



Epping Forest District Council

STANDARDS COMMITTEE **Thursday, 28th March, 2013**

You are invited to attend the next meeting of **Standards Committee**, which will be held at:

Committee Room 1, Civic Offices, High Street, Epping
on Thursday, 28th March, 2013
at 7.30 pm .

Glen Chipp
Chief Executive

Democratic Services
Officer:

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

Members:

Councillors Mrs P Smith (Chairman), G Chambers (Vice-Chairman), K Angold-Stephens, Ms H Kane, A Mitchell MBE, Mrs C Pond, B Rolfe, D Stallan and Mrs J H Whitehouse

Independent Persons:

P Adams, D Cooper, J Guth, R Pratt and K Adams (reserve)

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

(Deputy Monitoring Officer) To report the attendance of any substitute members for the meeting.

3. MINUTES (Pages 5 - 10)

To approve as a correct record the minutes of the meeting held on 13 December 2012 (attached).

4. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

5. TOWN AND PARISH COUNCIL REPRESENTATION

(Deputy Monitoring Officer) To receive an oral report on the position concerning the

nomination by the six Parish/Town Councils which have chosen to join this Committee of three non-voting representatives to serve on this Committee.

6. ISSUES AND OPTIONS RAISED AT THE INDEPENDENT PERSONS' WORKSHOP (Pages 11 - 16)

To consider the attached report.

7. TOWN AND PARISH COUNCILS - ADOPTION OF CODES OF CONDUCT AND COMPLAINTS PROCEDURES

(Deputy Monitoring Officer) At the last meeting the Committee was advised that replies still awaited from four parish councils about the Codes of Conduct and Complaints Procedures they are required to adopt in accordance with provisions of the Localism Act 2011.

Since that meeting, the Clerk of Fyfield Parish Council has advised that the Parish Council has decided to affiliate to the Joint Parish Standards Committee and has adopted the Public Law Partnership Code of Conduct and Complaints Procedure.

An oral report will be made at the meeting on the position of the remaining three parish councils.

8. PLANNING PROTOCOL - SITE VISITS (Pages 17 - 22)

To consider the attached report which is due to be discussed at District Development Control Committee meeting on 27 March 2013. The comments of that Committee will be reported orally.

9. JOINT PARISH STANDARDS COMMITTEE - PROGRESS REPORT

There has not been a meeting of the Joint Parish Standards Committee since the inaugural meeting held on 31 October 2012, the minutes of which were reported to the last meeting of the Standards Committee.

There has been a meeting of a Panel convened to consider a complaint, further details of which are included in agenda item 10.

10. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 23 - 26)

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

11. DATES OF FUTURE MEETINGS

(Monitoring Officer) The Council's adopted calendar for 2013/14 provides for meetings on 13 June 2013, 12 September 2013, 12 December 2013 and 13 March 2014.

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

12. 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
13	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.

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

(Monitoring Officer) To discuss issues arising, if any, from active cases listed on the schedule for item .

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

Report to the Standards Committee

Date of meeting: 28 March 2013

Report of: Monitoring Officer

Subject: Issues and Options Raised at the Independent Persons' Workshop

Officer Contact for further information: Colleen O'Boyle (01992 564475)/Ian Willett (01992 564143)

Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendation:

To consider issues and options raised at the Independent Persons' Workshop

(a) Introduction

1. At the last meeting the Committee received a report from Roger Pratt on his attendance at an Independent Persons' workshop held on 15 November 2012.
2. The Committee requested that a report be submitted to this meeting to facilitate a discussion on the issues and options raised at the workshop. A copy of a detailed report on the proceedings published by the organisers of the event is attached as Appendix 1 but the main issues are set out below together with comments of the Monitoring Officer in bold type.

(b) Filtering Initial Allegations

3. The workshop identified that in some authorities it appears that the Monitoring Officer has discretion as to whether the views of an Independent Person (IP) should be sought on the initial allegation.
4. At the workshop the need for transparency in such cases was emphasised to avoid accusations of inequitable treatment.

The Monitoring Officer proposes to consult an IP in all cases so this is not an issue which needs to be considered.

(c) Decision Letters

5. It was recommended at the workshop that decision letters should state that the views of an IP have been sought but that they should not sign the letter as they are not a decision – maker.

This is the practice being followed.

(d) Role Post Filtering

6. IPs generally expressed the view that they did not envisage having a role in cases other than through investigation (such as informal resolution or mediation). However, some felt that they had specific skills which would assist the Monitoring Officer.

There has been one case to date where a complaint was resolved as a result of the Monitoring Officer organising a meeting between the complainant and the subject member to talk through the issues. An IP was not involved in the meeting.

Does the Committee feel that IPs should have a role in informal resolution, mediation etc.

(e) Multiple roles or one per case

7. It was recommended at the workshop that there should only be one IP per case for clarity and efficiency but that where a different process is in place there needs to be detailed guidance about how the different IPs operate within that framework.

At present the Monitoring Officer selects IPs to use on a case by case basis, undertaking different roles if necessary, eg one supporting the subject member/one supporting the complainant or investigator.

The Committee is invited to discuss the options and the views expressed especially the suggestion that the separation of roles within a case is not good practice. If the existing arrangements are continue does the Committee see the need for the production of detailed guidance.

(f) Giving Views

8. The workshop recommended that views should be expressed in writing to avoid misrepresentation and provide a transparent record.

9. It was emphasised that in giving views to the Monitoring Officer or the Standards Committee or Sub-Committee considering a complaint, IPs should not risk being seen as putting themselves in place of an investigator or become too heavily involved in a case. It was suggested that views expressed should cover two aspects – as a sounding board (eg do you agree or not that the facts constitute a breach) and as a quality assurance that the process has been fair, transparent and proportionate.

10. In relation to giving views to the subject member it was recommended that contact should only take place where it has been agreed in advance (via the Monitoring Officer) and that any views expressed should be made available in writing to all the relevant parties.

11. The workshop recommended that there should be access to an IP for the complainant which should be managed in a similar way to that for the subject member.

**Does the Committee agree that views should always be expressed in writing.
Does the Committee agree with the suggestions for giving views.
The management of contacts with the subject member and/or the complaint is being undertaken as suggested.**

(g) Maintaining Independence and Ensuring Fairness

12. The workshop expressed the view that IPs should be able to escalate concerns about the way in which a matter is being handled with the Council's Chief Executive, Group Leaders or full Council.

13. It was suggested that media contact should be dealt with by the Council rather than the IP.

The ability for IPs to approach the Council's Chief Executive, Group Leaders of full Council is available.

Does the Committee agree with the suggestion about media contact.

(h) Promoting and Maintaining High Standards

14. Few IPs at the workshop considered that they had a role in helping the Council more widely in promoting and maintaining high standards other than by giving support on cases.

15. It was recommended that IPs should not be co-opted members of the Standards Committee but should receive agenda etc in advance of meetings, have the right to place items on the agenda and address meetings.

IPs have not been made co-opted members of the Standards Committee and do not have a vote on matters at meetings. However, in every other respect it is suggested that they be encouraged to participate fully at meetings including items aimed at promoting and maintaining high standards generally, eg reviews of the Code of Conduct, a new Planning Protocol.

Does the Committee agree with this approach.

(i) Other Issues

16. It was suggested there was a need for a protocol between IPs and the Council about both their role and how they are to discharge it.

17. It was also suggested that IPs should sign up to a code of conduct and register and declare interests so that any conflicts can be identified at an early stage.

A draft protocol based on a model produced at the workshop is attached for consideration. This may need amending in the light of decisions taken on the above matters.

Does the Committee agree that IPs should sign up to a code of conduct and register and declare interests.

STANDARDS COMMITTEE - DRAFT PROTOCOL RELATING TO THE INDEPENDENT PERSON

Introduction

This protocol is to make clear the relationships between the Independent Persons (IP) and the various parts of the Council involved in the process of handling standards complaints and wider promotion of standards. Its aim is to ensure that responsibility is clear at each stage of the process and set out the expectations and rights of the IP.

Considering written allegations

1. The Monitoring Officer (MO) will seek the views of an Independent Person (IP) before reaching a decision on whether any further action should be taken on a written complaint.
2. When issuing the decision letter, the MO will record that an IP has been consulted and that their views have been taken into account. Where the view of the MO and IP differ, the MO will record the reasons for following a particular course. The letter will make clear that it is the MO and not the IP who is the decision-maker.

Matters under investigation

3. A member of the principal authority or a town or parish council who is the subject of a complaint may seek the views of an IP. A member wishing to contact an IP should do so via the MO who will arrange for a meeting to take place. These arrangements will be communicated to the subject member by the MO in the decision notice.
4. Where an IP has given views to the subject member, those views shall be put in writing and made available to all relevant parties in the case.
5. An IP will need to agree in advance with the subject member rules of confidentiality but it will be up to the IP to decide whether matters should remain confidential and, even where there is confidential information disclosed to the IP, there should be a public statement that confidential matters were discussed.
6. The complainant may also seek the views of an IP. As with the subject member, contact should be arranged through the MO and any views expressed should be made public.
7. The MO may consult an IP at any stage during the process, particularly on matters which relate to the procedures for handling complaints.
8. Where a matter has been referred to a Standards Sub-Committee for determination, the Sub-Committee must seek the views of an IP before reaching its conclusions. The IP's views should be recorded in any decision notice and, where those views do not reflect the final outcome reasons must be given for any differences. However, it must be clear that it is the Standards Sub-Committee and not the IP who is the decision-maker.
9. An IP shall not make any comments to the media on any matter without prior agreement of the MO or Council Public Relations Team. Any requests for comments

from media shall be referred in the first instance to the MO who may refer these to the Chairman of the Standards Committee as appropriate.

10. An IP may be requested by the MO or Standards Committee to assist in mediation or conciliation in order to resolve complaints where that is considered the most appropriate course of action.
11. An IP may be requested by the MO or Standards Committee to assist in any training on conduct issues as appropriate.
12. Where an IP is unable to act because of a conflict of interest or because they are otherwise unavailable their role will be carried out by another IP.

Relationship with the Standards Committee

13. IPs shall receive agendas and minutes of all meetings of the Standards Committee and shall be entitled to request for items to be added to the agenda with the agreement of the Chairman and to speak at the Committee.
14. IPs are not members of the Standards Committee and therefore are not part of the formal business of the meeting and cannot vote on any matters put to the meeting. They may be invited to observe confidential matters with the agreement of the Chairman.

Other matters

15. An IP has the right to raise any concerns about standards issues or implementation of the process with the authority's Chief Executive and has the right to address a meeting of the full Council about any concerns.
16. The Council, through its Standards Committee and MO, is responsible for ensuring that the Council meets its duty to promote and maintain high standards. However, IPs have the right to be consulted on any proposed changes to the Code of Conduct or procedures for handling allegations.
17. IPs have the right of access to any confidential information required to carry out their role. Access to such information and its storage shall be agreed with the MO.
18. IPs have the right of access to Council buildings in order to carry out their role. Access should be agreed in advance with the MO.
19. The MO will meet at least quarterly with the IPs to review relevant matters.
20. The IPs will agree to sign a code of conduct, including a register of interests to be held by the MO and will declare any relevant interests in relation to cases to the MO who will decide whether the interest conflicts them out of involvement in the matter.
21. IPs are to be considered an office-holder of the authority in accordance with the duty under s28(7) of the Localism Act 2011 and are therefore entitled to be covered by the Council's indemnity insurance provided they act reasonably and within the terms of this Protocol.

March 2013

Report to District Development Control Committee/Standards Committee

Date of meeting(s): 27 and 28 March 2013

Subject: Planning Protocol – Site Visits



**Epping Forest
District Council**

**Officer contact for further information: Simon Hill
Committee Secretary: S Hill Ext 4249**

Recommendation(s):

- (1) To consider prepared guidance on undertaking planning site visits for inclusion as supplementary information in the Council's Planning Protocol;
- (2) That the Planning Subcommittees be asked to note this guidance in undertaking future site visits and an item placed on their forthcoming agenda on the matter;
- (3) That this guidance be published on the Council's website, sent to members, applicants and objector (if known) when a site visit is organised

Report Detail

1. At a meeting of the Overview and Scrutiny held on 29 January 2013 consideration was given to a request of Councillor Stallan to establish a task and finish panel to review procedures at planning site visits. It was agreed at that meeting that it was appropriate for the Chairman and Vice Chairman of the Council's planning committees to meet to discuss the matter and bring forward any recommendations for procedural changes felt necessary.
2. This meeting was held on 25 February 2013. It was felt that further guidance should be drafted for both members and public attending such visits to avoid the perception of pre-determination and to ensure that there is a consistent approach during each visit.
3. This guidance is attached as Appendices 1 and 2 to this report. It has been split into two documents, one aimed at members and the second at other interested parties. It is proposed that these documents form supplementary guidance to the council's Planning Protocol. The guidance brings together information from the protocol.
4. It is further proposed that an item be placed on each planning committee to reiterate the process for future visits. It will also be sent to members, applicants and objectors (if known) when a site visit is organised.
5. It was agreed by the Assistant Director of Planning and Economic Development that officers would also meet to ensure a consistent approach by officers.

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Proposed Guidance for Members at Site Visits

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. It is good practice to consider site visits only where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications. In such cases, it is essential that care is taken to maintain the Council's and its members' integrity so as to protect the credibility of the planning process.

Members are asked to bear in mind the following guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits should be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- Members of the committee concerned should be encouraged to attend site visits.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. The Chairman or Vice Chairman will remind members of the guidance at the beginning of each visit. Members of the committee or subcommittee should not enter into discussions with interested parties, such as the applicant, the agent or neighbours during the visit.
- Councillors/Planning Officers should not allow interested parties to use the site visit as an opportunity of lobbying members of the committee. It is made clear to other parties at the outset that the purpose is to gather information and to view the site only.
- Any questions from members should be limited to questions of fact and directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members as a single group should consider the desirability of viewing an application site from more than one property when the site visit is arranged.
- Councillors must ensure that the application is not determined at the site visit
- Councillors should avoid acceptance of any hospitality at a site visit, (apart from routine courtesies), which could be misinterpreted by third parties;

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Proposed Guidance for Applicants, Agents and interested parties at Site Visits

Formal site visits may be requested by any Planning Committee. These can be requested either before a planning meeting or resolved at the meeting concerned. However, these consume resources and delay determination of an application. Site visits will only normally be considered where there is a substantial benefit to the decision-making process, e.g. when the impact of the proposed development is difficult to visualise from prior inspection from a public place, or from the plans and the supporting material; or it is particularly contentious.

It is recognised that Councillors are subject to lobbying on specific applications by Applicants, agents and other interested parties. Our members follow guidance when undertaking planning site visits so as to avoid the perception of pre-determination.

- Site visits will be undertaken at an agreed predetermined time and conducted in a single group with a planning officer present at all times.
- You will not be allowed to use the site visit as an opportunity of lobbying members of the committee. It will be made clear to other parties at the outset that the purpose of the site visit is to gather information and to view the site only.
- The site visit is managed by the Chairman, Vice-Chairman or planning officer present. Members of the committee or subcommittee will not enter into discussions with interested parties during the visit.
- Members of the committee concerned are encouraged to attend site visits.
- Members may ask questions of fact which will be directed, in the first instance, to the planning officer present and not directly to interested parties present.
- In the interests of fairness to all parties, members will consider the desirability of viewing an application site from more than one property when the site visit is arranged if this is appropriate.
- The application is not determined at the site visit.
- Councillors will not normally accept any hospitality at a site visit, (apart from routine courtesies), as these could be misinterpreted by third parties.

Further Information:

Email: democraticservices@eppingforestdc.gov.uk

Tel: 01992 564249 and ask for the Committee Officer for the relevant Subcommittee which is shown on the front sheet of the agenda.

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Epping Forest Assessments Subcommittee – Active Cases

As at: 14 March 2013

Year	No.	Case reference no.	Case status	Received - (dd/mm/yy)	Investigator
2012	9	EFDC 5/2012	<p>NEW – linked to 7/2012</p> <p>Complaint by District Councillor about the conduct of a Parish Councillor at an Area Planning Subcommittee in March. The Parish Member involved had to be asked to leave meeting after verbal altercation.</p> <p>Complaint made on basis of sections 1, 2(b) and (c) and 5 of the CoC</p> <p>Meeting was a webcast meeting.</p> <p>Assessment Subcommittee held 9 May – referred to investigation on basis of paragraphs 3(1) and 5.</p> <p>Investigation phase completed. Final report received. After consultation with IP's MO passed the report to the Parish JSC for a hearing.</p> <p>In the meantime subject member had ceased to be a Councillor as she failed to attend Parish meetings for six months. Locally it was known that she had also moved without giving us or the Parish forwarding details.</p> <p>Parish JSC Panel held on 12.3.13. I. Willett presented investigation report. C O,Boyle advised Panel. Panel found that the member had breached the Code of Conduct and requested that the Parish Council publish the decision on its website and in other appropriate places.</p>	10/4/12	E Whitfield - ECC

2012	11	EFDC 7/2012	<p>linked to 5/2012</p> <p>Complaint by District Officer about the conduct of a Parish Councillor at an Area Planning Subcommittee in March. The Parish Member involved had to be asked to leave meeting after verbal altercation.</p> <p>Complaint made on basis of sections 1, 2(b) and (c) and 5 of the CoC</p> <p>Meeting was a webcast meeting.</p> <p>See 5/2012 above</p>	10/4/2012	E Whitfield - ECC
2012	12	EFDC 8/2012	<p>Complaint by three Councillors (Two Parish and One District) about the conduct of two Parish Councillors. Incidents complained of relate to:</p> <p>(i) A discussion between a Councillor and a senior local public figure during which the Councillor is alleged to have used inappropriate language; and</p> <p>(ii) That during a Parish Council meeting the supporting of offensive comments made by the public directed at other members.</p> <p>(iii) Rude remarks made to another member; and</p> <p>(iv) Threatening words/behaviour towards another Parish Councillor.</p> <p>Referred for investigation</p> <p>February update:</p> <p>Investigation progressing, several interviews have taken place. One subject member is not cooperating with the investigation. Further interviews may need to be conducted.</p>	1/10/12	Brian Keane

			One witness indicated an unwillingness to be involved in the investigation.		
2013	1	EFDC 1/2013	<p>Complaint by a Parish Council staff member about the conduct of one of its members at a Parish Function.</p> <p>Allegation that the subject member had shouted at the complainant, a member of Parish Council staff, in front of others making the staff member feel upset and humiliated. Additionally that during a further discussion, the subject member had told the Parish Chairman that the staff member was incompetent and would tell all the members at the meeting that they were incapable of doing her job.</p> <p>After consideration of the issue and taking a view from the IP's the MO decided that 'other action' was appropriate. A meeting was arranged between the parties on 18 January 2013. The matter is now closed.</p> <p>No further update – to be removed from the schedule.</p>		
2013	2	EFDC 2/2013	<p>Complaint by a Parish Councillor about another Parish Councillor.</p> <p>Allegation that the subject member had told a local resident erroneously that the complainant had a personal interest in a site; that the complainant had used his position as an elected member to block residential development on the site; and that the complainant has misrepresented the reasons why he had assumed parish responsibility for the site.</p> <p>The matter is still being considered by the Monitoring Officer.</p>		

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