



## **EPPING FOREST LOCAL COUNCILS' LIAISON COMMITTEE**

### **NOTICE OF MEETING**

**Place:** Council Chamber, Civic Offices, High Street, Epping **Date:** Monday, 14th November, 2016

**Room:** Council Chamber **Time:** 7.30 pm

**Democratic Services Officer:** J. Leither (Governance Directorate)  
Tel: (01992) 564243 Email: [democraticservices@eppingforestdc.gov.uk](mailto:democraticservices@eppingforestdc.gov.uk)

#### **Members:**

##### **District Council Representatives:**

Councillors J Lea (Chairman), E Webster, M Sartin, A Boyce, B Rolfe and J H Whitehouse

##### **Local Council Representatives:**

Clerks and Chairmen/Members of Parish and Town Councils

##### **County Council Representatives:**

Members for the following divisions:

North Weald and Nazeing:	Councillor A Jackson
Loughton Central:	Councillor C Pond
Ongar and Rural:	Councillor M McEwen
Epping and Theydon Bois:	Councillor J M Whitehouse
Buckhurst Hill and Loughton South:	Councillor V Metcalfe
Chigwell and Loughton Broadway:	Councillor J Knapman
Waltham Abbey:	Councillor R Gadsby

**PLEASE NOTE THE START DATE OF THE MEETING  
COFFEE/TEA WILL BE AVAILABLE FOR MEMBERS OF THE COMMITTEE FROM 7.00  
P.M IN THE MEMBERS ROOM**

#### **1. WEBCASTING INTRODUCTION (Pages 5 - 8)**

This meeting is to be webcast. Members are reminded of the need to activate their microphones before speaking. The Chairman will read the following webcasting announcement:

"I would like to remind everyone present that this meeting will be broadcast live to the

Internet and will be capable of repeated viewing and copies of the recording could be made available for those that request it.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if any member of the public wishes to avoid this they should move to the upper public gallery".

**2. APOLOGIES FOR ABSENCE**

**3. MINUTES OF PREVIOUS MEETING (Pages 9 - 16)**

To confirm the minutes of the meeting of the Committee held on 4 July 2016 and any matters arising therefrom.

**4. NEW COUNCILLOR CODE OF CONDUCT - REPORT OF THE EPPING FOREST STANDARDS COMMITTEE (Pages 17 - 28)**

(Monitoring Officer) To discuss changes made to the Councillor Code of Conduct and action to be taken by Local Council's to adopt the new code.

**5. COUNCIL TAX AND PRECEPTS**

(Local Councils) To receive an explanation of EFDC's decision to use a revised tax base for the financial year 2015/16 without prior notification to the affected parish and town councils. The impact has been that these 11 councils have consequently received an adverse comment from the External Auditor on their Annual Returns. The Branch also seeks reassurance that this did not occur for the financial year 2016/17.

**6. LOCAL CHARTER REVIEW**

(Local Councils) At its last meeting, the Committee agreed that the review of the Local Charter be progressed by the Vice-Chairman, with the assistance of the Parish Clerk for North Weald Bassett Parish Council and the Clerk of Loughton Town Council. Unfortunately, it has not been possible to make any progress on the review of the Charter in recent months. However, the outcome of the review will be reported to the Committee and the Chief Executive of the District Council in due course.

**7. LOCAL COUNCILS LIAISON COMMITTEE - FUTURE MEETINGS (Pages 29 - 30)**

(District Council) To consider the attached report.

**8. NEPP AND CHANGES TO ENFORCEMENT ARRANGEMENT FOR OFF STREET PARKING**

(District Council) To receive an update with regard to the new off street parking arrangements from 1 April 2017.

**9. ANY OTHER BUSINESS**

**10. DATES OF FUTURE MEETINGS**

To note that the next meeting of the Committee will be held at 7.30pm on Monday 6 March 2017.

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**EPPING FOREST DISTRICT COUNCIL**

**PROTOCOL FOR WEBCASTING OF  
COUNCIL AND OTHER MEETINGS**

## **Introduction**

The Council has agreed that certain meetings should be the subject of live web transmission ('web casting'), or recorded for subsequent transmission. Fixed cameras are located within the Council Chamber for this purpose and there is a mobile unit for use in other locations

This protocol has been produced to assist the conduct of web cast meetings and to ensure that in doing so the Council is compliant with its obligations under the Data Protection Act 1998 and the Human Rights Act 1998. Accordingly the following will apply to all meetings to be web cast by the Council:-

## **Main provisions:**

1. The Chairman of the meeting has the discretion to request the termination or suspension of the webcast if in the opinion of the Chairman continuing to webcast would prejudice the proceedings of the meeting.

This would include:

- (i) Public disturbance or other suspension of the meeting;
- (ii) Exclusion of public and press being moved and supported;
- (iii) Any other reason moved and seconded and supported by the Council/Committee or Subcommittee.

2. No exempt or confidential agenda items shall be webcast.

3. Subject to paragraph 4 below all archived webcasts will be available to view on the Council's website for a period of six months. Council meetings are recorded onto DVD, which will be stored in accordance with records management procedures.

4. Archived webcasts or parts of webcasts shall only be removed from the Council's website if the Monitoring Officer considers that it is necessary because all or part of the content of the webcast is or is likely to be in breach of any statutory provision or common law doctrine, for example Data Protection and Human Rights legislation or provisions relating to confidential or exempt information.

If the Monitoring Officer has decided to take such action she must notify all elected Members in writing as soon as possible of her decision and the reasons for it via the Bulletin

Council expects the Chair of the Council and the Monitoring Officer to ensure that Council meetings are conducted lawfully. Therefore, Council anticipates that the need to exercise the power set out above will occur only on an exceptional basis.

5. Any elected Member who is concerned about any webcast should raise their concerns with the Head of Research and Democratic Services

## **Agenda Front Sheets and Signage at Meetings**

On the front of each agenda and on signs to be displayed inside and outside the meeting room there will be the following notice:-

### **WEBCASTING NOTICE**

**Please note: this meeting may be filmed for live or subsequent broadcast via the Council's internet site - at the start of the meeting the Chairman will confirm if all or part of the meeting is being filmed.**

**You should be aware that the Council is a Data Controller under the Data Protection Act. Data collected during this webcast will be retained in accordance with the Council's published policy.**

**Therefore by entering the Chamber and using the lower public seating area, you are consenting to being filmed and to the possible use of those images and sound recordings for web casting and/or training purposes. If members of the public do not wish to have their image captured they should sit in the upper council chamber public gallery area**

**If you have any queries regarding this, please contact the Senior Democratic Services Officer on 01992 564249.**

## **Meetings of the Area Plans Subcommittees, District Development Control Committee, Licensing Committee and other 'Quasi Judicial' Hearings**

In any correspondence notifying applicants, supporters or objectors of the meeting date on which an application will be heard, the following advice will be included if the particular meeting has been chosen to be web cast:-

"Please note that Council meetings may be filmed for live or subsequent broadcast via the Authority's Internet site. If you do not wish the hearing of your application to be filmed, please contact the Senior Democratic Services Officer to discuss their concerns. The Council will not film speakers if they do not wish to appear in the webcast"

## **Conduct of Meetings**

At the start of each meeting to be filmed, an announcement will be made to the effect that the meeting is being or may be web cast, and that the Chairman may also terminate or suspend the web casting of the meeting, in accordance with this protocol. This will be confirmed by the Chairman making the following statement:-

"I would like to remind everyone present that this meeting will be broadcast live to the internet and will be capable of repeated viewing.

If you are seated in the lower public seating area it is likely that the recording cameras will capture your image and this will result in the possibility that your image will become part of the broadcast.

This may infringe your human and data protection rights and if you wish to avoid this you should move to the upper public gallery."

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## EPPING FOREST DISTRICT LOCAL COUNCILS' LIAISON COMMITTEE MINUTES

**Date:** Monday, 4 July 2016 **Time:** 7.32 - 9.08 pm

**Place:** Council Chamber, Civic  
Offices, High Street, Epping

**Members  
Present:**

**Representing Epping Forest District Council:**

Councillors J Lea (Chairman), E Webster, M Sartin, A Boyce and  
J H Whitehouse

**Other Councillors:**

Councillors N Bedford, G Mohindra and J Philip

**Representing Essex County Council:**

County Councillors A Jackson, V Metcalfe, J M Whitehouse and  
R Gadsby

**Representing Local Councils:**

R Northwood (Sheering Parish Council), K O'Brien (Buckhurst Hill  
Parish Council), E Walsh (Loughton Town Council), D Wixley  
(Loughton Town Council), R Morgan (Matching Parish Council),  
S Jackman (North Weald Bassett Parish Council), J Bicknell (Ongar  
Town Council), E Burn (Theydon Bois Parish Council) and V Evans  
(Epping Upland Parish Council)

**Apologies:** **Epping Forest District Council –**

Councillors B Rolfe

**Essex County Council –**

Councillors M McEwen, J Knapman, and C C Pond

**Parish/Town Councils: -**

K White (Chigwell Parish Council), A Jones (Moreton, Bobbingworth  
& The Lavers Parish Council and Stanford Rivers Parish Council),  
S De Luca (North Weald Bassett Parish Council), J Eldridge (Epping  
Upland Parish Council), K Richmond (Waltham Abbey Town  
Council), I Hadley (Fyfield Parish Council) and B Sandler (Chigwell  
Row)

**Officers  
Present:**

G Chipp (Chief Executive), K Bean (Planning Policy Manager),  
M Warr (Economic Development Officer), M Jenkins (Democratic  
Services Officer), S Kits (Social Media and Customer Services  
Officer) and J Leither (Democratic Services Officer)

**By Invitation:** T Heath, Rural Challenge Project Manager (Gigaclear)

**1. WEBCASTING INTRODUCTION**

The Democratic Services Officer reminded everyone present that the meeting would be broadcast live to the Internet, and that the Council had adopted a protocol for the webcasting of its meetings.

**2. APOLOGIES FOR ABSENCE**

**3. MINUTES OF PREVIOUS MEETING**

**RESOLVED:**

That the minutes of the meeting of the committee held on 29 March 2016 be taken as read and signed by the Chairman as a correct record.

**4. COMMUNITY RESILIENCE AND WORKSHOP**

The Committee received a report from the Chief Executive regarding the Civil Emergency Plans Review Workshop.

It was a requirement of the Civil Contingencies Act 2004 that District Councils maintained Civil Emergency Plans and shared information about such plans with partners.

Following changes to the way emergency planning was undertaken across the County and nationally, it was considered a good time to review the existing emergency plans and the roles that local councils had in them.

At the March meeting of the Essex Association of Local Councils (Epping), it was agreed that the District Emergency Planning Officer prepare a brief workshop for Parish and Town Council clerks to review the following:

- (a) Existing relevant emergency plans at District/County and National level.
- (b) Civil emergency risks across the District.
- (c) Community Resilience.

It was proposed that this workshop took place the week beginning 26 September or 3 October 2016. The Chief Executive requested that a suitable date, time and location during this period be identified by the local councils. [the workshop could be repeated at different locations and times to suit. The workshop was unlikely to take longer than two hours.

**RESOLVED:**

That officers source an appropriate date for a Community Resilience Workshop through liaising with local councils.

**5. SUPERFAST ESSEX RURAL CHALLENGE PROJECT**

The Economic Development Officer gave a presentation to the Committee regarding the Rural Challenge Project of the Superfast Essex Broadband Programme, he was accompanied by Mr T Heath, Rural Challenge Project Manager, Gigaclear.

The Broadband Delivery UK (BDUK) target was to deliver 95% superfast broadband coverage. The county was covered by Superfast Essex, phase 1 had been completed with 87% coverage with 24 Mbps. Phase 2 aimed to provide 95% coverage with a financial contribution from local district authorities. This authority was contributing £84,000 to the scheme.

Through procurement, Gigaclear had been awarded the contract. There would be an impact on 18 District parishes, although not all residents in these areas would have access. To date 84 km of network had been built with 1,100 connection points throughout the district. It was due for completion in early 2017. They could provide connection from the internet into the property and the resident could then take up the service. The connections were made from 11 cabinets which covered the whole of the district and were installed underground being immune to extreme weather events. This infrastructure would lead to disruption in terms of installation, however all areas would be reinstated afterwards. Mr T Heath advised the each cabinet could service 450 homes. He re-assured the committee that his company operated within a permit scheme, they get fined if they exceed this. They try and achieve first time reinstatement with a two year warranty and then go back to sites to make good. They notify residents when they are working in their area. They have contact telephone numbers if residents needed to contact them.

Some Members expressed concern that there were many residents not connected. The Economic Development Officer advised that the areas mentioned were not connected to this particular project. He said that he would contact the company involved and advise them of the issues raised and pass on the contact details to them of the various parish councils affected.

On 13 September 2016 there would be a business breakfast at Mulberry House in High Ongar talking to businesses on this service provision, the event would start at 7.00a.m.

The Economic Development Officer said that the approximate average cost of installation to the property by Gigaclear's appointed contractor was £100.00 for installation, although residents can self install and the option also existed for a local handyperson to be trained by Gigaclear to undertake installations. He asked local councils to advise him of any business which may be interested in carrying out this service.

**RESOLVED:**

That the presentation regarding Superfast Essex Rural Challenge Project be noted.

**6. LOCAL CHARTER - REVIEW**

The Local Charter had been drawn up jointly between the District Council and the Town and Parish Councils within the district. The Charter emphasised the importance attached by these bodies to working in partnership in the provision of public services. Also, it enhanced and enriched communications between these bodies to assist the exchange of information, the expression of views and the making of representations.

The Vice-Chairman advised that no further progress had been made since the last committee meeting where she had been asked to review the current charter, along with the Parish Clerk for North Weald Parish Council. Therefore it was proposed that the review should continue with the assistance of E Walsh, Town Clerk for Loughton Town

Council. The finished review would then be referred to the Chief Executive for a consensus view.

**RESOLVED:**

That the Vice-Chairman of the Committee, the Parish Clerk for North Weald Bassett and the Town Clerk for Loughton complete the draft review of the Local Charter and submit the draft to the Chief Executive.

**7. EPPING FOREST DISTRICT LOCAL PLAN - PROGRESS**

The Committee received a progress report regarding the Epping Forest District Local Plan from the Planning Policy Manager.

**1. Local Plan Timetable**

An updated Local Development Scheme was due to be submitted to the Cabinet on 21 July 2016 to reflect the new timescale for the development of the Local Plan. The key milestones prior to consultation on the Draft Plan scheduled for the Autumn were:

- (a) 6 October 2016 – Report to the Cabinet to consider draft plan for consultation.
- (b) 18 October 2016 – Report to Full Council.
- (c) 31 October 2016 – Start of 6 week formal consultation.

This schedule would tie in with the publication of draft plans by East Herts, Uttlesford and Harlow districts who have all been proposing to publish their draft plans in the Autumn for a 6 week period, seeking representations on their soundness.

The Government had made clear their expectation that all local planning authorities should have a post NPPF local plan in place. This included intervening where no local plan existed to arrange for the plan to be written. One penalty proposed for not having produced a plan, was the loss of New Homes Bonus finances. The Council needed to make good progress this year and it was therefore considered essential to have completed consultation on the Draft Plan Preferred Approach prior to anticipated end of March 2017 cut off date. Consultants NLP, in a report issued in April 2016, had identified 21 authorities most at risk of intervention and this authority had been named.

**2. Working with Neighbouring Authorities/Duty to Co-Operate**

Further work was being undertaken for developing the housing target for the district and agree at the Co-Operation for Sustainable Development Board how the growth would be distributed across the Housing Market area. This work was being progressed with the 4 authorities within the Strategic Housing Market Area. The Board on 6 June 2016 was provided with an update on progress with the evaluation of the 5 spatial options previously agreed for testing. The Board also received three draft memoranda of understanding; from Highways England covering strategic transport matters, Natural England covering Air Quality and a third to set out the vision for the SHMA area. A final decision on the preferred strategic spatial option was expected on 18 July 2016.

**3. Member Workshops**

Since the last Committee meeting in March 2016, further workshops had been held on climate change – 24 May 2016 and transport accessibility and parking standards – 31 May 2016. A further workshop was programmed for 16 July 2016 covering development

management policies. A briefing on the proposals for the Local Plan consultation would be held on 28 July 2016.

#### **4. Key Local Plan Evidence**

Work continued on finalising the evidence base reports which would be used to inform the policies included in the Draft Plan that the Council would be consulting on later this year.

##### **(a) Green Belt Review**

A draft report had been received and officers were providing comments back to the consultants. The results would be used to inform the Draft Plan and would be published as part of the consultation.

##### **(b) Settlement Capacity Work**

A draft had been received and officers were collating comments to send to the consultants. All sites identified had been fed into the updated SLAA and the site selection process.

##### **(c) Site Selection and Infrastructure Delivery Work**

The Council had appointed consultants Arup to undertake the site selection work in order to provide options on the preferred sites for allocation. Counsel had provided advice on the methodology for site selection of employment, housing and traveller sites had been drafted. Stage 2 of the process was almost complete and notwithstanding a number of logistical problems that were overcome with data, was on track with a challenging timescale. A total of 33 criteria were used to assess all the sites. Officers would be sending out proformas to promoters of sites to ensure that information was correct and up to date which would be important when accessing the availability of sites.

Officers were also preparing on Infrastructure Delivery Plan to support the sites being selected for the Draft Plan.

##### **(d) Other Evidence**

Essex County Council had undertaken an historic environment characterisation study of the District with a draft final report now received. Other evidence needing completion included ensuring that the Employment Land Review information was up to date, information for feeding into the tourism section on visitor accommodation needed over the plan period and additional work around the future of the glasshouse industry and transport accessibility work at district level.

#### **5. Neighbourhood Plans**

The Council and the Parish have received the examiner's report for the Moreton, Bobbingworth and the Lavers Neighbourhood Plan. The Examiner found that it did not meet the basic conditions and it was proposed that the Examiner's report together with the officer recommendation on the way forward would be reported to the Cabinet on 21 July 2016. The report would recommend that the plan would not go to referendum. There were eight other parish and town Councils designated as neighbourhood planning areas:

- (i) Chigwell;

- (ii) Epping;
- (iii) Buckhurst Hill;
- (iv) Theydon Bois;
- (v) Loughton;
- (vi) North Weald Bassett;
- (vii) Epping Upland; and
- (viii) Waltham Abbey.

The Portfolio Holder for Planning Policy advised the Committee that they would be hitting the target date of 31 October 2016 for commencing the 6 week consultation period, he added that there would be fewer questions to answer in the consultation. He was confident that there would be fewer further amendments to make as the evidence base was detailed and exhaustive, they had demonstrated under Regulation 18 of the Town and Country Planning legislation that they had consulted with residents widely. The draft copy of the Local Plan would be available a week before the Cabinet meeting of 6 October for everybody to see. He reminded those present that a briefing would be held on the proposals for the Local Plan consultation on 28 July 2016.

**RESOLVED:**

That the recent progress made on the Local Plan be noted.

**8. ANY OTHER BUSINESS**

There was no other business for consideration.

**9. DATES OF FUTURE MEETINGS**

The Vice-Chairman asked the Committee about the following:

- (a) Reducing the number of Local Council's Liaison Committee (LCLC) meetings

It was felt that the current number of Committee meetings should be reduced from 3 per annum to 2. Members suggested that officers should consult with all the Parish and Town councils to obtain a consensus view and report back to the Committee in November 2016.

**RESOLVED:**

That Democratic Services liaise with Parish and Town councils to enquire as to the feasibility of reducing the number of LCLC meetings during the year.

- (b) Moving the next Local Council's Liaison Committee from 7 November 2016 to a week later

The next Committee meeting would clash with a North Weald Bassett Parish Council meeting, the Vice-Chairman requested that the meeting could be moved to Monday 14 November 2016.

**RESOLVED:**

That Democratic Services source a new date for the November 2016 meeting of the LCLC.

**CHAIRMAN**

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## **Epping Forest District Council**

### **Report of the Epping Forest Standards Committee**

**Report of:** Monitoring Officer

**Subject:** Revisions to the Code of Member Conduct

**Responsible Officer:** Simon Hill (Deputy Monitoring Officer, EFDC) (01992 564249)

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#### **Recommendations:**

- (1) To consider the changes implemented by the Epping Forest Standards Committee to the Councillors Code of Conduct; and**
  - (2) That the Council adopts the new Code of Conduct Accordingly.**
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1. (EFDC Monitoring Officer) Councillors maybe aware of the complete review of the District Council's Constitution. As part of the review, the District Council's Monitoring Officer has reviewed whether the Code of Conduct requires any amendment.

2. This review was timely as:

- (i) There has been no recent review of the District's Code in light of operational experience;
- (ii) Since the last iteration of the Code, the Government has published a further report of the Committee on Standards in Public Life;
- (iii) There has been a recent standards case that has resulted in an Investigator making recommendations in relation the treatment of non-pecuniary interests.

3. The review highlighted two areas as being in need of revision:

- (i) Dealing with Non-pecuniary interests
- (ii) Revisions to the Nolan principles

#### Dealing with Non-Pecuniary Interests

4. A recent Investigators report on a Standards complaint case highlighted that the Code did not take effect unless there was a pecuniary interest and remained silent on predetermination in non-pecuniary interest cases. Having rechecked with the Public Law Partnership a later version of their Model Code has the following provision:

##### "Public Perception

If you have an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement in the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:

- (i) Disclose the existence and nature of the interest; and
- (ii) Withdraw from the room or chamber where the meeting considering the business is being held"

5. This addition gives guidance on non-pecuniary interests and deals with the subjective assessment each Councillor must make on items where they may be open to accusations that they are predetermined.

6. This wording has been included in our new code at Paragraph 11.2.

### The Nolan Principles

7. The Government has, since the last review of the Code, published a further report of the Committee on Standards in Public Life. That report<sup>1</sup> reviews the principles that the Nolan Committee<sup>2</sup> originally put forward. There are suggested minor wording changes as a result of their review, which leave the headings unchanged but do change the descriptions.

8. Within their report the Committee flags up the following reasoning for these changes:

- The description of the present formulation of honesty refers to holders of public office having a duty to declare any conflicts of interest. The avoidance of conflicts of interest fits more obviously into our current understanding of integrity. Most people today would expect honesty to have a much broader meaning, focusing on truthfulness. This has particular resonance at the present time since a number of issues of current concern have involved allegations of inappropriate behaviour being covered up.
- Discussion around the importance of public office-holders making decisions on merit, tends to refer more frequently to impartiality than to objectivity. We think it would be helpful to include impartiality in the description of the meaning of objectivity.
- Equality of opportunity has become even more of a central tenet of thinking about ethics and values in the period since the principles were first established. We think it would be helpful to make clearer that objectivity requires giving full regard to the importance of equality of opportunity and fair treatment, irrespective of individual characteristics such as disability, race, gender or sexual orientation.
- Public office-holders sometimes need to show courage in speaking up about difficult issues, speaking “truth to power” and making or sticking by difficult decisions. We see this as a key element of ethical leadership and have amended the description of leadership accordingly.

9. The Council’s Standards Committee has concluded therefore that some adjustments to the principle wording were needed. The revised wording has been incorporated into the new code.

### Other Issues

10. The Council has completed a full review of the Constitution. As part of their work, they have looked at a number of the ancillary documents that are attached which have, over

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<sup>1</sup> Report of the Committee on Standards in Public Life published here:  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/228884/8519.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf)  
Chapter 3

<sup>2</sup> First Nolan Committee Report  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/336919/1stInquiryReport.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336919/1stInquiryReport.pdf)

time, increased the size of the document. Further work is to be undertaken by the Council's Constitution Working Group on the Planning Protocol and guidance on gifts and hospitality which will be notified to Parish and Town Councils. If the Parish/Town Council wish to submit areas where they would like guidance they should contact Simon Hill directly.

#### Request to adopt the new Code

11. The District Council has now adopted the new code. This is attached as an Appendix to this report. The District Council's Standards Committee are encouraging both Local Councils affiliated to their Committee and those affiliated to the Town and Parish Joint Standards Committee to adopt the revision and provide confirmation to the Monitoring Officer that they have done so.

## **Epping Forest District Council**

### **Promoting and Maintaining High Standards of Conduct in Local Government**

#### **Code of Member Conduct**

# **Councillor Code Of Conduct**

## **Part 1 General Provisions**

### **Introduction and interpretation**

As a member you are a representative of this authority and the public will view you as such therefore your actions impact on how the authority as a whole is viewed and your actions can have both positive and negative impacts on the authority.

This Code as a whole is consistent with “Nolan Principles” and the provisions of S29(1) Localism Act 2011

Glossary of terms used:

“relevant period” means the period of 12 months ending with the day on which you give notification to the authority’s monitoring officer of any disclosable pecuniary interests you had at the time of the notification.

“profit or gain” includes any payments or benefits in kind which are subject to Income Tax

“beneficial interest” means having an economic benefit as a legal owner or holding it on trust for the beneficial owner, having a right to the income from the land or securities or a share in it or the right to the proceeds of sale or share of part of the proceeds of sale

### **1. Who does the Code apply to?**

This Code applies to all members of the Epping Forest District Council, including co-opted members.

It is your responsibility to comply with the provisions of this Code.

### **2. What does the Code apply to?**

The Code applies to you whenever you are acting in your capacity as a member of the Council, including:

- (a) at formal meetings of the Council and all of its committees and subcommittees;
- (b) when acting as a representative of the Council;
- (c) in discharging your functions as a ward councillor;
- (d) at meetings with officers;
- (e) at site visits;
- (f) when corresponding with the Council other than in a private capacity.

The Code does not seek to regulate what you do in your private and personal lives.

### **3. General obligations**

- (1) You must treat others with respect.
- (2) You must uphold the law
- (3) You must not:
  - (a) do anything which may cause your authority to breach any of the equality enactments;
  - (b) bully any person;
  - (c) intimidate or attempt to intimidate any person who is or is likely to be:

- (i) a complainant,
  - (ii) a witness, or
  - (iii) involved in the administration of any investigation or proceedings, in relation to an allegation that a member (including yourself) has failed to comply with his or her authority's code of conduct; or
- (d) do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

#### **4. Confidential Information**

You must not:

- (a) disclose information given to you in confidence by anyone, or information acquired by you which you believe, or ought reasonably to be aware, is of a confidential nature, except where:
  - (i) you have the consent of a person authorised to give it;
  - (ii) you are required by law to do so;
  - (iii) the disclosure is made to a third party for the purpose of obtaining professional advice provided that the third party agrees not to disclose the information to any other person; or
  - (iv) the disclosure is:
    - (aa) reasonable and in the public interest; and
    - (bb) made in good faith and in compliance with the reasonable requirements of the authority; or
- (b) prevent another person from gaining access to information to which that person is entitled by law.

#### **5. Conferring an advantage or disadvantage**

You:

- (a) must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, an advantage or disadvantage; and
- (b) must, when using or authorising the use by others of the resources of your authority:
  - (i) act in accordance with your authority's reasonable requirements;
  - (ii) ensure that such resources are not used improperly for political purposes (including party political purposes); and
- (c) must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.

## **PART 2 MEMBERS INTERESTS**

### **6. Disclosable Pecuniary Interests**

6.1 You have a disclosable pecuniary interest in any business of your authority if it is of a description set out in 6.2 below and is either:

- (a) An interest of yours
- (b) An interest (of which you are aware) of a spouse, civil partner or a person you are living with as a spouse or civil partner (known as 'Relevant Persons').

6.2 It relates to or is likely to affect:

- (i) Any employment, office, trade, profession or vocation carried on by you or a relevant person for profit or gain;
- (ii) Any payment or provision of any other financial benefit (other than from your authority) made or provided within the relevant period in respect of any expenses incurred in carrying out your duties as a member, or towards your election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;
- (iii) Any beneficial interest in securities of a body where-
  - (1) that body (to your knowledge) has a place of business or land in the area of your authority and
  - (2) either:
    - (a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
    - (b) the beneficial interest exceeds one hundredth of the total issued share capital of the share capital of that body, if of more than one class, the total nominal value of the shares of any one class
- (iv) Any contract for goods, services or works which has not been fully discharged between you or a relevant person and your authority or a body in which you or they have a beneficial interest;
- (v) A beneficial interest in any land in your authority's area;
- (vi) Any tenancy where to your knowledge (a) the landlord is your authority and (b) the tenant is a body in which you or a relevant person has a beneficial interest;
- (vii) a licence of any land in your authority's area (alone or jointly with others) that you or a relevant person occupy for a month or longer.

## **7. Pecuniary Interests**

7.1 You have a Pecuniary Interest in any business of your authority where either it relates to or is likely to affect:

- (i) any person or body who employs or has appointed you;
- (ii) any contract for goods, services or works made between your authority and you or a firm in which you are a partner, a company of which you are a remunerated director, or a person or body of the description specific in paragraph 6.2.(iii) which has been fully discharged within the last 12 months;

## **8. Non-Pecuniary Interests**

8.1 You have a non-pecuniary interest in any business of your authority where it relates to or is likely to affect:

- (i) any body of which you are a member or in a position of general control or management and to which you are appointed or nominated by the authority;
- (ii) any body:
  - (1) exercising functions of a public nature; or
  - (2) directed to charitable purposes; or
  - (3) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

of which you are a member or in a position of general control or management;

- (iii) the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £50;
- (iv) a decision in relation to that business which might reasonably be regarded as affecting your wellbeing or the wellbeing of a relevant person to a greater extent than the majority of:-
  - (a) (in the case of authorities with electoral divisions or wards) other council tax payers, ratepayers or inhabitants of the electoral division or ward, as the case may be, affected by the decision; or
  - (b) (in all other cases) other council tax payers, ratepayers or inhabitants of your authority's areas

## **9. Disclosure of Interests**

9.1 Subject to sub-paragraphs 9.2 to 9.6, where you have a Disclosable Pecuniary Interest, Pecuniary Interest or a Non-Pecuniary Interest in any business of your authority and you are present at a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest whether or not such interest is registered on your Register of Interests or for which you have made a pending notification.

9.2 Sub-paragraph 9.1 only applies where you are aware or ought reasonably to be aware of the existence of the pecuniary or non pecuniary interest



- 9.3 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 but by virtue of paragraph 14 (sensitive interests) details of the interest are not registered in your authority's published register of members' interest and that the interest is a disclosable pecuniary interest (if that is the case) but you need not disclose the nature of the interest to the meeting
- 9.4 Where you have a pecuniary interest in any business of your authority and a function of your authority may be discharged by you acting alone in relation to that business, you must ensure you notify the authority's monitoring officer of the existence and nature of that interest within 28 days of becoming aware that you will be dealing with the matter even if more than 28 days before you will actually deal with the business
- 9.5 Where you have an interest in any business of your authority which would be disclosable by virtue of paragraph 9.1 and you have made an executive decision in relation to that business you must ensure that any written statement of that decision records the existence and nature of that interest
- 9.6 In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000

## **10. Disclosure of Interests generally**

- 10.1 Subject to sub-paragraph 10.2 where you have a pecuniary interest in any business of your authority you also have a disclosable pecuniary interest in that business where the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgment in the public interest.
- 10.2 You do not have a disclosable pecuniary interest in any business of your authority where that business-
- (i) does not affect your financial position or the financial position of a person or body described in paragraph 8.1 (a) i. and ii.;
  - (ii) does not relate to the determining of any approval, consent, licence, permission or registration in relation to you or any person or body described in paragraph 8.1 (a) i and ii; or
  - (iii) relates to the functions of your authority in respect of-
    - (a) housing, where you are a tenant of your authority provided that those functions do not relate particularly to your tenancy or lease;
    - (b) school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;

- (c) statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- (d) an allowance, payment or indemnity given to members;
- (e) any ceremonial honour given to members; and
- (f) setting council tax or a precept under the Local Government Finance Act 1992

## **11. Effect of Disclosable Pecuniary Interests on participation**

- (a) If you are present at a meeting of the Authority or of any committee, subcommittee, joint committee or Joint Subcommittee and you or a Relevant Person has a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at a meeting and you are aware of that interest:
  - (i) You must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
  - (ii) You must withdraw from the room or chamber where the meeting considering the business is being held unless you have received a dispensation from the Standards Committee or the Authority's Monitoring Officer.
  - (iii) You must not exercise executive functions in relation to any business of the authority; and
  - (iv) You must not seek improperly to influence a decision about that business
- (b) If a function of your authority may be discharged by a member acting alone and you have a disclosable pecuniary interest in any matter to be dealt with or being dealt with in the course of discharging that function you may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by yourself).

### **11.2 Public Perception**

If you have an interest which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to affect your judgement in the public interest and you are present at a meeting of the Authority at which such business is to be considered or is being considered you must:

- (i) Disclose the existence and nature of the interest (subject to the provisions of paragraph 9(3) above); and
- (ii) Withdraw from the room or chamber where the meeting considering the business is being held"

## **PART 3 REGISTER OF MEMBERS INTERESTS**

### **12. Registration of Members' Interests**

- (a) Subject to paragraph 13, you must, within 28 days of:
- (i) this Code being adopted by or applied to your authority; or
  - (ii) your election, re-election or appointment or re-appointment to office (where that is later), or co-opted onto the authority
- register in your authority's register of members' interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of:
- (i) disclosable pecuniary interests<sup>i</sup> as referred to in paragraph 6 that you, your spouse, civil partner or person with whom you live as if they were your spouse or civil partner in so far as you are aware of their interests at that time
  - (ii) pecuniary interests referred to in paragraph 7 that you have;
  - (iii) Non Pecuniary Interests referred to in paragraph (8) (i), (ii) and (iii) that you have
- (b) You must keep your Register of Interests up to date by notifying the Monitoring Officer of any changes to your interests referred to in (a) above within 28 days of the change occurring or becoming aware of the change

### **13. Sensitive Information**

- 13.1 Where you have a disclosable pecuniary interest referred to in paragraph 6 or pecuniary interest referred to in paragraph 7 and the nature of the interest is such that you and your authority's monitoring officer consider that disclosure of details of the interest could lead to you or a person connected with you being subject to violence or intimidation if the interest is entered in the authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that you have an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 13.2 You must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 13.1 is no longer sensitive information, notify your authority's monitoring officer
- 13.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that you or a person who lives with you may be subject to violence or intimidation.

## **CODE OF CONDUCT APPENDIX 1**

### **THE NOLAN PRINCIPLES AND SECTION 28(1) OF THE LOCALISM ACT 2011**

#### **Selflessness**

Holders of public office should act solely in terms of the public interest.

#### **Integrity**

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

#### **Objectivity**

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

#### **Accountability**

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

#### **Openness**

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

#### **Honesty**

Holders of public office should be truthful.

#### **Leadership**

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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## **Report to Local Council's Liaison Committee**

**Date of meeting: 14 November 2016**



**Epping Forest  
District Council**

**Subject:** Local Council's Liaison Committee – Future Meetings

**Officer contact for further information:** S. Tautz (01992 564180)

**Democratic Services Officer:** J Leither (01992 564756)

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### **Recommendations/Decisions Required:**

- (1) That the Committee consider and agree the most appropriate number of meetings to be held in each municipal year from 2017/18; and**
- (2) That, should the Committee wish to meet on a reduced number of occasions from 2017/18, it agrees when such meetings should be held during each year; and**
- (3) That subject to the agreement of the District Council's overall calendar of meetings for 2017/18, the Committee make recommendation as to the most appropriate day of the week for its meetings.**

### **Report:**

1. (District Council) At its meeting on 4 July 2016, the Committee requested that consideration be given to a possible reduction in the number of meetings of the Committee during each municipal year, from three each year to two. The Committee requested that the District Council consult with all Parish and Town Councils to obtain a consensus view in this regard.
2. Officers have since consulted on this matter with all twenty-four local councils and its own member representatives on the Committee. Eight responses were received to this consultation, as follows:
  - (a) 6 respondents favoured the holding of 2 meetings each year. These respondents felt that additional meetings could be arranged as necessary; and
  - (b) 2 respondents favoured retaining 3 meetings each year.
3. The Committee is therefore requested to consider and agree the most appropriate number of meetings to be held in each municipal year, from 2017/18. Members are also asked to identify when such meetings should be scheduled during each year.
4. The Committee has also expressed the view that it could meet on weekdays other than Mondays, which often clash with some Parish and Town Council meetings. In addition to consideration of the number of meetings each year, Members are also asked to consider and agree the most appropriate day of the week for its meetings.
5. The District Council is currently preparing its overall calendar of meetings for 2017/18, which will be considered by the Cabinet on 1 December 2016. Although the views of the Committee with regard to the most appropriate day of the week for its meetings will

be fed into this process, it should be recognised that the District Council also needs to avoid meeting overlaps and member clashes wherever possible, whilst also ensuring that accommodation and officer support is also available for meetings of the Committee. The views of the Committee in terms of its future meeting arrangements will therefore be accommodated wherever possible.