

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Standards Committee **Date:** Monday, 23 January 2017

**Place:** Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 8.40 pm

**Members Present:** G Chambers (Chairman), C P Pond (Vice-Chairman), S Kane, A Mitchell, C Roberts, D Stallan and J H Whitehouse

**Other Councillors:** -

**Apologies:** -

**Officers Present:** S Hill (Assistant Director (Governance & Performance Management)) and G J Woodhall (Senior Democratic Services Officer)

**Also in attendance:** Mr P Adams (Independent Person)  
Mr R Morgan (Parish/Town Councils)

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### **1. APOLOGIES FOR ABSENCE**

The Committee noted that the Monitoring Officer had also given her apologies for the meeting.

### **2. SUBSTITUTE MEMBERS**

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

### **3. MINUTES**

The Assistant Director of Governance (Governance & Performance Management) informed the Committee that, following its discussion and recommendation to the Council on the proposed merger of the Audit & Governance and Standards Committees (minute 24 refers), the Council had supported the Committee's view that there should not be a merger between the two Committees.

The Assistant Director added that the Council had increased the membership of the Audit & Governance Committee from 3 to 5 elected Members, and had decided that the Standards Committee should not have quarterly meetings scheduled but should only meet as and when there was business to be transacted. It was highlighted that there would be a further review of the current arrangements in 2018.

#### **Resolved:**

(1) That the minutes of the meeting held on 25 January 2016 be taken as read and signed by the Chairman as a correct record.

### **4. DECLARATIONS OF INTEREST**

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

Conduct.

## **5. STANDARDS COMPLAINTS - REVISIONS TO ASSESSMENT CRITERIA**

The Deputy Monitoring Officer presented a report on the proposed revisions to the assessment criteria for standards complaints.

The Deputy Monitoring Officer stated that, during the course of considering the most recently received complaints, the assessment criteria had been reviewed as this had not been performed since 2010 and still referred to the Standards Board for England in places. The only substantive proposed amendment was the shortening of the timescale for complaints to be received after the alleged misconduct, as the current period of one year was considered too long. Thus, it was proposed to shorten this period to six months as it would mean that complaints would be made much closer to the alleged misconduct, and complaint handling would be less protracted. It was also proposed to remove the section concerning the referral of cases to the Standards Board for England, as that body was now defunct, plus a number of small, mainly typographical changes. The Committee was requested to consider and approve the revised assessment criteria.

The Committee felt that a shorter timescale for the receipt of complaints would be reasonable, and Cllr Stellan proposed that this period should be shortened to three months. It was highlighted that the timescale should not be made too short as newly elected Councillors might be initially unaware of the procedure and some time should be allowed to elapse to provide evidence of patterns of behaviour, but it was generally felt that three months was a sensible period of time for complaints to be made.

The Deputy Monitoring Officer admitted that he did not know the timescale for making complaints about members of staff within the Council, and emphasised that the procedure was primarily concerned with public complaints against Councillors; although the same procedure would be used for any complaints against Councillors raised by other Councillors. The timescale within other authorities varied between three months and one year.

### **Resolved:**

(1) That the proposed changes to the criteria used to assess complaints made to the Monitoring Officer be approved, subject to no more than three months having passed since the alleged conduct occurred.

## **6. CODE OF CONDUCT TRAINING**

The Deputy Monitoring Officer informed the Committee that the Chairman had requested a discussion on Member Code of Conduct training, and specifically how many Councillors had attended and what actions the Council could take to promote greater attendance. A review of the Member training records had shown the last occasion when each of the 57 Members had attended Code of Conduct Training:

- Prior to 2010 19;
- 2011 5;
- 2012 1;
- 2014 7;
- 2015 9; and
- 2016 16.

The Deputy Monitoring Officer reported that those who had not attended Code of Conduct training recently were mostly members with significant Council experience or had missed opportunities to attend training recently. Attendance by Local Councillors at Code of Conduct training was also very poor, but Officers could organise training sessions at Town or Parish Councils if requested. It was the view of Officers that every Member should be attend Code of Conduct training at least once during each term of office, but the Committee was requested to advise on the desired frequency of attendance and any measures that could be implemented to encourage greater attendance at training.

The Committee felt strongly that it was very important for Code of Conduct training to be undertaken regularly by all Members, and that such training should be listed as mandatory for all Members. It was deemed that attendance once per each term of Office was sensible, unless there were changes to the Code in which case all Councillors should attend further training. In addition, it was felt that Group Leaders should be encouraging all of the Members in their Group to attend Code of Conduct training on a regular basis.

The Deputy Monitoring Officer added that Councillors could not be prevented from attending meetings if they had not attended Code of Conduct training, but that recent attendance at such training was a factor which was considered when assessing any complaints against a particular Councillor.

Cllr J H Whitehouse highlighted that e-training modules on their Code of Conduct was available at Essex County Council, and it was genuinely mandatory for all Councillors to work through them; Officers were very strict on following up and reminding those Councillors who had not completed the training modules. The Deputy Monitoring Officer pointed out that the Code of Conduct training at Essex County Council would be different to that required at this Council; and there was also neither the time nor expertise currently available to develop an on-line version of the training currently provided. The Chairman commented that this could be an option to explore for implementation in the future.

The Independent Person, Mr P Adams, enquired whether Code of Conduct training could be included as an element of each Councillor's Declaration of Acceptance of Office, and opined that perhaps the priority should be to concentrate Code of Conduct training on Town and Parish Councillors in order to reduce the number of complaints that were received and had to be assessed. The Deputy Monitoring Officer undertook to investigate whether such training could be included as part of each Councillor's Declaration of Acceptance of Office, and reiterated that the proportion of Town and Parish Councillors who had undertaken Code of Conduct training was likely to be no more than 25%. The Deputy Monitoring Officer also reminded the Committee that it took approximately 1.5 to 2 hours to deliver the training, but that training could be provided for individual Councillors, on a one-to-one basis, if they were unable to attend the scheduled group training sessions.

Cllr Stellan suggested that each individual Member be written to, highlighting when they last attended a training session on the Code of Conduct, and copying in the Group Leader/Whip for information. The Chairman added that he was happy to sign such a letter and the Chairman of each Town and Parish Council could also be written to, as well as a short item placed on the next Council agenda, advertising when the next Code of Conduct training session was scheduled for. The Deputy Monitoring Officer stated that this could be achieved, and reminded the Committee that there was a list for each Councillor published to the Council's website detailing which training courses they had attended.

**Resolved:**

- (1) That each Member should attend Code of Conduct training on at least one occasion during each term of office, or more often if the Member Code of Conduct was amended;
- (2) That the possibility of providing e-learning modules for Code of Conduct training be investigated by Officers and reported back to the Committee in January 2018;
- (3) That attendance at Code of Conduct Training by a particular Member was a factor when assessing any complaints made against that Member be noted;
- (4) That a letter be written, signed by the Chairman of the Standards Committee, to each Member of the District Council informing them of when they last attended Code of Conduct Training; and
- (5) That a further letter be written, signed by the Chairman of the Standards Committee, to the Chairman of each Town and Parish Council within the District advising their Members to attend the next scheduled Code of Conduct training session.

**7. UPDATE ON ADOPTION OF NEW CODE OF CONDUCT**

The Committee received an update on the adoption of the new Code of Conduct by Town and Parish Councils.

The Deputy Monitoring Officer reported that, following the publication of the agenda, a further seven Town and Parish Councils had adopted the new Code of Conduct, and that only the following eight Local Councils had yet to do so:

- (i) Epping Upland Parish Council;
- (ii) Nazeing Parish Council;
- (iii) Roydon Parish Council;
- (iv) Stanford Rivers Parish Council;
- (v) Stapleford Tawney Parish Council;
- (vi) Theydon Bois Parish Council;
- (vii) Theydon Garnish Parish Council; and
- (viii) Theydon Mount Parish Council.

**Resolved:**

- (1) That the current position regarding the adoption of the new Code of Conduct by Town and Parish Councils be noted.

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

The Deputy Monitoring Officer informed the Committee that there had been six

allegations concerning the conduct of District and Town/Parish Councillors received since 1 June 2016.

The Deputy Monitoring Officer reported that two cases had been resolved, with the Parish and Town Councillors concerned instructed to attend the next available Local Council Code of Conduct training session. Of the remaining four cases, initial assessments had been completed for three of the cases and were with the Independent Person for review, whilst the initial assessment had yet to be completed for the fourth and final case. The Committee was informed that there were three other potential cases that the Monitoring Officer was aware of but no official complaints had yet been received in relation to any of these incidents.

The Committee offered their thanks to the Monitoring Officer, Deputy Monitoring Officer and Independent Persons for their efforts in assessing the cases in a timely manner.

**Resolved:**

(1) That the outstanding allegations made about the conduct of District and Town/Parish Councillors, and the steps taken in resolving the issues, be noted.

**9. DATES OF FUTURE MEETINGS**

The Committee noted that there had been no formal meetings of the Standards Committee scheduled, following the decision of the Council that the Standards Committee should only meet as and when there was business to be transacted (Council 26 April 2016, minute 12 refers).

The Chairman opined that he was keen to have a minimum of two meetings per year, with the next meeting to be held by September 2017 at the latest. The Assistant Director of Governance (Governance & Performance Management) added that the revised Planning Protocol could be considered at the next meeting by the Committee, although it was not currently known when this would be available. The Committee felt that another meeting in June or July 2017 would be beneficial.

**10. 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**

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## Epping Forest District – Standards Committee

### Local Assessment of Complaints – Criteria

The Standards Committee will **not** investigate complaints that, following advice from the Monitoring Officer and Independent Person are:

- Malicious, relatively minor, politically motivated, tit for tat or if the matter is not considered to be sufficiently serious to warrant any further action.
- Made anonymously.
- Contain no prima facie evidence of a breach of the Code.
- Where the complainant has not supplied enough information to justify a decision to refer the matter for investigation or to evidence their complaint or have supplied information of too general a nature from which to make a judgement to investigate.
- Where an investigation would serve no useful purpose or is not serious enough to warrant a sanction or where only an apology or further training was appropriate.
- The same, or substantially similar, complaint has already been the subject of a completed investigation or inquiry and there is nothing further to be gained by seeking the sanctions available to the Monitoring Officer or the Standards Committee and where no new relevant evidence has been submitted.
- Acts carried out in the Member's private life, when they are not carrying out the work of the authority or have not misused their position as a Member.
- About dissatisfaction with a Council decision, about the way the Council conducts or records its meetings, the way the Council has or has not done something.
- Within the Council's complaints process.
- About someone who is no longer a member of either the District Council or a Town or Parish Council within the area, or is a member of another authority.
- Received more than three months since the alleged conduct occurred.
- Where 'other action' such as training, mediation would be more appropriate.

### Withdrawal of Complaint

If the complainant asks to withdraw their complaint prior to the Initial Assessment the Monitoring Officer will decide whether or not to grant the request. The following considerations will be taken into account when considering such requests:

- Does the public interest in taking some action on the complaint outweigh the complainant's desire to withdraw it; where the complaint raises issues of wider public interest, it may be appropriate for the Monitoring Officer to ensure that such wider issues are formally investigated and resolved.

- Where the alleged misconduct is simply a matter of alleged failure on the part of the respondent to treat the complainant with respect, and raises no wider issues of public interest, the Monitoring Officer will normally accept such withdrawal.
- Is the complaint such that action can be taken on it, for example an investigation without the complainant's participation.
- Is there an identifiable underlying reason for the request to withdraw the complaint, such as the suggestion that the complainant may have been pressured by the subject member or an associate of theirs to withdraw the complaint.
- Where the complainant submits further evidence demonstrating that the complaint was ill-founded, it may be appropriate to resolve that the complaint as amended shows no evidence of a breach of the Code of Conduct, so that the matter is formally concluded.