

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Thursday, 13 December 2012

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 8.55 pm

Members Present: Councillors Mrs P Smith (Chairman), K Angold-Stephens, Ms H Kane, A Mitchell MBE, Mrs C Pond, D Stallan, and Mrs J H Whitehouse.

Other Councillors:

Apologies: Councillor G Chambers (Vice-Chairman)

Officers Present: I Willett (Deputy Monitoring Officer), G Lunnun (Allegations Determination Manager) and S G Hill (Local Assessments Officer).

Also in attendance - Independent Persons: P Adams, D Cooper, J Guth, R Pratt and K Adams (reserve)

17. INDEPENDENT PERSONS

The Chairman welcomed the Independent Persons to their first meeting.

Members and Officers introduced themselves to the Independent Persons.

18. SUBSTITUTE MEMBERS

There were no substitute members present at the meeting.

19. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 2 October 2012 be taken as read and signed by the Chairman as a correct record.

20. DECLARATIONS OF INTEREST

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

21. CODE OF CONDUCT AND PARTICIPATION AT MEETINGS - DISPENSATIONS

Members were informed that the Council had adopted the recommendation of the Committee that no action be taken on introducing a standing order to provide for the circumstances under which a member having an interest could make representations before leaving a meeting where the public had the right to speak. The Committee noted that the Council had also agreed that in such circumstances, members should

be required to seek a dispensation under Section 33 of the Localism Act 2011 and had asked this Committee to formulate a process for dealing with requests for dispensation bearing in mind the likely timescales involved.

The Committee considered proposals for granting dispensations.

RESOLVED:

- (1) That all applications seeking a dispensation be made in writing;
- (2) That the Monitoring Officer be authorised to determine the wording of the form to be used for seeking a dispensation taking account of the views expressed at the meeting by members of the Committee and Independent Persons;
- (3) That applications seeking a dispensation requiring a decision by the Standards Committee where there is insufficient time to convene a meeting be determined as follows:
 - (a) the Monitoring Officer will contact an Independent Person and all Members of the Committee by email requesting views within a set time which will enable a decision to be conveyed to the subject member within five working days of receipt of the application by the Monitoring Officer;
 - (b) the decision will reflect the views expressed by the majority of members, taking account of the views of the Independent Person, subject to a minimum of five responses being received by the Monitoring Officer and, in the event of an equality of differing views, the view of the Chairman of the Committee or in his/her absence the Vice Chairman will prevail;
- (4) That applications for a dispensation requiring a decision by the Monitoring Officer be determined within five working days of receipt;
- (5) That all other applications for dispensation be submitted to a meeting of the Committee for determination;
- (6) That an explanation of the process including the flow chart presented to the Committee and a copy of the dispensation application form be published in the Council Bulletin;
- (7) That a copy of the dispensation application form be placed on the Council's website with the ability for members to return the form electronically;
- (8) That Parish and Town Councils be informed of the process for granting dispensations and provided with copies of the flow chart and the dispensation application form; and
- (9) That the process for dealing with requests for dispensation be reviewed in approximately one year at the same time as the review of the other standards arrangements introduced under the Localism Act 2011.

22. INDEPENDENT PERSONS' WORKSHOP - 15 NOVEMBER 2012

Mr R Pratt submitted a report on his attendance at an Independent Persons' workshop held on 15 November 2012.

The Committee noted the following issues/questions which had been raised at the workshop:

- (a) there were no national standards on how to be an Independent Person; consideration should be given as to whether Independent Persons should sign-up to their own Code of Conduct which might underline their independence and commitment;
- (b) in dealing with a complainant or a member subject to a complaint, Independent Persons should never give advice; they should only ever express a view, as giving advice could lead to subsequent problems for the Monitoring Officer;
- (c) at the assessment stage, Independent Persons should express views in an independent and transparent way; such comments should be made available to the parties; an Independent Person could choose not to give a view or opinion or could defer doing so;
- (d) any discussion with a complainant or a member subject to complaint should be recorded and forwarded to the Monitoring Officer; if an Independent Person was not prepared to have a comment published it should not be made the subject of a formal record;
- (e) the Council should establish a routine and consistent method of dealing with complaints;
- (f) Independent Persons as citizens had a role in maintaining standards by everyone; if serious deficiencies were thought to exist within the Council structure itself, with attendance sensitivities, it might be necessary to take this up direct with the Chief Executive;
- (g) Independent Persons should not have contact with the news media; if enquiries were received, they should be passed to the Council's Public Relations Officers;
- (h) Independent Persons should know and understand the Council and its workings;

Mr Pratt advised that since he had prepared his report a more detailed report on the proceedings had been published by the organisers of the workshop. Copies of this report were tabled at the meeting.

RESOLVED:

- (1) That Mr Pratt be thanked for his attendance at the workshop and for his report; and
- (2) That a report be submitted to the next meeting of the Committee to facilitate a detailed discussion on the issues and options raised at the workshop.

23. APPOINTMENT OF INDEPENDENT PERSONS UNDER THE LOCALISM ACT 2011

The Deputy Monitoring Officer reported that the District Council on 27 September 2012 had adopted a motion deploring the loss of expertise of experienced Independent Members of the previous Standards Committee because of the

Government's decision not to permit them to be appointed as Independent Persons for a term of office which extended beyond June 2013. The motion had also called upon the Government to amend the legislation to allow Independent Members of the previous Standards Committee to apply to become Independent Persons under the new arrangements on a continuing basis.

The Committee noted that in response to the Council's representations, Brandon Lewis M.P., Parliamentary Under Secretary of State at the Department for Communities and Local Government had stated that the Government had wished the new regime to be seen as a fresh start without anything from the former regime remaining in place. He had also stated that the Government had no current plans to review the requirements but was committed to carrying out a review three to five years after implementation.

RESOLVED:

(1) That the response of Brandon Lewis, Parliamentary Under Secretary of State, Department of Communities and Local Government to a motion adopted by the Council at its meeting on 27 September 2012 regarding the rules which preclude previous Independent Persons of Standards Committees from continuing as Independent Persons under the new arrangements be noted; and

(2) That as a result, Mr J Guth will cease to be an Independent Person on 30 June 2013 and his place will be taken at that time by Mr K Adams.

24. JOINT PARISH STANDARDS COMMITTEE (JSC) - PROGRESS REPORT

The Deputy Monitoring Officer reported on the current position in relation to the establishment of the JSC and drew attention to:

(a) the Constitution of the JSC as approved at an inaugural meeting held on 31 October 2012;

(b) the draft minutes of the JSC meeting held on 31 October 2012;

(c) a list of representatives of the affiliated Town and Parish Councils; and

(d) a note of a meeting held on 29 October 2012 between the Monitoring Officer, Deputy Monitoring Officer and Parish Council representatives on operational arrangements.

The Committee noted the support which would be provided to the JSC by the Monitoring Officer and her support staff.

RESOLVED:

(1) That the progress being made by the JSC be noted;

(2) That minutes of future meetings of the JSC be submitted to this Committee for information;

(3) That the Monitoring Officer arrange training for the JSC in relation to hearings.

25. REGISTRATION OF COUNCILLORS' INTERESTS

The Deputy Monitoring Officer reported that completed Registration of Interest forms had been received from all the District, Town and Parish Councillors except for one Parish Councillor who could not be contacted.

The Committee noted that copies of all of the forms had been placed on the District Council's website and that the Clerks of Parish and Town Councils having a website had been reminded of the requirement to place copies of completed forms on their websites.

RESOLVED:

- (1) That the appreciation of the Committee be expressed to the officer responsible for co-ordinating the return of the forms; and
- (2) That the Monitoring Officer obtain details from other members of the Public Law Partnership of the extent of compliance with the requirements in relation to the registration of interests.

26. TOWN & PARISH COUNCILS - ADOPTION OF CODES OF CONDUCT AND COMPLAINT PROCEDURES

The Committee noted that four Parish Councils had not yet notified the Monitoring Officer of the adoption of a Code of Conduct and a Complaints Procedure as required under the provisions of the Localism Act 2011.

The Deputy Monitoring Officer reported that steps were continuing to be taken to ensure that the four Parish Councils met the requirements of the Act.

RESOLVED:

- (1) That a report be submitted to the next meeting of the Committee on the position in relation to the four Parish Councils yet to adopt a Code of Conduct or a Complaints Procedure; and
- (2) That the District Council ward members for the areas covered by the four Parish Councils be informed of the situation and invited to assist by emphasising to the Parish Councils the need to comply with the legislation.

27. PARISH AND TOWN COUNCIL REPRESENTATION

The Deputy Monitoring Officer reported that the six Parish/Town Councils which had chosen to join this Committee had been asked to liaise and nominate three non-voting representatives to serve on the Committee for the remainder of the current Council year, subject to there being no more than one member nominated from any one authority.

He advised that to date three of the six Parish Councils had each nominated a representative but no replies had yet been received from the other three Councils.

RESOLVED:

That the Monitoring Officer approach the Clerks of the six Local Councils with a request that they co-ordinate nominations from the six Councils and seek

agreement from those Councils to the three members to be nominated to the Committee.

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.

29. DATES OF FUTURE MEETINGS

The Committee noted that the District Council's calendar for 2012/13 provided for another meeting for the Committee on 28 March 2013.

Members noted that the draft District Council calendar for 2013/14 provided for meetings on 13 June 2013, 12 September 2013, 12 December 2013 and 13 March 2014.

The Deputy Monitoring Officer reported that additional meetings could be arranged as and when required by the Committee.

30. EXCLUSION OF PUBLIC AND PRESS

The Committee agreed that there were no issues arising from the active cases reported and accordingly it was not necessary to move into private session.

CHAIRMAN