

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Thursday, 3 July 2014

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 8.15 pm

Members Present: G Chambers (Vice-Chairman), Mrs C P Pond, D Stallan and B Surtees

Other Councillors: -

Apologies: Ms H Kane, A Mitchell MBE, C Roberts and B Rolfe

Officers Present: C O'Boyle (Director of Governance), S G Hill (Assistant Director (Governance & Performance Management)) and G J Woodhall (Democratic Services Officer)

Also in attendance: K Adams, P Adams, D Cooper and R Pratt (Independent Persons)
R Morgan and J Whybrow (Town/Parish Council Representatives)

1. COUNCILLOR P SMITH

The Committee noted with great sadness the recent passing of the Chairman of the Committee – Councillor Penny Smith. Both the Vice-Chairman and the Director of Governance, as Monitoring Officer, remarked upon Councillor Smith's contribution to the work of the Committee over the years, both as a Member and latterly as Chairman, and that she would be sorely missed. Other Members of the Committee recalled the contribution of Councillor Smith, both to this Committee and her wider contribution to the Council; particularly her year as Chairman of Council in 2009-10.

The Committee stood for a minute's silence in memory of Councillor Penny Smith.

2. APPOINTMENT OF VICE-CHAIRMAN

In the absence of the Chairman, the Vice-Chairman chaired the meeting and invited nominations from the Committee for the appointment of a Vice-Chairman for the duration of the meeting.

Resolved:

(1) That Councillor D Stallan be appointed as Vice-Chairman for the duration of the meeting.

3. SUBSTITUTE MEMBERS

The Committee noted that no substitute members had been appointed to attend the meeting.

4. MINUTES

Resolved:

(1) That the minutes of the meeting held on 12 September 2013 be taken as read

and signed by the Chairman as a correct record.

5. DECLARATIONS OF INTEREST

(a) Pursuant to the Council's Code of Member Conduct, Councillor B Surtees declared a personal interest by virtue of being the Vice-Chairman of the Standards Committee for Ongar Town Council. The Councillor had determined that his interest was not pecuniary and would remain in the meeting for its duration.

6. INTRODUCTIONS

All Members of the Committee introduced themselves for the benefit of any new Members in attendance.

7. TOWN AND PARISH REPRESENTATION

The Assistant Director of Governance (Governance & Performance Management) reported that the representation of Town and Parish Councils on the Committee were unchanged from 2013/14, but a further request for affiliation from Buckhurst Hill Parish Council was likely to be received.

The Chairman requested that the Assistant Director confirm with Buckhurst Hill Parish Council their desire to affiliate to the Standards Committee.

Resolved:

(1) That the current representation of Town and Parish Councils on the Standards Committee be noted.

8. TERMS OF REFERENCE

The Monitoring Officer reported that the Committee's Terms of Reference required updating and offered some amendments (in bold italics below), as the Localism Act 2011 had superseded the Terms of Reference in a number of places:

“(f) **considering** dispensations to Councillors and co-opted members (including Parish and Town Councillors) from requirements relating to interests set out in the Members' Code of Conduct;

(g) dealing **with any reports referred from or on behalf** of the Monitoring Officer on any matter, including investigations relating to Councillor conduct; and

(h) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils **either directly or through joint arrangements from time to time agreed.**”

If agreed, these amendments would need to be approved by the Council. The Monitoring Officer confirmed that the Committee's Terms of Reference had to be revised.

The Assistant Director (Governance & Performance Management) reported that all nine new Members had undertaken the Code of Conduct training held recently, and highlighted that there had been a condensed period of Member Training this year due to the European and Local Elections being held later in May than normal. The Assistant Director confirmed that a number of the training courses would be repeated

to enable further Members to attend, including the Planning Protocol and Code of Conduct training in September and the Autumn. The Committee was reminded that this training was open to all Town and Parish Councillors to attend as well if they wished.

The Committee asked if there were any Distance Learning arrangements in place, particularly for the benefit of Town and Parish Councillors? The Committee noted that presentations from Training Courses had previously been placed in the Council Bulletin and could also be emailed to Town and Parish Clerks. It was also noted that the courses could be filmed and made available for viewing in the webcast library.

Resolved:

(1) That the following amendments (in bold italics) to the Committee's Terms of Reference be recommended to the Council for approval:

“(f) ***considering*** dispensations to Councillors and co-opted members (including Parish and Town Councillors) from requirements relating to interests set out in the Members' Code of Conduct;

(g) dealing ***with any reports referred from or on behalf*** of the Monitoring Officer on any matter, including investigations relating to Councillor conduct; and

(h) the exercise of (a) to (g) above in relation to the parish councils wholly or mainly in its area and the members of those parish councils ***either directly or through joint arrangements from time to time agreed.***”

9. REVIEW OF PLANNING PROTOCOL

The Director of Governance reported that the current public consultation on the review of the Planning Protocol was ongoing and was not due to finish until 30 July 2014. Currently, only one response had been received – from Loughton Town Council who supported the revised Protocol – but more were expected before the close. A full report on the Review of the Planning Protocol would be submitted to the Committee at its meeting scheduled for 9 October 2014.

Resolved:

(1) That the interim report on the Review of the Planning Protocol be noted.

10. REVIEW OF SCRUTINY PANEL ARRANGEMENTS

The Assistant Director (Governance & Performance Management) reported that the Overview and Scrutiny Committee had agreed in February 2014 to establish a Task and Finish Panel to review how its Standing Panels were structured. The scope for this review was to include how the Governance Directorate and any proposed Scrutiny Panel set up to monitor this Directorate interacted with the Audit & Governance Committee and the Standards Committee to avoid possible conflicts of responsibility. It was highlighted that the review was due to report by March 2015, and the Standards Committee would be requested to participate.

The Committee felt that one of its Members should be appointed to attend meetings of the Overview & Scrutiny Review Panel as a non-voting Member in order to participate in the discussions, and it was agreed that the Chairman of the Committee would be the most appropriate person.

Resolved:

(1) That the Chairman of the Standards Committee be appointed to attend meetings of the Overview and Scrutiny Review Task & Finish Panel to participate in the discussions as a non-voting Member of the Panel.

11. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS

The Assistant Director (Governance & Performance Management) reported that there were no allegations currently outstanding, and that five issues had arisen since the Committee's last meeting in September 2013:

- (i) a complaint about a District Council Committee Chairman over the conduct of a meeting, which had not been substantiated;
- (ii) a complaint about a Town Councillor following an altercation with a neighbour, but the Town Councillor had resigned whilst the complaint was being investigated;
- (iii) a complaint about a Parish Councillor over a parking issue, but this complaint had also not been substantiated;
- (iv) an ongoing complaint against a Parish Council but an investigation had revealed no breaches of the Code of Conduct or financial impropriety, and the complainants were advised to utilise the Parish Council's complaints procedure; and
- (v) a number of issues regarding the running of one particular Parish Council which had not yet manifested into any Standards related complaints.

The Assistant Director highlighted that issues (ii) to (v) above involved Town and Parish Councils affiliated to the Joint Standards Committee, not the District Council's Standards Committee. The Assistant Director also briefly outlined the procedure for investigating issues and determining whether they should be reported to the Standards Committee for the benefit of new Members.

In respect of issue (ii) above, the Committee enquired whether the case could still be publicised, even though the Town Councillor had now resigned, but was informed that as the investigation was not completed then the Councillor had not been found guilty of any breaches of the Code of Conduct. The Monitoring Officer also added that there was no evidence the Town Councillor had resigned over the incident and the Committee could not therefore assume the Councillor was guilty. It was also highlighted that Councillors were under no obligation to give reasons for their resignation as these could be private or personal. The Committee noted that the view of the Department of Communities & Local Government was misbehaving Councillors should be voted out by their electorate.

The Monitoring Officer informed the Committee that more cases were now being investigated through her office than through expensive Sub-Committee investigations. The majority of the cases had been planning related whereby the Council had taken a different decision to that desired by the Complainant(s), and the ability to review the webcast of the particular meeting was a very useful tool in conducting these investigations.

Resolved:

(1) That the current position of any active cases, and any issues arising therefrom, be noted.

12. DATES OF FUTURE MEETINGS

The Committee noted the dates of its future meetings for the remainder of the 2014/15 municipal year:

- (i) 9 October 2014;
- (ii) 8 January 2015; and
- (iii) 7 April 2015.

13. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there was no items to consider which necessitated the exclusion of the Public and Press.

CHAIRMAN