



Epping Forest District Council

STANDARDS COMMITTEE **Tuesday, 14th February, 2006**

Place: Civic Offices, High Street, Epping

Room: Committee Room 1

Time: 7.30 pm (see note below regarding viewing of DVD)

Democratic Services Officer Graham Lunnun (Direct Line 01992 564244)
Email: glunnun@eppingforestdc.gov.uk

Members:

Dr D Hawes (Chairman), Ms M Marshall, G Weltch, Councillors Mrs D Borton and Mrs P Smith

Parish/Town Council Representative(s):

Councillors J Salter, K Percy (Deputy)

THE STANDARDS BOARD FOR ENGLAND HAS ISSUED A DVD ENTITLED " GOING LOCAL – INVESTIGATIONS AND HEARINGS" AS A TRAINING AID TO LOCAL AUTHORITIES. THE RUNNING TIME IS APPROXIMATELY 30 MINUTES AND MEMBERS ARE INVITED TO ATTEND AT 7.00 PM TO VIEW THE DVD.

1. APOLOGIES FOR ABSENCE

2. MINUTES (Pages 5 - 12)

To approve as a correct record the minutes of the meeting held on 18 October 2005 (attached).

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. PROTOCOL ON THE USE OF FACILITIES FOR COUNCILLORS (Pages 13 - 20)

(Deputy Monitoring Officer) To consider the attached report.

5. ADJUDICATION SUB-COMMITTEE - DETERMINATION

Recommendation:

That the decision of the Adjudication Sub-Committee be noted.

(Monitoring Officer) At a meeting on 8 December 2005, the Adjudication Sub-Committee appointed by the Standards Committee, considered an allegation about the conduct of District Councillor P McMillan by Mr R A Ward, a lay planning agent. The allegation arose from telephone conversations between the complainant and Councillor McMillan regarding a planning application for the development of Green Belt land at Chacefield Park, Waltham Abbey.

The Sub-Committee decided that the amended facts as determined at the meeting, represented a failure on the part of Councillor McMillan to comply with the General Principle of Honesty and Integrity and the Council's Planning Protocol. As a result, it was also decided that the Councillor had brought his impartiality and integrity into question and as such had conducted himself in a manner which could reasonably be regarded as bringing his office or authority into disrepute in breach of paragraph 4 of the Council's Code of Conduct.

The Sub-Committee further decided that no sanction be imposed on the Councillor having regard to:

- (a) he had been a relatively new councillor at the time;
- (b) he had subsequently accepted that he should not have taken part in the telephone conversations and had said that he would not do anything similar again;
- (c) he had not colluded with other councillors in respect of their votes;
- (d) he had not sought any personal or financial gain; and
- (e) he had agreed to attend further training courses in relation to the Council's Code of Conduct and Planning Protocol.

6. MEMBER TRAINING

Recommendations:

- (1) To consider a recommendation of the Adjudication Sub-Committee regarding member training before attending regulatory committees; and**
- (2) To note that arrangements are being made to introduce member training on the processes undertaken in relation to the investigation and determination of allegations against councillors.**

(Monitoring Officer) The Adjudication Sub-Committee at its meeting on 8 December 2005, resolved that this Committee be asked to consider the suggestion made at their meeting that members of the Planning Committees, Housing Appeals Panel and Licensing Committee should receive training before considering applications coming before those meetings.

The officers will report on the problems associated with such a restriction.

Representations have also been made by several District Councillors for the member training programme to include a session on the processes undertaken in relation to the investigation and determination of allegations against councillors. Those members, some of whom have been the subject of recent allegations, indicated they were completely unprepared for what took place and felt that all members should have a better understanding of the processes. Arrangements are being made to include an appropriate training course.

In addition a report is to be made one of the Council's Overview and Scrutiny Task and Finish Panels on the possibilities of providing independent support/advice for councillors who are the subject of allegations.

7. GUIDANCE ON CONFIDENTIALITY

Recommendation:

To consider the need for a guidance note for members.

(Monitoring Officer) Recent discussions with members have highlighted the need for guidance on "confidentiality". An oral report will be made at the meeting.

8. ALLEGATIONS ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - CURRENT POSITION (Pages 21 - 22)

To note the attached schedule.

9. DATE OF NEXT MEETING

(Monitoring Officer) The calendar for 2005/06 provides for a meeting of the Committee on 11 April 2006.

Additional meetings can be arranged as and when required by the Committee.

10. EXCLUSION OF PUBLIC AND PRESS

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
Nil	Nil	

To resolve that the press and public be excluded from the meeting during the consideration of the following items which are confidential under Section 100(A)(2) of the Local Government Act 1972:

Agenda Item No	Subject
Nil	Nil

Paragraph 9 of the Council Procedure Rules contained in the Constitution require:

- (1) All business of the Council requiring to be transacted in the presence of the press and public to be completed by 10.00 p.m. at the latest.
- (2) At the time appointed under (1) above, the Chairman shall permit the completion of debate on any item still under consideration, and at his or her discretion, any other remaining business whereupon the Council shall proceed to exclude the public and press.
- (3) Any public business remaining to be dealt with shall be deferred until after the completion of the private part of the meeting, including items submitted for report rather than decision.

Background Papers: Paragraph 8 of the Access to Information Procedure Rules of the Constitution 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 does not include published works or those which disclose exempt or confidential information (as defined in Rule 10) and in respect of executive reports, the advice of any political advisor.

Inspection of background papers may be arranged by contacting the officer responsible for the item.