

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Standards Committee **Date:** 29 September 2010

**Place:** Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.20 pm

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

**Other Councillors:**

**Apologies:** Councillor J Salter (Parish or Town Council Representative)

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

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### 14. ELECTION OF CHAIRMAN

**RESOLVED:**

That Richard Crone be elected as Chairman of the Committee for the remainder of the municipal year 2010/11.

### 15. APPOINTMENT OF VICE-CHAIRMAN

**RESOLVED:**

That Jason Guth be appointed as Vice-Chairman of the Committee for the remainder of the municipal year 2010/11.

### 16. MINUTES

**RESOLVED:**

That the minutes of the meeting held on 13 July 2010 be taken as read and signed by the Chairman as a correct record.

### 17. DECLARATIONS OF INTEREST

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

**18. ANNUAL REPORT 2009/10**

The Committee considered a draft Annual Report for the municipal year 2009/10 for submission to the next District Council meeting.

The Deputy Monitoring Officer reported that, Mary Marshall as Chairman of the Committee throughout the period of the report had provided a foreword. He advised that the availability of the report would be published via the Council's website and in the Council's Forester magazine and would eventually form part of the "E Annual" report published on the website.

**RESOLVED:**

- (1) That the draft Annual Report for 2009/10 be approved subject to:
  - (a) an approach being made to Mary Marshall with suggestions for amendment/clarification of her foreword;
  - (b) inclusion of information about member attendance at ethical framework training sessions held during the year and a general comment about member attendance at training sessions together with a recommendation encouraging all District and Town/Parish Councillors to understand the requirements of the ethical framework and to attend refresher courses, particularly in view of the uncertainty of future support via the Standards Committee due to the demise of Standards for England and Standards Committees' regime;
- (2) That the Monitoring Officer and Deputy Monitoring Officer amend the draft report and send it to members of the Committee for final approval together with the wording of a proposed recommendation regarding member training;
- (3) That Richard Crone present the final report to the Council meeting on 2 November 2010 with support, if required, from the Monitoring Officer and Deputy Monitoring Officer who will be present at that meeting.

**19. STANDARDS FOR ENGLAND BULLETIN - AUGUST 2010**

The Committee considered Standards for England Bulletin 48 (August 2010) which outlined proposals for the abolition of the Standards Board regime and the timetable for the closure of Standards for England.

Members noted that the Government's "Programme for Government" contained the commitment to abolish the Standards Board regime. Primary legislation would be needed to abolish Standards for England and this was expected to be included in the provisions of the planned Decentralisation and Localism Bill which was due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. The Committee noted that this was likely to lead to final closure of Standards for England some time between 31 December 2011 and 31 March 2012.

The Committee noted that pending legislation, Standards for England would continue to support local authorities in maintaining high standards and to assist the Government in developing and implementing any new arrangements that might be put in place. In the meantime, the local standards framework continued to exist and Standards Committees and Monitoring Officers had an obligation to keep the system operating.

The Monitoring Officer and the Deputy Monitoring Officer reported on a subsequent announcement by the Communities Minister, Andrew Stunell, explaining the reasons for the proposals of the Government. Attention was also drawn to a legal briefing issued by the National Association of Local Councils (NALC) in response to the statement made by Andrew Stunell.

The Committee noted that it was the understanding of the NALC that the whole standards regime applicable to councillors would be abolished, including the Model Code of Conduct, Standards Committees, Standards for England and First-Tier Tribunal (Local Government Standards in England). It was also the understanding of the NALC that the new legislation would implement arrangements for the determination of existing complaints regarding breaches of the Code of Conduct referred to Standards Committees, Standards for England or the First-Tier Tribunal as at the date of the abolition of the Standards regime. It was suggested that Standards Committees would be required to determine all existing complaints, irrespective of which body they were originally referred to before their abolition, within a stipulated timeframe. It was also understood by the NALC that except for dealing with existing Code of Conduct complaints, the role and functions of Standards Committees would cease.

The briefing also indicated that the new legislation would:

- (a) ensure that councillors would still have to register certain personal interests in a publicly available register;
- (b) create a new criminal offence if a councillor failed to register relevant personal interests, or deliberately sought to mislead the public about such interests;
- (c) introduce a power for councillors to vote on matters which they might have a predisposition to but have not predetermined;
- (d) introduce new powers to strengthen the role of the Local Government Ombudsman.

**RESOLVED:**

That the Standards for England Bulletin, the announcement by the Communities Minister and the legal briefing of the NALC be noted.

**20. 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.

Members noted that in relation to case EFDC 3/2009, the Monitoring Officer had approved a draft letter of apology from the subject member to be sent to the complainant. It was also noted that the required training was expected to be undertaken as part of the training to be arranged for all members of the Parish Council.

The Monitoring Officer advised that further information would be provided to the Committee in private session relation to the Standards Board Direction mentioned in cases EFDC 6/2009 and EFDC 8/2009.

Members noted that reports were expected shortly from investigating officers in relation to cases EFDC 9/2009, 1/2010 and 4/2010.

The Committee noted that no request had been made for a review in relation to case EFDC 5/2010.

**RESOLVED:**

That the Monitoring Officer seek confirmation that the letter of apology approved in relation to case EFDC 3/2009 was sent to the complainant by the subject member.

**21. DATES OF FUTURE MEETINGS**

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

**22. 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 & 2

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

The Committee discussed issues arising from recent Sub-Committee meetings.

The Monitoring Officer reported on the lack of progress in securing agreed dates for the training to be provided to the Nazeing Parish Council in accordance with the Direction from Standards for England.

The Committee also discussed what further steps should be taken in relation to case EFDC 3/2010.

**RESOLVED:**

(1) That if the Nazeing Parish Council fail to identify acceptable dates for the training required under the Standards for England Direction within the last timescale specified, the Monitoring Officer refer the matter back to Standards for England with a recommendation that no further action be taken in relation to the Direction; and

(2) That having regard to the circumstances and to the lack of any response from the complainant, no further action be taken in relation to case EFDC 3/2010.

**CHAIRMAN**