are steps behind the main horseshoe as well as to the side of the room.

Closed-Circuit Television (CCTV)

This meeting is being monitored by CCTV.



**MINUTES of
JOINT STANDARDS COMMITTEE
30 JULY 2015**

PRESENT

Chairman	Councillor Rev. A E J Shrimpton
Vice-Chairman	Councillor M R Pearlman
Councillors	Mrs B E Acevedo and R G Boyce, MBE, CC

290. APOLOGY FOR ABSENCE

An apology for absence was received from Councillor I E Dobson.

291. MINUTES

RESOLVED that the Minutes of the meeting of the Committee held on 7 November 2013 be approved and confirmed.

292. DECLARATIONS OF INTEREST

There were none.

293. PROCESS FOR COUNCILLOR CONDUCT COMPLAINTS

The Committee received a presentation from the Monitoring Officer on the process for Councillor Conduct Complaints.

The presentation highlighted a number of key areas in relation to the Code of Conduct for Councillors, which was derived from the Localism Act 2011. Particular attention was paid to the following:

- The Nolan Principles of Public Life – the principles apply to anyone who works as a public office-holder either nationally or locally. Broadly the principles are in respect of selflessness, integrity, objectivity, accountability, openness, honesty and leadership.–
- General Obligations – applies to the way in which a Councillor acts.
- Breaches of the Code of Conduct – the complaints process, stage 1 and 2.
- Sanctions for breaches of the Code of Conduct.

294. DISPENSATIONS FOR DISCLOSABLE PECUNIARY INTERESTS, OTHER PECUNIARY INTERESTS AND NON-PECUNIARY INTERESTS

The Committee considered the report of the Monitoring Officer which was seeking to agree dispensations to all Members and co-opted Members of Maldon District Council in certain circumstances which would enable them to take part in the business of the Council even if the Member has a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest relating to that particular business.

At the meeting of the Council on 24 January 2013 (Minute No. 776 refers), dispensations to all Members were agreed to be effective until the recent elections, and the Committee was being asked to agree these afresh.

RESOLVED that the grant of the following dispensations to all Members are agreed and will have effect until the next ordinary election of District Councillors.

- (a) School meals or school transport and travelling expenses – where a member is a parent 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) Where the decision to be made does not affect the member's financial position or the financial position of a person or body described in paragraph 8.1.(a) and (b) of the Local Code of Member Conduct and
- (f) the decision to be made does not relate to the determination of any approval, consent, licence, permission or registration in relation to the member or a person or body described in paragraph 8.1 (a) and (b) of the Local Code of Member Conduct.

295. INDEPENDENT PERSON(S) – TERM OF OFFICE

The Committee considered the report of the Monitoring Officer considering arrangements for the recruitment and appointment of new Independent Persons.

The report reminded Members that at a meeting of the Council on 7 February 2013 it was resolved to confirm the appointment of Mr Norman Victor Hodson as Independent Person to the Joint Standards Committee, and also the appointment of Mr Steven Ronald Anthony and Mr Jonathan Swan as reserve Independent Persons to the Joint Standards Committee. The terms of office for the Independent Person and the two reserves expired on 7 February 2016.

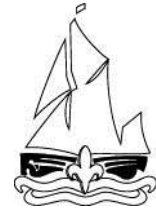
The Committee noted that although reliance on the Independent Person had been limited largely to consultation on stage 1 conduct complaints, the recent legislative change relating to the procedure for dismissal of statutory officers now involved a panel comprising at least two Independent Persons.

RESOLVED that the Monitoring Officer be authorised to proceed with the necessary arrangements for the recruitment of a new Independent Person and two reserve Independent Persons to take office on 8 February 2016 for a period of two years, with possible extension by the Monitoring Officer for a further period of two years.

There being no further items of business, the Chairman closed the meeting at 8.00pm.

REV. A E J SHRIMPTON
CHAIRMAN

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REPORT of MONITORING OFFICER

to

**JOINT STANDARDS COMMITTEE (SPECIAL MEETING)
18 DECEMBER 2015**

APPOINTMENT OF INDEPENDENT PERSON - REMUNERATION

1. PURPOSE OF THE REPORT

- 1.1 To review arrangements for the remuneration of the Independent Person(s).

2. AREA FOR DECISION / ACTION

- 2.1 The Localism Act 2011 required the Council to adopt a new Code of Conduct consistent with a number of principles set out in the Act, and arrangements for dealing with any alleged breach of the Code. In accordance with arrangements adopted by the Council, Mr Norman Hodson was appointed as the Independent Person, and Messrs Jonathan Swan and Ronald Anthony appointed as deputies. The Council subsequently decided to make provision for the term of office of the Independent Person(s) to be extended through to February 2016 and to authorise the Joint Standards Committee to make arrangements for future appointments. The final appointment will require Council approval.
- 2.2 The Monitoring Officer has been authorised to proceed with the necessary arrangements for the recruitment of a new Independent Person and two reserve Independent Persons to take office on 8 February 2016 for a period of two years, with possible extension by the Monitoring Officer for a further period of two years.
- 2.3 The Independent Person must be consulted by the authority before it makes a finding as to whether a Member has failed to comply with the Code of Conduct or decides on action to be taken in respect of that Member. They may be consulted by the authority in respect of a standards complaint at any other stage. Independent Persons may be invited to attend meetings of the Standards Committee, but are unlikely to be co-opted onto the Committee. Instead their role is one of consultation in respect of any investigation of an alleged breach of the Code before the Council takes a decision in relation to the allegation. The input of the current Independent Person has been valued.
- 2.4 The remuneration of the Independent Persons is now a matter for the Joint Standards Committee, and it would seem timely to review this given the recruitment process shortly to be undertaken. When this was last considered in August 2013 the Committee recommended £500 payable in half yearly instalments to just the Independent Person. The Council in September 2013 (Minute 379) however decided as follows:

- (i) that the Council Members' Broadband Allowance is payable to the Independent Person and that mileage for visits to and from the Council Offices is paid at the Council's agreed standard rate and on the basis of claims received;
- (ii) that any reserve Independent Person be also paid mileage on the basis of claims received;

The Council also delegated the determination of future remuneration of the Independent Persons to this Committee.

- 2.5 It is evident from information obtained from other local authorities and from the level of engagement of the Independent Person, that the present remuneration is unrealistic. While there may not be an even pattern of engagement, which will depend on the number and type of conduct complaints received, in recent months there have been five actual conduct complaints, plus numerous parish council matters and related matters, on which the Independent Person has been engaged which has included review meetings at these Offices.
- 2.6 It is considered that a flat rate allowance in the region of £500 per annum (pa) would be both appropriate and realistic. This will cover travelling, subsistence, stationery and Information and Communications Technology (ICT) expenses. It ought to be indicated to candidates that in exceptional cases, where an Independent Person was requested by the Monitoring Officer, and agreed, to devote significant additional time to a matter, an additional payment may be agreed. It is further proposed that any reserve Independent Persons be paid mileage as agreed previously agreed, but the situation would have to be reviewed if for some reason the Independent Person was unable to act and one of the deputies had to be engaged.

3. IMPACT ON CORPORATE GOALS

- 3.1 This links with the corporate goal of 'Delivering good quality, cost effective and valued services in a transparent way' and the desire for high ethical standards.

4. IMPLICATIONS

- (i) **Impact on Customers** – Meets the two core values of 'Transparent and Accountable' and 'Customer Focus' which supports the Council's corporate goals.
- (ii) **Impact on Equalities** – None.
- (iii) **Impact on Risk** – None of a corporate nature, although there is a risk of not being able to attract suitable and willing candidates unless a realistic remuneration offer is made.
- (iv) **Impact on Resources (financial)** – None.
- (v) **Impact on Resources (human)** – None.

(vi) **Impact on the Environment** – None.

5. RECOMMENDATIONS

- (i) that the payment to the Independent Person of an allowance inclusive of expenses in the sum of £500 per annum to be paid in half yearly instalments, and that reserve Independent Persons be reimbursed mileage on the basis of claims received; and
- (ii) that the Committee determines the arrangements for interviewing and appointment of Independent Persons arising from the current recruitment process..

Background Papers: None.

Enquiries to: Stuart Jennings, Committee Services Manager (Tel: 01621 875745).

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By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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