



Epping Forest District Council

STANDARDS COMMITTEE **Tuesday, 2nd October, 2012**

You are invited to attend the next meeting of **Standards Committee**, which will be held at:

Committee Room 1, Civic Offices, High Street, Epping
on Tuesday, 2nd October, 2012
at 7.30 pm .

Derek Macnab
Acting Chief Executive

Democratic Services
Officer

G Lunnun (The Office of the Chief Executive)
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

Members:

Councillors K Angold-Stephens, G Chambers, Ms H Kane, A Mitchell MBE, Mrs C Pond, B Rolfe, Mrs P Smith, D Stallan and Mrs J H Whitehouse

1. ELECTION OF CHAIRMAN - 2012/13

To elect a Chairman of the Committee for the municipal year 2012/13.

2. APPOINTMENT OF VICE-CHAIRMAN - 2012/13

To appoint a Vice-Chairman of the Committee for the municipal year 2012/13.

3. APOLOGIES FOR ABSENCE

4. MINUTES (Pages 7 - 14)

To approve as a correct record the minutes of the meeting of the former Standards Committee held on 2 February 2012 (attached).

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. TERMS OF REFERENCE (Pages 15 - 18)

Recommendation:

To note the Terms of Reference of the Committee

(Monitoring Officer) The attached terms of reference for the Committee were agreed by the Council on 18 June 2012.

7. CODE OF CONDUCT AND PARTICIPATION BY MEMBERS (Pages 19 - 36)

(Monitoring Officer) To consider the attached report.

8. COMPLAINTS PROCEDURES (Pages 37 - 54)

Recommendation:

That the Complaints Procedures adopted by the District Council on 18 June 2012 be noted.

(Monitoring Officer) At its meeting on 18 June 2012, the Council adopted the attached Complaints Procedures which had been developed by the Public Law Partnership. These documents were adopted subject to review after 12 months.

9. PARISH/TOWN COUNCIL ARRANGEMENTS (Pages 55 - 60)

(Deputy Monitoring Officer) To consider the attached report.

10. PARISH & TOWN COUNCIL REPRESENTATION

Recommendation:

To consider arrangements for securing non-voting representation to Parish Councils affiliating to this Committee.

(Deputy Monitoring Officer) This Committee's Constitution envisages that those Parish Councils which wish to affiliate to this Council's Standards Committee should be represented at meetings of this Committee by non voting representatives. In legal terms, it has been established that non voting status must apply as this Standards Committee is not a Joint Committee under the Local Government Act 1972.

The Committee is asked to consider how the representation arrangements should operate in respect of the six Parish Councils who have so far chosen to join this Committee.

Possible options are:

a) one representative per Parish Council; or

b) two or three representatives with the parishes concerned asked to agree their representatives.

11. APPOINTMENT OF INDEPENDENT PERSONS

(Monitoring Officer) An oral report will be made on the appointment by the Council on 27 September 2012 of Independent Persons following consideration of the recommendations of the Panel which interviewed applicants.

Independent members appointed will be entitled to attend meetings of this Committee in a non-voting capacity.

12. FORMER MEMBERS OF THE STANDARDS COMMITTEE

To acknowledge the contribution of the following former members of the Committee:

Parish/Town Councillors Daphne Borton, Chris Pond and Brian Surtees

Independent Members – Richard Crone, Jason Guth and Murray Wright.

13. NEW STANDARDS ARRANGEMENTS - DELEGATION (Pages 61 - 62)

(Deputy Monitoring Officer) To consider the attached report.

14. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 63 - 66)

(Monitoring Officer) To consider the attached schedule showing the current position of active cases.

15. DATES OF FUTURE MEETINGS

(Monitoring Officer) The calendar for 2012/13 provides for meetings of the Committee on 13 December 2012 and 28 March 2013.

Additional meetings can be arranged as and when required by the Committee.

16. EXCLUSION OF PUBLIC AND PRESS

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

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

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
<i>Nil</i>	<i>Nil</i>

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.

17. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILS - ISSUES ARISING

(Monitoring Officer) To discuss issues arising, if any, from active cases listed on the schedule for item 14.

This page is intentionally left blank

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** 2 February 2012

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.12 pm

Members Present: R Crone (Independent Member)(Chairman), J Guth (Independent Member), M Wright (Independent Member), Councillor Mrs A Grigg (EFDC Appointee), Councillor Mrs J H Whitehouse (EFDC Appointee), Councillor Mrs D Borton (Parish or Town Council Representative), Councillor C Pond (Parish or Town Council Representative) and Councillor B Surtees (Parish or Town Council Representative)

Other Councillors:

Apologies: Councillor A Mitchell MBE

Officers Present: C O'Boyle (Monitoring Officer), I Willett (Deputy Monitoring Officer), G Lunnun (Allegations Determination Manager and S G Hill (Local Assessments Officer)

1. MEMBERSHIP OF THE COMMITTEE

The Chairman welcomed Councillor Chris Pond (Parish/Town Council representative nominated by the Essex Association of Local Councils – Epping Forest Branch) to his first meeting of the Standards Committee.

The Chairman advised that the District Council had appointed Councillor Ann Mitchell MBE as a new member to the Committee but she was unable to be present at this meeting.

2. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Town Councillor Chris Pond declared a personal interest in agenda item 5 (Localism Act 2011 – New Standards Regime) by virtue of being a member of the Essex County Council and Essex Fire Authority Joint Standards Committee and in agenda item 8 (Allegations made about the conduct of District and Parish/Town Councillors) by virtue of being a member of Loughton Town Council. The Councillor advised that he had determined that his interests were not prejudicial and that he would remain in the meeting for the consideration of the matters.

3. LOCALISM ACT 2011 - NEW STANDARDS REGIME

The Committee considered a report describing the changes and actions required for the Council to implement the regulation of standards of conduct for elected and co-opted members introduced in the Localism Act 2011. Members noted that the date

for implementation of the required changes would be 1 July 2012 but that from 31 January 2012 Standards for England had ceased to operate its regulatory functions and would be abolished no later than 31 March 2012.

The Committee was advised that Chapter 7 of the Localism Act 2011 (Sections 26-37) dealt with standards issues. Members noted that the Act repealed Section 55 of the Local Government Act 2000 which provided for the current statutory Standards Committee. As a result in future there would be no requirement for a Standards Committee but the District Council would have to decide whether to deal with standards issues and casework through a discretionary local Standards Committee or some other forum. If a Standards Committee was established it would be a normal Committee of the Council and as a result would comprise members of the District Council only with the composition governed by proportionality.

The Deputy Monitoring Officer reported that a new category of Independent Person had been created under the Act who had to be consulted at various stages of a complaints process. The Independent Person could be invited to attend meetings of the Standards Committee but could not be co-opted onto the Committee. The current co-opted Independent members of the Committee would cease to hold office and would be unable to serve as new Independent Persons for the District Council for five years.

The Deputy Monitoring Officer advised that the District Council would continue to have responsibility for dealing with standards complaints against elected and co-opted members of Parish Councils but the current Parish Council representatives on the Committee would cease to hold office. The District Council could choose whether to involve Parish Council representatives and, if so, it would need to determine how many Parish Council representatives there should be.

The Committee noted that in summary there was a choice between:

- (a) establishing a Standards Committee as a Committee of the District Council with co-opted but non voting Parish Council representatives (who could then make recommendations in respect of Parish Council members); or
- (b) establishing a Standards Committee as a Joint Committee with some or all Parish Councils which would have a set number of Parish Council representatives as voting members on the Committee (thus being able to take decisions in respect of Parish Council members and subject to Parish Councils having delegated such powers to the Joint Committee); and
- (c) arranging for standards issues to be dealt with by the Monitoring Officer or in some other forum, eg. the existing Audit and Governance Committee.

The Committee also discussed the possibility of Parish Councils or a group of Parish Councils having their own Standards Committee.

The Deputy Monitoring Officer advised that many of the discretionary features of the new standards arrangements were thought likely to benefit from a consistent approach across local authorities such as the Code of Conduct, complaints procedures, Independent Persons. He advised that the Public Law Partnership (a partnership of the Legal Services of all the Essex Councils, Suffolk County Council, Hertfordshire County, District and Borough Councils, Essex Fire and Rescue Service and Lee Valley Regional Park Authority) had been undertaking work to prepare common, arrangements with a view to relevant Councils formally adopting those

models. The Committee considered the latest drafts of the following documents being developed by the Partnership:

- (a) Terms of Reference of Standards Committee;
- (b) Code of Conduct;
- (c) Complaints Procedure;
- (d) Complaints Procedure – Flowchart;
- (e) Standards Committee – Hearing procedure; and
- (f) Complaint Form.

The Deputy Monitoring Officer informed the Committee that the Council had to adopt a new Code of Conduct governing elected and co-opted members when acting in that capacity. The new Code of Conduct had to be consistent with the following seven principles:

Selflessness;
Integrity;
Objectivity;
Accountability;
Openness;
Honesty; and
Leadership.

The Committee noted the model Code being worked up by the Public Law Partnership and the suggestion that the Council should adopt a separate Standing Order requiring any member who had registered a disclosable pecuniary interest to withdraw from the meeting during the consideration of that item.

The Committee noted that the Act required the Council to adopt “arrangements” for dealing with complaints of breaches of the Code of Conduct both by District Council and Parish Council members. The Deputy Monitoring Officer reported that the Localism Act had repealed the requirements for separate Referrals, Reviews and Hearings of Sub-Committees and enabled the Council to establish its own processes, including delegation of decision-making. The Committee noted the need for processes to cover:

- (a) whether to investigate a complaint;
- (b) no breach of code finding on investigation;
- (c) breach of code finding on investigation;
- (d) action in response to a finding of a failure to comply with the Code; and
- (e) appeals.

In relation to the new Independent Person, the Committee discussed the role, the term of office, the process of appointing, those who could not be considered for this position, and the remuneration for the position. The Monitoring Officer advised that the Public Law Partnership were investigating the possibility of setting up a register of

existing Standards Committee Independent Members with a view to them being approached by authorities other than their current one to act as an Independent Person across the area of the Partnership.

Members were advised that the Act required the Monitoring Officer to maintain a register of disclosable personal interests not only for the District Council but also for all Parish/Town Councils in the District. Members noted that registers had to be available for inspection at the District Council Offices and also on its website. The Committee discussed the workload required to compile and maintain the registers of the District Council and the current 24 Parish/Town Councils. Members noted that some preliminary work had already been commenced with Parish/Town Councils in order to ensure that officers were in the best position possible to compile the registers when the necessary regulations had been made. The Deputy Monitoring Officer advised that failure to register a disclosable pecuniary interest had been made a criminal offence.

The Committee discussed the new provisions in relation to dispensations.

RESOLVED:

That the officers (a) consult Parish and Town Councils about their future involvement in the new Standards regime; (b) consult with the Leaders of Political Groups of the District Council on future arrangements; (c) continue to work with the Public Law Partnership with a view to achieving a consistent approach as far as possible by all authorities in the Partnership and (d) submit a report to the District Council meeting on 27 March 2012 to enable decisions to be taken on the following matters:

Proper Officer

(1) That the Monitoring Officer be appointed as proper officer for the purposes of Sections 26 – 37 of the Localism Act 2011 with the Deputy Monitoring Officer authorised to act in the Monitoring Officer's absence.

Standards Committee

(2) That the Council determine whether to appoint a Standards Committee to assume responsibility for the new standards arrangements which will come into operation on 1 July 2012;

(3) That the Monitoring Officer submit proposals to the Council before 1 July 2012 on the following:

(a) the terms of reference and Constitution for a Standards Committee including the number of councillors to serve on this Committee and the number of executive members to be appointed;

(b) that, in principle, the Council approves the adoption of a model form of Standards Committee constitution currently being developed by the Essex Public Legal Partnership (PLP); and

(c) the results of consultation with parish and town councils in the District on whether those councils are to participate in any Standards Committee established by this Council.

Code of Conduct

- (4) That the Council agrees, in principle, to adopt the Model Code of Conduct being developed by the PLP so as to ensure that there is a uniform Code across the region, which takes account of the statutory definition of disclosable pecuniary interests and any other interests which Councils jointly agree should be included in the Code of Conduct;
- (5) That the Monitoring Officer be authorised to carry out further consultation with parish and town councils as to their wishes in regard to a uniform Code of Conduct within the District and to report back to the Council before 1 July 2012.

Arrangements for Dealing with Complaints

- (6) That the Council agrees, in principle, to adopt model complaints procedures under Section 28 of the Act currently being developed by the PLP;
- (7) That the Monitoring Officer report back on the details of the complaints procedure before 1 July 2012;
- (8) That the Monitoring Officer be authorised under the proposed complaints arrangements when adopted to:
- (a) determine whether a complaint merits formal investigation after consultation with the independent person;
 - (b) to arrange any such investigation;
 - (c) to seek resolution of complaints without formal investigations wherever practicable;
 - (d) to submit regular reports to the Standards Committee on the exercise of this delegated authority under (a), (b) and (c) above;
 - (e) to refer decisions on whether to investigate any complaint to the Standards Committee, if it is considered that this is appropriate;
 - (f) to close any complaint where an investigation finds no breach of the Code of Conduct, subject to the report and the findings from the investigation being provided to the subject councillor, the independent person and to the Standards Committee;
 - (g) to seek local resolution of any complaint where an investigation finds evidence of a failure to comply subject to the following:
 - (i) consultation with the independent person and the complainant;
 - (ii) a summary report being made to the Standards Committee on the action taken; and
 - (h) to refer any investigation report where local resolution is not possible to a hearing Sub-Committee of the Standards Committee for consideration.

The Independent person(s)

(9) That the Council agrees in principle to support the creation of a register of independent persons in the event that the existing independent members of the present Standards Committee are precluded from carrying out this role;

(10) That, in the event that the Localism Act 2011 is amended by Government regulations so as to permit existing independent members to become independent persons, the Council authorises the Monitoring Officer to place a public advertisement inviting applicants for these positions from among the existing independent members of the Standards Committee and other suitably qualified members of the public;

(11) That the Council determine at this meeting how many independent persons are to be recruited;

(12) That an appointments panel be created in order to interview applicants for the position of independent person, this panel to have five members appointed on a cross-party basis (i.e. Conservative: 3, LRA: 1 and Liberal Democrat: 1);

(13) That the Council determine whether the positions of independent persons should be remunerated on the same basis as the existing independent members of the Standards Committee (i.e. £ 500 + travel/subsistence);

Register of Members' Interests

(14) That the Monitoring Officer be authorised to prepare, maintain and publish registers of members' interests in respect of this Council and all Parish and Town Councils in the District and to make these available for public inspection at the Civic Offices, Epping, on the District Council's website and (where appropriate) on the websites of parish and town councils;

(15) That, in principle, the format for the registration of members' interests be adopted on the basis of proposals being developed by the PLP on which the Monitoring Officer will submit a further report before 1 July 2012;

Standing Order Requiring Members of Councils to Leave Meetings in respect of Disclosable Pecuniary Interests

(16) That the following new Council Procedure Rule (to be numbered (3)) be included in the Constitution:

"(3) Any member of the Council who has registered a disclosable pecuniary interest or has a pending notification of such interest in any items of business to be considered by the authority, must withdraw from the Council Chamber (or other meeting room) including the public gallery during the whole consideration of that item except if he or she is permitted to remain as a result of a dispensation.

Such requirements shall also apply to any Cabinet members with a disclosable pecuniary interest (including a pending notification) who shall be debarred from determining any matter which they would otherwise have dealt with as a portfolio holder under delegated authority.

Where a member of the Council has not registered such an interest or does not have appending notification, they shall declare the existence and nature of that interest and withdraw from the meeting during discussion of any relevant item of business."

- (17) That Council Procedure Rule 25 be amended so as to apply the new rule (3) above to all meetings of the Council.
- (18) That the Monitoring Officer report back on any further amendments to the proposed Council procedure rule changes which arise from the adoption of a Code of Conduct dealing with other pecuniary and non-pecuniary interests;

Dispensations

- (19) That the Monitoring Officer be authorised to determine all applications for dispensations from the effect of Section 31(4) of the Localism Act 2011 (exclusion as a result of a disclosable interest) unless it is the decision of this Council to appoint a Standards Committee;
- (20) That, in the event that the Council decides at this meeting to appoint a Standards Committee, the Monitoring Officer report back on those dispensations which would be more appropriate for consideration by a Standards Committee and those which could be dealt with by the Monitoring Officer under delegated authority.

Final Agreement of New Standards Proposals

- (21) That the Council give consideration to holding an additional Council meeting in June 2012 in order to receive further reports on the new Standards regime so as to enable the arrangements to come into operation on 1 July 2012 as required by the Localism Act 2011.

4. LOCALISM ACT 2011 - BRIEFING ON NEW STANDARDS REGIME - 11 FEBRUARY 2012

The attention of the Committee was drawn to a course being held in the Council Chamber on 11 February 2012 from 10.00 a.m. until 12.00 noon. Members noted that the course was suitable for District Councillors, Parish/Town Councillors and Independent members of the Standards Committee. The Deputy Monitoring Officer advised that the course would provide an outline of the statutory provisions and highlight those matters on which the District Council and Parish/Town Councils would have to address in the coming months. Reference would also be made to the provisions in the Localism Act 2011 regarding "pre-determination" of decisions by members in decision-making.

5. INVESTIGATIONS UNDERTAKEN BY THE MONITORING OFFICER AND DEPUTY MONITORING OFFICER FOR OTHER AUTHORITIES

The Committee was advised that as part of reciprocal arrangements in Essex to avoid the expense of external investigations, the Monitoring Officer and the Deputy Monitoring Officer had undertaken investigations for other authorities. The Monitoring Officer reported that she had undertaken an investigation in relation to a Harlow District councillor which had resulted in no further action.

being taken. The Deputy Monitoring Officer advised that he had undertaken an investigation for Basildon District Council and was currently awaiting to hear from that authority following the submission of his report.

6. 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.

7. DATES OF FUTURE MEETINGS

The Committee noted that the District Council's calendar for 2011/12 provided for a meeting of the Committee on 19 April 2012.

Members also noted that the calendar for 2012/13 provided for meetings of the Committee on 28 June 2012, 2 October 2012, 13 December 2012 and 28 March 2013 but these dates might have to be revised in view of the new regime to be introduced from 1 July 2012.

8. 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>
11	Allegations made about the Conduct of District and Parish/Town Councillors – Issues Arising.	1

9. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - ISSUES ARISING

The Committee considered the schedule regarding current allegations made about the conduct of District and Parish/Town Councillors. Members discussed the possible outcome of those cases under the proposed new regime.

CHAIRMAN

ANNEX 1

Terms of Reference for Standards Committee

STANDARDS COMMITTEE	
<p>Appointed by:</p> <p>The Council, in accordance with the provisions of S101 & S102 Local Government Act 1972 and Regulations made thereunder.</p> <p>Appointment of a Standards Committee shall be by full Council</p>	<p>Number of Members:</p> <p>9 elected Members appointed proportionally (of whom 1 member may be a member of the Executive nominated by the Leader of the Council)</p> <p>Parish/Town Councils to be invited to nominate one Parish/Town Councillor to be co-opted as a non-voting member.</p>
<p>Chairman and Vice-Chairman appointed by:</p> <ol style="list-style-type: none"> 1. The Chairman will be elected by the Committee. 2. There will be one Vice-Chairman, who shall be elected by the Committee 3. The Vice-Chairman shall deputise for the Chairman in his or her absence. 	<p>Political Proportionality:</p> <p>Rules of political proportionality apply.</p> <p>Substitutes:</p> <p>Substitutes are permitted for the Standards Committee.</p> <p>Frequency:</p> <p>At least quarterly.</p> <p>Venue:</p> <p>As set out in the approved Calendar of Meetings.</p>
<p>Independent Persons:</p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p>The Independent Persons:</p> <p>The Independent Persons to be invited to attend the meetings of the Standards Committee</p>
<p>Quorum:</p> <p>At least 3 voting Members of the Committee</p>	
<p>Terms of Reference:</p>	

The Standards Committee will have the following roles and functions:

- (a) promoting and maintaining high standards of conduct by Members and Co-Opted Members of the authority;
- (b) advising and assisting Parish/Town Councils and Councillors to maintain high standards of conduct and to make recommendation to Parish/Town Councils on improving standards or actions following a finding of a failure by a Parish/Town Councillor to comply with the Code of Conduct
- (c) conducting hearings on behalf of the Parish/Town Councils
- (d) advising the Council on the adoption or revision of the Members' Code of Conduct;
- (e) receiving referrals from the Monitoring Officer into allegations of misconduct in accordance with the Authority's assessment criteria
- (f) receiving reports from the Monitoring Officer and assessing the operation and effectiveness of the Members' Code of Conduct;
- (g) advising, training or arranging to train Members and Co-Opted Members on matters relating to the Members' Code of Conduct;
- (h) assisting Councillors and Co-opted Members to observe the Members' Code of Conduct;
- (i) hearing and determining complaints about Members and Co-Opted Members referred to it by the Monitoring Officer;
- (j) advising the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council
- (k) maintaining oversight of the Council's arrangements for dealing with complaints
- (l) informing Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints.
- (m) appointing a Sub-Committee
- (n) granting dispensations after consultation with the Independent Person(s) pursuant to S33(2) (b), (c) and (e) of the Localism Act 2011
- (o) hearing and determining appeals against refusal to grant dispensations by the Monitoring Officer pursuant to S33(2)(a) and (d) of the Localism Act 2011

STANDARDS SUB-COMMITTEE

Appointed by:

The Council, for the purposes of section 28(6 and (7) of the Localism Act 2011

Number of Elected Members:

5 Members appointed from Members of the Standards Committee.

<p>Chairman and Vice-Chairman appointed by:</p> <p>The Chairman shall be elected by the Sub-Committee at each meeting.</p>	<p>Political Proportionality:</p> <p>Rules of political proportionality apply.</p> <p>Substitutes:</p> <p>None.</p> <p>Frequency:</p> <p>As and when required.</p> <p>Venue:</p> <p>To be determined by the Monitoring Officer.</p>
<p>Quorum:</p> <p>At least 3 voting Members</p>	<p>Parish Councillor to be invited to be co-opted as non-voting member in dealing with a complaint against a Parish Councillor</p>
<p>Independent Persons:</p> <p>Appointment approved by full Council in accordance with the provisions of Section 28(6) and (7) of the Localism Act 2011</p>	<p>The Independent Persons:</p> <p>The Independent Person(s) to attend the meetings of the Standards Committee dealing with hearings into allegations of misconduct</p>
<p>Terms of Reference</p> <p>To conduct a Hearing into an allegation that a Member or Co-opted Member has breached the Authority's Code of Conduct.</p> <p>Following a Hearing, make one of the following findings:</p> <ul style="list-style-type: none"> (f) That the Member has not failed to comply with the Code of Conduct and no further action needs to be taken in respect of the matters considered at the Hearing (g) That the Member has failed to comply with the Code of Conduct but that no further action needs to be taken in respect of the matters considered at the Hearing (h) That the Member has failed to comply with the Code of Conduct and that a sanction and/or an informal resolution should be imposed <p>The Sub-Committee may impose any action or combination of actions available to it, or impose any informal resolution or combination of informal resolutions as are available to it by law or policy.</p>	

After making a finding the Sub-Committee shall, as soon as reasonably practicable provide written notice of its findings and the reasons for its decision to the Member and complainant.

Report to the Standards Committee

Date of meeting: 2 October 2012

Report of: Monitoring Officer

Subject: Code of Conduct and Participation by Members

Officer Contact for further information: Colleen O'Boyle (01992 564475)/Ian Willett (01992 564143)

Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendations:

- (1) That the Members' Code of Conduct adopted by the District Council on 18 June 2012 be noted; and**
- (2) To recommend to the Council that members having an interest and wishing to make representations before leaving a meeting where the public have the right to speak be required to seek a dispensation.**

(Monitoring Officer) At its meeting on 18 June 2012, the Council adopted the attached Code of Conduct and Complaints Procedures which had been developed by the Public Law Partnership.

In adopting the Code of Conduct, it was agreed that this should be reviewed after one year.

The Council noted that the Code of Conduct does not include the provisions in the previous Code for members having an interest to make representations before leaving a meeting where the public have the right to speak. The Council requested this Committee to recommend a standing order to provide for the circumstances under which a member can make representations of this kind.

In considering this matter the Committee should have regard to the relevant attached statutory provision (section 31 of the Localism Act 2011). The legislation makes it clear that if a member is 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 has a disclosable pecuniary interest relating to business which is to be considered at the meeting, he/she must 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 Department for Communities and Local Government Guide for Councillors on the new standard arrangements states that these prohibitions apply to any form of participation, including speaking as a member of the public.

It would be inappropriate to have a standing order which is contrary to statute and in the event of a challenge the law would provide.

However, in certain circumstances a request for dispensation in accordance with section 33 of the Act (also attached) could be appropriate and it is suggested that the Committee recommend accordingly.



Localism Act 2011

**Promoting and Maintaining High Standards of
Conduct in Local Government**

CODE OF MEMBER CONDUCT

COUNCILLOR CODE OF CONDUCT

PART 1 GENERAL PROVISIONS

Introduction and interpretation

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” which are set out in Appendix 1 and the provisions of S29(1) Localism Act 2011

In this Code-

“meeting” means any meeting of:

- (a) the authority
- (b) the Executive of the authority
- (c) any of the authority’s or its executive’s committees, sub-committees, joint committees, joint sub-committees or areas committees whether or not the press and public are excluded from the meeting in question by virtue of a resolution of members
- (d) any briefings by officers and site visits organised by the authority

“relevant period” means the period of 12 months ending with the day on which you give notification to the authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“profit or gain” includes any payments or benefits in kind which are subject to Income Tax

“beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale

“member” includes a co-opted member.

1. Who does the Code apply to?

- (1) This Code applies to all members of *[name of authority]*, including co-opted members.
- (2) It is your responsibility to comply with the provisions of this Code.

2. What does the Code apply to?

- (1) You must comply with this Code whenever you -
 - (a) conduct the business of your authority, or
 - (b) you are acting as a representative of your authority,
- (2) This Code has effect in relation to your conduct in your official capacity.
- (3) Where you act as a representative of your authority--
 - (a) on another relevant authority, you must, when acting for that other authority, comply with that other authority's code of conduct; or
 - (b) on any other body, you must, when acting for that other body, comply with your authority's code of conduct, except and insofar as it conflicts with any other lawful obligations to which that other body may be subject.

3. General obligations

- (1) You must treat others with respect.
- (2) You must uphold the law
- (2) You must not--
 - (a) do anything which may cause your authority to breach any of the equality enactments
 - (b) bully any person;
 - (c) intimidate or attempt to intimidate any person who is or is likely to be--
 - (i) a complainant,
 - (ii) a witness, or
 - (iii) involved in the administration of any investigation or proceedings,in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
 - (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

4. Confidential Information

You must not--

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where--
 - (i) you have the consent of a person authorised to give it;
 - (ii) you are required by law to do so;
 - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
 - (iv) the disclosure is--
 - (aa) reasonable and in the public interest; and
 - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

5. Conferring an advantage or disadvantage

You--

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority--
 - (i) act in accordance with your authority's reasonable requirements;
 - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

PART 2 MEMBERS INTERESTS

6. Disclosable Pecuniary Interests

6.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours
- (b) An interest of your spouse
- (c) An interest of your civil partner
- (d) An interest of a person you are living with as a spouse or civil partner

And in the case of paragraphs 6.1 (b) – 6.1 (c) (“relevant persons”) where you are aware that that relevant person has the interest

6.2 It relates to or is likely to affect:

- i. Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
- ii. Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992 other than from a registered political party;
- iii. Any beneficial interest in securities of a body where-
 - 1. that body (to your knowledge) has a place of business or land in the area of your authority and
 - 2. either:
 - a. the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - b. the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class,

the total nominal value of the shares of any one class

- iv. Any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;
- v. A beneficial interest in any land in your authority's area
- vi. any tenancy where to your knowledge (a) the landlord is your authority and (b) the tenant is a body in which you or a relevant person has a beneficial interest
- vii. a licence of any land in your authority's area (alone or jointly with others) that you or a relevant person occupy for a month or longer;

7. Other Pecuniary Interests

7.1 You have a pecuniary interest in any business of your authority where either-

(b) It relates to or is likely to affect:

- i. ;
- ii. any person or body who employs or has appointed you;
- iii. ;
- iv. any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 6.2.(iii) which has been fully discharged within the last 12 months;

8. Non-Pecuniary Interests

8.1 You have a non-pecuniary interest in any business of your authority where either:-

(a) it relates to or is likely to affect-

- i. any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by your authority;
- ii. any body-

1. exercising functions of a public nature;
 2. directed to charitable purposes; or
 3. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);
- of which you are a member or in a position of general control or management;
- iii. the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
 - iv. a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-
 - (a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
 - (b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's areas

9. Disclosure of Interests

- 10.1 Subject to sub-paragraphs 9.2 to 9.5, where you have a disclosable pecuniary interest, other pecuniary interest or a non-pecuniary interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your register of Interests or for which you have made a pending notification
- 9.1 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary or non pecuniary interest
- 9.2 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 14 (sensitive interests) details of the interest are not registered in your authority's published register of members' interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting

- 9.3 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business
- 9.4 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest
- 9.5 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

10. Disclosure of Interests generally

- 10.1 Subject to sub-paragraph 10.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.
- 10.2 You do not have a disclosable pecuniary interest in any business of your authority where that business-
- i. does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
 - ii. does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or
 - iii. relates to the functions of your authority in respect of-
 - i. housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
 - ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
 - iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
 - iv. an allowance, payment or indemnity given to members;

- v. any ceremonial honour given to members; and
- vi. setting council tax or a precept under the Local Government Finance Act 1992

11. Effect of Disclosable Pecuniary Interests on participation

11.1 You may not-

- a. if present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority and
- b. you have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and
- c. you are aware that sub-paragraph 11.1.b is met:
 - i. participate, or participate further, in any discussion of the matter at the meeting, or
 - ii. participate in any vote, or further vote, taken on the matter at the meeting

and must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the authority's proper officer

- d. exercise executive functions in relation to that business and
- e. seek improperly to influence a decision about that business

11.2 If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself)

11.3 If you have a pecuniary interest other than a disclosable pecuniary interest in any business of your authority which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered your must:-

- 11.3.1 Disclose the existence and nature of the interest in accordance with paragraph 9.1 (but subject to paragraph 9.3)
- 11.3.2 Withdraw from the room or chamber where the meeting considering the business is being held unless you have obtained a dispensation from your authority's proper officer in a case where paragraph 11.3 applies immediately after making your representations or in any other case when the business is under consideration unless you have obtained a dispensation from your authority's proper officer

DRAFT

PART 3 REGISTER OF MEMBERS INTERESTS

12. Registration of Members' Interests

Subject to paragraph 13, you must, within 28 days of—

- (a) this Code being adopted by or applied to your authority; or
- (b) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority

register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:

- i. disclosable pecuniary interests¹ as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
 - ii. pecuniary interests referred to in paragraph 7 that you have
- (c) Subject to paragraph 13, you must within 28 days of becoming aware of any new disclosable pecuniary interest as referred to in paragraph 6 that you, your spouses, civil partner or person with whom you live as if they were your spouse or civil partner or change to any disclosable pecuniary interest registered under paragraphs 12. i. or ii above

by providing written notification to your authority's Monitoring Officer

13. Sensitive Information

- 13.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state

¹ Regulations from the Secretary of State are currently awaited as to the definition of "pecuniary interests and disclosable pecuniary interests"

that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.

- 13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify your authority's monitoring officer
- 13.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

CODE OF CONDUCT

APPENDIX 1

THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011

SELFLESSNESS

To serve only the public interest and never improperly confer an advantage or disadvantage on any person

INTEGRITY

Not to place themselves in situations where their integrity may be questioned, should not behave improperly and should on all occasions avoid the appearance of such behaviour

OBJECTIVITY

Make decisions on merit, including when making appointments, awarding Contracts or recommending individuals for rewards or benefits.

ACCOUNTABILITY

To be accountable to the public for their actions and the manner in which they carry out their responsibilities and should co-operate fully and honestly with any scrutiny appropriate to their Office.

OPENNESS

To be as open as possible about their actions and those of the Council and should be prepared to give reasons for those actions.

HONESTY

Not to place themselves in situations where their honesty may be questioned, should not behave improperly and should, on all occasions, avoid the appearance of such behaviour.

LEADERSHIP

Should promote and support these principles by leadership and by example and should always act in a way that secures or preserves public confidence.

This page is intentionally left blank

31 Pecuniary interests in matters considered at meetings or by a single member

(1) Subsections (2) to (4) apply if a member or co-opted member of a relevant authority—

(a) is present at a meeting of the authority or of any committee, sub-committee, joint committee or joint sub-committee of the authority,

(b) has a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting, and

(c) is aware that the condition in paragraph (b) is met.

(2) If the interest is not entered in the authority's register, the member or co-opted member must disclose the interest to the meeting, but this is subject to section 32(3).

(3) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member or co-opted member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date of the disclosure.

(4) The member or co-opted member may not—

(a) participate, or participate further, in any discussion of the matter at the meeting, or

(b) participate in any vote, or further vote, taken on the matter at the meeting,

but this is subject to section 33.

(5) In the case of a relevant authority to which Part 1A of the Local Government Act 2000 applies and which is operating executive arrangements, the reference in subsection (1)(a) to a committee of the authority includes a reference to the authority's executive and a reference to a committee of the executive.

(6) Subsections (7) and (8) apply if—

(a) a function of a relevant authority may be discharged by a member of the authority acting alone,

(b) the member has a disclosable pecuniary interest in any matter to be dealt with, or being dealt with, by the member in the course of discharging that function, and

(c) the member is aware that the condition in paragraph (b) is met.

(7) If the interest is not entered in the authority's register and is not the subject of a pending notification, the member must notify the authority's monitoring officer of the interest before the end of 28 days beginning with the date when the member becomes aware that the condition in subsection (6)(b) is met in relation to the matter.

(8) The member must not take any steps, or any further steps, in relation to the matter (except for the purpose of enabling the matter to be dealt with otherwise than by the member).

(9) Where a member or co-opted member of a relevant authority gives a notification for the purposes of subsection (3) or (7), the authority's monitoring officer is to cause the interest notified to be entered in the authority's register (whether or not it is a disclosable pecuniary interest).

(10) Standing orders of a relevant authority may provide for the exclusion of a member or co-opted member of the authority from a meeting while any discussion or vote takes place in which, as a result of the operation of subsection (4), the member or co-opted member may not participate.

(11) For the purpose of this section, an interest is "subject to a pending notification" if—

(a) under this section or section 30, the interest has been notified to a relevant authority's monitoring officer, but

(b) has not been entered in the authority's register in consequence of that notification.

33 Dispensations from section 31(4)

(1) A relevant authority may, on a written request made to the proper officer of the authority by a member or co-opted member of the authority, grant a dispensation relieving the member or co-opted member from either or both of the restrictions in section 31(4) in cases described in the dispensation.

(2) A relevant authority may grant a dispensation under this section only if, after having had regard to all relevant circumstances, the authority—

(a) considers that without the dispensation the number of persons prohibited by section 31(4) from participating in any particular business would be so great a proportion of the body transacting the business as to impede the transaction of the business,

(b) considers that without the dispensation the representation of different political groups on the body transacting any particular business would be so upset as to alter the likely outcome of any vote relating to the business,

(c) considers that granting the dispensation is in the interests of persons living in the authority's area,

(d) if it is an authority to which Part 1A of the Local Government Act 2000 applies and is operating executive arrangements, considers that without the dispensation each member of the authority's executive would be prohibited by section 31(4) from participating in any particular business to be transacted by the authority's executive, or

(e) considers that it is otherwise appropriate to grant a dispensation.

(3) A dispensation under this section must specify the period for which it has effect, and the period specified may not exceed four years.

(4) Section 31(4) does not apply in relation to anything done for the purpose of deciding whether to grant a dispensation under this section.

ANNEX 3

Complaints Procedure

Introduction

1.1 These “Arrangements” set out how you may make a complaint that an elected or co-opted member of Epping Forest District Council or of a parish council or town council (referred to as a parish council in this document) within the District of Epping Forest has failed to comply with the Councillors’ Code of Conduct, and sets out how the District Council will deal with allegations of a failure to comply with the Councillors’ Code of Conduct.

1.2 Under Section 28(6) and (7) of the Localism Act 2011, the District Council must have in place “Arrangements” under which allegations that a member or co-opted member of the District Council (or of a parish council within the District of Epping Forest), or of a Committee or Sub-Committee of the District Council, has failed to comply with Code of Conduct can be investigated and decisions made on such allegations.

1.3 Such arrangements must provide for the District Council to appoint at least one Independent Person, whose views must be sought by the District Council before it takes a decision on an allegation which it has decided shall be investigated, and whose views can be sought by the District Council at any other stage, or by a member (or a member or co-opted member of a parish council) against whom an allegation has been made.

2. The Code of Conduct

2.1 The District Council has adopted a Code of Conduct for Councillors, which is available for inspection on the District Council’s website and on request from Reception at the District Council Civic Offices.

2.2 Each Parish Council is also required to adopt a Code of Conduct. If you wish to inspect a Parish Council’s Code of Conduct, you should inspect any website operated by the Parish Council or request the parish clerk to allow you to inspect the Parish Council’s Code of Conduct.

3. Making a complaint

3.1 If you wish to make a complaint, please write to:

The Monitoring Officer
c/o The Local Assessment Officer
Epping Forest District Council
Office of the Chief Executive
Civic Offices, High Street
Epping
CM16 4BZ

or by email to:

shill@eppingforestdc.gov.uk

3.2 The Monitoring Officer is a senior officer of the District Council who has statutory responsibility for maintaining the register of members' interests and who is responsible for administering the system in respect of complaints of councillor misconduct.

3.3 In order to ensure that we have all the information which we need to be able to process your complaint, please complete and send us the complaint form, which can be downloaded from the District Council's website, next to the Code of Conduct, and is available on request from Reception at the District Council Civic Offices.

3.4 Please provide us with your name and a contact address or email address, so that we can acknowledge receipt of your complaint and keep you informed of its progress. If you want to keep your name and address confidential, please indicate this in the space provided on the complaint form. The Monitoring Officer will consider your request and if granted we will not disclose your name and address to the member against whom you make the complaint, without your prior consent.

3.5 The District Council does not normally investigate anonymous complaints, unless there is a clear public interest in doing so.

3.6 The Local Assessment Officer will acknowledge receipt of your complaint within 5 working days of receiving it, and will keep you informed of the progress of your complaint.

3.7 The Complaints Procedure Flowchart is attached at Appendix 1 for your assistance.

4. Will your complaint be investigated?

4.1 The Monitoring Officer will review every complaint received and, may consult with the Independent Person before taking a decision as to whether it:

- (a) merits no further investigation; or
- (b) merits further investigation; or
- (c) should be referred to the Standards Committee,

4.2 This decision will normally be taken within 28 working days of receipt of your complaint. Your complaint will be considered in accordance with the District Council's Assessment Criteria contained at Appendix 2. Where the Monitoring Officer has taken a decision, he/she will inform you of his/her decision and the reasons for that decision. Where the Monitoring Officer requires additional information in order to come to a decision, he/she may come back to you for such information, and may request information from the member against whom your complaint is directed.

4.3 Where your complaint relates to a Parish Councillor, the Monitoring Officer may also inform the Parish Council of your complaint and seek the views of the Parish Council before deciding whether the complaint merits formal investigation.

4.4 In appropriate cases, the Monitoring Officer may seek to resolve the complaint informally, without the need for a formal investigation. Such informal resolution may involve the member accepting that his/her conduct was unacceptable and offering an apology, or other remedial action by the authority. Where the member

or the authority make a reasonable offer of informal resolution, but you are not willing to accept the offer, the Monitoring Officer will take account of this in deciding whether the complaint merits further investigation.

4.5 If your complaint identifies criminal conduct or breach of other regulation by any person, the Monitoring Officer has the power to call in the Police or other regulatory agencies.

5. How is the investigation conducted?

5.1 The District Council has adopted a procedure for the investigation of misconduct complaints, which is attached as Appendix 3 to these arrangements.

5.2 If the Monitoring Officer decides that a complaint merits further investigation, he/she may appoint an Investigating Officer, who may be another senior officer of the District Council, an officer of another authority or an external investigator. The Investigating Officer or Monitoring Officer will decide whether he/she needs to meet or speak to you to understand the nature of your complaint and so that you can explain your understanding of events and suggest what documents need to be seen, and who needs to be interviewed.

5.3 The Investigating Officer or Monitoring Officer will normally write to the member against whom you have complained and provide him/her with a copy of your complaint, and ask the member to provide his/her explanation of events, and to identify what documents he needs to see and who he needs to interview. In exceptional cases, where it is appropriate to keep your identity confidential or disclosure of details of the complaint to the member might prejudice the investigation, the Monitoring Officer can delete your name and address from the papers given to the member, or delay notifying the member until the investigation has progressed sufficiently.

5.4 At the end of his/her investigation, the Investigating Officer or Monitoring Officer will produce a draft report ("the Investigation Report") and will send copies of that draft report, in confidence, to you and to the member concerned, to give you both an opportunity to identify any matter in that draft report which you disagree with or which you consider requires more consideration.

5.5 Having received and taken account of any comments which you may make on the draft Investigation Report. Where an Investigating Officer has been appointed the Investigating Officer will send his/her final report to the Monitoring Officer.

6. What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?

6.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and, if he/she is satisfied that the Investigating Officer's report is sufficient, the Monitoring Officer will write to you and to the member concerned and to the Parish Council, where your complaint relates to a Parish Councillor, notifying you that he/she is satisfied that no further action is required, and give you both a copy of the Investigation Final Report.

(6.2) If an Investigating Officer has been appointed and if the Monitoring Officer is not satisfied that the investigation has been conducted properly, he/she may ask the Investigating Officer to reconsider his/her report.

7. What happens if the Investigating Officer or Monitoring Officer concludes that there is evidence of a failure to comply with the Code of Conduct?

7.1 If an Investigating Officer has been appointed the Monitoring Officer will review the Investigating Officer's report and will then either send the matter for a hearing before the Standards Sub-Committee or in consultation with the Independent Person seek an informal resolution.

(a) Informal Resolution

The Monitoring Officer may consider that the matter can reasonably be resolved without the need for a hearing. In such a case, he/she will consult with the Independent Person and with you as complainant and seek to agree what you consider to be a fair resolution which also helps to ensure higher standards of conduct for the future. Such resolution may include the member accepting that his/her conduct was unacceptable and offering an apology, and/or other remedial action by the Council. If the member complies with the suggested resolution, the Monitoring Officer will report the matter to the District Council's Standards Committee (and the Parish Council) for information, but will take no further action.

(b) Hearing

If the Monitoring Officer considers that informal resolution is not appropriate, or the member concerned is not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer will report the Investigation Report to the Standards Sub-Committee which will conduct a hearing before deciding whether the member has failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the member.

The District Council has agreed a procedure for hearing complaints, which is attached as Appendix 4 to these arrangements.

At the hearing, the Investigating Officer or the Monitoring Officer will present her/his report, call such witnesses as he/she considers necessary and make representations to substantiate his/her conclusion that the member has failed to comply with the Code of Conduct. For this purpose, the Investigating Officer or Monitoring Officer may ask you as the complainant to attend and give evidence to the Sub-Committee. The member will then have an opportunity to give his/her evidence, to call witnesses and to make representations to the Sub-Committee as to why he/she considers that he/she did not fail to comply with the Code of Conduct.

The Sub-Committee, with the benefit of any advice from the Independent Person, may conclude that the member did not fail to comply with the Code of Conduct, and dismiss the complaint. If the Sub-Committee concludes that the councillor did fail to comply with the Code of Conduct, the Chairman will inform the member of this finding and the Sub-Committee will then consider what action, if any, the Sub-Committee

should take as a result of the member's failure to comply with the Code of Conduct. In doing this, the Sub-Committee will give the member an opportunity to make representations to the Sub-Committee and will consult the Independent Person, but will then decide what action, if any, to take in respect of the matter.

8. What action can the Standards Sub-Committee take where a member has failed to comply with the Code of Conduct?

8.1 The District Council has delegated to the Sub-Committee such of its powers to take action in respect of individual members as may be necessary to promote and maintain high standards of conduct. Accordingly the Sub-Committee may:-

- (a) Publish its findings in respect of the member's conduct;
- (b) Report its findings to Council (or to the Parish Council) for information;
- (c) Recommend to Council (or to the Parish Council) that the member be issued with a formal censure or be reprimanded
- (d) Recommend to the member's Group Leader (or in the case of ungrouped members, recommend to Council or to Committees) that the member be removed from any or all Committees or Sub-Committees of the Council;
- (e) Recommend to the Leader of the Council that the member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (f) Instruct the Monitoring Officer to (or recommend that the Parish Council) arrange training for the member;
- (g) Recommend to Council to remove (or recommend to the Parish Council that the member be removed) from all outside appointments to which he/she has been appointed or nominated by the District Council (or by the Parish Council);
- (h) Recommend to Council to withdraw (or recommend to the Parish Council that it withdraws) facilities provided to the member by the Council, such as a computer, website and/or email and internet access; or
- (i) Recommend to Council to exclude (or recommend that the Parish Council exclude) the member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Panel meetings.

8.2 The Sub-Committee has no power to suspend or disqualify the councillor or to withdraw the councillor's basic allowance or any special responsibility allowances.

9 What happens at the end of the hearing?

9.1 At the end of the hearing, the Chairman will state the decision of the Standards Sub-Committee as to whether the member failed to comply with the Code of Conduct and as to any actions which the Sub-Committee resolves to take.

9.2 As soon as reasonably practicable thereafter, the Monitoring Officer shall prepare a formal decision notice in consultation with the Chairman of the Sub-Committee, and send a copy to you, to the member (and to the Parish Council), make that decision notice available for public inspection and report the decision to the next convenient meeting of the Council.

10 Who are the Standards Sub-Committee?

10.1 It is a Sub-Committee comprising of Councillors sitting on the Council's Standards Committee.

10.2 The Standards Committee has decided that it will comprise a maximum of five Councillors of the Council, including not more than one member of the Council's Executive and comprising councillors drawn from all political groups. Subject to those requirements, it is appointed on the nomination of party group leaders in proportion to the strengths of each party group on the Council. If the member complained about is a member of a Parish Council, a parish councillor who is a co-opted member of the Standards Committee will also be invited to attend the Sub-Committee.

10.3 The Independent Person is invited to attend all meetings of the Sub-Committee and their views are sought and taken into consideration before the Sub-Committee takes any decision on whether the member's conduct constitutes a failure to comply with the Code of Conduct and as to any action to be taken following a finding of failure to comply with the Code of Conduct.

11 Who is the Independent Person?

11.1 The Independent Person is a person who has applied for the post following advertisement of a vacancy for the post, and is appointed by a positive vote from a majority of all the members of the District Council.

11.2 A person cannot be "independent" if he/she:

- (a) is, or has been within the past 5 years, a member, co-opted member or officer of the District Council;
- (b) is or has been within the past 5 years, a member, co-opted member or officer of a parish council within the District of Epping Forest), or
- (c) is a relative or close friend, of a person within paragraph (a) or (b) above. For this purpose, a "relative" means:
 - (i) spouse or civil partner;
 - (ii) living with the other person as husband and wife or as if they were civil partners;
 - (iii) grandparent of the other person;
 - (iv) a lineal descendent of a grandparent of the other person;
 - (v) a parent, sibling or child of a person within paragraphs (a) or (b) above
 - (vi) a spouse or civil partner of a person within paragraphs (iii), (iv) or (v) above; or
 - (vii) living with a person within paragraphs (iii), (iv) or (v) above as husband and wife or as if they were civil partners.

12. Revision of these arrangements

The District Council may by resolution agree to amend these arrangements, and has delegated to the Chairman of the Sub-Committee the right to depart from these arrangements where he/she considers that it is expedient to do so in order to secure the effective and fair consideration of any matter.

13. Appeals

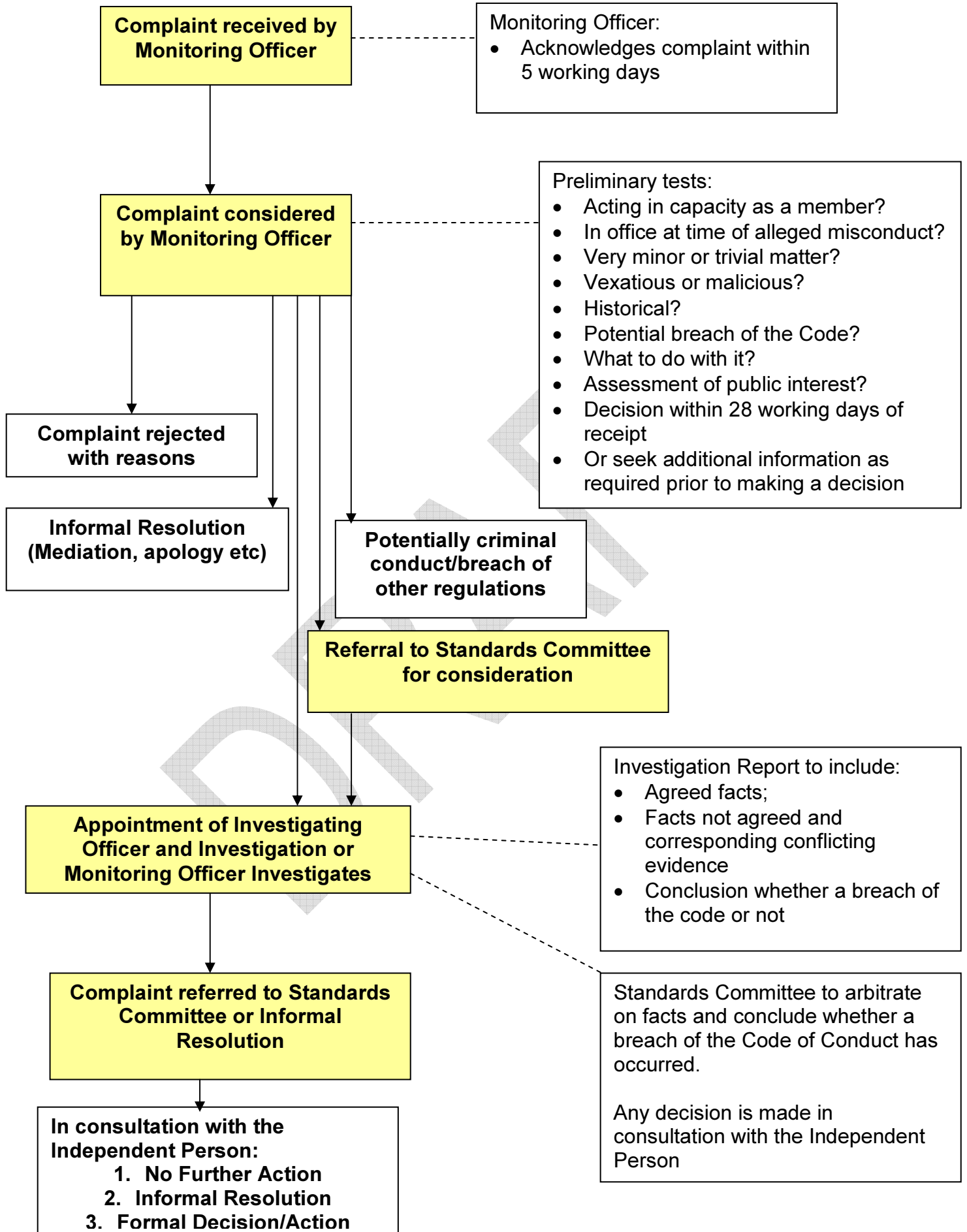
13.1 There is no right of appeal for you as complainant or for the councillor

against a decision of the Monitoring Officer or of the Sub-Committee.

13.2 If you feel that the District Council has failed to deal with your complaint properly, you may make a complaint to the Local Government Ombudsman.

This page is intentionally left blank

Appendix 1 Complaints Procedure Flowchart



This page is intentionally left blank

APPENDIX 2

STANDARDS COMPLAINTS ASSESSMENT CRITERIA

Complaints which would not normally be referred for investigation

1. The complaint is not considered sufficiently serious to warrant investigation; or
2. The complaint appears to be simply motivated by malice or is “tit-for-tat”; or
3. The complaint appears to be politically motivated; or
4. It appears that there can be no breach of the Code of Conduct; for example, that it relates to the Councillor’s private life or is about dissatisfaction with a Council decision; or
5. It is about someone who is no longer a Councillor; or
6. There is insufficient information available for a referral; or
7. The complaint has not been received within 3 months of the alleged misconduct unless there are exceptional circumstances eg. allegation of bullying, harassment etc; or
8. The matter occurred so long ago that it would be difficult for a fair investigation to be carried out; or
9. The same, or similar, complaint has already been investigated and there is nothing further to be gained by seeking the sanctions available to the Standards Committee; or
10. It is an anonymous complaint, unless it includes sufficient documentary evidence to show a significant breach of the Code of Conduct; or
11. Where the member complained of has apologised and/or admitted making an error and the matter would not warrant a more serious sanction

Complaints which may be referred to the Standards Committee

1. It is serious enough, if proven, to justify the range of actions available to the Standards Committee; or
2. There are individual acts of minor misconduct which appear to be a part of a continuing pattern of behaviour that is unreasonably disrupting the business of the Council and there is no other avenue left to deal with it other than by way of an investigation; or

3. When the complaint comes from a senior officer of the Council, such as the Chief Executive or the Monitoring Officer and it would be difficult for the Monitoring Officer to investigate; or

4. The complaint is about a high profile Member such as the Leader of the Council and it would be difficult for the Monitoring Officer to investigate

5. Such other complaints as the Monitoring Officer considers it would not be appropriate for him to investigate

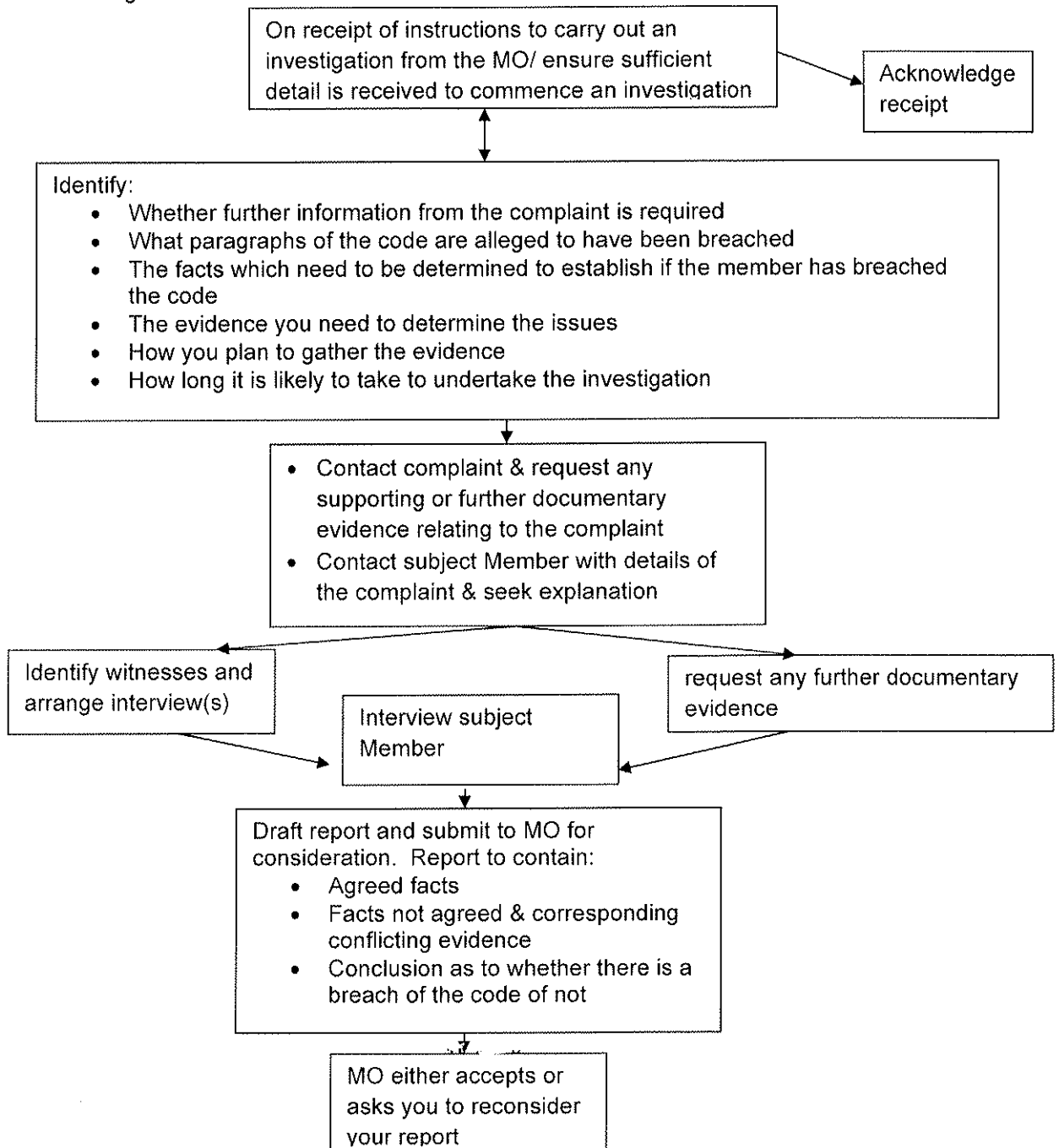
Whilst complainants must be confident that complaints are taken seriously and dealt with appropriately, deciding to investigate a complaint or to take further action will cost both public money and officers' and members' time. This is an important consideration where the complaint is relatively minor.

STANDARDS COMPLAINTS INVESTIGATION PROCEDURE

Investigation Procedure

You should maintain a written record to demonstrate what was considered at the start of each investigation and plan how you intend to carry out the investigation, the paragraphs of the code that may have been breached, the facts you need to determine to establish, the evidence you will need, how you plan to gather the evidence and how long it will take to conclude your investigation. Remember there is no provision in the Localism Act 2011 compelling Members or witnesses to co-operate with your investigation.

A written Investigation Report will need to be prepared for consideration by the Council's Monitoring Officer.



This page is intentionally left blank

STANDARDS SUB-COMMITTEE HEARING PROCEDURE

<u>Item No.</u>	<u>Procedure</u>
1	<p style="text-align: center;"><u>Quorum</u></p> <p>1.1. Three Members must be present throughout the hearing to form a quorum.</p> <p>1.2. Where the complaint refers to a Parish Councillor a non voting Parish member of the Standards committee may be present</p> <p>1.3. The Sub-Committee shall nominate a Chairman for the meeting</p>
2	<p style="text-align: center;"><u>Opening</u></p> <p>2.1 The Chairman explains the procedure for the hearing and reminds all parties to turn off mobile phones, audible alarms and pagers etc.</p> <p>2.2 The Chairman asks all present to introduce themselves</p> <p>2.3 The Councillor will be asked whether they wish to briefly outline their position</p>
3	<p style="text-align: center;"><u>The Complaint</u></p> <p>3.1 The Investigating Officer shall be invited to present their report including any documentary evidence or other material (and to call witnesses as required by the Investigating Officer). This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.</p> <p>3.2 The Councillor against whom the complaint has been made (or their representative) may question the Investigating Officer upon the content of their report and any witnesses called by the Investigating Officer. (This is the Councillor's opportunity to ask questions rising from the Investigators report and not to make a statement)</p> <p>3.3 Members of the Sub-Committee may question the</p>

	Investigating Officer upon the content of their report and/or any witnesses called by the Investigating Officer
4	<p style="text-align: center;"><u>The Councillor's case</u></p> <p>4.1 The Councillor against whom the complaint has been made (or their representative) may present their case (and call any witnesses as required by the Councillor or their representative)</p> <p>4.2 The Investigating Officer may question the Councillor and/or any witnesses</p> <p>4.3 Members of the Sub-Committee may question the Member and/or any witnesses</p>
5	<p style="text-align: center;"><u>Summing Up</u></p> <p>5.1 The Investigating Officer may sum up the Complaint</p> <p>5.2 The Member (or their representative) may sum up their case.</p>
6	<p style="text-align: center;"><u>Decision</u></p> <p>6.1 Members of the Sub-Committee will deliberate in private to consider the complaint in consultation with the Independent Person prior to reaching a decision</p> <p>6.2 Upon the Sub-Committee's return the Chairman will announce the Sub-Committee's decision in the following terms:-</p> <p>6.2.1 The Sub-Committee decides that the Member has failed to follow the Code of Conduct or</p> <p>6.2.2 The Sub-Committee decides that the Member has not failed to follow the Code of Conduct</p> <p>6.2.3 The Sub-Committee will give reasons for their decision</p> <p>6.3 If the Sub-Committee decides that the Member has failed to follow the Code of Conduct the Panel will consider any representations from the Investigator and/or the Member as to:</p> <p>6.3.1 Whether any action should be taken and</p> <p>6.3.2 What form any action should take</p> <p>6.4 The Sub-Committee will then deliberate in private to consider</p>

	<p>what action if any should be taken in consultation with the Independent Person</p>
6.5	<p>On the Sub-Committee's return the Chairman will announce the Sub-Committee's decision (in relation to a Parish Councillor a recommendation to the Parish Council)</p>
6.6	<p>The Sub-Committee will consider whether it should make any recommendations to the Council or in relation to a Parish Councillor to the Parish Council with a view to promoting high standards of conduct among Members</p>
6.7	<p>The Chairman will confirm that a full written decision shall be issued within 7 working days following the hearing and that the Sub-Committee's findings to be published.</p>

This page is intentionally left blank

Report to the Standards Committee

Date of meeting: 2 October 2012

Report of: Monitoring Officer

Subject: Parish/Town Council Arrangements

Officer Contact for further information: Ian Willett (01992 564143)

Democratic Services Officer: Graham Lunnun (01992 564244)

The Committee will know that having a Standards Committee is now optional for District and Town/Parish Councils. However, all Councils must adopt a Code of Conduct and a Complaints Procedure. These can however be of local choice subject to statutory elements being incorporated.

Standards Committee

It has been proposed that a Joint Standards Committee should be established and this proposal has been submitted to all 24 Parish and Town Councils to establish whether they wish to affiliate. A copy of the constitution of the Joint Committee is attached. Each Council was asked to consider the other options of not having a Standards Committee at all or affiliating to the District Council's Standards Committee.

Set out below is a summary of the current position:

Wishing to affiliate to EFDC's Standards Committee:

Chigwell, Epping Upland (subject to review after 1 year), Matching, Roydon, Sheering, Willingale (6).

Wishing to affiliate to the Joint Standards Committee for Parish & Town Councils:

Buckhurst Hill, Epping Town, Lambourne, Loughton Town, Moreton, Bobbingworth & 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)

Code of Conduct/Complaints Procedure

As a number of different draft codes became available from the relevant government department, the National Association of Local Councils (NALC) and from the Public Law Partnership for this region. The latter was advocated by the Monitoring Officer and Deputy and has gained general acceptance as set out below:

Adopted the Public Law Partnership Code/Complaints Procedure (PLP):

Buckhurst Hill, Chigwell, Epping Town, Epping Upland, Lambourne, Loughton Town, Matching, Moreton, Bobbingworth & 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 (NALC) Code and Own Complaints Procedure: High Ongar (1)

Using Own Code and Complaints Procedure: Theydon Mount (1)

DRAFT CONSTITUTION FOR A JOINT STANDARDS COMMITTEE

The Committee

1. There shall be a Joint Standards Committee of the signatory councils to be known as the Epping Forest Local Councils Joint Standards Committee, hereinafter referred to as "The JSC".
2. The JSC shall be a Joint Committee as provided for under sections 101(6) of the Local Government Act 1972 as amended.

Purpose

3. The purpose of the JSC shall be to provide for panels or sub-committees to consider complaints against parish and town councillors, as required under section 28 of the Localism Act 2011, and to consider such matters concerned with ethics and standards in general, the registration of interests, coordination with other authorities, adaptations of the Code, and such other matters as shall be thought appropriate by the monitoring officer.

Membership

4. Each Local Council shall appoint one representative (and a substitute if the Council concerned so wishes). Each representative (or the substitute if the representative is absent) will have one vote.

Annual and Ordinary Meetings

5. There shall be an annual meeting of the JSC in the month of November or December 2012 and in each November or December following.
6. Ordinary meetings of the JSC shall be summoned by the Clerk, acting after consulting the Chairman and Monitoring Officer

Meetings of Panels

7. The Clerk, acting on the advice of the Monitoring Officer, may summon meetings of panels of not fewer than 3 nor more than 5 members of the JSC in order to consider individual complaints or grouped complaints. In doing so, as far as possible, members shall be chosen who are a) Unconnected with any of the parties to a complaint and b) Do not come from the local council against whose member the complaint is made.
8. The Chairman and Vice-Chairman of the JSC shall be appointed at the initial meeting of the JSC and thereafter each year by the annual meeting of the participating councils as is provided under paragraph 4 of this constitution.
9. The Clerk of the JSC shall be the clerk of the local council from which the chairman from time to time has been elected, save that if the Council concerned so requests, the Clerk from an alternative local council may be substituted. The Joint Committee shall nominate a pool of clerks who may act as substitutes under this Clause.

Governance & Related Issues

10. The Monitoring Officer for the time being of the Epping Forest District shall be the Monitoring Officer for the JSC, and he or she may appoint such deputies or investigating officers as he/she thinks fit.
11. The rate to be offered to investigators in connection with complaints regarding breaches of the Code of Conduct by Parish or Town Councillors shall be as determined by the Monitoring officer and reported to each annual meeting of the JSC.
12. Service of individual members of the JSC or its panels shall be counted as approved duties of the local council of which they are a member, and any expenses shall met by that Council in accordance with that Council's remuneration scheme, if any.
13. The JSC shall appoint one or more Independent Persons as provided for by Section of the Localism Act, and these shall normally be the same Independent Persons as are appointed by the Epping Forest District Council. Any allowance or remuneration allocated to such independent persons by the District Council shall be deemed to cover duties performed for the Joint Committee.
14. An Independent Person as appointed under paragraph 13 may attend ordinary and annual meetings of the JSC as a non-voting member.
15. Except as provided for above, the means of proceeding of the JSC and its panels shall be insofar as it reasonably can be, as laid down for the Standards Committee for Epping Forest District Council as set out in its Constitution.

Changes in Affiliated Councils

16. A parish council which is not an original signatory council to this agreement for the JSC may give notice in writing to the Clerk and Monitoring Officer of its wish to join the JSC and accede to the benefits and obligations of the JSC. Such accession shall come into force 14 days after the date of such notice.
17. A parish council which wishes to cease to be a member of the JSC shall give written notice to the clerk and monitoring officer, and such notice shall become effective at the beginning of the Annual Meeting next following.

Expenses

18. Any expenses of the clerk appointed to act a Secretary to the JSC shall be borne by the Parish Council by which he or she is employed; save that if expenses for clerking or accommodation accrue out of any complaint, these may be recharged to the council against whose member the complaint has been made.
19. The expenses of any investigation and any out-of-hours attendance by the Monitoring Officer and his/her deputy at an investigation shall be paid by the District Council and recharged at cost to the local council whose member is the subject of that investigation.

20. Where any notice is required by this constitution or by statute applied to the JSC, such notice shall be deemed to be delivered validly by email unless there is a statutory requirement for such a notice to be given in another way.

Review of the Constitution

21. The Committee may, at each Annual Meeting or at such other meeting as may be appropriate, review this Constitution subject to any advice from the Monitoring officer
-

Report to the Standards Committee

Date of meeting: 2 October 2012

Report of: Monitoring Officer

Subject: New Standards Arrangements - Delegation

Officer Contact for further information: Ian Willett (01992 564143)

Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendations:

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

(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 Person(s);

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

(c) Senior Committee Secretary – authorised to administer the process of initial complaint handling including liaison with Independent Person(s) 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 that the Monitoring Officer's existing delegated authority under the Localism Act 2011 be extended to cover action in respect of any Parish Council affiliated from time to time to this Committee;

(3) That a further report be submitted 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.

(Deputy Monitoring Officer) At the Council meeting on 18 June 2012, the Monitoring Officer (and in her absence the Deputy Monitoring Officer) was appointed Proper Officer was appointed Proper Officer for the purposes of Chapter 7 of the Localism Act 2011. Since then a number of other delegation issues have become apparent.

Officer Delegation

Recommendation (1) sets out internal delegation for carrying out of key tasks under Chapter 7. These reflect the delegations which operated under the previous standards arrangements and are for noting.

Delegation to the Monitoring Officer in Respect of Parish Councils affiliated to this Committee

Recommendation (2) proposes adoption by the Council of an extension to the Monitoring Officer's delegated authority to cover those Parish Councils affiliated to this Committee. Although the Monitoring Officer's powers already cover all Parish Councils, it is desirable that they be recorded formally in respect of those Parish Councils for the avoidance of doubt in the future and the possibility of challenge. The delegation is drafted in general terms to reflect the number of affiliating Parishes might change in the future.

Delegation in Respect of the Joint Parish Standards Committee

Recommendation (3) refers to a change in the delegation to the Joint Parish Standards Committee. Further discussions will be held between the Monitoring officer and parish council representatives on operational arrangements which will apply and a further report will be submitted to the next meeting.

Epping Forest Assessments Subcommittee – Active Cases

As at: 31 August 2012

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2012	7	EFDC 3/2012	<p>NEW</p> <p>Complaint from neighbour of a serving district Councillor regarding height of wall on shared driveway.</p> <p>Not a complaint matter referred to Planning Enforcement for action and report to Monitoring Officer</p> <p>Planning Enforcement have confirmed that compliance required or enforcement action will follow. Action EN Section</p> <p>Subject member has now reviewed his Registration of Interest Form (SH)</p> <p>Enforcement deadline approaching – further action now likely. Complainant also concerned at Cameras recently located by subject Councillor – Police now involved in that aspect.</p> <p>Watching brief until planning compliance achieved</p>		

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2012	9	EFDC 5/2012	<p>NEW – linked to 7/2012</p> <p>Complaint by District Councillor about the conduct of a Parish Councillor at an Area Planning Subcommittee in March. The Parish Member involved had to be asked to leave meeting after verbal altercation.</p> <p>Complaint made on basis of sections 1, 2(b) and (c) and 5 of the CoC</p> <p>Meeting was a webcast meeting.</p> <p>Assessment Subcommittee held 9 May – referred to investigation on basis of para 3(1) and 5</p> <p>Referred to ECC Legal for investigation – investigation plan awaited</p> <p>August Update - Eric Whitfield, ECC appointed to undertake investigation – preparing investigation plan.</p>	10/4/12	E Whitfield - ECC

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2012	11	EFDC 7/2012	<p>linked to 5/2012</p> <p>Complaint by District Officer about the conduct of a Parish Councillor at an Area Planning Subcommittee in March. The Parish Member involved had to be asked to leave meeting after verbal altercation.</p> <p>Complaint made on basis of sections 1, 2(b) and (c) and 5 of the CoC</p> <p>Meeting was a webcast meeting.</p> <p>Assessment Subcommittee held 9 May – referred to investigation on basis of para 3(1) and 5</p> <p>Referred to ECC Legal for investigation – investigation plan awaited</p> <p>August Update - Eric Whitfield, ECC appointed to undertake investigation – preparing investigation plan.</p>	10/4/2012	E Whitfield - ECC

This page is intentionally left blank