



Epping Forest District Council

STANDARDS COMMITTEE Tuesday, 13th July, 2010

Place: Civic Offices, High Street, Epping
Room: Committee Room 1
Time: 7.30 pm
Committee Secretary: G Lunnun (The Office of the Chief Executive)
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

Members:

Councillors Mrs A Grigg, Mrs P Smith, Mrs J H Whitehouse, Messrs J Guth, G Weltch and M Wright

Parish/Town Council Deputy Representative(s):

Councillors Mrs D Borton, J Salter, B Surtees

1. MEMBERSHIP OF THE COMMITTEE

Recommendation:

To note the membership of the Committee for the municipal year 2010/11 and welcome new members

(Monitoring Officer) The membership of the Committee is:

- (a) District Council Members: Councillors Anne Grigg, Penny Smith and Janet Whitehouse;
- (b) Parish/Town Council Representatives (nominated by the Association of Local Councils (Epping Forest): Councillors Daphne Borton, Jason Salter and Brian Surtees;
- (c) Independent Co-optees: Grenville Weltch (until 31 July 2010), Murray Wright (until May 2013 if not re-appointed at that time), Jason Guth (until May 2013 if not re-appointed at that time), Richard Crone (from 1 August 2010 until 31 July 2013 if not re-appointed at that time).

2. ELECTION OF CHAIRMAN

Recommendation:

To elect a Chairman of the Committee for the municipal year 2010/11

(Monitoring Officer) The Committee is asked to elect a Chairman for the coming year. The Chairman must be elected from the independent co-optees and cannot be a member of the District Council or of any Parish or Town Council.

3. VICE-CHAIRMAN OF THE COMMITTEE

Recommendation:

To appoint a Chairman of the Committee for the municipal year 2010/11

(Monitoring Officer) The Committee is asked to appoint a Vice-Chairman for the coming year. The Vice-Chairman must be elected from the independent co-optees and cannot be a member of the District Council or of any Parish or Town Council.

4. APOLOGIES FOR ABSENCE

5. MINUTES (Pages 5 - 8)

To approve as a correct record the minutes of the meeting held on 13 April 2010 (attached).

6. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

7. FUTURE OF STANDARDS FOR ENGLAND (Pages 9 - 10)

(Monitoring Officer) To consider the impact of the attached letter from the Chairman of Standards for England.

8. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 11 - 12)

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

9. DATES OF FUTURE MEETINGS

(Monitoring Officer) The calendar for 2010/11 provides for meetings of the Committee on 12 October 2010, 18 January 2011 and 19 April 2011.

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

10. INDEPENDENT MEMBER - GRENVILLE WELTCH

(Monitoring Officer) To acknowledge that this will be the last meeting attended by Grenville Weltch following his notice of resignation as an Independent member of

the Committee which becomes effective on 31 July 2010.

11. 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 |
|----------------|---------------------------------|-------------------------------------|
| 12 | Standards for England Direction | 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 |
|----------------|---------|
| Nil | Nil |

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.

12. STANDARDS FOR ENGLAND DIRECTION

(Monitoring Officer) To receive an oral update on progress being made in relation to the Direction.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** 13 April 2010

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.15 pm

Members Present: Ms M Marshall (Independent Member) (Chairman), Councillor B Surtees (Parish or Town Council Representative), Councillor Mrs D Borton (Parish or Town Council Representative), Councillor B Rolfe (EFDC Appointee), Councillor J Salter (Parish or Town Council Representative), Councillor Mrs P Smith (EFDC Appointee), G Weltch (Independent Member) and Councillor Mrs J H Whitehouse (EFDC Appointee)

Other Councillors:

Apologies: M Wright (Independent Member)

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

21. MINUTES

RESOLVED:

That the minutes of the meeting held on 26 January 2010 be taken as read and signed by the Chairman as a correct record.

22. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Conduct for Members.

23. MATTERS ARISING FROM THE MINUTES OF THE LAST MEETING

(a) Predisposition, Predetermination or Bias, and the Code (Minute 15)

The Committee considered drawing the attention of councillors to the updated Standards for England guidance on Predisposition, Predetermination or Bias, and the Code of Conduct.

RESOLVED:

That the Standards for England revised guidance on Predisposition, Predetermination or Bias and the Code of Conduct be reported to councillors in the Council Bulletin.

(b) Planning Protocol – Review (Minute 18)

The Monitoring Officer reported that together with the Deputy Monitoring Officer she had attended a course on 10 February 2010 which had been due to consider the implementation of new Member and Officer Codes of Conduct. Unfortunately as the new codes had not been issued by the day of the event the course had taken a different approach and had concentrated on other issues. The Committee noted that it had been suggested at the course that in the event of a change of Government following the election on 6 May 2010 it was possible that the proposed changes to the Members' Code of Conduct would not survive in their drafted forms.

24. STANDARDS FOR ENGLAND - ANNUAL RETURN 2009/10

The Committee considered the questions which formed the return for 2010 together with some guidance notes issued by Standards for England and concentrated on the questions which related to aspects of work currently not undertaken by the Committee.

RESOLVED:

- (1) That the officers complete and submit the Standards for England Annual Return 2010 taking account of the views of the Committee;
- (2) That in future:
 - (a) a personal statement by the Chairman of the Committee be included in the Standards Committee Annual Report and in the "Forester" magazine with reference in the latter to the ability to view the full report on the Council's website;
 - (b) the dates when complaints are received/determined to be included in the statistical information in the Annual Report, subject to clarification from Standards for England about their term "the length of time taken dealing with complaints";
 - (c) a Forward Plan of the Committee be developed concentrating on planned training for members;
 - (d) Standards Committee Independent Members to contribute to other authority meetings, if invited to do so;
 - (e) following the appointment of a new Independent Member(s) of the Committee expected to take place in May 2010 publicity be issued regarding the work of the Committee as well as the new appointment(s);
 - (f) meetings be held between Committee Members and District Council Group Leaders and non-affiliated members if an issue suggests that such a meeting would be beneficial; and
 - (g) future training for members include advice about lobbying, electioneering, blogging and/or the use of social media.

25. 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.

RESOLVED:

That in future, in addition to a schedule being submitted to the Committee in public session, provision be made in private session to enable all members of the Committee to discuss issues arising from Hearings Sub-Committee meetings.

26. DATES OF FUTURE MEETINGS

The Committee noted that the District Council's calendar for 2010/11 provided for meetings of the Committee on 13 July 2010, 12 October 2010, 18 January 2011 and 19 April 2011.

27. 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 items of business set out below as they 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> |
|-----------------------------------|--------------------------------------|---|
| 8 | Local Assessment Cases 1A and 5/2009 | 1 |
| 9 | Standards for England Direction | 1 |

28. LOCAL ASSESSMENT CASES 1A AND 5/2009

The Monitoring Officer summarised the issues which had arisen at a meeting of the Hearings Sub-Committee held on 1 March 2010.

29. STANDARDS FOR ENGLAND DIRECTION

The Monitoring Officer and the Deputy Monitoring Officer advised members of progress being made in relation to a Direction from Standards for England regarding a Parish Council.

30. CHAIRMAN OF THE COMMITTEE

Ms M Marshall advised that following her notice of resignation as an Independent Member of the Committee this would be her last meeting.

She thanked members and officers for the help and assistance which she had received during her time as a member of the Committee.

The Monitoring Officer thanked Ms M Marshall for the work she had undertaken as a member of the Committee since 2001 and as Chairman since 2007.

CHAIRMAN

Sent via email

1 June 2010

Dear Colleague

As you will no doubt be aware the Government announced in the recent Queen's Speech that the proposed Decentralisation and Localism bill will include proposals to 'abolish the Standards Board regime'. Beyond this statement, we do not currently have clear details of the scope or implications of this proposal. However, until such time as the relevant legislation is passed, the statutory framework remains operative.

We will therefore continue to work with you to support your work. In turn, we expect you to continue with your statutory duties including the assessment of allegations, and we will continue to consider cases which you refer to us.

We remain committed to ensuring that there is a proper framework of local accountability in which the public can have confidence and we wish to work with central and local government to develop any proposals. As more details emerge we will keep you informed of developments and would be interested in hearing your views about how future arrangements could most effectively work.

In the meantime, if you need clarity on any specific issues, please do continue to call our enquiries line.

Yours sincerely



Dr Robert Chilton
Chair

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Epping Forest Assessments Subcommittee – Active Cases

As at: 01 July 2010

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) | Investigator |
|------|-----|--------------------|--|----------------------------|--------------------------------|
| 2009 | 11 | EFDC 3/2009 | <p>No action - review requested – Review Sub-Committee held on 21 April 2009 - Passed for investigation by MO – Final report received 31 March 2010</p> <p>Assessment Sub- Committee has referred matter to Hearing Sub- Committee – 26 July 2010</p> | 23/02/2009 | I Willett Referred on 8/6/9 |
| 2009 | 14 | EFDC 6/2009 | <p>Assessment Sub-Committee – 27 October 2009</p> <p>Police investigation result: NFA</p> <p>Referred to Standards for England – Ethical Standards Officer appointed for investigation.</p> <p>Subject to Standards Board Direction</p> | 01/10/09 | n/a |
| 2009 | 16 | EFDC 8/2009 | <p>Assessment Sub-Committee held 8 December 2009 – Referred to Standards for England – Case accepted for investigation.</p> <p>Subject to Standards Board Direction</p> | 19/11/09 | n/a |

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) | Investigator |
|------|-----|--------------------|---|----------------------------|--------------|
| 2009 | 17 | EFDC 9/2009 | Assessment Panel 21 December 2009 – referred for investigation by Monitoring Officer Referred to I Willett to investigate on 2 February 2010 | 30/11/09 | I Willett |
| 2010 | 19 | EFDC 1/2010 | Assessment Panel 22 March 2010 - Referred for investigation in part. Monitoring Officer engaging external investigator | 2/3/10 | External TBA |
| 2010 | 20 | EFDC 2/2010 | Considered at Assessment Sub-Committee on 10 May 2010 – Subject member lost seat in Election - No further action proposed – Not serious enough to merit investigation/ Investigation would not serve useful purpose. Review requested 20 May 2010 – Review Sub-Committee on 10 June 2010 upheld decision of Assessment Sub-Committee | 26/4/10 | None |
| 2010 | 21 | EFDC 3/2010 | Received 5 May 2010 – Assessment Sub-Committee on 24 May 2010 – NFA Not serious enough to merit investigation/ Investigation would not serve useful purpose – Review requested 28 May 2010. Review Sub-Committee to consider on 26 July 2010. | 5/5/10 | none |