

5. TOWN AND PARISH REPRESENTATION

The Committee noted that the representation of Town and Parish Councils on the Committee was unchanged from 2014/15.

6. TERMS OF REFERENCE

The Assistant Director (Governance & Performance Management) advised the Committee that the Terms of Reference had been revised at the last meeting, and these would be submitted to the next Council on 28 July 2015 for approval. The Committee was also informed that the article within the Constitution concerning the Standards Committee would be reviewed as part of the wider review of the Constitution, along with the Code of Member Conduct. It was currently planned to submit reports on both items to the Standards Committee in October for the Committee's views to be taken into consideration.

Cllr Stallan highlighted that it should be pointed out at the forthcoming Council meeting that the Terms of Reference for the Committee could be reviewed further as part of the wider review of the Constitution.

Resolved:

(1) That the revised Terms of Reference be noted and submitted to the next meeting of the Council for approval.

7. REVIEW OF SCRUTINY PANEL ARRANGEMENTS

The Monitoring Officer informed the Committee of the outcome of the Scrutiny Panel review undertaken earlier in the year; the attention of the Committee was drawn to the structure chart for the new arrangements that had been attached to the agenda.

The Monitoring Officer reported that the main area of interest for the Committee would be the new Governance Select Committee. The possible merger of the Standards Committee and the Audit & Governance Committee was not agreed. However, this arrangement does exist at other nearby Councils such as Harlow and Broxbourne, and could happen at this Council in the future. The report was a courtesy to the Committee as it had been consulted during the review.

Resolved:

(1) That the outcome of the Review of the Council's Scrutiny Panel arrangements be noted.

8. IMPACT OF THE LOCAL AUTHORITIES (STANDING ORDERS) (ENGLAND) (AMENDMENT) REGULATIONS 2015

The Monitoring Officer gave a report on the impact of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015, which required changes to be made to the statutory dismissal procedures for all Heads of Paid Service, Monitoring Officers and Section 151 (Chief Finance) Officers, known as the Protected Officers.

The Monitoring Officer advised the Committee that the Council had to follow a new process prior to a Full Council vote in order to dismiss a Protected Officer. From the perspective of the Standards Committee, one such matter was '*any advice, views or recommendations of a panel*' which had to comprise of at least two Independent Persons appointed under Section 28(7) of the Localism Act 2011; i.e. the

Independent Persons of the Standards Committee. In order to implement this aspect of the Regulations, the current Independent Persons would all be invited to become members of the Panel. If more than two accepted then the Council would decide whether to appoint all, but in any event had to appoint at least two. If fewer than two accepted the invitation then Independent Persons from other Authorities might be invited and appointed, in the order prescribed below:

- (a) Independent Persons appointed by the Council who were electors in the Epping Forest District;
- (b) Independent Persons appointed by the Council; and then finally
- (c) Independent Persons from another Authority.

The Monitoring Officer stated that, prior to the formal invitations being made, it was thought appropriate to draw these matters to the attention of the Standards Committee, and in particular the Independent Persons appointed to it by Council.

The Monitoring Officer added that questions had been raised about the new regulations by Human Resources Officers and Lawyers; for example, should it be a Committee rather than a Panel? The Deputy Monitoring Officer added that these Regulations had been considered at the previous meeting of the Constitution Working Group, and the issues being raised were noted by the Group. The Regulations had to be adopted by the Council at its next meeting in July 2015, and there would be a further review of the Regulations by the Constitution Working Group after six months.

One of the Independent Persons on the Standards Committee stated that they would not wish to be involved, as this was not the reason they joined the Standards Committee for. The Committee felt that it was important that the affected Officers clearly understood their position, and the Monitoring Officer highlighted that the current contracts of employment for the affected Officers did not reflect the requirements of the Regulations and would have to be revised.

Resolved:

- (1) That the impact of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 on the Council's current procedures for the dismissal of Statutory Officers be noted.

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

The Assistant Director (Governance & Performance Management) reported that four issues had arisen since the last meeting of the Committee in July 2014, of which one was currently active:

- (i) complaints about four Members of a Parish Council following an altercation at a meeting, which resulted in two of the Members resigning;
- (ii) a complaint against a District Councillor for a failure to respond to correspondence, which was rejected on the grounds that an investigation would serve no useful purpose;
- (iii) a complaint against a District Councillor for harassment and bullying at a visit to a site for a planning application, which was rejected as the District Councillor was

accompanied by a Senior Officer whose recollection of the incident differed to the complainant's; and

(iv) a complaint against a Parish Councillor and an alleged company partnership with an applicant of a planning application, which was currently under investigation and the draft report from the Investigator was awaited.

The Committee noted that the Monitoring Officer had more discretion to proactively deal with complaints, and Officers had dealt with a number of low level issues during the year. These had included a District Councillor who had not been identified as an applicant for a planning application, thus their application had been dealt with under delegated authority instead of by the District Development Management Committee; a letter had been sent to the Member concerned. A second incident had involved a Planning Officer being sworn at at a Planning Sub-Committee meeting by a Parish Councillor; this had been resolved with an apology from the Parish Councillor to the Planning Officer concerned.

The Assistant Director added that support had been extended to one particular Parish Council during the year, and the Independent Persons were thanked for their help to the Officers with the issues that had arisen since the last meeting. The Committee was informed that a number of the standards issues raised had related been to planning matters, and this was the main cause of complaint. Member training on Standards issues had been undertaken in June 2015, and the next course was scheduled for September; the Planning Protocol was included in this training.

The Chairman thanked the Officers for the update and stated that the prevalence of complaints in relation to planning matters highlighted the importance for Members to undertake training in the Planning Protocol. The Committee offered their thanks to the Officers for their work in resolving the reported incidents over the previous year.

The Committee expressed some concern over the incident concerning the planning application made by the District Councillor, and that the Declaration of Accuracy had not been signed by the District Councillor. The Assistant Director speculated that the Declaration had probably been signed by the Agent on behalf of the Councillor, but it was still the responsibility of the Councillor to ensure accuracy with the application. In the event, there had been no objections raised to the application so it would have been granted by the District Development Management Committee in all likelihood, but it was important that the proper process was followed. The Committee concurred that such cases were being dealt with in a much better way now than previously.

Resolved:

(1) That the allegations made about the conduct of District and Parish/Town Councillors and the steps taken in resolving the issues raised be noted.

10. DATES OF FUTURE MEETINGS

The Committee noted the dates of its future meetings scheduled in 2015/16 and, after a short debate, agreed to retain the current start time of 7.30pm.

Resolved:

(1) That the start times for meetings of the Committee remain at 7.30pm.

11. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there were no issues arising from the Allegations made about the Conduct of District and Town/Parish Councillors which necessitated the exclusion of the public and press.

CHAIRMAN

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