



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.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Standards	Date:	Tuesday, 18 October 2005
Place:	Civic Offices, High Street, Epping	Time:	7.30 - 9.50 pm
Members Present:	Dr D Hawes (Chairman), Ms M Marshall, G Weltch, Councillors Mrs D Borton and Mrs P Smith		
Other Councillors:	(none)		
Apologies:	Councillor J Salter		
Officers Present:	S Hill (Senior Democratic Services Officer), G Lunnun (Democratic Services Manager), CO'Boyle (Head of Legal, Administration and Estates), R Palmer (Head of Finance), A Scott (Head of Information, Communications and Technology) and I Willett (Head of Research and Democratic Services)		

20. MINUTES

RESOLVED:

That the minutes of the Committee meeting held on 26 July 2005 be taken as read and signed by the Chairman as a correct record.

21. DECLARATIONS OF INTEREST

No declarations of interest were made pursuant to the Council's Code of Member Conduct.

22. POLICY ON USE OF FACILITIES BY MEMBERS

(a) Guidance on the Use of IT by Councillors

S Hill and A Scott reported that the Council had implemented an electronic committee management system and was now pursuing a strategy for member connectivity to the Council's network. Following a survey of councillors, it had become clear that direct provision of IT equipment was not the favoured option as over 70% of those responding had indicated that they already had equipment in their homes and would not want another computer. As a result the member connectivity scheme which was being pursued provided for the payment of an annual grant of £500 to each member on receipt of an undertaking to:

(a) ensure that their password and secondary authentication equipment remain accessible only by themselves;

(b) abide by the Council's published ICT policies and standards relating to security of systems and data and remote working;

(c) meet the requirements of the Local Government Act 1972 and any subsequent Act in relation to exempt and confidential information; and

(d) adhering to specific user policies for systems to which they were given access.

The Committee noted that the Council's Independent Remuneration Panel had considered the payment of a grant and had expressed views about the amount proposed and the taxation implications.

The Committee considered a draft Appendix to the proposed protocol on the use of facilities for members providing guidance on the use of IT by councillors for Council business. Attention was drawn to the security measures proposed and to the need for members to appreciate that exempt and confidential information received via the system should be treated in the same way as the paper copies which they currently received.

RESOLVED:

That the Appendix on the Guidance on the Use of IT by Councillors be agreed subject to:

- (a) references to "Members" being changed to "Councillors";
- (b) paragraph 3.1 to be amended to make specific reference to "restricted" papers;
- (c) inclusion of a paragraph drawing to the attention to the fact that the Internet is an unregulated medium and that councillors should take adequate steps to protect their systems from viruses etc; and
- (d) correction of typographical errors.

(b) Protocol on the use of facilities for Councillors

The Committee considered a draft protocol designed to support the provisions of the Code of Conduct in respect of the proper use of facilities provided for councillors.

RESOLVED:

That the draft protocol on the Use of Facilities for Councillors be agreed subject to:

- (a) references to "Members" being changed to "Councillors";
- (b) reference being made in Paragraph 2.3 to exempt and confidential information; and
- (c) inclusion in Section 4 on advice on the use of other Council buildings for political group or party purposes.

23. CHIEF FINANCE OFFICER

R Palmer, the Council's Chief Finance Officer, explained the duties of that role. He drew attention to the statutory provisions and the relevant articles of the Council's Constitution.

The Committee noted that Section 151 of the Local Government Act 1972 required that every local authority should make arrangements for the proper administration of

their financial affairs and shall secure that one of their officers had responsibility for the administration of those affairs. The officer appointed as the responsible Financial Officer must, by virtue of Section 113 of the Local Government Finance Act 1988, be a member of a specified accountancy body.

The Committee noted that the duties of the responsible Financial Officer had been significantly extended by virtue of Section 114 of the 1988 Act which required a report to be made to all of the Council's members, in consultation with the Monitoring Officer and the Head of the Paid Service, if there was or was likely to be unlawful expenditure or an unbalanced budget. That section had been amended following the introduction of executive arrangements under the Local Government Act 2000 and the Chief Financial Officer was now required to submit reports to the Council in respect of non-executive functions. However, where the decision might involve unlawful expenditure, a loss or deficiency or unlawful item of account as a result of the exercise of executive functions, a report had to be submitted to the Executive. Copies of any report also had to be sent to every member of the Council and the external auditor. The Executive was under an obligation to consider such a report within 21 days and all action in respect of the report had to be suspended until it had been considered by the Executive. After considering the report the Executive had to provide a report to the Council, the Chief Financial Officer and the external auditor, explaining what action if any was to be taken and the reasons for that action or for not taking action.

The Committee was advised that following the Local Government Act 2000, the Chief Financial Officer and the Monitoring Officer also had a role in advising whether particular decisions were likely to be contrary to the policy framework or budget of the Council. The importance of the Chief Financial Officer's role as adviser to councillors was supported by the model Code of Conduct for Members. The Code required members to have regard to advice provided by the Chief Financial Officer in any formal report submitted under Section 114 of the Local Government Finance Act 1988. In recognition of the enhanced role of the Chief Financial Officer and the Monitoring Officer, these posts had statutory protection in relation to dismissal and the Chief Financial Officer could not be suspended for more than two months for the purpose of investigating misconduct unless it was in accordance with the recommendation in the report made by an independent person. The 2000 Act also defined the Section 151 role as a non-executive function and the Chief Financial Officer as a statutory Chief Officer. This meant that the appointment of the Section 151 Officer was the responsibility of the Council and not the Executive.

R Palmer reported that the Accounts and Audit Regulations 1996 imposed responsibilities on the Chief Finance Officer relating to accounting records and supporting information, controlled systems and the statement of accounts. The Local Government Act 2003 emphasised the importance of sound and effective financial management and introduced two new statutory duties for Chief Finance Officers. In relation to capital financing there was a statutory requirement for each local authority to set and arrange their affairs to remain within prudential limits for borrowing and capital investment. The Chief Finance Officer was required to report to the authority, at the time the budget was considered and the Council Tax set, on the robustness of the budget estimates and the adequacy of financial reserves. The Chief Finance Officer also had a key role to play in fulfilling the requirements of the statutory duty for councils to keep their finances under review during the year and take action if there was evidence that financial pressures would result in a budget overspend or if there was a shortfall in income.

R Palmer drew attention to the key activities that the Chief Finance Officer was responsible for when maintaining strong financial management and effective financial

controls. He also drew attention to the role played by the Chief Finance Officer in the corporate management of the authority.

Finally, the Committee was advised of the roles of the Chief Finance Officer in supporting and advising members, supporting and advising officers and leading and managing an effective and responsive financial service.

RESOLVED:

That R Palmer be thanked for attending the meeting and making his presentation.

24. PROTOCOL FOR MEMBERS AND OFFICERS ENGAGED IN THE DETERMINATION OF PLANNING APPLICATIONS AND OTHER PLANNING DECISIONS

The Committee gave further consideration to a revised protocol in the light of comments which had been received following a consultation exercise.

The Epping Town Council had suggested that approval of the revised Planning Protocol should be deferred pending the forthcoming review of the Charter between the District Council and parish and town councils. The Committee determined that as the Planning Protocol was reviewed on a regular basis there was no need to defer approval of this latest version pending the review of the Local Charter.

Martyn Pattie, Architects and Designers, had made a number of suggestions regarding site visits, the appointment of councillors to planning committees, the consideration for objections to planning applications, the recommendations of planning officers and the submission of photographs at planning meetings. The Committee determined that these matters related to planning policy and were outside of the Protocol.

District Councillor Mrs Brooks has expressed concern about presentations and planning briefs for district councillors prior to the submission of formal planning applications. The Committee agreed the need for a section in the Protocol to cover this issue. It was agreed that the Protocol should express caution in relation to such requests and that they should only be entertained as an exception rather than the rule. The Protocol should also advise that in the event of councillors attending such presentations they should restrict themselves to listening and reading the material provided. Questions should be restricted to seeking clarification of the facts and opinions should not be expressed about the proposals until such time as all the facts were presented when a planning application was before members for determination.

Bahram Mottahed had expressed thanks for being consulted but had made no observations on the draft Protocol.

The Tooley and Foster Partnership had drawn attention to the importance of planning officers providing meaningful pre-planning application advice to applicants. The Committee agreed that this was not an issue for the Protocol.

The Loughton Residents Association (LRA) had suggested that the Protocol should make reference to the agreement which had been reached between the Association and this Committee in relation to responses to planning issues. The Committee agreed that specific reference to the agreement with the LRA would be inappropriate but that general comments would be appropriate drawing attention to the need to

avoid any conflict of interest by councillors who were members of local organisations which submitted representations about planning applications.

During the discussion on this matter, a member of the Committee drew attention to a letter which had been published in a local newspaper alleging an inconsistent approach in relation to a planning application by members who were town councillors as well as district councillors.

RESOLVED:

- (1) That the revised Protocol be further amended to incorporate the views expressed at this meeting;
- (2) That Paragraph 21.5 be amended to require an officer submitting an application to leave any meeting at which it is considered; and
- (3) That the Monitoring Officer respond to the recent letter in the local newspaper by drawing attention to the advice in relation to "dual hatted" councillors.

25. REGISTRATION BY MEMBERS OF FINANCIAL AND OTHER INTERESTS

The Monitoring Officer reported that at the meeting of the Committee on 29 June 2005, officers have been asked to liaise with the Standards Board on the extent to which the wording of the form used by the Council to register interests could be altered in order to overcome some of the issues raised by district councillors.

The Committee noted that officers had now established that the Council had discretion to change the wording of the form provided that all of the relevant information was sought. The Monitoring Officer reported that next year the Council would be moving from a paper-based form to an on-line form. An on-line form currently in use by another local authority indicated that it was possible to have a clear form with a facility for obtaining guidance notes in relation to each question.

RESOLVED:

That a draft of the proposed on-line form and explanatory notes to be introduced next year be submitted to this Committee in due course for approval.

26. ADJUDICATION SUB-COMMITTEE - DETERMINATION

The Committee noted that at a meeting on 20 September 2005, the Adjudication Sub-Committee appointed by this Committee had considered an allegation made about the conduct of District Councillor T Farr by the Director for Legal and Enforcement Services, Commission for Racial Equality. The allegation had arisen from letters which the member had written and sent to the Deputy Prime Minister and the Chairman of the Commission for Racial Equality in relation to the Government's proposals for the provision of new houses across the South-East and East of England.

The Committee noted that the Sub-Committee had determined that:

- (a) a reasonable person would conclude from the content of the letters that Councillor Farr did intend to discriminate in his capacity as a councillor on the grounds of race, ethnic background, or nationality, when carrying out his duties and

would also conclude that he would fail to uphold the Council's policy of promoting equal opportunities and opposing discrimination against individuals on all grounds;

(b) in writing and sending the letters, Councillor Farr had conducted himself in a manner which could reasonably be regarded as bringing his office or authority in disrepute and as such had breached Paragraph 4 of the Council's Code of Conduct; and

(c) the maximum sanction be imposed on Councillor Farr, namely, to suspend him from the office of district councillor for a period of three months or until such earlier time as he undertakes training in the application of the Council's Code of Conduct, Equal Opportunities Policies and Race Equality Scheme; such training to be provided by the District Council by 31 October 2005; this suspension to take effect from the date of the Sub-Committee's determination.

The Monitoring Officer reported that Councillor Farr had been offered the necessary training but had not formally responded.

RESOLVED:

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

27. ALLEGATIONS ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - CURRENT POSITION

The Committee noted the current position on allegations made to the Standards Board for England regarding District and Parish/Town Councillors.

28. DATES OF FUTURE MEETINGS

The Committee noted that the calendar for 2004/05 provided for meetings of the Committee on 21 February 2006 and 11 April 2006.

29. EXCLUSION OF PUBLIC AND PRESS

RESOLVED:

That, in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the Paragraph of Part 1 of Schedule 12A of the Act indicated:

<u>Agenda Item No.</u>	<u>Subject</u>	<u>Exempt Information Paragraph Number</u>
12	Adjudication Sub-Committees	12

30. ADJUDICATION SUB-COMMITTEES

(a) Review of Procedure

The Committee considered that the need to revise any of the previously agreed procedures in the light of experience of the meeting of the Adjudication Sub-Committee held on 20 September 2005.

RESOLVED:

That the officers give further consideration to the manner and extent to which the press can be briefed in advance of the commencement of the hearing of a case.

(b) Adjudication - Councillor T Farr

The Committee noted that a petition signed by 274 persons had been received by the District Council seeking Councillor Farr's re-instatement and criticising his suspension. The lead petitioner had been advised that neither the Standards Committee nor the Council had any powers to change the decision of the Adjudication Sub-Committee.

Members noted that following an exchange of correspondence with the Leader of the BNP Group, it appeared that the petitioners may have intended for the petition to be submitted to the Standards Board for England and not to the Council or this Committee.

RESOLVED:

That the receipt of the petition be noted and the Monitoring Officer pursue the matter with the Leader of the BNP Group and refer the petition to the Standards Board for England, if necessary.

(c) Allegation Received - Appointment of Adjudication Sub-Committee

The Committee was advised that an allegation against a district councillor had been referred by the Standards Board for England on 21 September 2005 for local determination.

RESOLVED:

(1) That the three independent members on the Committee, namely Doctor D Hawes, Ms M Marshall and G Weltch form the Adjudication Sub-Committee to consider this allegation;

(2) That Ms M Marshall be appointed Chairman of the Adjudication Sub-Committee;

(3) That arrangements be made for the Adjudication Sub-Committee meeting to be held during the week commencing 5 December 2005; and

(4) That all members of the Adjudication Sub-Committee take part in the pre-hearing process.

CHAIRMAN

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Report to Standards Committee

Date of meeting: 14 February 2005

Subject: Protocol on the Use of Facilities for Members

**Officer contact for further information: Ian Willett, Deputy Monitoring Officer
(01992 564243)**

Democratic Services Officer: Graham Lunnun (01992 564244)

Recommendations:

- (1) To note the results of consultation with members of the Council and the Overview and Scrutiny Committees Constitutional Affairs Standing Panel on the draft protocol;**
- (2) To consider the suggested changes which have arisen from consultation and to approve the final version of the protocol; and**
- (3) To issue the protocol to all members of the District Council via the members' Information Bulletin and to all Parish and Town Councils for information.**

1. At the last meeting, the Committee agreed a draft protocol on the use of facilities for Councillors. This protocol was designed to support the provisions of the Code of Conduct in respect of the proper use of facilities.

2. The draft protocol was circulated to all members of the District Council in the members' Information Bulletin and no comments were received in reply. The document was also submitted to the Standing Scrutiny Panel on Constitutional Affairs which made a number of suggested alterations which are detailed below:

- (a) Paragraph 3.2(a)

The Panel asked for additional reference to the availability of an electronic template for the letterhead recommended for use by Councillors;

- (b) Paragraph 4.2

Minor drafting amendments;

- (c) Paragraph 4.4

Redrafted to make the meaning clearer;

- (d) Paragraph 4.6

Amended for clarity;

- (e) Paragraph 4.7

The Panel asked for this paragraph to be reworded to make it clear that accommodation provided for surgeries should be available to any member of the Council subject only to any requirement for accommodation in question only to be used for specific wards;

(f) Paragraph 5.3

Wording clarified.

(g) Section 6 – Advice

The Standing Panel felt that this section relating to advice from officers is well covered already in the Officer/Member Relationships Protocol which has already been agreed. It was requested that this should be deleted.

(h) Paragraph 6.1

Wording of the last sentence amended to refer to “mandatory” in relation to training;

(i) Section 8 – Freedom of Information

The Standing Panel felt that there were sufficient policy documents in being already such that this section could be deleted.

3. There were no comments on the Appendix to the Protocol on IT use.
4. The only other comments related to the volume of advice being published by the Standards Committee which some members of the Panel felt was difficult for members of the Council to keep up with.
5. The comments of the Panel have been incorporated in the attached Appendix.

PROTOCOL ON THE USE OF FACILITIES FOR COUNCILLORS

1. PURPOSE OF PROTOCOL

1.1 This protocol is designed to support the provisions of the Code of Conduct in respect of the proper use of facilities provided for elected members.

1.2 The protocol is not intended to be a statement of policy on behalf of the Council.

2. CODE OF CONDUCT REQUIREMENTS

2.1 The Code of Conduct for Councillors includes a requirement that they must, when using or authorising the use by others of the resources of the authority -

(a) act in accordance with the authority's requirements; and

(b) ensure that such resources are not used for political purposes unless that use could be reasonably regarded as likely to facilitate, or be conducive to, the discharge of the functions of the authority or of the office to which the member has been elected or appointed.

2.3 Councillors are also under a general obligation not to do anything which compromises the impartiality of officers of the Council or disclose confidential or exempt information.

3. ADVICE ON FACILITIES FOR COUNCILLORS

Information Technology

3.1 Appendix 1 to this protocol sets out specific requirements as to the proper use of IT facilities.

Correspondence

3.2 Members of the Council can engage in correspondence in a number of different ways. These are discussed below:

(a) Correspondence as a Ward Councillor or as an Individual Councillor

Councillors will from time to time be responding to correspondence generated from constituents in their ward. A special letter heading should be provided to members in order that they may conduct such correspondence. This letterhead should include a disclaimer indicating that any correspondence does not necessarily bind the authority to any views expressed by the author. Where decisions have yet to be made by a Council, members should be careful to indicate the possible timescale for that decision and some of the considerations which may be taken into account. This same letterhead should also be used for Councillors who wish to express views to external agencies. An electronic template can also be made available.

(b) Correspondence As a Member of a Political Group or Party

Council stationery should not be used for correspondence conducted by an individual Councillor or by a political group, if it concerns the operations of a party or political group. At all times, Councillors should use the appropriate party or group letter headings. This will avoid misunderstandings with correspondents about the role of political organisations and the Council's official position. Typing or e-mailing of such correspondence should be the

sole responsibility of the political group or political party concerned and members should not seek to use Council facilities for that purpose.

3.3 In conducting correspondence of this nature, Councillors should always follow their obligations under the Code of Conduct of treating others with respect, not bringing their Council into disrepute and supporting the Council in promoting equalities.

(c) Correspondence as Portfolio Holder or Leader of the Council

The Cabinet has sole responsibility for executive decision-making. Cabinet members can usually leave official correspondence on Cabinet decisions to a Joint Chief Executive or the appropriate Head of Service. Where Cabinet members do conduct such correspondence they should be careful to refer to the Cabinet's decisions or policy and not give personal opinions without making this clear. Cabinet members should always send copies of their correspondence to the relevant Joint Chief Executive or Head of Service.

(d) Correspondence as a Chairman of a Committee or the Council

3.4 Chairmen of Committees may engage in correspondence. A Chairman of a Committee has, however, no formal status in terms of decision-making by the Committee concerned. For reasons of courtesy or protocol a Chairman may need to deal with correspondence. It is however preferable for correspondence to be conducted by the Head of Service concerned, but if Chairmen do prepare correspondence, they should send copies to the relevant Joint Chief Executive or Head of Service.

3.5 The office of Chairman of the Council is assisted by a dedicated support officer. The postholder conducts correspondence on behalf of the Chairman and Vice-Chairman of the Council.

3.6 Care should be taken to restrict correspondence to matters relating to the civic and Council aspects of the Chairman's role together with any matters concerning the annual charity appeal.

4. USE OF ACCOMMODATION

4.1 Accommodation is used by Councillors for a number of purposes. Advice is given below:

Civic Accommodation

4.2 Accommodation is provided by the Council for civic purposes. This includes the Members' Room, the writing room and the group room. This is provided for Councillors' use who have full rights of access. Members of the public should only be invited after advising senior members or the appropriate Head of Service before issuing invitations. The Chairman of the Council has first call on this accommodation in order to undertake the Council's civic responsibilities which all members need to bear in mind.

4.3 Use of other Council venues for political group or party political purposes must be restricted to venues available to the public generally and paid for at the full hire costs. Councillors should not seek to hire accommodation which is provided for specific purposes or where public use is in any way restricted by the Council's policy.

4.4 Officers of the Council should be aware that civic accommodation is provided for members of the Council. Approval should be obtained from the Chairman of the Council or the Leader of the Council if officers wish to use the members' suite.

Political Party and Political Group Meetings

4.5 The Code of Conduct states that facilities for Councillors may be provided for political purposes if these are conducive to the proper despatch of Council business. Political group meetings comprising councillors and one or two external advisers can be seen as a useful means of progressing Council business in that they allow co-ordination of political group views which can assist in achieving a consensus about future Council decisions. Such meetings would be appropriate to be held in the Council Offices.

4.6 Meetings of political parties are held to further the political aims and objectives of the party concerned and for this reason Council accommodation should only be used if a public commercial booking is available under the Council's policy.

Councillors' Surgeries

4.7 Council accommodation provided for surgeries should be available to all members of the Council, subject to any stipulation that use of accommodation is only for specific wards.

5. WORD PROCESSING AND PHOTOCOPYING

5.1 Facilities are often provided by local authorities for word processing/photocopying of documents by Councillors. These are discussed in turn below:

(a) Supply of Photocopied Documents

5.2 Councillors have certain statutory rights to documents and they may ask for copies. It may be necessary in some cases for members to demonstrate why they need to have this information particularly if personal, exempt or confidential information is involved.

5.3 Any photocopiers provided for use by Councillors should not be used for personal or political items.

(b) Typing

5.4 Typing resources are provided by the Authority for Councillors to assist them with their official work. These should not be used for party political or political group matters. Typing facilities are also available to the Chairman of the Council, as the civic head of the Authority, and special letter headings, etc. should be provided for that purpose.

5.5 Councillors should not make unreasonable demands as to provision of typing services if this conflicts with other work required by the Authority.

5.6 Councillors who type their own correspondence should ensure that they use the correct letterhead and envelopes provided by the Authority. These should always include a disclaimer of the kind discussed earlier in this protocol.

(c) Political Groups and Political Parties

5.7 Political groups or political parties may wish to engage the Council's reprographics service to undertake printing work. If this service is available, the cost should always be charged at the agreed Council rates. The Council will however reserve the right to refuse material which breaches the Code of Conduct, local government statute law or would otherwise bring the Council into disrepute. Councillors are advised to be particularly mindful of the requirement for them to make their own arrangements for printing of election material. This must show the name of the printer and it is clearly inappropriate for this to be the Council.

6. TRAINING

6.1 The Council provides training designed to equip members for their various roles. Members should regard attendance at those courses as essential, particularly where the training specifically relates to tasks they must undertake as a Committee or Cabinet member. Training should be regarded as mandatory by all Councillors.

7. REVIEW OF PROTOCOL

7.1 This protocol was adopted by the Epping Forest District Standards Committee on 14 February 2006 and will be reviewed when required.

G:\C\standards committee\0 2005\protocol on the use of member facilities

Guidance on the Use of IT by Councillors

1. Purpose of Guidance

- 1.1 The Council provides Councillors with an allowance towards the costs of providing and maintaining equipment, software or other consumables necessary to allow them to access the Committee Management System and selected other systems. This protocol gives advice on use of computer equipment in order to minimise risks to both the Council and to individual Councillors.

2. Security

- 2.1 Under the terms of the Connectivity Scheme, Councillors are responsible for:

- (i) ensuring that their password and secondary authentication equipment remain accessible only by themselves;
- (ii) abiding by the Council's published ICT policies and standards relating to security of systems and data and remote working;
- (iii) meeting the requirements of the Local Government Act 1972 and any subsequent Act in relation to exempt and confidential information; and
- (iv) adhering to specific user policies for systems they are given access to.

3. Use of Equipment

- 3.1 Councillors should be mindful of the onus placed upon them under 2 above. They should ensure that any material down-loaded via the Intranet is kept securely at any remote location. Councillors should ensure that if the computer is shared, proper arrangements are made to limit access to materials stored by the member, that fall into exempt and confidential categories. Such material will be routinely endorsed "Restricted".

- 3.2 Councillors should not store or download any material which:

- (i) causes the Council to be brought in to disrepute;
- (ii) contravenes the Access to Information or Data Protection Acts or similar legislation;
- (iii) is illegal or inconsistent with the high standards expected of those in public office;
- (iv) is defamatory; or
- (v) breaches the Council's Code of Conduct (including confidentiality).

- 3.3 If a Councillor uses their computer for the preparation of any material of a personal or political nature, he/she must make it clear that such material is published in a private capacity and not by or on behalf of the Council, and that no costs have been incurred by the Council as a consequence of its publication. Similarly, a Councillor should not express views on any matter relating to the Council without expressly indicating that the views are personal and not those of the Authority.
- 3.4 Councillors should be aware that the internet is a completely unregulated medium and they are not protected in any way from viruses etc.
- 3.5 The Council accepts no responsibility for Councillors' use of IT equipment.

For more information see the Member Connectivity Scheme and related ICT Policies.

G/C/07HILL/GUIDANCE ON THE USE OF IT BY MEMBERS.DOC

Report to Standards Committee

Date of meeting: 14 February 2005

Subject: Allegations about the Conduct of District and Parish/Town Councillors – Current Position

Officer contact for further information: Colleen O'Boyle, Monitoring Officer (01992 564475)

Democratic Services Officer: Graham Lunnun (01992 564244)

(Monitoring Officer) To note the current position on allegations made to the Standards Board for England regarding District and Parish/Town Councillors.

Standards Board Reference	Current Position
SBE 10227.05	Ethical Standards Officer determined that the alleged conduct, even if it were found to have occurred, was not of such significance of itself to justify investigation.
SBE 11205.05 Formerly SBE 105764.05	Ethical Standards Officer found that no action needs to be taken.
SBE 13322.05	Ethical Standards Officer has referred the matter to the Monitoring Officer for investigation and determination.
SBE 12697.05	Ethical Standards Officer has referred the matter to the Monitoring Officer for investigation and determination.

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