



**MINUTES of
JOINT STANDARDS COMMITTEE
17 AUGUST 2021**

PRESENT

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| Chairman | Councillor M G Bassenger |
| Vice-Chairman | Councillor Mrs J L Fleming, CC |
| Councillors | Miss A M Beale, C Mayes, S P Nunn and R H Siddall |
| Town Councillor | Councillor P Stilts |
| In attendance | Mr John Mitchell, the Independent Person |

210. CHAIRMAN'S NOTICES

The Chairman opened the meeting, welcomed Mr John Mitchell the new Independent Person to his first Joint Standards Committee and invited all present to introduce themselves for his benefit. He then took the Committee through some housekeeping arrangements for the meeting.

211. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor R P F Dewick and K W Jarvis.

212. MINUTES OF THE LAST MEETING

RESOLVED

- (i) that the Minutes of the Joint Standards Committee held on 22 February be received.

Minute 274- Complaint Against Councillor – Next Step

It was noted that the typographical error in paragraph 5, second sentence 'thiw as', should read as 'this was'.

RESOLVED

- (ii) that subject to the above amendment, the Minutes of the Joint Standards Committee held on 22 February 2021 be agreed.

213. DISCLOSURE OF INTEREST

There were no disclosures.

214. CONSULTATION ON COMPLAINTS PROCESS AND AMENDMENTS TO THE ARTICLES FOR STANDARDS ARRANGEMENTS

The Committee considered the report of the Monitoring Officer together with Appendix 1 that detailed the response to the consultation on the complaints process resulting in amendment to Article 7 of the Constitution. The Committee were asked to agree Recommendation to Council to approve the amendments to Appendix 1.

The Chairman introduced the report and deferred to the Lead Legal Specialist and Monitoring Officer to present the detail. He provided background to the report in that some Members had raised concerns regarding the Member complaints process and it was suggested by the Leader of the Council that an email consultation to canvass all Members' views be undertaken. It was noted that the response from Members was set out at paragraph 3.1 of the report and the Monitoring Officer's response to each of those was set out at a) to j) in paragraph 3.2 of the report. Those responses had resulted in a change to the Article 7 Complaints Process, which forms a part of the Constitution. Appendix 1 to the report outlined those tracked changes that the Committee were being asked to consider for recommendation to Council based on responses received.

There were a few other matters not included in the report that weren't the subject of member comment during the consultation, firstly as shown at Appendix 1, Stage 1 paragraph 5 this had been changed to 'Formal Investigation' to remove the process of the Monitoring Officer (MO) referring an item to the Joint Standards Committee (JSC) to determine if it should be investigated and whether it should be external, as this was a matter for the MO to decide and not JSC. The other matter related to the inclusion of the 'Public Interest Test' as a footnote at the end of Appendix 1. This addition had been agreed by JSC in January 2021 and provided the criteria that informed whether an investigation take place or not. For transparency this was also available to the public.

The Chairman then opened the debate and a lengthy discussion took place.

An issue was raised regarding the application of political balance rules in respect of the JSC and the Monitoring Officer provided legal advice. Members then went on to discuss in detail the amendments as a result of the consultation together with further amendments as follows:-

- That in respect of changes in Section 1 'Composition', paragraph c) relating to seeking nominations from parishes/town councils Councillor Nunn proposed *that an email be sent from Maldon District Council to all Parish Clerks asking for nominations by an agreed deadline, this to include the Terms of Reference for the Joint Standards Committee (JSC). Should nominations for representatives and substitutes not be forthcoming the fall-back position was to engage with the two respective Town Councils, Maldon Town Council and Burnham-on-Crouch Town Council.* This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.

In respect of the above agreed change it was noted that the Essex Association of Local Councils (EALC) was content not to have nomination powers.

- That in respect of changes at **Stage II**, under 'BREACH', the existing first bullet point be amended to read *'Following investigation the MO/IP consider and pursue informal resolution with a subsequent report to the Joint Standards Committee for information'*. This was a joint proposal by Councillors Nunn and Siddall, duly seconded by Councillor Mayes. The Chairman put this proposal to the Committee and it was agreed by assent.

- That with reference to Section 1'Composition', paragraph d) Councillor Siddall proposed *the Independent Person be appointed for a term of four years only*. This was seconded by Councillor Mayes. The Chairman put the proposal to the Committee and it was lost.
- That in respect of changes at **Stage I**, paragraph 4, Councillor Mayes proposed that the following be added to the second sentence '*within 15 working days of receipt of the complaint...*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.
- That in respect of changes at **Stage I**, paragraph 5, Councillor Mayes proposed that the second bullet point be merged with the third to read '*Informal Resolution which may include reference to Political Group Leader...*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.
- That in respect of changes at **Stage I**, paragraph 5, bullet point 5 'Formal Investigation' Councillor Nunn proposed that this be amended to read '*Formal Investigation to be commenced within 5 working days of the receipt of the request and concluded in a timely manner*'. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and it was agreed by assent.

There being no further amendments or discussion the Chairman moved the recommendation which was duly agreed by assent.

RECOMMENDED that the Council approve the changes to the Articles of the Constitution, Article 7- Standards Arrangements and especially to the complaints process (as set out in **Appendix 1** to these Minutes).

215. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN OF THE COMMITTEE DECIDES ARE URGENT

The meeting closed at 2.11 pm.

M G BASSENGER
CHAIRMAN

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