

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Monday, 25 January 2016

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 8.20 pm

Members Present: C P Pond (Vice-Chairman), S Kane, M McEwen, D Stallan and B Surtees

Other Councillors: -

Apologies: G Chambers, A Mitchell and B Rolfe

Officers Present: C O'Boyle (Director of Governance), S G Hill (Assistant Director (Governance & Performance Management)) and G J Woodhall (Senior Democratic Services Officer)

Also in attendance: Mr P Adams and Mr D Cooper (Independent Persons)
Mr R Morgan (Parish/Town Councils)

20. SUBSTITUTE MEMBERS

The Committee noted that there had been no substitute Members appointed for this meeting.

21. MINUTES

Resolved:

(1) That the minutes of the meeting held on 12 October 2015 be taken as read and signed by the Chairman as a correct record.

22. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

23. TERMS OF REFERENCE

The Committee noted its current Terms of Reference.

24. AUDIT AND STANDARDS COMMITTEE - PROPOSED TERMS OF REFERENCE

The Monitoring Officer presented a report on the proposed Terms of Reference for a merged Audit & Standards Committee.

The Monitoring Officer advised the Committee that many local authorities had combined their Audit and Standards Committees, especially as the workload of the Standards Committee had dwindled in recent years since the introduction of the Localism Act 2011. The proposal was to combine the Standards Committee with the

Audit & Governance Committee and have a combined Terms of Reference that followed good practice from the Chartered Institute of Public Finance & Accountancy (CIPFA). The Committee was reassured that there were no new functions in the proposed Terms of Reference that were not already being performed by one of the two Committees.

The Monitoring Officer reminded the Committee that it had had more issues to deal with in the past, but the Localism Act 2011 had delegated authority to the Monitoring Officer to deal with Member behaviour issues and report the outcomes to the Standards Committee. And although it still had a role in examining and commenting upon protocols and procedures, it was felt that it no longer had enough business to merit being a separate Committee - three of the scheduled six meetings in the previous 18 months had been cancelled due to a lack of business. There would be a standing item on each agenda of the new Committee for Standards issues to be discussed, and this approach had worked well at other Councils.

The Monitoring Officer reported that a number of other Councils had combined their Audit and Standards Committees, including Harlow District Council and Broxbourne Borough Council with whom the Council had a shared Chief Internal Auditor. The reasons for this being low complaint activity following the implementation of the Localism Act 2011, and the similarities and synergies as both Committees dealt with issues concerning governance, probity and the transparency of processes. This issue had been considered by the Audit & Governance Committee at its meeting on 30 November 2015, who had welcomed the report and had agreed the merger in principle as they felt that it would be more efficient. If the Standards Committee was in agreement then final approval for the merger would need to be sought from the Council.

The Monitoring Officer informed the Committee of the comments received from Parish Cllr Whybrow, who had been unable to attend the meeting. She had suggested that Standards issues be scheduled at the beginning of the agenda, so that Parish and Town Council representatives could excuse themselves from the rest of the meeting when that item had been dealt with, and the Monitoring Officer agreed that this would be a sensible course of action.

Cllr Stallan stated that he had not supported the merger of the two Committees last year, and that nothing had changed his opinion since then. He emphasised that a number of Committees had meetings cancelled on a regular basis due to a lack of business, but that did not mean they should be considered for dissolution. Cllr Stallan felt that the two Committees dealt with two separate types of issues and he would not be supporting the proposal. Cllr McEwen commented that, as the new Committee would have the same number of Members as the Audit & Governance Committee, it could not really be considered a merger as such. Cllr Surtees understood the reason for the proposal as Epping Forest was a very stable District Council with very few serious Member issues, and hoped that the new Committee would be able to cope if a number of complaints were referred to it.

Cllr Kane requested clarification of the potential impact on the new Committee if an issue was referred to it. The Monitoring Officer stated that the process would be exactly the same as now; any serious issues arising would be referred to the Committee if the Monitoring Officer could not affect a resolution, and additional meetings could be arranged to consider Standards cases if necessary. However, under the new arrangements, issues were being reported and dealt with a lot earlier without the need for a formal investigation by the Standards Committee.

The Senior Democratic Services Officer, who also covered the Audit & Governance Committee, stated that there were currently five meetings of that Committee scheduled each year, of which approximately half did not last longer than one hour. The longer meetings occurred when the Committee considered issues arising from Internal Audit reports or issues highlighted by the External Auditor. The Monitoring Officer added that the proposal arose from the experience of the Chief Internal Auditor at Harlow District and Broxbourne Borough Councils, and the cost savings for the proposed merger would predominantly come from a reduction in the number of meetings each year. However, it was possible to have a Standards Committee that only met as and when required.

The Monitoring Officer reiterated that the Law required at least one Independent Person to be appointed to the Standards Committee, but the Independent Person(s) were not entitled to vote on issues. Independent Members were not required for the Audit & Governance Committee, but the Council currently co-opted two and gave them voting rights. It was intended to continue with two Co-Opted Members and 1 Independent Member, but the Independent Member would only be involved in Standards issues.

The Independent Person, Mr P Adams, observed that Town and Parish Councillors currently had the right to attend meetings of the Standards Committee, and enquired if they would be able to attend meetings of the new Committee. The Monitoring Officer explained that all but seven of the Local Councils had formed their own Joint Standards Committee and their involvement with Standards issues was through that body. It was not intended to appoint Town and Parish Councillor Members directly to the new Committee, but the seven Local Councils affiliated to the District Standards Committee would be sent an agenda for each meeting and invited to attend where appropriate. If in attendance, then they would no doubt be permitted to speak on Standards issues at any meeting by the Chairman. The Deputy Monitoring Officer added that, in reality, an agenda notification email was sent to all Local Councils and they would be welcome to attend if they so wished.

Cllr McEwen raised concerns about reducing the number of available Members for Standards Hearings from nine to three. The Deputy Monitoring Officer stated that other Members could be used for Hearings if necessary, especially if the complaint concerned a Member of the Audit & Standards Committee. The Chairman informed the Committee of the comments received from Cllr Chambers, who also could not attend the meeting. The main concern of Cllr Chambers was that, by merging the Standards Committee with the Audit & Governance Committee, it could give the impression that the Council did not value the importance of Standards issues. Cllr Surtees suggested that the representation of Local Councils on the proposed Committee could be re-examined as there were two separate bodies which dealt with Standards issues for the Local Councils within the District, and to avoid the impression that the views of Local Councils were being marginalised by the District Council.

The Committee voted to oppose the merger of the two Committees, and offered three reasons for their decision:

- (i) there were currently 9 Members available to consider Standards issues, which would reduce to 3 under the proposals and it was felt by the Committee that this was not sufficient;
- (ii) there was a perceived lack of involvement of Parish Councils under the proposals as currently there were three representatives from the Local

Councils affiliated to the District Council's Standards Committee formally invited to each meeting; and

- (iii) there was a perceived risk that a smaller Committee would be less objective when considering Standards issues.

The Monitoring Officer explained that the proposal would now be reported to the Council on 16 February 2016 for a decision, as both Committees were not in agreement. The Deputy Monitoring Officer reassured the Committee that this issue would not delay the production of a revised Constitution for the Council, as any potential merger between the two Committees was not scheduled to be considered by the Constitution Working Group until 22 March 2016.

Resolved:

- (1) That the proposed merger of the Audit & Governance and Standards Committees be opposed, for the following reasons:

- (i) there were currently 9 Members available to consider Standards issues, which would reduce to 3 under the proposals and it was felt by the Committee that this was not sufficient;
- (ii) there was a perceived lack of involvement of Parish Councils under the proposals as currently there were three representatives from the Local Councils affiliated to the District Council's Standards Committee formally invited to each meeting; and
- (iii) there was a perceived risk that a smaller Committee would be less objective when considering Standards issues.

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

The Monitoring Officer reported that there were no outstanding issues in relation to the conduct of District and Town/Parish Councillors to bring to the attention of the Committee.

The Committee noted that the new processes arising from the Localism Act 2011 for dealing with such issues were working well.

26. DATES OF FUTURE MEETINGS

The Committee noted that a further meeting had been scheduled for 25 April 2016 before the end of the 2015/16 municipal year.

27. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there were no issues arising from the Allegations Made about the Conduct of District and Town/Parish Councillors which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN