

## **EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Standards Committee

**Date:** 14 April 2009

**Place:** Committee Room 1, Civic Offices,  
High Street, Epping

**Time:** 7.30 - 7.50 pm

**Members Present:** Ms M Marshall (Independent Member) (Chairman), Councillor B Surtees (Parish or Town Council Representative), Councillor Mrs D Borton (Parish or Town Council Representative), Councillor S Murray (Epping Forest District Council Appointee), Councillor B Rolfe (Epping Forest Council Appointee), Councillor J Salter (Parish or Town Council Representative), Councillor Mrs P Smith (Epping Forest Council Appointee) and G Weltch (Independent Member)

**Other Councillors:**

**Apologies:** M Wright (Independent Member)

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

### **25. MINUTES**

#### **RESOLVED:**

That the minutes of the meeting of the Committee held on 27 January 2009 be taken as read and signed by the Chairman as a correct record subject to the inclusion of the name of Councillor B Surtees in the list of apologies for absence.

### **26. DECLARATIONS OF INTEREST**

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

### **27. THE STANDARDS COMMITTEE (FURTHER PROVISIONS) REGULATIONS 2009**

The Deputy Monitoring Officer reported that draft regulations were being prepared which would allow the Standards Board to suspend the initial assessment functions of an authority and would enable authorities to establish Joint Standards Committees. They would also amend the powers of Standards Committees to grant dispensations to members who would otherwise be unable to take part in authority business because of a prejudicial interest. The Committee noted that the regulations were expected to come into force in May 2009.

Members noted that the circumstances in which the Standards Board would intervene were likely to include an authority's failure to comply with Standards Board guidance or directions, or where the Standards Committee or Monitoring Officer failed to carry out their functions properly. It would also be open to an authority to

ask the Board to intervene. Members noted that in the event of the Board making a direction the authority had to publish details of it in the local newspaper and any other publication the Board thought was appropriate.

Members were advised that Joint Standards Committees would be able to deal with all or any functions of a Standards Committee but there could be no concurrent functions. Finances were to be shared as agreed by the authorities and in default of agreement by an arbiter appointed by them. The Deputy Monitoring Officer reported that the Standards Board would be producing guidance including a draft constitution or terms of reference.

The Committee were advised in relation to dispensations that a new provision would clarify the ability of members to seek a dispensation where the political balance of a meeting would be upset sufficiently to prejudice the outcome of voting on the issue.

**RESOLVED:**

That the issues to be covered by the regulations be noted.

**28. STANDARDS BOARD ANNUAL RETURNS**

The Deputy Monitoring Officer reported that from April 2009, the Standards Board would be collecting information from Standards Committees in the form of an annual return. The information required would be on the arrangements for supporting the ethical conduct and questions would be asked about protocols for member/officer relations; the existence of mechanisms for dealing with member/member and member/officer disputes; the Chairman of the Committee relationship with the Chief Executive, Monitoring Officer and Council Leader; steps being taken to promote the Committee's work; and general activities of the Committee including training.

Members were advised that the annual return would take the form of an on-line questionnaire, similar to the quarterly returns.

**RESOLVED:**

That the introduction of Standards Board annual returns be noted.

**29. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES - 2009**

The Committee considered an outline of issues to be considered at the Standards Board's Annual Assembly being held on 12 and 13 October 2009 at the ICC, Birmingham.

**RESOLVED:**

That having regard to the restricted budget available to the Committee no representatives be appointed to attend the annual assembly.

**30. BIAS AND THE CODE OF CONDUCT - HIGH COURT DECISION**

The Committee received a report of the Monitoring Officer on the case of R (on the application of Michael Gardner) (Claimant) v Harrogate Borough Council

(Defendant) and Mr and Mrs Atkinson (Interested Party) (2008). Members were reminded that an oral report had been made on this case at the last meeting when it had been decided that the comments about the definition of close associate/friend should be taken into account in the current review of the Planning Protocol.

**RESOLVED:**

That the report be noted.

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

The Committee noted the current position of allegations made about District and Parish/Town Councillors.

In relation to references EFDC 1/2008 and EFDC 3/2008, the Hearings Sub-Committee on 31 March 2009 had found on the evidence that the member had not failed to follow the Code of Conduct.

In relation to reference EFDC 4/2008 the Assessments Sub-Committee on 3 April 2009 had decided that the case should be referred for consideration at a hearing. Pre-inquiry work was currently being undertaken and the case would go before the Hearings Sub-Committee in due course.

In relation to reference EFDC 1/2009 an external investigator had been appointed in relation to the complaint against one councillor which had been referred for investigation by the Assessments Sub-Committee.

In relation to reference EFDC 2/2009 the Standards Board had decided to take no action on the matter.

In relation to reference EFDC 4/2009 the complainant had requested a review of the decision of the Assessments Sub-Committee to take no action. Arrangements were being made to hold a meeting of the Reviews Sub-Committee.

In relation to reference EFDC 5/2009 the Assessments Sub-Committee had decided to take no action.

**32. DATES OF FUTURE MEETINGS**

The Committee noted that the calendar for 2009/10 provided for meetings of the Committee to be held on 14 July 2009, 13 October 2009, 19 January 2010 and 13 April 2010.

**33. ANY OTHER BUSINESS**

**(a) Members' Training**

The Committee noted that a members' training course was to be held on 26 May 2009 regarding the process for dealing with complaints against councillors about alleged breaches of the Code of Conduct. The course would provide a briefing on the various stages of the complaints process including advice to potential complainants from officers, assessment of complaints, reviews against decisions not to investigate complaints, investigations and adjudications.

The Deputy Monitoring Officer reported that in addition, courses would be held later in the municipal year on the revised Code of Conduct and the revised Planning Protocol.

**CHAIRMAN**