

Supplementary Committee Agenda



**Epping Forest
District Council**

Standards Committee Thursday, 24th April, 2008

Place: Civic Offices, High Street, Epping
Room: Committee Room 1
Time: 7.30 pm
Committee Secretary: G Lunnun - The Office of the Chief Executive
glunnun@eppingforestdc.gov.uk

4.a Waltham Abbey Town Council -Applications for Dispensation (Pages 3 - 18)

To consider the attached report.

4.b Training for Local Assessment

Recommendation:

To confirm attendance at a training session for local assessment.

(Monitoring Officer) At the last meeting it was decided that members of this Committee and officers supporting the Committee should attend a training session being co-ordinated by Braintree District Council.

Braintree District Council has now confirmed that sufficient places are available for members and officers at the session which has been arranged for 12 May 2008. Officers will report further on the details.

In accordance with section 100(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council's Procedure Rules, the Chairman has permitted on grounds of urgency, the inclusion of this item of business so that Braintree District Council can be advised of the members and officers attending.

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EPPING FOREST DISTRICT COUNCIL

Committee: Standards **Date:** 24 April 2008
Report of: Deputy Monitoring Officer **Item:** 4a
Subject: Code of Conduct - Applications for Dispensation (Waltham Abbey Town Council)

Recommendation:

To consider the applications from all members of Waltham Abbey Town Council for dispensations as follows:

- (a) to determine whether the applications are properly made;**
- (b) to determine whether the existence of the prejudicial interests is accepted or whether further information is required to adjudicate on each request;**
- (c) if appropriate, to determine the applications in accordance with paragraph 8(a)(i) of this report and notify the Town Council accordingly;**
- (d) to determine the period to which any dispensation is to apply.**

Requests for Dispensation

1. The Waltham Abbey Town Council comprises 11 members. All 10 serving members have submitted applications to the Monitoring Officer for dispensations in respect of a commonly-held prejudicial interest.
- ... 2. Copies of the application letters from each of the 10 members are attached to this report, the members in question being:

Councillor P Brooks, A Clark, J Collier, R Gadsby, A James, S Pryde, W Pryor, S Stavrou, A Watts, E Webster.
- ... 3. Also attached is a covering letter from Mr R James, Town Clerk.

Description of Prejudicial Interests

4. The letters received from the Councillors concerned refer to a planned meeting of the Town Council at which it is intended to select a member of the public from five applicants to be co-opted onto the Council. The prejudicial interest arises because one of the applicants for co-option has disclosed a political affiliation to a national political party which means that all members of the Town Council feel that they have a prejudicial interest either as a result of being members of another political party or in the same political party as the applicant.
5. In normal circumstances the declaration of this prejudicial interest would require those members to leave the Chamber and not participating in the meeting until that matter had been dealt with.

Waltham Abbey Town Council

6. The quorum for Town Council meetings is two thirds, namely 7 Councillors.

Electoral Background

7. When a vacancy occurs on a local authority, the procedure requires that a notice is posted indicating that the vacancy has occurred. Such a notice was posted in Waltham Abbey on 3 January 2008. Within a predetermined period 10 local authority electors for the area may request that an election is held. In this case, such a request had to be made by 22 January 2008. Once the election is requested, the timetable then requires that a by-election must be held within the statutory period. In this case a by-election would have been held in late February 2008. No request for an election was made however.

8. Once the period for requesting a by-election has passed, the only option open to the Town Council is to co-opt a person to fulfil the role of Councillor. This co-option applies for the balance of the term of office concerned. The term of office of the late Councillor Spinks expires in May 2011.

Applications for Dispensations

9. Any Councillor with a prejudicial interest can apply in writing to the Standards Committee for a dispensation to allow them to take part in the consideration of any matter before the Council.

Circumstances in which Dispensations may be granted

10. A Standards Committee may grant a dispensation in the following circumstances:

(a) the transaction of business of the authority would, on each occasion on which the dispensation would apply, otherwise be impeded by or as a result of the mandatory provisions of the Code of Conduct because -

(i) the number of members of the authority prohibited from participating in the business of the authority exceeds 50% of those members that are entitled or required to participate; or

(ii) the authority is not able to comply with any duty which applies to it under Section 15(4) of the Local Government and Housing Act 1989 (Political Balance in Committee Memberships);

11. The Councillor must submit to the Standards Committee a written request for a dispensation explaining why it is desirable. The Committee may then conclude that, having regard to the matters mentioned in paragraph 8(a) or (b) above, the content of the application made and all other circumstances of the case that it is appropriate to grant the dispensation. For the purposes of these applications, 8(a)(ii) is not a relevant ground for approval of a dispensation as this relates to the statutory responsibility of the District Council to achieve political balance on some Committees.

Records of Dispensations Granted

12. A Standards Committee must ensure that the existence, duration and nature of any dispensation is recorded in writing. This record is kept with the Register of Interests established and maintained under the Local Government Act 2000.

Other Considerations

13. In July 2007, the Standards Committee previously considered a similar application from District Councillors who serve on the Cabinet. In that case, of the 8 members of the Cabinet, 5 responded stating that they had a prejudicial interest in the matter concerned. The Committee noted at that time that the quorum for the Cabinet was a minimum of 5 of the 8 members. The approach taken by the Committee was to consider each application for a dispensation on an individual basis. As the result, two dispensations were granted because the nature of the prejudicial interests was considered less substantial than the three other cases. The remaining three applications were refused as all the interests were considered to be substantial and directly bearing on a Councillor whose tender for a contract was due to be considered by the Cabinet.

14. In the current case, there are 10 applications all submitted on the same grounds. Based on previous practice, it is for the Committee to decide whether they have sufficient information based on the letters submitted to adjudicate on these applications individually. If not, the options open are to seek further clarification of their letters either by correspondence or in person. The Committee also need to consider whether, in practical terms, there is another way of dealing with the co-option issue.

The Timetable

15. The only method now available to the Town Council to fill the vacancy is to co-opt a suitable person. It is clear that the Town Council wishes to do so but at present the Council doubts whether it will have a quorum to do so. This would then leave the Council with a vacancy with no immediate prospect of being filled.

16. The Standards Committee's role is to look carefully at the applications for dispensation to ensure that they are properly made so that the prejudicial interest is clear. If the Committee is satisfied it has the full information on which to base decisions, it may indicate to Town Councillors whether the dispensation is granted or refused.

Alternative Action

17. In the event of the Town Council being unable to achieve a quorum after consideration by this Committee of the requests for dispensation, the District Council may have a role to play in resolving the issue. Officers will report further at the meeting.

18. In accordance with section 100(4)(b) of the Local Government Act 1972, together with paragraphs 6 and 25 of the Council's Procedure rules, the Chairman has permitted on grounds of urgency, the inclusion of this item of business so that the vacancy on the Town Council can be filled without further delay.

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WALTHAM ABBEY TOWN COUNCIL

TOWN HALL, WALTHAM ABBEY, ESSEX, EN9 1DE

E-Mail: Townclerk@walthamabbey-tc.gov.uk

TEL: 01992 714949

FAX: 01992 716234

R. K. JAMES Cert H. E. (LCA) IPSM
Town Clerk and
Chief Financial Officer

YOUR REF.

OUR REF. **RKJ/BAH/A16**

17th April 2008

Dear Ms O'Boyle,

As I believe you know there is a casual vacancy at Waltham Abbey Town Council as a result of the death of Councillor Don Spinks. This is due to be filled by co-option as when the vacancy was first advertised a by-election was not called.

We have five candidates for the vacancy who are to be interviewed at a meeting of the full Council. At least one of the candidates is a member of a political party and in view of this all Members are of the opinion that they have a prejudicial interest which will effectively make it impossible to carry out their duties in filling the vacancy.

In order to overcome this situation I enclose letters from Members requesting that the Standards Committee allow a dispensation on this occasion to enable selection to go ahead. I trust these are all in order but should you need any further information do not hesitate to contact me.

Yours sincerely,

Richard James Cert H.E. (LCA) IPSM
Town Clerk

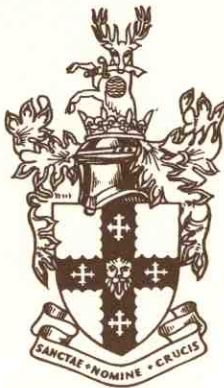
Rec'd 17/4/08.

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

*2/3 78 members.
Quo*

WALTHAM ABBEY TOWN COUNCIL

Telephone: Lea Valley 714949



MAYOR'S ROOM,
TOWN HALL,
WALTHAM ABBEY,
ESSEX.
EN9 1DE

14th April 2008

PCB/BAH

Dear Monitoring Officer,

Selection of a Co-Opted Member for Waltham Abbey Town Council

Due to a casual vacancy in the Waltham Abbey Honey Lane ward for which a by-election was not called the Town Council has invited residents to apply for co-option to fill the vacancy.

This has resulted in five applications to fill the one vacancy and therefore selection will be made at a Special Meeting of the Town Council. At least one of the applicants has a political affiliation and I consider that I have a prejudicial interest in this matter as I know the applicant as a Member of the local Liberal Democratic Party.

In view of this prejudicial interest I wish to obtain a dispensation from the Standards Committee relieving me of the duty to leave the meeting for the discussion of this item so that the Council remains quorate so that a decision can be made on co-option to fill the casual vacancy.

I understand that notwithstanding the dispensation I must declare the prejudicial interest and any dispensation obtained from the Standards Committee and that the dispensation and the interest will be recorded in the minutes of the meeting.

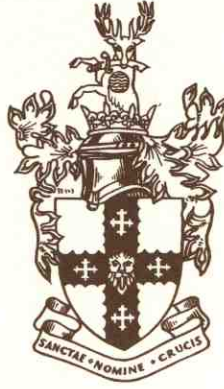
Yours sincerely,

A handwritten signature in black ink that reads "P. E. Brooks".

Councillor Mrs Pat Brooks

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

WALTHAM ABBEY TOWN COUNCIL



MAYOR'S ROOM,
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ESSEX.
EN9 1DE

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14th April 2008

ABC/BAH

Dear Monitoring Officer,

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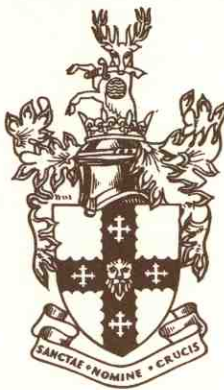
Yours sincerely,

A handwritten signature in black ink, appearing to read "A. Clark".

Councillor Adam Clark

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

WALTHAM ABBEY TOWN COUNCIL



MAYOR'S ROOM,
TOWN HALL,
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ESSEX.
EN9 1DE

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14th April 2008

JFC/BAH

Dear Monitoring Officer,

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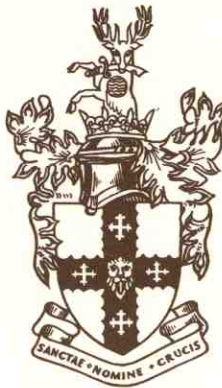
Yours sincerely,

A handwritten signature in blue ink, appearing to be 'J Collier', written over a blue horizontal line.

Councillor J Collier

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

WALTHAM ABBEY TOWN COUNCIL



MAYOR'S ROOM,
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14th April 2008

UMG/BAH

Dear Monitoring Officer,

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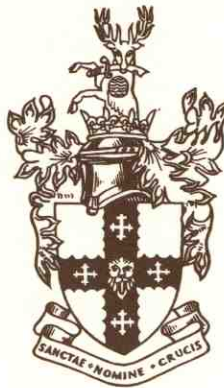
Yours sincerely,

A handwritten signature in cursive script that reads "Ricki Gadsby".

Councillor Mrs Ricki Gadsby

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

WALTHAM ABBEY TOWN COUNCIL



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14th April 2008

ALJ/BAH

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Yours sincerely,

Handwritten signature of Anthony James in black ink.

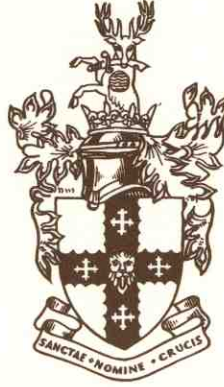
Councillor Anthony James

Ms Colleen O'Boyle
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14th April 2008

SCP/BAH

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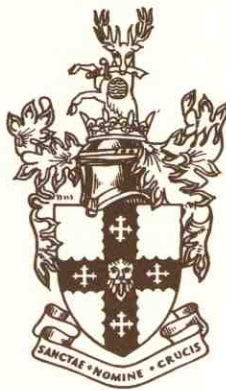
Yours sincerely,

A handwritten signature in black ink, appearing to read 'S. Pryde'.

Councillor Stuart Pryde

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
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Essex CM16 4BZ

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14th April 2008

WJP/BAH

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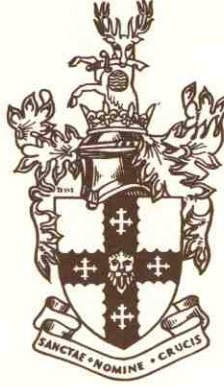
Yours sincerely,

A handwritten signature in black ink, appearing to read "Bill Pryor", written over a horizontal line.

Councillor Bill Pryor

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
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WALTHAM ABBEY TOWN COUNCIL



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14th April 2008

SAS/BAH

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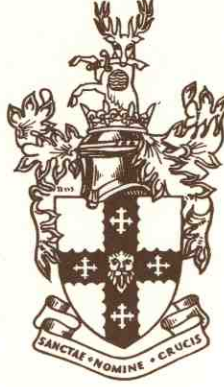
Councillor Mrs Syd Stavrou

Ms Colleen O'Boyle
Monitoring Officer
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14th April 2008

APW/BAH

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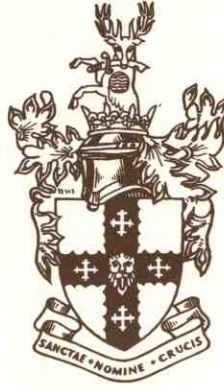
Yours sincerely,

A handwritten signature in cursive script that reads "Anthony Watts".

Councillor Anthony Watts

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
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Essex CM16 4BZ

WALTHAM ABBEY TOWN COUNCIL



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EAW/BAH

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Yours sincerely,



Councillor Mrs E Webster

Ms Colleen O'Boyle
Monitoring Officer
Epping Forest District Council
Civic Offices
Epping
Essex CM16 4BZ

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