

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Thursday, 28 March 2013

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.25 pm

Members Present: Councillors Mrs P Smith (Chairman), G Chambers (Vice-Chairman), K Angold-Stephens, Mrs C Pond, B Rolfe and D Stallan

Other Councillors:

Apologies: Councillors Ms H Kane, A Mitchell MBE and Mrs J H Whitehouse

Officers Present: C O'Boyle (Director of Corporate Support Services), I Willett (Assistant to the Chief Executive), G Lunnun (Assistant Director (Democratic Services)) and S G Hill (Senior Democratic Services Officer)

Also in attendance: P Adams, D Cooper, J Guth, R Pratt and K Adams (reserve)

31. SUBSTITUTE MEMBERS

There were no substitute members present at the meeting.

32. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 13 December 2012 be taken as read and signed by the Chairman as a correct record.

33. DECLARATIONS OF INTEREST

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

34. TOWN AND PARISH COUNCIL REPRESENTATION

The Deputy Monitoring Officer reported that the six Town/Parish Councils which had chosen to join this Committee had found it difficult to reach agreement on the nomination of three non-voting representatives to represent them on the Committee for the remainder of the current municipal year. He advised that whilst two of the Parish Councils had reached agreement on one nomination, three of the Parish Councils had each nominated one of their own members and a reply had still not been received from the sixth Parish Council. As a result there were currently four nominations for the three places.

The Committee considered whether to increase the number of Town/Parish Council representatives on the Committee but determined, having regard to the number of District Councillors and Independent Persons already on the Committee, that there should be only three Town/Parish Council representatives. Members acknowledged that in the event of other Town/Parish Councils affiliating to the Committee in the

future, the representation from local councils would need to be reviewed. Members also acknowledged that as meetings of the Committee were open to the public, members of Town/Parish Councils other than the three nominated members could attend as observers.

RESOLVED:

- (1) That the two Parish Councils which have nominated one councillor to represent them on the Committee be thanked for their co-operation;
- (2) That the Monitoring Officer approach again the Clerks of the other four Parish Councils requesting that they reach agreement on the two further nominations required with no more than one member nominated from any one authority; and
- (3) That pending agreement on the three nominations the Town/Parish Councils remain unrepresented on the Committee.

35. ISSUES AND OPTIONS RAISED AT THE INDEPENDENT PERSONS' WORKSHOP

The Committee was advised that at its last meeting it had requested the submission of a report to this meeting to facilitate a discussion on the issues and options raised at the Independent Persons' Workshop attended by Roger Pratt on 15 November 2012.

The Committee discussed the main issues which had arisen at the Workshop together with comments thereon of the Monitoring Officer.

RESOLVED:

Filtering of Initial Allegations

- (1) That as the Monitoring Officer proposes to consult an Independent Person on all initial allegations, the concerns expressed at the Workshop about a Monitoring Officer having discretion in this matter do not need to be addressed;

Decision Letters

- (2) That the practice adopted by the Monitoring Officer of including a statement within decision letters advising that the views of an Independent Person had been sought but not getting decision letters signed by an Independent Person be continued;

Role Post Filtering

- (3) That the Monitoring Officer be authorised to determine whether to involve an Independent Person in informal resolution or mediation in the event of all parties to a complaint expressing a willingness to resolve an issue in this way;

Multiple Roles or One Per Case

- (4) That the Monitoring Officer continue to select Independent Persons 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;

Giving Views

(5) That the views of Independent Persons on complaints always be expressed in writing to the Monitoring Officer and/or her staff, normally by e-mail, in a note form with no requirement for a detailed report;

(6) That in giving views to the Monitoring Officer or the Standards Committee or Sub-Committee considering a complaint, Independent Persons be conscious of the need not to risk being seen as putting themselves in place of an investigator or becoming too heavily involved in a case;

(7) That in relation to Independent Persons giving views to a subject member, contact should only take place where it has been agreed in advance (via the Monitoring Officer) and that any views expressed be made available in writing to all the relevant parties;

(8) That access to an Independent Person for a complainant be managed by the Monitoring Officer in the same way to that for a subject member;

Maintaining Independence and Ensuring Fairness

(8) That Independent Persons note the ability to approach the Council's Chief Executive, Group Leaders or full Council in order to escalate concerns about the way in which a matter is being handled;

(9) That all media contact be dealt with by Council officers and not Independent Persons;

Promoting and Maintaining High Standards

(10) That Independent Persons be encouraged to participate fully at meetings of the Standards Committee including items aimed at promoting and maintaining high standards generally, eg reviews of the Code of Conduct, a new planning protocol;

(11) That Independent Persons wishing to place items on the agenda of a Standards Committee provide details to the Monitoring Officer and/or her staff for consideration;

Other Issues

(12) That no action be taken on the suggestion raised at the Workshop that Independent Persons should sign up to a Code of Conduct and register and declare interests having regard to the fact that this would be voluntary and not subject to enforcement as is the case with elected members;

(13) That a further report be submitted to the Committee in 12 months to enable further consideration to be given to the need for a protocol between Independent Persons and the Council.

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

The Deputy Monitoring Officer advised that at the last meeting the Committee had been informed that replies were still awaited from four Parish Councils about the Codes of Conduct and Complaints Procedures which they were required to adopt in accordance with the provisions of the Localism Act 2011.

He advised that since the last meeting, the Clerk of Fyfield Parish Council had advised that the Parish Council had decided to affiliate to the Joint Parish Standards Committee and had adopted the Public Law Partnership Code of Conduct and Complaints Procedure. The Committee noted that replies were still outstanding from the other three Parish Councils.

RESOLVED:

(1) That a further letter be sent to the Clerks of the three Parish Councils in respect of which replies are awaited emphasising that the Parish Council is in breach of legal requirements by not adopting a Code of Conduct and a Complaints Procedure and is therefore open to challenge; and

(2) That copies of the letters be sent to the District Council Ward Members for the areas covered by the three Parish Councils together with a request that they also encourage the Parish Councils to comply with the legislation.

37. PLANNING PROTOCOL - SITE VISITS

The Committee discussed a report which had been considered by the District Development Control Committee the previous evening.

The Committee noted that the report and the draft guidance notes for Councillors and applicants, agents and interested parties had arisen as a result of concerns expressed by some Councillors about the procedures for undertaking planning site visits.

Members noted that the draft guidance notes had been adopted by the District Development Control Committee subject to some minor amendments and after consideration by this Committee an item would be placed on each future Planning Committee agenda to reiterate the process for future site visits. The Committee was informed that the guidance notes would also be sent to Councillors, applicants and objectors (if known) when a site visit was organised.

In addition the guidance would be published on the Council's website.

The Committee discussed the planning process generally and, in particular the need for site visits.

RESOLVED:

(1) That the guidance on undertaking planning site visits as amended by the District Development Control Committee be agreed for inclusion as supplementary information in the Council's Planning Protocol;

(2) That, subject to the approval of the Chairman of the District Development Control Committee, Independent Persons be invited to attend a

forthcoming site visit in order to gain a better understanding of the process;
and

(3) That when finalised, Independent Persons be sent a copy of the full member training programme for 2013/14 together with an invitation to attend any training courses which they wish and, in particular, courses relating to planning issues.

38. JOINT PARISH STANDARDS COMMITTEE - PROGRESS REPORT

The Committee noted that there had not been a meeting of the Joint Parish Standards Committee since the inaugural meeting held on 31 October 2012, the minutes of which had been reported to the last meeting of the Standards Committee.

The Deputy Monitoring Officer reported that there had been a meeting of a Panel convened to consider a complaint and that both he and the Monitoring Officer had been in attendance.

The Deputy Monitoring Officer reported the receipt of a letter from one of the Parish Councils affiliated to the Joint Parish Standards Committee expressing concern about the arrangements for the recharge of expenses of an investigation authorised by the Monitoring Officer to the local council whose member was the subject of an investigation. The Committee was advised that the letter appeared to have been sent as a result of a misunderstanding of the agreed arrangements. The Committee was advised that a reply had been sent to the Parish Council pointing out that only investigations carried out by external investigators in respect of members from Parish Councils that had affiliated to the Joint Standards Committee would be subject to the recovery of costs. If an investigation was carried out by District Council officers there would be no charge to the Parish Council concerned. The letter had also drawn attention to the steps taken before a complaint investigation took place. It had also been pointed out that it was the Joint Standards Committee Constitution which included reference to the recovery of investigation costs. The Committee noted that a response had not been received from the Parish Council to the Monitoring Officer's letter.

39. 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.

In relation to Case EFDC 8/2012 members were informed that the investigating officer's final report had been received and the views of Independent Persons would be sought on whether the matter should proceed to a hearing.

In relation to Case EFDC 2/2013, following consideration of the views of Independent Persons other action had been agreed. As a result the relevant Parish Council had been directed to write to all of the residents in the vicinity explaining the position with the wording to be agreed by the Monitoring Officer and an item had been included on the relevant Parish Council agenda.

40. DATES OF FUTURE MEETINGS

The Committee noted that the Council's adopted calendar for 2013/14 provided for meetings on 13 June 2013, 12 September 2013, 12 December 2013 and 13 March 2014.

The Committee noted that additional meetings could be arranged as and when required.

41. 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