

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Standards Committee **Date:** 26 January 2010

**Place:** Committee Room 2, Civic Offices, High Street, Epping **Time:** 7.30 - 8.48 pm

**Members Present:** Ms M Marshall (Independent Member) (Chairman), G Weltch (Independent Member), M Wright (Independent Member), Councillor Mrs P Smith (EFDC Appointee), Councillor B Rolfe (EFDC Appointee), Councillor Mrs J H Whitehouse (EFDC Appointee), Councillor Mrs D Borton (Parish or Town Council Representative), Councillor J Salter (Parish or Town Council Representative) and Councillor B Surtees (Parish or Town Council Representative)

**Other Councillors:**

**Apologies:**

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

### 11. MINUTES

#### RESOLVED:

That the minutes of the meeting held on 14 July 2009 be taken as read and signed by the Chairman as a correct record.

### 12. DECLARATIONS OF INTEREST

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

### 13. LOCAL ASSESSMENT OF COMPLAINTS

The Committee viewed a Standards for England DVD designed to help standards committee members and local authority officers involved in the assessment of complaints.

### 14. INFORMAL MEETING OF MEMBERS OF THE COMMITTEE - 13 OCTOBER 2009

The Committee received the notes of an informal meeting of members of the Committee held on 13 October 2009 together with revised criteria for the local assessment of complaints arising out of that meeting.

Members noted that following the discussion on the Committee's budget for 2009/10 a virement of £5,000 had been made to cover the anticipated overspending due to the work required in relation to local assessment. Arrangements had also been

made for the 2010/11 budget to be increased by that amount and for consideration to be given to the budget being increased in future years if necessary.

**RESOLVED:**

- (1) That the notes of the meeting held on 13 October 2009 be taken as read and agreed as a correct record; and
- (2) That the revised Local Assessment of Complaints – Criteria be approved.

**15. PREDISPOSITION, PREDETERMINATION OR BIAS, AND THE CODE**

The Committee received updated Standards for England guidance on predisposition, predetermination or bias and the Code of Conduct following a session held at the Annual Assembly in October 2009.

Members noted that the guidance indicated that it was not a problem for councillors to be predisposed to a particular view. The guidance continued that predisposition could be strong and could be publicly voiced. However, a councillor had to be open to the possibility that, however unlikely, they would hear arguments during a debate about the issue that would change their mind about how they intended to vote. As long as they were willing to keep an open mind about the issue they were entitled to take part in any vote on the matter.

Members also noted that the guidance stated that by and large predetermination would not amount to a personal or prejudicial interest. As a result there was no specific requirement to declare an interest and leave the meeting under paragraphs 8 to 10 of the Code. However members could find themselves the subject of a complaint under paragraph 5 of the Code on disrepute.

The Deputy Monitoring Officer indicated that he would take this revised guidance into account in relation to the revisions currently being made to the Planning Protocol.

**RESOLVED:**

- (1) That the Standards for England revised guidance on predisposition, predetermination or bias and the Code of Conduct be noted; and
- (2) That the revised guidance be taken into account in relation to the revisions currently being made to the Planning Protocol.

**16. LOCAL ASSESSMENT - EXPERIENCES OF THE PROCESS**

The Committee received a note of a Standards for England summary of discussions which had taken place at the Annual Assembly in October 2009 about experiences of the local assessment process since its introduction in May 2008.

**17. 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.

Members noted that since the preparation of the schedule, cases 6/2009 and 13/2009 had been referred to a Hearings Sub-Committee. Cases 14/2009 and

16/2009 were the subject of a direction to the Monitoring Officer. No review had been requested in relation to case 15/2009 and that case was now closed. Cases 17/2009 and 18/2009 had been referred for investigation by the Deputy Monitoring Officer and an external investigating officer respectively.

**18. PLANNING PROTOCOL - REVIEW**

The Deputy Monitoring Officer advised that he was continuing to work on a revised protocol. It had been his intention to delay submission of the revised document to the Committee until publication by the Government of a new Members' Code of Conduct. However, if the new Code was not issued in the new future the revised protocol would be submitted to the Committee and might have to be further amended in the light of a new code.

Members noted that the Monitoring Officer and the Deputy Monitoring Officer would be attending a course on 10 February 2010 regarding implementation of new member and officer codes of conduct.

**19. DATES OF FUTURE MEETINGS**

The Committee noted that the calendar for 2009/10 provided for another meeting of the Committee on 13 April 2010.

Members also noted that the draft calendar for 2010/11 provided for meetings of the Committee on 13 July 2010, 12 October 2010, 18 July 2011 and 19 April 2011.

**20. MEMBERSHIP OF THE COMMITTEE**

Ms M Marshall gave notice that she proposed to resign as an independent member of the Committee at the end of her current three year term in May 2010.

The officers outlined the steps which would need to be taken to fill the vacancy.

**CHAIRMAN**