



Epping Forest District Council

STANDARDS COMMITTEE **Thursday, 17th January, 2019**

You are invited to attend the next meeting of **Standards Committee**, which will be held at:

Committee Room 1, Civic Offices, High Street, Epping
on Thursday, 17th January, 2019
at 7.00 pm .

Derek Macnab
Acting Chief Executive

**Democratic Services
Officer**

S. Tautz (Democratic Services)
Tel: 01992 564180 Email:
democraticservices@eppingforestdc.gov.uk

Members:

G Chambers (Chairman), C P Pond (Vice-Chairman), N Avey, S Kane, M McEwen,
S Neville, C Roberts, B Rolfe and J Share-Bernia

Independent Persons:

Mr A Brooks, Mrs J Clare, Mr D Cooper

Parish and Town Council representatives:

Parish Councillors R Alvin, J Barber, S Watson, J Whybrow.

**LIGHT REFRESHMENTS WILL BE AVAILABLE IN THE MEMBERS' ROOM AT 7.00PM,
PRIOR TO THE COMMENCEMENT OF THE MEETING.**

1. INDEPENDENT PERSONS - APPOINTMENT

To welcome Antony Brooks and June Clare to membership of the Standards Committee as new Independent Persons. The Council formally ratified the appointment of Mr. Brooks and Mrs. Clare as Independent Persons at its meeting on 20 December 2018.

The Monitoring Officer will provide an induction presentation on the role and responsibilities of the Standards Committee and the Independent Persons.

2. APOLOGIES FOR ABSENCE

To be announced at the meeting.

3. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

4. MINUTES (Pages 5 - 8)

To confirm the minutes of the meeting of the Committee held on 19 July 2018.

5. DECLARATIONS OF INTEREST

(Director of Governance) To declare interests in any item on the agenda.

6. CONDUCT OF DISTRICT & PARISH/TOWN COUNCILLORS (Pages 9 - 10)

(Monitoring Officer) To consider the attached schedule showing the current position of active cases concerning the conduct of district and parish/town councillors.

7. STANDARDS COMMITTEE - TRAINING REQUIREMENTS

To consider any additional training requirements necessary to support the effective management and operation of the standards function and responsibilities.

8. DATES OF FUTURE MEETINGS

The Council has agreed (Minute 12 - 26 April 2016) that the Standards Committee be convened to meet only when there is business to be transacted and no meetings are therefore scheduled for the remainder of the current municipal year.

At the request of the Chairman, the Committee is requested to identify provisional arrangements for future meetings during 2019/20, in order that these can be accommodated within the calendar of meetings for the municipal year.

9. ANY OTHER BUSINESS

Section 100B(4)(b) of the Local Government Act 1972 requires that the permission of the Chairman be obtained, after prior notice to the Chief Executive, before urgent business not specified in the agenda (including a supplementary agenda of which the statutory period of notice has been given) may be transacted.

10. EXCLUSION OF PUBLIC AND PRESS

Exclusion

To consider whether, under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting for the items of business set out below on grounds that they will involve the likely disclosure of exempt information as defined in the paragraph(s) of Part 1 of Schedule 12A of the Act indicated:

Agenda Item No	Subject	Exempt Information Paragraph Number
11	Conduct of District and Parish/Town Councillors - Issues Arising	1

Background Papers

Article 17 of the Constitution (Access to Information) define background papers as being documents relating to the subject matter of the report which in the Proper Officer's opinion:

- (a) disclose any facts or matters on which the report or an important part of the report is based; and
- (b) have been relied on to a material extent in preparing the report and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

11. CONDUCT OF DISTRICT & PARISH/TOWN COUNCILLORS - ISSUES ARISING

(Monitoring Officer) To consider any confidential issues arising from the active cases concerning the conduct of district and parish/town councillors, listed on the schedule contained at item 6 of this agenda.

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Conduct and the retention of external advice in respect of standards matters. Mr. Hill also advised the Committee of the arrangements for the appointment of the Monitoring Officer as part of the Council's proposed new management structure.

22. INDEPENDENT PERSONS - APPOINTMENT

The Monitoring Officer reported that, following the recent death of Mr. P. Adams, Mr. D. Cooper was now the sole Independent Person on the Standards Committee and requested members to consider whether further recruitment activity should be undertaken for the appointment of up to two additional Independent Persons to ensure support for the responsibilities of the Committee and continuity in its work.

Members were advised that the recruitment of Independent Persons had last been carried out in 2012 and that, at that time, a panel of members of the Standards Committee had been established to shortlist and interview candidates for the relevant positions. The Monitoring Officer reminded the Committee that the formal appointment of Independent Persons was a matter reserved to the Council and that an appropriate role profile had previously been developed to ensure that candidates were qualified to discharge the functions of the Standards Committee.

The Monitoring Officer requested that the Committee consider the appropriate timing of the recruitment of new Independent Persons. Members noted that the Remuneration Panel was also currently carrying a vacancy, following the resignation of an independent member earlier in the year and that it would be sensible to undertake joint recruitment activity after the Summer period, to ensure that the appointment process was representative of local communities, particularly as some restrictions applied to the position of Independent Person.

RESOLVED:

- (1) That the ongoing requirement for Independent Persons to support the responsibilities of the Committee, be endorsed;**
- (2) That the Monitoring Officer undertake appropriate recruitment activity during September 2018, with a view to the appointment of two additional Independent Persons;**
- (3) That the Chairman of the Committee, in consultation with the Monitoring Officer, establish a selection panel of three members of the Committee (pro-rata two members of the Conservative Group and one member of the Loughton Residents Association Group) to shortlist and interview candidates for the position of Independent Person and make recommendation for appointment to the Council, ideally at its meeting on 25 September 2018;**
- (4) That the Monitoring Officer also form part of the selection panel of established to shortlist and interview candidates for the position of Independent Person, in a voting capacity; and**
- (5) That, if possible, a further meeting of the Standards Committee be held prior to the appointment of Independent Persons by the Council, in order that candidates recommended for appointment by the selection panel have an opportunity to meet all members of the Committee.**

23. CODE OF CONDUCT TRAINING - UPDATE

The Monitoring Officer reported to the Committee on the current status of the training of members on the Council's Code of Conduct.

The Committee was advised that a further training session had been held on 10 July 2018 and that the attendance of five members remained outstanding during their current term of office. The Monitoring Officer reported that further member training on the Code of Conduct was due to be provided during October 2018 and that efforts would be made to secure the participation of the outstanding members at this session.

RESOLVED:

That the status of the training of members on the Code of Conduct be reviewed further by the Committee, after the additional training session to be held in October 2018.

24. CONDUCT OF DISTRICT & TOWN/PARISH COUNCILLORS - ALLEGATIONS

The Monitoring Officer reported to the Committee with regard to the receipt of new allegations concerning the conduct of District, Town or Parish Councillors and progress with regard to the investigation and assessment of such allegations.

The Committee noted that, of the outstanding allegations, the assessment of one case (Case 3/2018) had been completed and was to be issued to the Independent Person for review, and that the remaining cases (Case 4/2018 and 5/2018) were currently at various stages of the assessment process.

The Monitoring Officer reported that it had not been necessary to convene the Standards Complaint Sub-Committee appointed at the last meeting, to consider Case 1/2017, as this matter had been resolved through the identification of appropriate training. The Monitoring Officer indicated however that it was intended that the hearings process for the Sub-Committee would be reviewed by the Standards Committee later in the year.

Members were advised that the Monitoring Officer had identified a trend in the receipt of complaints concerning the conduct of District Councillors, made by officers of the Council and sought the support of the Committee in reducing the incidence of such behaviour. The Monitoring Officer advised that a separate procedure was in place for the submission of complaints concerning the conduct of officers of the Council.

RESOLVED:

- (1) That the outstanding allegations made about the conduct of District, Town or Parish Councillors and the steps taken so far to assess and resolve these issues, be noted;**
- (2) That procedures for hearings undertaken by the Standards Complaint Sub-Committee be reviewed by the Standards Committee as soon as possible; and**
- (3) That the current procedure for the submission of complaints concerning the conduct of officers of the Council be considered at a future meeting of the Committee.**

25. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there were no issues arising from allegations made about the conduct of District, Town or parish Councillors that necessitated the exclusion of the public and press from the meeting.

26. DATES OF FUTURE MEETINGS

The Committee noted that no formal meetings had been scheduled during the current municipal year, following the decision of the Council at its meeting on 26 April 2016, that the Standards Committee should only meet as and when there was business to be transacted.

Members agreed that, if possible, a further meeting be held prior to the appointment of additional Independent Persons by the Council, in order that candidates recommended for appointment could have an opportunity to meet all members of the Committee.

CHAIRMAN

Standards Complaints Assessment Matters:
 Active Cases
 As at: 04 January 2019

Year	Case reference no.	Case status	Received - date	Investigator
2018	EFDC 3-2018	<p>That two Councillors made misleading comments relating to a local plan site allocation prior to the full Council vote on the local plan on 14 December 2017. Additionally, that, in doing this, failed to act with objectivity in the preparation and presentation to the Council contrary to the Nolan principles</p> <p>Status: Completed. No prima facie evidence of a breach of Code that suggested either members was misleading or lacked objectivity. Complaint received more than three months after the alleged conduct occurred and therefore outside the timescale under the Standards Committee criteria.</p>	8 May 2018	
2018	EFDC 4-2018	<p>That a member sent emails to an officer considered by them to be in breach of the Code of Conduct</p> <p>Status: Assessment ongoing, partial apology received. Monitoring Officer referral for investigation.</p>	9 May 2018	
2018	EFDC 5-2018	<p>That three members have acted in breach of the Code of Conduct in the handling of a number of planning applications at the complainant's property.</p> <p>Status: Completed. No evidence of a breach of the code of conduct by either member. Complaint rejected as not suitable for investigation.</p>	25 June 2018	
2018	EFDC 6-2018	<p>That a parish councillor failed to declare an interest at a meeting of a local council planning committee, or failed to recuse themselves from consideration of the planning application, despite knowing the applicant.</p> <p>Status: Completed. No evidence of a breach of the code of conduct by either member. Complaint rejected as not suitable for investigation.</p>	17 December 2018	

2019	EFDC 1-2019	That a councillor applied undue pressure on objectors to a planning application, to resolve objections made to a development proposal. Status: Assessment yet to be commenced.	3 January 2019	
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