



Epping Forest District Council

STANDARDS COMMITTEE **Monday, 2nd March, 2020**

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 Monday, 2nd March, 2020
at 7.00 pm .

Georgina Blakemore
Chief Executive

**Democratic Services
Officer**

Gary Woodhall
Tel: 01992 564243
Email: democraticservices@eppingforestdc.gov.uk

Members:

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

Independent Persons:

Mr A Brooks, Mrs J Clare, Mr D Cooper

Parish and Town Council representatives:

Parish Councillors J Barber, D Barlow, R Morgan, S Watson, J Whybrow.

1. APOLOGIES FOR ABSENCE

(Democratic Services Manager) To be announced at the meeting.

2. SUBSTITUTE MEMBERS

(Democratic Services Manager) To report the appointment of any substitute members for the meeting in accordance with Council Rule S1 in the Constitution (Part 4 "The Rules" refers).

3. MINUTES (Pages 5 - 8)

(Democratic Services Manager) To confirm the minutes of the last meeting of the Committee, held on 17 January 2019, as a correct record (attached).

4. DECLARATIONS OF INTEREST

(Democratic Services Manager) To declare interests in any item on the agenda.

5. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 9 - 12)

(Monitoring Officer) To consider the attached schedule showing the current position of active cases (STD-001-2019/20).

6. IMPOSITION OF CHARGES FOR DEALING WITH PARISH COUNCIL COMPLAINTS OF A BREACH OF THE COUNCILLOR CODE OF CONDUCT (Pages 13 - 14)

(Monitoring Officer) To consider the attached report (STD-002-2019/20).

7. DATES OF FUTURE MEETINGS

(Democratic Services Manager) Following the decision of the Council that the Standards Committee be convened to meet only when there is business to be transacted (Council 26 April 2016, minute 12 refers), there are no formal meetings arranged for the remainder of the municipal year. However, further meetings of the Committee can be arranged if required.

8. EXCLUSION OF PUBLIC AND PRESSExclusion

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
9	Allegations Made About the conduct of District and Parish/Town Councillors – Issues Arising	1, 3 & 6a

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.

9. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND TOWN/PARISH COUNCILLORS - ISSUES ARISING (Pages 15 - 16)

(Monitoring Officer) To consider the attached report (STD-003-2019/20).

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EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Standards Committee	Date:	17 January 2019
Place:	Committee Room 1, Civic Offices, High Street, Epping	Time:	7.00 - 8.05 pm
Members Present:	Councillors G Chambers (Chairman), C P Pond (Vice-Chairman), M McEwen, B Rolfe, J Philip		
Also in attendance:	Councillor D Barlow (Chigwell Parish Council), Councillor J Whybrow (Roydon Parish Council), A Brooks (Independent Person), J Clare (Independent Person), D Cooper (Independent Person)		
Apologies:	Councillors N Avey, S Kane, S Neville, C Roberts and J Share-Bernia, Councillor R Morgan (Matching Parish Council and Sheering Parish Council)		
Officers Present:	S Tautz (Democratic Services Manager and Deputy Monitoring Officer)		

27. INDEPENDENT PERSONS - APPOINTMENT

The Chairman welcomed Anthony Brooks and June Clare to the meeting of the Committee as new Independent Persons and reported that the Council had formally ratified the appointment of Mr. Brooks and Mrs. Clare at its meeting on 20 December 2018. Members and officers of the Committee introduced themselves to the new Independent Persons.

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

28. SUBSTITUTE MEMBERS

The Committee was advised that Councillor J. Philip was attending the meeting as a substitute for Councillor S. Kane.

29. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 19 July 2018 be taken as read and signed by the Chairman as a correct record, subject to the inclusion of D. Cooper (Independent Person) and Councillor J. Whybrow (Roydon Parish Council) in the report of members that had presented apologies for absence from the meeting.

30. DECLARATIONS OF INTEREST

No interests were declared in any item on the agenda, pursuant to the Council's Code of Conduct.

31. CONDUCT OF DISTRICT & PARISH/TOWN COUNCILLORS

The Deputy 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 4/2018) had been completed following issue to the Independent Person for review, but that the recommendations of the Monitoring Officer had not been accepted by the councillor subject of the complaint. The Deputy Monitoring Officer reported that this case had therefore now been referred for investigation.

Members noted that the remaining case (Case 1/2019) was currently at the initial stage of the assessment process.

32. STANDARDS COMMITTEE - TRAINING REQUIREMENTS

The Committee considered whether any additional training requirements were necessary to support the effective management and operation of the standards function and responsibilities.

The Deputy Monitoring Officer reported that training in respect of the Council's Code of Conduct was generally provided on two occasions in each municipal year, as part of the Council's member development programme. The Committee noted that, wherever possible, attendance at Code of Conduct training sessions was extended to representatives of local councils.

The Committee was advised that the training session due to have been held during October 2018 had had to be cancelled and that the participation of five members remained outstanding during their current term of office. The Deputy Monitoring Officer reported that further efforts would be made to secure the participation of the outstanding members at future training sessions.

RESOLVED:

- (1) That the status of the training of members on the Code of Conduct be reviewed further by the Committee at its next meeting; and
- (2) That the Monitoring Officer be requested to investigate opportunities for the delivery of training in respect of the Council's Code of Conduct through web-based or other interactive means, to support increased participation in such training and full understanding of the requirements of the Code.

33. DATES OF FUTURE MEETINGS

Members were reminded that the Council had agreed that meetings of the Committee be convened to meet only when there was business to be transacted and no meetings were therefore scheduled for the remainder of the current municipal year.

At the request of the Chairman, the Committee considered whether provisional arrangements should be made for future meetings to be held during 2019/20, in order that these could be accommodated within the calendar of meetings for the municipal year, which was shortly to be considered by the Cabinet.

RESOLVED:

That the Deputy Monitoring Officer identify potential dates for meetings of the Committee to be held during September 2019 and March 2020, in consultation with the Chairman.

34. ANY OTHER BUSINESS

The Deputy Monitoring Officer reported that Nathalie Boateng, the Council's new Monitoring Officer, had recently commenced work with the authority as the Service Manager (Legal Services), as part of a shared service arrangement with Broxbourne Borough Council. Members noted that it was intended that Ms. Boateng would attend future meetings of the Committee.

The Chairman advised the Committee that, as part of the recent recruitment process for the appointment of new Independent Persons, proposals were being discussed with neighbouring local authorities for the possible 'sharing' of Independent Persons so that other councils could call on the expertise of those individuals in respect of relevant standards or Code of Conduct matters.

RESOLVED:

That the Monitoring Officer be requested to report to a future meeting of the Committee with regard to:

- (a) any arrangements for the sharing of costs relating to shared Independent Person support provided to other local authorities; and
- (b) the likely level of commitment required by the Council's Independent Persons, in terms of the provision of shared support to other local authorities.

35. 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.

CHAIRMAN

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Standards Complaints & Local Assessments
 Active Cases
 As at: 20 February 2020

Year	Case Ref	Case Status	Received	Investigator
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 completed. The monitoring Officer has found no evidence of a breach of the Code of Conduct by the member	3 January 2019	Monitoring Officer
2019	EFDC 2-2019	That a councillor demonstrated unacceptable behaviour towards a local resident at a public (not Council) meeting. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct by the member.	23 January 2019	Monitoring Officer
2019	EFDC 3-2019	That a local parish councillor failed to treat a member of the same authority with respect. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct by the member.	28 January 2019	Monitoring Officer
2019	EFDC 4-2019	That a local town councillor broke several elements of the Code of Conduct in the running of a planning committee meeting, in their capacity as chairman of the committee. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct by the local town councillor.	7 February 2019	Monitoring Officer
2019	EFDC 5-2019	That a councillor failed to comply with the Council's guidance on the receipt and acceptance of gifts and hospitality. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct or gifts and hospitality guidance by the member.	6 February 2019	Monitoring Officer

2019	EFDC 6-2019	That a local parish councillor has been subjected to bullying by other members of the parish council. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct or bullying by members of the parish council.	5 April 2019	Monitoring Officer
2019	EFDC 7-2019	That a member of a local council has significant current financial debts. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct as the nature of the complaint related to the private life of the member and not to their role as a local councillor.	9 April 2019	Monitoring Officer
2019	EFDC 8-2019	That a number of members of a local council have frustrated the rights of other councillors to access documents and be involved in decisions of the council. Status: Assessment of complaint in progress.	9 April 2019	Monitoring Officer
2019	EFDC 9-2019	That a local councillor behaved in an unacceptable manner at a meeting of a parish council. Status Assessment completed. The Monitoring Officer has found evidence of a breach of the Code of Conduct in respect of part of the complaint and has instructed that the local councillor apologise to the parish council in writing.	6 June 2019	Monitoring Officer
2019	EFDC 10-2019	That a parish council and individual members have demonstrated a lack of financial controls and transparency. Status: Assessment of complaint in progress.	6 June 2019	Monitoring Officer

2019	EFDC 11-2019	That a local council behaved in an unacceptable manner with regard to the filling of a casual membership vacancy. Status: Assessment Complete. No breach of Code of Conduct. Advice offered to Parish Council to update policies and procedures.	12 August 2019	Monitoring Officer
2019	EFDC 12-2019	That a councillor behaved in an unacceptable manner with regard to communication with a constituent and that the Council breached data protection legislation in the member's handling of their personal data. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct by the councillor.	6 September 2019	Monitoring Officer
2019	EFDC 13-2019	That a local councillor failed to declare an interest with regard to the consideration of a planning application at a meeting of the local council. Status: Assessment completed. The Monitoring Officer has found no evidence of a breach of the Code of Conduct by the member.	30 September 2019	Monitoring Officer
2019	EFDC 14-2019	That members of an Area Plans Sub-Committee acted improperly by not disclosing a telephone conversation between the Chairman and the representative of an applicant for planning permission Status: Assessment of complaint in progress.	8 November 2019	Monitoring Officer
2019	EFDC 15-2019	That a member of the Council used language in an email communication to an officer that was inconsistent with the Nolan Principles and failed to show respect. Status: Assessment completed. Although the Monitoring Officer has found evidence of a breach of the Code of Conduct, it is not certain that the offensive language was made by the member subject of the complaint and an earlier instruction that the councillor apologise to the officer in writing, has been withdrawn by the Monitoring Officer.	17 December 2019	Monitoring Officer

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Report to the Standards Committee

Report Reference: STD-002-2019/20

Date of meeting: 2 March 2020



**Epping Forest
District Council**

**Subject: Imposition of charges for dealing with Parish Council
Complaints of a Breach of the Councillor Code of Conduct**

Responsible Officer: Nathalie Boateng (01992 564323).

Democratic Services: Gary Woodhall (01992 564470).

Recommendations/Decisions Required:

- (1) To impose charges to Parish Councils for dealing with investigations of an alleged breach of the Councillor Code of Conduct; and**
- (2) To delegate to the Monitoring Officer, in liaison with the Chairman of the Standards Committee, to establish and implement a charging policy and mechanism to Parish Councils for investigations of Code of Conduct Complaints**

Report:

1. The Current Monitoring Officer (MO) has been in post for just over one year. During that time a large proportion of the MO's time has been spent dealing with Code of Conduct complaints, the vast majority are from Parish Councils. Many complaints are from the same Parish Councils.

2. A great deal of time and resources are spent investigating these complaints. In order to recover the costs of undertaking the investigations, it is suggested that a charging mechanism be introduced to charge Parish Council for utilising this resource.

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By virtue of paragraph(s) 3, 6a of Part 1 of Schedule 12A of the Local Government Act 1972.

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