

5. TERMS OF REFERENCE

Members noted the terms of reference of the Committee as agreed by the Council on 18 June 2012, subject to review after 12 months.

Members discussed the terms of reference with a view to identifying matters to be considered at the review.

The Deputy Monitoring Officer reminded Members that the terms of reference were based on the model produced by the Public Law Partnership in an attempt to provide standardised arrangements for all authorities in the Partnership and that when the Council undertook its review account would also be taken of the views of that body to ensure as far as possible that a consistent approach would continue.

The Monitoring Officer advised that the Government had also indicated that a national review would be undertaken of the new standards regime after a few years of operation.

RESOLVED:

- (1) That the terms of reference of the Committee be noted; and
- (2) That as part of the review, the Council be recommended to amend the provision for inviting a parish councillor to be co-opted as a non-voting member of a Sub-Committee when consideration is given to a complaint about a parish councillor, to exclude from fulfilling that role dual-hatted members and members of the same parish/town council as the member who is subject to the complaint.

6. CODE OF CONDUCT AND PARTICIPATION BY MEMBERS

The Committee received the Code of Member Conduct adopted by the Council on 18 June 2012 which had been developed by the Public Law Partnership. Members noted that the Code had been adopted subject to review after 12 months.

The Deputy Monitoring Officer reported that the Council had noted that the new Code did not include the provisions included in the previous Code for members having an interest to make representations before leaving a meeting where the public had the right to speak. The Council had, therefore, requested this Committee to consider recommending a standing order to provide for the circumstances under which a member could make representations of this kind.

The Committee noted that Section 31 of the Localism Act 2011 made it clear that if a member was present at a meeting of the Council, its Executive or any Committee of the Executive, or of any Committee, Sub-Committee, Joint Committee or Joint Sub-Committee of the Authority, and had a disclosable pecuniary interest relating to business which was to be considered at the meeting, he/she could not:

- (a) participate in any discussion of the business at the meeting; or
- (b) participate in any vote on the matter at the meeting.

The Committee also took account of the Department for Communities and Local Government Guide for Councillors on the new standard arrangements which stated

that these prohibitions applied to any form of participation, including speaking as a member of the public.

The Monitoring Officer advised that it would be inappropriate to have a standing order which was contrary to statute and in the event of a challenge the law would prevail.

The Committee discussed the possibility of members having a disclosable pecuniary interest and wishing to make representations before leaving a meeting where the public had the right to speak being required to seek a dispensation. Attention was drawn to the adopted terms of reference of the Committee in relation to the granting of dispensations:

(a) the Committee to consider granting dispensations after consultation with the independent person(s) pursuant to Section 33(2)(b), (c) and (e) of the Localism Act 2012; and

(b) the Monitoring Officer to grant dispensations after consultation with the independent person(s) pursuant to Section 33(2)(a) and (d) of the Localism Act 2012.

Members suggested that the issue would be likely to arise mainly at meetings considering planning applications and expressed concern about the timescale for determining requests for dispensation, particularly those requiring a decision of the Standards Committee bearing in mind that members would only become aware of a planning application going to a committee approximately 10 days before a meeting.

RESOLVED:

(1) That the Code of Member Conduct adopted by the Council on 18 June 2012 be noted;

(2) That a report be submitted to the Council:

(a) explaining the reasons why it is inappropriate to have a standing order allowing for members having a disclosable pecuniary interest to make representations before leaving a meeting where the public have the right to speak; and

(b) recommending that in such circumstances a member should seek a dispensation; and

(3) That a report be submitted to the next meeting of the Committee suggesting a process for dealing with Member requests for dispensation bearing in mind the likely timescales involved.

7. COMPLAINTS PROCEDURES

The Committee noted the complaints procedures adopted by the Council on 18 June 2012 which had been developed by the Public Law Partnership. Members also noted that these documents had been adopted subject to review after 12 months.

8. PARISH/TOWN COUNCIL ARRANGEMENTS

The Deputy Monitoring Officer reported that whilst under the new standards regime it was optional for District and Town/Parish Councils to have a Standards Committee, it was necessary for all councils to adopt a Code of Conduct and a complaints procedure. The Committee noted that whilst some of the Parish/Town Councils in the District had affiliated to the District Council's Standards Committee, others had affiliated to a Joint Standards Committee for Parish and Town Councils. The current position was as follows:

(a) Standards Committee Arrangements

Affiliated to the District Council's Standards Committee:

Chigwell, Epping Upland (subject to review after one year), Matching, Roydon, Sheering, Willingale (6);

Affiliate to the Joint Standards Committee for Parish and Town Councils:

Buckhurst Hill, Epping Town, Lambourne, Loughton Town, Moreton, Bobbingworth and The Lavers, Nazeing, North Weald Bassett, Ongar Town, Stanford Rivers, Stapleford Abbots, Theydon Bois (11);

Not wishing to affiliate to any Standards Committee:

High Ongar, Theydon Mount (2).

(b) Codes of Conduct and Complaints Procedures

The Committee noted that in relation to Codes of Conduct and complaints procedures the position was as follows:

Adopted the Public Law Partnership Code/complaints procedure:

Buckhurst Hill, Chigwell, Epping Town, Epping Upland, Lambourne, Loughton Town, Matching, Moreton, Bobbingworth and The Lavers, Nazeing, North Weald Bassett, Ongar Town, Roydon, Sheering, Stanford Rivers, Stapleford Abbots, Theydon Bois, Willingale (17);

Adopted the National Association of Local Councils Code and own complaints procedure:

High Ongar (1);

Using own code and complaints procedure:

Theydon Mount (1).

(c) Outstanding Issues

The meeting noted that five parish/town councils had yet to inform the Monitoring Officer of their adoption of a Code of Conduct and a complaints procedure.

The Monitoring Officer reported that a further meeting was to be held shortly with representatives of the Joint Committee for Parish and Town Councils in order to agree delegation authorities. She also reported that she would continue to seek

copies of the Codes of Conduct and complaints procedures of those Parish and Town Councils not adopting the Public Law Partnership model.

RESOLVED:

That a further report be made to the next meeting of the Committee on the outcome of further discussions with Town and Parish Councils.

9. PARISH AND TOWN COUNCIL REPRESENTATION

The Deputy Monitoring Officer reported that the Committee's Constitution envisaged that those Parish/Town Councils wishing to affiliate to this Committee should be represented at meetings of the Committee by non-voting representatives.

The Committee considered how the representation arrangements should operate.

RESOLVED:

- (1) That the Clerks of the six Parish Councils who have to date chosen to join this Committee be asked to liaise and nominate three non-voting representatives to serve on the Committee for the remainder of the current municipal year, subject to there being no more than one member nominated from any one authority; and
- (2) That copies of the agenda, reports and minutes of the Committee be sent to the clerks of the Parish Councils choosing to join the Committee.

10. APPOINTMENT OF INDEPENDENT PERSONS

The Committee noted that the under-mentioned had been appointed by the Council on 27 September 2012 as independent persons for the purposes of Section 28 of the Localism Act 2011 following consideration of the recommendations of the Panel which had interviewed applicants:

Mr P Adams
Mr D Cooper
Mr J Guth (Independent Member of the former Standards Committee - until 30 June 2013)
Mr R Pratt: and
Mr K Adams as a reserve member

The Deputy Monitoring Officer reported that arrangements were being made for a training session for the independent persons on 25 October 2012. He encouraged members of the Standards Committee to attend that session.

11. FORMER MEMBERS OF THE STANDARDS COMMITTEE

The Chairman reported on the contributions made to the standards regime by the following members of the former Standards Committee:

Parish/Town Councillors Daphne Borton, Chris Pond and Brian Surtees
Independent Members – Richard Crone, Jason Guth and Murray Wright

RESOLVED:

That letters of thanks for their service be sent to the Parish/Town Councillors and Independent Members of the former Standards Committee.

12. NEW STANDARDS ARRANGEMENTS - DELEGATION

The Committee considered delegation issues which had become apparent since the Council had considered the new standards regime on 18 June 2012.

RESOLVED:

(1) That the following arrangements agreed by the Monitoring Officer in respect of her delegated powers under Chapter 7 of the Localism Act 2011 in respect of the District Council and the affiliated Parish Councils be noted:

(a) Deputy Monitoring Officer – authorised to act in the absence of the Monitoring Officer on all standards matters and as Code of Conduct complaint investigator when so appointed by the Monitoring Officer including liaison with independent persons;

(b) Assistant Director (Democratic Services) – authorised to act on behalf of the Monitoring Officer in respect of all hearings concerning Code of Conduct complaints and related matters including liaison with independent persons and

(c) Senior Democratic Services Officer – authorised to administer the process of initial complaint handling including liaison with independent persons and making recommendations to the Monitoring Officer on decisions as to whether complaints should (or should not) be investigated, referred for other action not involving a formal investigation and any complaints requiring reference to other legal processes;

(2) That a report be submitted to the Council recommending that the Monitoring Officer's existing delegated authority under the Localism Act 2011 be extended to cover action in respect of any Parish/Town Council affiliated from time to time to this Committee; and

(3) That a further report be submitted to a future meeting on any delegated powers to be granted by the Council to the Joint Parish Council Standards Committee following further discussions with Parish and Town Council representatives.

13. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS

The Committee received a schedule regarding current allegations made about the conduct of District and Parish/Town Councillors.

14. DATES OF FUTURE MEETINGS

The Committee noted that the District Council's calendar for 2012/13 provided for meetings of the Committee on 13 December 2012 and 28 March 2013.

Members noted that additional meetings could be arranged as and when required.

15. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
17	Allegations made about the Conduct of District and Parish/ Town Councillors – Issues Arising	1

16. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS – ISSUES ARISING

The Committee gave further consideration to the schedule regarding current allegations made about the conduct of District and Parish/Town Councillors.

CHAIRMAN