

RESOLVED:

- (1) That the suggestions of Peter Adams be incorporated into a revised Complaints Procedure, subject to inclusion about reference to the views of an Independent Person being sought on a final investigation report before the Monitoring Officer determines what action to take but not on a draft investigation report received by the Monitoring Officer;
- (2) That the Monitoring Officer seek views from the following about possible revisions to the Complaints Procedure:
 - (a) all District Councillors;
 - (b) Independent Persons;
 - (c) parish councils affiliated to this Committee;
 - (d) the Joint Parish Standards Committee;
 - (e) the public via the Council's website; and
 - (f) councillors and members of the public who have been directly involved in the process during the past year;
- (3) That the views of the Public Law Partnership be sought on possible revisions to the Complaints Procedure so as to ensure as far as possible continued consistency with other authorities in the Partnership; and
- (4) That the Monitoring Officer submit to the next meeting of this Committee a report on the outcome of the consultation exercise and a proposed revised Complaints Procedure for consideration and recommendation to the District Council for adoption.

16. MEMBERS' CODE OF CONDUCT

The Committee gave initial consideration to a review of the Members' Code of Conduct.

RESOLVED:

- (1) That the Code of Conduct be revised in order to clarify the distinction between, and requirements in relation to, disclosable pecuniary interests, other pecuniary interests and non-pecuniary interests;
- (2) That as part of the Introduction and Interpretation Section of the Code, reference be made to the availability to members of advice from the Monitoring Officer and her staff on possible interests and on the way in which that advice should be sought;
- (3) That the Monitoring Officer seek the views of the following on possible revisions to the Code of Conduct:
 - (a) all District Councillors;
 - (b) Independent Persons;
 - (c) parish and town councils in the District which have adopted the Code of Conduct developed by the Public Law Partnership;
 - (d) the public via the Council's website;
- (4) That the Public Law Partnership be consulted on possible revisions to the Code of Conduct; and

- (5) That the Monitoring Officer submit to the next meeting of this Committee a report on the outcome of the consultation exercise and a proposed revised Members' Code of Conduct for consideration and recommendation to the District Council for adoption.

17. PLANNING PROTOCOL

The Deputy Monitoring Officer referred to the Local Government Association/Planning Advisory Service document considered at the last meeting as a basis for a new Planning Protocol. He advised that officers would shortly be undertaking a review of the Council's current Planning Protocol and invited the Committee to express initial views for incorporation into a revised draft document.

The Committee noted that the existing Planning Protocol had been drawn up with the principal aim of protecting members from potential conflicts of interest. The Deputy Monitoring Officer advised that whilst this aspect still needed to be addressed in the protocol the main aim of the protocol now should be to protect the Council's planning decisions from challenge. He also drew attention to the need for the protocol to reflect the requirements of the Localism Act 2011 in relation to predisposition, predetermination or bias. Attention was drawn to the Council's recently adopted procedure for site visits which needed to be incorporated into the protocol.

The Committee considered the need for the section on Cabinet Members - Conflicts of Interest on Planning Matters to cover the issue of Cabinet members and ward members involved in the identification of sites for the Council's House Building Programme. Consideration was also given to the need to cover the position of Portfolio Holder Assistants.

The Committee considered the need for a similar protocol in relation to the Council's Licensing functions.

RESOLVED:

- (1) That the initial views of the Committee be incorporated into a revised Planning Protocol;
- (2) That the Monitoring Officer seek views from the following on possible revisions to the Planning Protocol:
 - (a) all District Councillors;
 - (b) Independent Persons;
 - (c) all parish and town councils within the District;
 - (d) the public via the Council's website;
 - (e) planning agents;
- (3) That the Monitoring Officer submit to the next meeting of the Committee a report on the outcome of the consultation exercise and a proposed revised Planning Protocol for consideration and recommendation to the District Council for adoption; and
- (4) That a report be submitted to a future meeting on a proposed protocol in relation to the Council's Licensing functions.

18. TOWN AND PARISH COUNCILS - AFFILIATION TO A STANDARDS COMMITTEE AND ADOPTION OF CODES OF CONDUCT AND COMPLAINTS PROCEDURES

The Deputy Monitoring Officer reported that there was now only one parish council yet to make decisions regarding (a) affiliation to a Standards Committee and (b) adoption of a Code of Conduct and a Complaints Procedure. He reported that the Clerk of that parish council had stated that decisions in relation to these matters would be taken at the next meeting of the parish council.

19. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS**(a) Schedule Showing the Current Position of Active Cases**

The Committee received an updated schedule (tabled) regarding allegations made about the conduct of district councillors.

The Committee noted that in relation to case reference EFDC 3/2003 the complaint had been considered by the Monitoring Officer and an Independent Person who had agreed that an investigation would not serve a useful purpose. The Independent Person had requested that the member concerned should meet officers to discuss the matter and such a meeting had now taken place.

In relation to case EFDC 4/2013, following assessment and Independent Person consideration "other action" had been implemented with one member issuing an apology statement at a public meeting, issuing an apology letter and being required to attend the next Code of Conduct training and the other member issuing a letter of apology.

The Committee noted that with the conclusion of those two complaints there were currently no outstanding formal complaints.

(b) Joint Parish Standards Committee Panel Hearing

The Committee noted that a Joint Parish Standards Committee Panel hearing had requested the inclusion of a statement in the District Council's Bulletin and sent to all parish councils in the District and passed to the Essex Association of Local Councils for dissemination. However, as the District Council Bulletin was not sent to parish and town councils, the statement had been incorporated into a letter sent to parish and town councils and the matter had been reported to the Local Councils' Liaison Committee.

Members noted that the statement had related to the need for councillors to remember when taking office as a councillor they were acting in a public office and publicly representing their parishioners. As such they should carefully consider their actions and words, and how those might be perceived by other members of the public, before making statements or comments that could be taken out of context or before clear facts were known.

The Committee noted that the Joint Parish Standards Committee had also requested that consideration be given to including a section in the Code of Conduct suggesting that members should be extremely careful about ensuring that they were fully briefed on any specific issue/document before making public comment, and that if a councillor was unclear he/she should seek clarification before making public comment.

The Committee was informed that the Panel hearing also had expressed concern about two issues and had asked the Monitoring Officer to address these matters in future:

- (a) there had been no formal statement from the Clerk of the Parish Council concerned in the documentation regarding the case despite the fact that weight had been given by the Investigating Officer to a discussion with that Clerk; and
- (b) it had not been clear from the statements presented to the Panel that they had been signed by the relevant parties.

RESOLVED:

- (1) That the action taken in relation to the request of the Joint Parish Standards Committee to disseminate a statement be noted;
- (2) That appropriate wording be included in the revised Code of Conduct in relation to making public comments;
- (3) That Investigating Officers be reminded of the need to obtain statements from all the various parties and witnesses and that this requirement be incorporated into the Council's Complaints Procedure; and
- (4) That all such statements should be signed by the relevant parties and that copies submitted to hearings should indicate that the statements have been signed.

20. DATES OF FUTURE MEETINGS AND TRAINING SESSION

The Committee noted that Council's adopted calendar for 2013/14 provided for meetings on 12 December 2013 and 13 March 2014.

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

The Committee further noted that the revised date for member training concerning the Code of Conduct, Development Control and Planning and the Planning Protocol was Friday 15 November 2013 at which consideration would be given to revisions to the current Code of Conduct and the Planning Protocol.

21. EXCLUSION OF PUBLIC AND PRESS

The Committee agreed that there were no issues which necessitated moving into private session.

CHAIRMAN