

**Notes of an Informal Meeting of Members of the Epping Forest District  
Standards Committee held on 13 October 2009  
6.30 pm – 8.10 pm**

**Present:**

**Independent Members :** Ms M Marshall, G Weltch and M Wright

**District Councillors :** B Rolfe, Mrs P Smith and Mrs J H Whitehouse

**Parish Councillors :** Mrs D Borton, J Salter and B Surtees

**Officers :** C O'Boyle (Monitoring Officer), I Willett (Deputy Monitoring Officer), G Lunnun (Allegations Determination Manager), S Hill (Local Assessments Manager)

**1. Chairman**

Mary Marshall was elected Chairman of the meeting.

**2. Purpose of Meeting**

I Willett drew attention to the recent exchange of correspondence with the Clerk of Moreton, Bobbingworth and The Lavers Parish Council from which it was apparent that the Parish Council had been upset by decisions made by the Assessments and Reviews Sub-Committees in response to complaints about a member of the Matching Parish Council. Members agreed that whilst there appeared to have been a breach of confidentiality in relation to the complaints and only a partial picture outlined to the Parish Council there were lessons to be learned from the criticisms made. It was agreed that the issues set out in the briefing paper for this informal meeting should be discussed. I Willett advised that there had been no further response from the Parish Council following his letter to the Clerk dated 6 October 2009.

**3. Dismissal of Complaints as Trivial**

Noted that the word "trivial" appeared in the Standards Board advice concerning assessment criteria and had been included in the local assessment criteria. Members agreed that the use of the word "trivial" in dismissing a complaint could create a negative response from complainants and almost certainly lead to a request for a review.

**ACTION:**

**Use of the word "trivial" be replaced in the Assessment Criteria with "the matter is not considered to be sufficiently serious to warrant further action" and that reference to "trivial" in decisions be restricted to those cases where a matter is considered so trivial that it warrants the use of the word.**

#### **4. “Robust Behaviour”**

Noted that the requirements in relation to member on member complaints are generally higher than complaints against a councillor from a member of the public or an officer. Accepted that a set position resulting in all such complaints being dismissed should not be taken as these might involve breaches of the Code which warrant investigation.

#### **5. Last Minute Additions**

Noted that the initial acknowledgement of a complaint draws attention to issues which might need expanding on and gives the complainant a week to provide additional evidence whilst allowing sufficient time to send the papers to the members of the Assessments Sub-Committee a minimum of five clear working days before the meeting.

#### **ACTION:**

**Existing approach and timescales to be maintained.**

#### **6. Withdrawal of Complaints**

Discussed the situation of a complainant seeking to withdraw their complaint prior to the Assessments Sub-Committee having made a decision on it. Noted that it was for the Assessments sub-Committee, not officers, to decide whether to grant such a request.

#### **ACTION:**

**Officers to prepare and submit to the Standards Committee for approval, a framework for the Assessments Sub-Committee to consider such requests, including (a) whether the public interest in taking some action on the complaint outweighs the complainant’s desire to withdraw it; (b) whether the complaint can be pursued without the complainant’s participation; (c) is there an identifiable underlying reason for the request to withdraw the complaint, eg. pressure to do by the subject member.**

#### **7. Budget Considerations**

Agreed that the criticisms of the Parish Council suggesting that complaints were not investigated because of concerns about cost were inaccurate. In accordance with statutory requirements complaints which met the assessment criteria were investigated. I Willett advised that he was now monitoring his costs in relation to investigations and in future at the end of the process would report on the number of hours spent and the notional cost to the Council. Noted that the available budget for the current year was almost exhausted and that any further work required from an external investigator would necessitate the Monitoring Officer being granted additional finance by the Council. Noted that external investigators were given a tight brief which was expanded if necessary during an investigation. Noted that the Standards Board had published figures indicating that the average time to complete an investigation was 100 days.

**ACTION:**

**Monitoring Officer to arrange, if necessary, for an increase in the budget provision.**

**8. Composition of Sub-Committees**

Agreed that there should be more interchange of members between the three sub-committees.

**ACTION:**

- (1) Officers to take account when liaising with the Chairman of the Standards Committee about the make-up of sub-committees.**
- (2) Summary of complaints and outcomes to be reported regularly to the Standards Committee so that all members can gain experience of the circumstances of cases.**

**9. Refusal to Investigate – Repeat Complaints**

Agreed that where there is an open investigation of that kind already in progress it should be possible to add in a further complaint on the same point. This can be contrasted with an investigation which has been completed and is raised again in exactly the same form.

**10. Training**

Agreed that in future member training sessions on the complaints process reference be made to matters which are not covered by the Standards Committee, eg, review of decisions taken by the District or Parish/Town Councils. Also agreed that the Standards Board DVD on Local Assessments might be appropriate to show at such sessions.

**ACTION:**

**Officers to note.**

**11. Assessment Criteria**

Agreed that a revised set of criteria be submitted to the Standards Committee for adoption.

**ACTION:**

**Officers to draft revised criteria taking account of issues discussed at this meeting.**