



Epping Forest District Council

STANDARDS COMMITTEE **Tuesday, 18th January, 2011**

Place: Civic Offices, High Street, Epping

Room: Committee Room 1

Time: 7.30 pm

Democratic Services Officer Graham Lunnun (The Office of the Chief Executive)
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

Members:

R Crone (Independent Member)(Chairman), J Guth (Independent Member)(Vice-Chairman), M Wright (Independent Member), Councillors Mrs A Grigg, Mrs P Smith and Mrs J H Whitehouse (District Council Appointees), Councillors Mrs D Borton and B Surtees (Parish/Town Council Representatives), Vacancy for Parish/Town Council Representative.

1. COUNCILLOR JASON SALTER

The Committee is invited to stand for a minute's silence in tribute to the memory of Parish Councillor Jason Salter who died recently.

Jason Salter was a member of the Stanford Rivers Parish council and more recently the Abbess, Beauchamp and Berners Roding Parish Council. He was one of the Town/Parish Council representatives on the Standards Committee from 2001 until 2007 and from 2009 .

He was also Vice-Chairman of the Local Councils' Liaison Committee.

The Essex Association of Local Councils – Epping Forest have been asked to submit a nomination to the Committee in succession to Jason.

2. APOLOGIES FOR ABSENCE

3. MINUTES (Pages 5 - 10)

To approve as a correct record the minutes of the meeting held on 29 September 2010 (attached).

4. DECLARATIONS OF INTEREST

(Monitoring Officer) To declare interests in any item on the agenda.

5. ABOLITION OF STANDARDS FOR ENGLAND REGIME (Pages 11 - 24)

(Deputy Monitoring Officer) To consider the attached report.

6. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 25 - 28)

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

7. DATES OF FUTURE MEETINGS

(Monitoring Officer) The calendar for 2010/11 provides for a meeting of the Committee on 19 April 2011.

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

The draft calendar of meetings for 2011/12 which will be considered by the Council in February currently provides for meetings of the Standards Committee as follows:

28 July 2011 (Thursday)
20 October 2011 (Thursday)
26 January 2012 (Thursday)
19 April 2012 (Thursday).

8. 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 |
|----------------|---|-------------------------------------|
| 9 | Allegations made about the Conduct of District and Parish/Town Councillors – Issues Arising | 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.

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

(Monitoring Officer) To discuss issues arising from recent Sub-Committee meetings.

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)

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

This page is intentionally left blank

Report to Standards Committee

Date of meeting: 18 January 2011

Subject: Abolition of the Standards for England Regime

Report of: Deputy Monitoring Officer

Officer contact for further information: Ian Willett (01992 564143).

Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendation:

To consider:

- (a) the Government proposals and timescale concerning the abolition of the Standards Board regime;**
 - (b) the option of presenting a report to Council at this time recommending that a local Standards Committee continue with a local Code of Conduct.**
-

Introduction

1. At the last meeting (29 September 2010), the Committee was made aware of upcoming Localism Bill concerning the abolition of the Standards Board regime (minute 19). This legislation has now been presented, and it is apparent that the present code governing Local Authority members' conduct will continue to function until a fixed date ("the appointed day"). This is anticipated to be two months after the Localism Bill receives Royal Assent (estimated to be late 2011).

Transitional Period

2. It is proposed that any cases in the system on the appointed day being undertaken by Standards for England will transfer on that day to the Local Authority that referred the investigation. The Standards Committee will therefore continue until the last complaint has been dealt with, though the previous right of appeal will not exist for those cases (see attached documents for details).

3. Any Standards Committee retained after the appointed day would have limited powers; for instance the suspension sanction is being removed from Standards Committees for the transitional period, meaning the most a Standards Committee could therefore do would be to censure a Councillor or request that they undergo training. No new allegations under the current regime can be made after the appointed day.

4. It is for the Council to decide what it should do regarding standards arrangements after this appointed day, apart from the completion of outstanding complaints during the transitional period. This Committee is invited to consider the matter and make recommendations to the Council if they feel this is appropriate.

Current and Possible Future Terms of Reference

5. Currently, the Standards Committee deals with matters relating the Code of Conduct, maintaining good governance and standards between members and Parish Councils, recommending member training, and taking appropriate action on complaints and allegations.

6. The national Model Code of Conduct is being abolished, though the option remains for Local Authorities to adopt their own locally applicable code. This would only relate to general conduct. Members will still be required to register and declare personal interests, though this will not fall in the jurisdiction of any revised Standards Committee. It should be noted that any wilful failure to comply with these requirements will constitute a criminal offence.

7. A revised Standards Committee could continue to consider complaints about the conduct of elected and co-opted members, but will have only the same limited powers as those applying during the transitional period. To assist the Committee, the attached schedule lists all of the complaints considered since local assessment was introduced, and the outcomes.

Membership

8. If members decided to pursue the option of continuing a local Standards Committee, the membership would be open for the Council to determine, including the question of Parish representatives and independent members.

9 If the Council chose to discontinue the Standards Committee, a recommendation could be made to extend the terms of reference of another committee in order to facilitate this change.



Dr. Robert Chilton

Bob Neill MP
Parliamentary Under Secretary of State

**Department for Communities and Local
Government**
Eland House
Bressenden Place
London SW1E 5DU

Tel: 0303 444 3430
Fax: 0303 444 3986
E-Mail: bob.neill@communities.gsi.gov.uk

www.communities.gov.uk

A handwritten signature in black ink, appearing to read "Bob Neill".

15 OCT 2010

Conduct of local authority members

Recently Andrew Stunell announced the broad package of changes that we intend to put in place to abolish the Standards Board regime. A press notice relating to this announcement is available on the Department's web-site at:

<http://www.communities.gov.uk/news/corporate/157558411>

When we met on Wednesday 15 September, I undertook to let you have the details of what we are proposing once the package of changes was announced, and accordingly I enclose a short paper setting out the changes we intend to make.

I would of course be very happy to discuss these with you and your Committee. If you would like a meeting, please don't hesitate to get in touch with my office.

A handwritten signature in black ink, appearing to read "Bob Neill".

BOB NEILL MP



Abolition of the Standards Board regime

The Standards Board regime

The Coalition Agreement *Our Programme for Government* included the commitment to “abolish the Standards Board regime”.

The Government considers that the Standards Board regime, consisting of a centrally prescribed model code of conduct, standards committees with the power to suspend a local authority member and regulated by a central quango was inconsistent with the principles of localism. In addition there is a concern that the regime is a vehicle for vexatious or politically motivated complaints.

The Government considers that it is the right and the responsibility of the electorate to determine who represents them and that the abolition of the regime will restore power to local people.

Accordingly, given the interdependencies of the bodies, requirements and guidance that constitute the Standards Board regime, the Government is proposing to abolish the regime in its entirety.

Subject to Parliament approving the necessary legislation, the changes are as follows:

- The Relevant Authorities (General Principles) Order 2001, which sets out the principles which govern the conduct of members and co-opted members of relevant authorities in England and police authorities in Wales, will be revoked.
- The Local Authorities (Model Code of Conduct) Order 2007 (S.I 2007/1159) which prescribes the model code of conduct to apply to members of relevant authorities, will be revoked.
- The requirement for local authorities to have standards committees will be abolished.
- Standards for England (formally known as the Standards Board for England) will be abolished. Established by the Local Government Act 2000 and the regulator for local authority standards committees, the Standards Board requires primary legislation to abolish it and its legislative functions. None of the Standards Boards functions will be transferred to other bodies.

- The First-tier Tribunal (Local Government Standards in England), the independent judicial tribunal established as a disciplinary body to hear and determine references and appeals concerning the conduct of local authority councillors, will lose its jurisdiction over the conduct of local authority members.

It is intended to effect the abolition of the Standards Board regime through the Localism Bill. It is anticipated that the Bill will be laid before Parliament in December and will receive Royal Assent late-2011.

The present conduct regime (a model code governing local authority members' conduct and enforced through local authority standards committees, regulated in turn by the Standards Board for England), will continue to function in a normal manner, considering, investigating and determining allegations of misconduct, until a fixed date ("the appointed day"), probably two months after the Bill receives Royal Assent.

This means that until the appointed day, an allegation of misconduct can be made; after the appointed day, no further allegations of misconduct can be made under the standards board regime. It also means that at the appointed day, allegations will be in the process of investigation and, further, that appeals against sanctions will be pending. Transitional measures will be put in place to address this.

Proposed transitional measures

Any cases in the system at the appointed day will make their way through a transitional regime. This would meet the expectation of those who had made allegations that their allegations would be properly dealt with. It also enables that if a member has an allegation made against them, they should have the opportunity to clear their name.

The Government propose that any investigations being undertaken by Standards for England transfer, on the appointed day, to the local authority that referred the investigation. It will be for that local authority to arrange for the conclusion of the investigation. The local authority's standards committee will remain established until the last complaint it is considering, referred either internally or from Standards for England, has been dealt with.

Any cases with which the First-tier Tribunal (Local Government Standards in England) is dealing on the appointed day will be concluded by that tribunal. It will not receive any appeals against standards committee rulings after that date.

The right of appeal will not exist for those cases standards committees deal with as they work their way through the transitional system. The Government considers that the risk of protracted proceedings justifies this approach. The sanctions available to standards committees are significantly less severe than the sanctions available to the First-tier Tribunal (Local Government Standards in England).

Further, the Government propose that the suspension sanction is removed from standards committees for the transitional period. Hence the most a standards

committee could do is, for instance, to issue a councillor with a censure or a request that they undergo training.

The conduct regime in a post-Standards Board world

The Government is committed to maintaining high standards of conduct in office and will ensure that, in the absence of a statutory code of conduct, councillors do not abuse their office for personal gain by putting their personal interests before those of the general community or local area that they represent. Members will be required to continue to register and declare personal interests and will not be allowed to use their position improperly for personal gain. The Government intend that wilful failure to comply with these requirements will constitute a criminal offence.

The requirement for local authorities to adopt a model code of conduct and for local authority members to abide by that code will be abolished. However, local authorities will be free to adopt their own, voluntary code of conduct should they so wish.

The requirement to maintain a standards committee will be abolished. However, local authorities will be free, should they choose, to establish voluntary standards committees to consider complaints about the conduct of elected and co-opted members. Such committees will, according to councils' local constitutions, be able to censure but will not be able to suspend or disqualify members from council membership.

Published by the Department for Communities and Local Government

© Crown Copyright, December 2010

ISBN: 978 1 4098 2684 2

To: Standards Committee Chairs

30 November 2010

Dear colleagues

I would like to draw your attention to a letter sent to me from the Local Government Minister, Bob Neill MP about the Government proposals for the future of standards in local government. This letter has now been published on both our and CLG's website.

As you will know, since the Coalition Government announced its intention 'to abolish the Standards Board regime', there has been little detail available about what this would mean in practice. The letter from the Minister now sets out the proposition in greater detail.

In brief, you will see that the proposal is that, alongside the abolition of Standards for England, the First Tier Tribunal (Local Government Standards in England) would lose jurisdiction over member conduct. The Government also intends to remove the national Code of Conduct for councillors and the requirement to have a standards committee. Instead it would be for councils themselves to choose whether or not they wish 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. There would also be a new criminal offence created relating to failure to register or declare interests.

In the meantime, you will see that these proposals will need primary legislation. Our understanding is that the Decentralisation and Localism Bill, which would contain such provisions, will be introduced to Parliament by the end of the year. The current framework will continue in place until such time as the bill receives Royal Assent and the relevant provisions are enacted. Our understanding is that

this is likely to be some time in the summer or autumn next year, although exact timing will obviously depend upon Parliamentary progress of the bill as a whole. Consequently, in the meantime, as the Minister recognises, standards committees will continue to have a legal requirement to operate as now and, in particular, to continue to consider any allegations.

You will see that the Minister's letter sets out, in some detail, the transition arrangements that they intend to apply to any cases which will be in the pipeline at the end of the framework. While these proposals obviously depend on Parliamentary approval, in brief, Standards for England would cease to handle cases from an Appointed Day (likely to be two months after the coming into force of the provisions). At that stage, all cases still open would be passed back to the relevant local authority to complete. Any cases with the Tribunal at that stage would be completed but no further references could be made to it. Any cases being handled locally would need to be completed locally after that date by the standards committee, with no power to pass them to Standards for England or the Tribunal, but no new allegations could be made after the Appointed Day.

I hope that you find this helpful.

Yours Sincerely

A handwritten signature in black ink, appearing to read 'R Chilton', with a stylized flourish at the end.

Robert Chilton
Chair

Standards Committee – 18 January 2011 – Analysis of Complaints

| <u>Ref No</u> | <u>Subject Member</u> DC = District Councillor PC = Parish/Town Councillor | <u>Complainant(s)</u> | <u>Allegations</u> (See key for Sections of Code of Conduct) | <u>Outcome</u> |
|---|--|-----------------------|---|---|
| EFDC 1-2008 (related to EFDC 3 – 2008) | DC | Member of the Public | 2(1)(b) 3(1) 3(2)(b) 5 | Assessments Sub-Committee referred for investigation Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee determined insufficient evidence to substantiate a breach. |
| EFDC 2-2008 | DC | Member of the Public | 3(1) | Assessments Sub-Committee determined no further action as (a) incidents took place at a time when the Councillor concerned was not a district councillor; and (b) no evidence of Councillor concerned acting in an official capacity. Review requested – Reviews Sub-Committee determined no action as (a) some incidents arose prior to member being elected; (b) some incidents may have arisen after the member was elected but the evidence was not clear; (c) no evidence of Councillor acting in an official capacity. |
| EFDC 3 – 2008 (related to EFDC 1 – 2008) | DC | Members of the Public | 2(1)(b) 3(1) 3(2) (b) 5 6 (a) | Assessments Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee determined insufficient evidence to substantiate breach. |

| | | | | |
|--|-----|------------------------------|-------------------------------|---|
| EFDC 4 – 2008 | PC | Member of the Public | 3 (1) 5 | <p>Assessments Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee.</p> <p>Hearings Sub-Committee found breach of 3(1) – censured member, requested apology to complainant and requirement to attend training. Subject member appealed the decision to the national Adjudication Panel - found breach of 3(1) and 5 and in addition to apology and training increased sanctions to three month suspension.</p> |
| EFDC 5-2008 | PC | Councillor of same authority | 3(1)(b) | Assessments Sub-Committee determined no further action as (a) relatively minor issue; (b) lack of evidence. |
| EFDC1-2009 (related to EFDC 5 – 2009) | PCs | Member of the Public | 8(1)(b) 10(1) 12(1) (a) | Assessments Sub-Committee referred complaint about one Councillor for investigation and determined no further action in respect of others as lack of prima facie evidence and information and relatively minor matter. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee found failure to comply with 5 and 12 but imposed no sanction. |
| EFDC 2-2009 | PC | Councillor of same authority | 3(1) | Assessments Sub-Committee referred to Standards for England. |

| | | | | |
|---|----|-------------------------------|-----------------------|--|
| EFDC 3-2009 | PC | Councillor of some authority | 3(2)(b) 12 (1) (c) | Assessments Sub-Committee decided no further action as (a) relatively minor issue and (b) lack of prima facie evidence Review requested. Reviews Sub-Committee referred for investigation. Report of Investigating Officer referred to Hearings Sub-Committee Hearings Sub-Committee found breach of 3(1) and 12(1)(c) and required apology to complainant and extra training. |
| EFDC 4-2009 | PC | Councillor of same authority | 9 10 | Assessments Sub-Committee decided no further action as (a) relatively minor issue (b) lack of prima facie evidence. Review requested. Reviews Sub-Committee decided no further action as (a) relatively minor matter (b) lack of prima facie evidence. |
| EFDC 5 – 2009 (related to EFDC 1-2009) | PC | Councillors of same authority | 10(1) 12(1)(a) | Assessments Sub-Committee determined no further action as (a) one issue already subject to investigation (b) insufficient evidence. Review requested. Reviews Sub-Committee referred parts of the complaint for investigation. Report of Investigating Officer referred to Hearings Sub-Committee. Hearings Sub-Committee found failure to comply with 5 and 12 but imposed no sanction. |
| EFDC 6-2009 | PC | Councillor of same authority | 3(1) 3(2)(b) | Assessments Sub-Committee referred to Standards for England. |
| EFDC 7-2009 | DC | Member of the public | 6(a) | Assessments Sub-Committee determined no further action as lack of third party evidence submitted amounting to prima facie evidence. |

| | | | | |
|--------------|-----|------------------------------|-----------------------|--|
| EFDC 8-2009 | PCs | Councillor of same authority | 3(1) 5 7(1) (b) | Assessment Sub-Committee referred to Standards for England |
| EFDC 9-2009 | DC | Member of the Public | 2(1)(b) 6(a) | Assessments Sub-Committee referred for investigation. Investigating Officer's report to be considered by Assessments Sub-Committee on 10 January 2011. |
| EFDC 10-2009 | DC | Member of same authority | 2(1)(b) 3 (1) 5 | Assessments Sub-Committee referred for investigation. Assessments Sub-Committee accepted Investigating Officer's finding of no failure to observe Code. |
| EFDC 1 -2010 | DC | Officer of same authority | 6(a) | Assessments Sub-Committee referred for investigation in part. Report of Investigating Officer referred to Hearings Sub-Committee Hearings Sub-Committee to consider on 25 January 2011. |
| EFDC 2-2010 | DC | Member of the Public | 6(a) | Assessments Sub-Committee determined no further action as not serious enough to warrant investigation. Review requested. Reviews Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) member no longer a Councillor. |
| EFDC 3-2010 | PC | Councillor of same authority | 3(1) 2(a) 2(b) | Assessments Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) investigation would serve no useful purpose. Review requested. Reviews Sub-Committee determined prima facie evidence of breach of 3(1) but not serious enough to warrant an investigation – members requested to undertake training and mediation. |

| | | | | |
|---------------|-----|------------------------------|------------------------|--|
| EFDC 4-2010 | PC | Member of the Public | 3(1) 3(2)(b) | Assessments Sub-Committee referred for investigation in part (3(1)). Assessments Sub-Committee accepted Investigating Officer's findings of no failure to observe Code. |
| EFDC 5 – 2010 | PC | Councillor of same authority | 8 10 | Assessments Sub-Committee determined no further action as (a) insufficient evidence (b) relatively minor issue. |
| EFDC 6- 2010 | DCs | Member of the Public | 5 10(1) 12(1)(a) | Assessments Sub-Committee determined no further action as (a) not serious enough to warrant investigation (b) lack of evidence. Review requested – to be considered by Reviews Sub-Committee on 10 January 2011. |

Key

Sections of the Code of Conduct

- 3(1) You must treat others with respect
- 3(2)(a) You must not do anything to breach equality enactments
- 3(2)(b) You must not bully any person
- 3(2)(c) You must not intimidate etc any person
- 4 You must not disclose information given in confidence
- 5 You must not conduct yourself in a manner which could be regarded as bringing office or authority into disrepute.
- 6 (a) You must not use position improperly to gain advantage/disadvantage
- 6 (b) You must use resources of authority correctively
- 9 Disclosure of personal interests
- 10 Prejudicial interests
- 12 Effect of prejudicial interests

Summary of Cases

- Number received – 21 (10 complaints were made by other councillors, 10 by members of the public and 1 by a District Council officer)
- Number relating to District Councillors – 9
- Number relating to Parish/Town Councillors – 12
- Number where Assessments Sub-Committee determined no further action – 10 plus 1 in part
- Number of Reviews requested – 6
- Number of cases to Hearings – 5 plus 1 in part (1 of which yet to be held)

- Outcome of Hearings – (1) Insufficient evidence to substantiate breach
- (2) Insufficient evidence to substantiate breach
- (3) Breach of 3(1) Apology/training – plus 3 month suspension following appeal which found breach of 3(1) and 5
- (4) (Part) Breach of 5 and 12 but no sanction
- (5) Breach of 3(1) and 12(1)(e) – apology/training
- (6) To be held

Epping Forest Assessments Subcommittee – Active Cases

As at: 4 January 2011

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) | Investigator |
|------|-----|--------------------|---|----------------------------|--------------|
| 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 |
| 2009 | 17 | EFDC 9/2009 | <p>Assessment Panel 21 December 2009 – referred for investigation by Monitoring Officer</p> <p>Referred to I Willett to investigate on 2 February 2010</p> <p>Final report now in hand – Assessment Sub Committee to consider report on 10 January 2011.</p> | 30/11/09 | I Willett |

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) | Investigator |
|------|-----|--------------------|--|----------------------------|-----------------------|
| 2010 | 19 | EFDC 1/2010 | Assessment Sub-Committee - 22 March 2010 Referred for investigation in part Assessment Sub Commttee met on 8 November 2010 and referred the matter to Hearing. Hearing to take place on 25 January 2011. | 2/3/10 | Wilkin Chapman LLB |
| 2010 | 21 | EFDC 3/2010 | Received 5 May 2010 – Assessment Sub-Committee 24 May 2010 – NFA Not serious enough to merit investigation/ Investigation would not serve useful purpose – Review requested 28 May 2010 Reviewed 26 July 2010 – Decision other action – training/mediation – Subject member happy to participate No view received from complainant delete from Schedule? | 5/5/10 | None |
| 2010 | 22 | EFDC 6/2010 | Received 30 September 2010 – Assessment Sub-Committee 8 November 2010 – NFA – Not serious enough to warrant any further action/no evidence to substantiate allegations – Review request. Review to take place on 10 January 2011. | 30/9/10 | |

| Year | No. | Case reference no. | Case status | Received - (dd/mm/yyyy) | Investigator |
|------|-----|--------------------|---|----------------------------|--------------|
| 2010 | 22 | EFDC 4/2010 | <p>Case: Parish Councillor, Complaint by member of public – sections 3(1) and 3(2)(b)</p> <p>Assessment on 30 July 2010 – referred for investigation – P Mears appointed –</p> <p>Report considered by Assessment Sub-Committee on 8 November – No breach but raised matter of appropriateness of Councillor actions – This matter to be considered further by Standards Committee</p> <p>Delete from schedule.</p> | 6/7/10 | P Mears |

This page is intentionally left blank