

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Monday, 2 March 2020

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.00 - 7.50 pm

Members Present: B Rolfe (Chairman), C P Pond (Vice-Chairman), N Avey, S Kane, S Neville, C Roberts, J Share-Bernia and H Kane

Other Councillors:

Apologies: G Chambers and R Morgan

Officers Present: N Boateng (Service Manager (Legal) & Monitoring Officer) and G Woodhall (Democratic & Electoral Services Officer)

Also in attendance: A Brooks (Ind), D Cooper (Ind) and J Whybrow (Parish Cllr)

1. SUBSTITUTE MEMBERS

The Committee noted the following substitutions:

- Cllr H Kane for Cllr G Chambers.

2. MINUTES

Resolved:

- (1) That the minutes of the meeting held on 17 January 2019 be taken as read and signed by the Chairman as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Councillor Code of Conduct.

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

The Monitoring Officer presented a report on the allegations that had been made about the conduct of District and Town/Parish Councillors since the last meeting in January 2019.

The Monitoring Officer reported that all of the shaded complaints on the report had been dealt with; there were currently 3 complaints in progress, all connected with Chigwell Parish Council.

Resolved:

- (1) That the allegations made about the conduct of District and Town/Parish Councillors, and the subsequent actions taken, be noted.

5. IMPOSITION OF CHARGES FOR DEALING WITH PARISH COUNCIL COMPLAINTS OF A BREACH OF THE COUNCILLOR CODE OF CONDUCT

The Monitoring Officer presented a report to consider the imposition of charges for dealing with Parish Council complaints of a breach of the Councillor Code of Conduct.

The Monitoring Officer informed the Committee that 80% of her time was spent dealing with Code of Conduct complaints – the vast majority of which were from Parish Councils and very often the same Parish Councils. A great deal of time and resources was spent investigating these complaints, and it was felt that the introduction of a charging mechanism for these complaints would recover some of the costs involved in undertaking the investigations, and potentially remove some of the personal complaints.

The Monitoring Officer added that there were three Parish Councils in particular that accounted for a high proportion of the complaints, and it was suggested that a charge of £100 per hour could be levied with an upper limit of £5,000. It was not intended to charge for advice on procedures, only for Code of Conduct investigations.

Parish Cllr J Whybrow expressed some reservations about this course of action as Parish Councils could not necessarily control the amount of complaints made to the Monitoring Officer if they were vexatious, and also enquired whether the Joint Parish Councils Standards Committee had an interest in this matter? Cllr N Avey felt that a distinction should be made between complaints from the public and complaints from other Parish Councillors; investigations for Councillor complaints should be charged for as they were more likely to be frivolous. The Monitoring Officer added that the complaints for Nazeing and High Ongar Parish Councils were made by other Parish Councillors, whereas the complaints about Chigwell Parish Council were made by the public and the Residents Association. Mr D Cooper, an independent member, did not feel that there should be any discrimination between complaints made by Councillors and complaints made by the public, as the Council should not charge to stop bona fide complaints. However, Mr Cooper did accept that charging for investigations could stop the frivolous complaints and would make people believe in what they were complaining about.

The Monitoring Officer reiterated that she did not anticipate charging the public for investigations as there had been relatively few of them, just the Parish Councils for investigating the Councillor to Councillor complaints. Cllr H Kane stated that, at Waltham Abbey Town Council, any misunderstandings between Town Councillors were usually dealt with internally. Cllr C Roberts also expressed his reservations about charging for investigations as it could discourage bona fide complaints being made, whilst Cllr C P Pond was also not comfortable with charging for investigations and felt that Nazeing and High Ongar Parish Councils simply needed more training. The Monitoring Officer explained that a lot of Councils did not charge for investigating complaints, although there was one which did charge an hourly rate. The Committee felt that there needed to be consultation with the Local Councils before this was introduced, including the local Councils in the other Standards regime.

Cllr J Share-Bernia felt that if the public brought allegations against a local Council regarding possible criminal activity then it should be investigated. Cllr S Neville agreed that the Council should not charge for those investigations instigated by the public, but a lot of the complaints reported by other Councillors were petty. Cllr B Rolfe highlighted that the Monitoring Officer was spending a considerable amount of time investigating complaints reported by Councillors about other Councillors which were frivolous. Cllr N Avey felt that it would encourage Parish Councils to resolve

these issues themselves if they did not want to be charged. Cllr S Kane suggested that the reporting procedure should be amended such that complaints made by one Councillor about another Councillor were dealt with initially in the local environment, and if it was not resolved then it would be escalated to the Monitoring Officer to investigate – for which the Parish Council would be charged.

Taking into account the discussion at the meeting, the Committee felt that the Monitoring Officer should provide further information in a more detailed report with a set of proposals to a future meeting.

Resolved:

- (1) That a more detailed report with a set of proposals for a charging regime be submitted to a future meeting for the Committee to consider; and
- (2) That consultation be undertaken with all Local Councils prior to the imposition of any charging regime.

6. DATES OF FUTURE MEETINGS

The Committee noted that, following the decision of the Council for the Standards Committee to be convened to meet only when there was business to be transacted, there were no formal meetings arranged for the remainder of the municipal year.

7. EXCLUSION OF PUBLIC AND PRESS

Resolved:

- (1) That the public and press be excluded from the meeting for the items of business set out below on the grounds that they would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
9	Allegations made about the Conduct of District and Parish/ Town Councillors – Issues arising	1, 3 & 6a

8. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND TOWN/PARISH COUNCILLORS - ISSUES ARISING

The Monitoring Officer presented a report regarding a series of complaints about the conduct of business at Chigwell Parish Council.

The Monitoring Officer stated that the complaints had come from two different sources: The Chigwell Residents Association; and an individual member of the public. Some complaints were out of time for consideration as they referred to events which had taken place more than twelve months before the complaint was submitted (as specified in the procedure for dealing with complaints of a breach of the Code of Conduct) and other complaints related to Councillors who had left the Parish Council. The Committee were reminded that the sanctions which could be imposed were limited and generally included action such as: a recommendation to attend training; an apology; or formal censure. It was recommended that the investigation should be conducted by an independent investigator.

Cllr S Kane felt that the Council had a responsibility to investigate the allegations and investigate them thoroughly; they were being openly discussed on social media. Cllr C Roberts agreed that there was a public perception issue and these allegations should be investigated. Cllr B Rolfe requested a full report with a plan of investigation before the Council proceeded with any investigation. Cllr C P Pond suggested that the independent members of the Committee could assist the Monitoring Officer with the investigation.

Resolved:

- (1) That all of the complaints be fully investigated by the Monitoring Officer, using the assistance of the independent Members of the Standards Committee.

CHAIRMAN