

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** 18 January 2011

Place: Committee Room 1, Civic Offices, **Time:** 7.30 - 9.13 pm
High Street, Epping

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

Other Councillors:

Apologies:

Officers Present: C O'Boyle (Monitoring Officer), I Willett (Deputy Monitoring Officer), G Lunnun (Allegations Determination Manager), S H Hill (Local Assessments Officer)

24. COUNCILLOR JASON SALTER

It was with much sadness that the Chairman informed the Committee of the death of Parish Councillor Jason Salter.

Members were informed that Jason Salter had been a member of the Stanford Rivers Parish Council and more recently the Abbess, Beauchamp and Berners Roding Parish Council. He had also been one of the town/parish council representatives on the Standards Committee from 2001 until 2007 and from 2009. Jason Salter had also been the Vice-Chairman of the Local Councils' Liaison Committee.

The Committee stood for a minute's silence in tribute to the memory of Parish Councillor Jason Salter.

RESOLVED:

That a letter be sent to the family of Jason Salter expressing the condolences of the Committee.

25. MINUTES

RESOLVED:

That the minutes of the meeting held on 29 September 2010 be taken as read and signed by the Chairman as a correct record.

26. DECLARATIONS OF INTEREST

Pursuant to the Council's Code of Member Conduct, Parish Councillor Mrs D Borton declared a personal interest in agenda item 6 (Allegations made about the Conduct of District and Parish/Town Councillors) and 9 (Allegations made about the Conduct of District and Parish/Town Councillors – Issues Arising) by virtue of being a member of Nazeing Parish Council and being a party to one of the outstanding allegations. The Councillor advised that she had determined that unless detailed consideration was given to the case in which she was a party her interest was not prejudicial and that she would remain in the meeting for the consideration on the matter.

27. ABOLITION OF STANDARDS FOR ENGLAND REGIME

The Committee was advised that the Localism Bill which included provision for the Abolition of the Standards for England regime had been presented to Parliament.

Attention was drawn to letters received from Bob Neill MP, Parliamentary Under Secretary of State for the Department for Communities and Local Government and Robert Chilton, Chair of Standards for England. Members noted that in addition to the abolition of Standards for England, the First-tier Tribunal (Local Government Standards in England) would lose jurisdiction over member conduct. Also, the intention was to remove the national Code of Conduct for Councillors and the requirement for an authority to have a Standards Committee. An authority would be able to choose whether or not it wished to have a local Code or a Standards Committee which would be an "ordinary committee" of the authority and therefore not need to have independent representation. Any Standards Committee would no longer have the power to suspend a member and a new criminal offence would be created relating to failure to register or declare interests.

The Monitoring Officer and the Deputy Monitoring Officer reported that the current framework would continue in place until such time as the Bill received Royal Assent and the relevant provisions were enacted. This was estimated to be late 2011. In the meantime, Standard Committees would continue to have a legal requirement to operate and, in particular, to continue to consider any allegations.

Members noted that any allegations in the system on the appointed day (anticipated to be two months after the Bill received Royal Assent) being considered by Standards for England would transfer to the local authority that had referred the matter for investigation. The Standards Committee would continue until the last complaint had been dealt with, though the previous right of appeal would not exist for those cases. A Standards Committee retained after the appointed day would only be able to censure a councillor or request that they undertook training. No new allegations under the current regime could be made after the appointed day.

The Committee was advised that it was for the District Council to decide what it should do regarding standards arrangements after the appointed day, apart from the completion of outstanding complaints during the transitional period. The Committee considered the matter with a view to making recommendations to the Council. Members noted that it was still unclear what would happen to certain other issues currently undertaken by the Committee, e.g. dispensations and arrangements in parish and town councils.

RESOLVED:

That a further report be submitted to the Committee when the provisions in the Localism Bill had been enacted to enable recommendations to be made

to the Council regarding standards arrangements after the abolition of the Standards for England regime.

28. 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 to enable detailed consideration to be given to these cases, discussion be deferred until later in the meeting after the exclusion of the public and press.

29. DATES OF FUTURE MEETINGS

The Committee noted that the District Council's calendar for 2010/11 provided for a meeting of the Committee on 19 April 2011.

Members also noted that the draft calendar of meetings for 2011/12 which would be considered by the Council in February currently provided for meetings of the Committee as follows:

28 July 2011, 20 October 2011, 26 January 2012 and 19 April 2012.

30. 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>
9	Allegations made about the Conduct of District and Parish/Town Councillors – Issues Arising	1

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

The Committee considered a schedule regarding current allegations made about the conduct of District and Parish/Town Councillors.

Members noted that in relation to case EFDC 9/2009 the Assessment Sub-Committee had decided to take no further action on the matter, although the member concerned had not listed one of his properties on his register of interest form until the matter had been drawn to his attention as part of the investigation.

The Committee noted in relation to case EFDC 3/2010 that whilst the subject member had agreed to participate in mediation the complainant had not responded.

In relation to case EFDC 6/2010, the Review Sub-Committee had decided to take no action on the allegation but had drawn attention to certain Council procedures.

The Committee was advised in relation to case 4/2010 that the Assessment Sub-Committee had accepted the Investigating Officer's finding of no failure to observe the Code of Conduct but had agreed that the subject member had shown an error of judgement in continuing to debate a matter at a public meeting.

The Monitoring Officer and the Deputy Monitoring Officer reminded members of the background to the Direction from Standards for England in relation to Nazeing Parish Council which affected cases EFDC 6/2009 and EFDC 8/2009. The Committee noted that two of the five required training sessions for members of Nazeing Parish Council in relation to proper conduct at meetings, standing orders, the role of the Chairman and the role of the Clerk had been held. However the trainer who was very enthusiastic and experienced in training on these issues had expressed doubts about the benefits of continuing with further training sessions in view of the attitude of several members of the Parish Council. The Deputy Monitoring Officer advised that a formal report was expected from the trainer on progress to date and the response of the Parish Council members to the training.

The Committee was advised that following a debate at a full District Council meeting the Nazeing Parish Council had been invited to make a contribution towards the costs of the training of its members as required by the Direction. In response the Clerk of the Parish Council had stated that the Parish Council required details of the costs and had suggested that further training sessions should be postponed whilst the Parish Council decided whether to include appropriate provision within its precept for 2011/12.

RESOLVED:

Case EFDC 9/2009

- (1) That members of the District Council be reminded of the need to provide details of all of the properties in which they have a beneficial interest on their Register of Interest forms;
- (2) That the Clerks of Parish and Town Councils be asked to draw the attention of their members to this requirement;
- (3) That this case be removed from the schedule of outstanding cases;

Case EFDC 3/2010

- (4) That this case be removed from the schedule of outstanding cases;

Case EFDC 6/2010

- (5) That the Chairmen of Committees, Sub-Committees and Panels be encouraged to attend training on the chairing of meetings;
- (6) That the Chairmen of the District Development Control Committee and the Area Plans Sub-Committees be asked to consider adopting a consistent

approach to the circulation of written documents and photographs by public speakers at meetings;

Case EFDC 4/2010

(7) That future training in relation to the Code of Conduct include the need for councillors to deal with the concerns raised by members of the public carefully and to be aware of the need to comply with the requirements of the Code in all forums when attending in an official capacity;

Case Nos EFDC 6/2009 and EFDC 8/2009

(8) That having regard to the attitude towards training of several members of the Nazeing Parish Council, the third training session due to take place on 20 January 2011 be postponed and that no further work be undertaken in relation to the fourth and fifth sessions;

(9) That the Monitoring Officer send the report, when received, of the trainer appointed to undertake the training to Standards for England together with a request to review its Direction as despite the best endeavours of the Monitoring Officer in seeking to comply with the requirements of the Direction it is not considered that further sessions will be beneficial or that public funds should continue to be applied, particularly in the current economic climate, to the training of members who are clearly not prepared to participate in a reasonable manner;

(10) That further consideration be given to this matter at the next meeting of the Committee in the light of the response from Standards for England; and

(11) That the Monitoring Officer liaise with the trainer appointed to undertake the training as to the contractual position for delivering the training.

(Recorded in accordance with Council Procedure Rules 16.5 and 25 that Parish Councillor Mrs D Borton abstained from voting on resolutions (8) to (11) above).

CHAIRMAN