



Epping Forest District Council

STANDARDS COMMITTEE

Tuesday, 11th April, 2006

Place: Civic Offices, High Street, Epping

Room: Committee Room 1

Time: 7.30 pm

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)

1. APOLOGIES FOR ABSENCE

2. MINUTES (Pages 7 - 10)

To approve as a correct record the minutes of the meeting held on 14 February 2006 (attached).

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. ALLEGATIONS ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - CURRENT POSITION (Pages 11 - 12)

(Monitoring Officer) To note the attached schedule.

5. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

Recommendation:

To consider the appointment of a representative(s) to attend this year's Annual Assembly.

(Monitoring Officer) Details have been received of the fifth Annual Assembly of Standards Committees being held at the ICC, Birmingham on 16 and 17 October 2006.

Phil Woolas MP, Minister for Local Government, Office of the Deputy Prime Minister will deliver his vision for the future of the ethical framework, including an update on the implementation of the revised Code of Conduct and proposals for a more locally focused system.

This year's conference will concentrate on identifying and then closing the gaps between the resources, knowledge and experience needed for effective regulation of ethical standards at a local level.

The conference fee is £415 plus VAT per delegate and includes conference notes and refreshments (Monday lunch and dinner, and Tuesday lunch). Hotels in the locality range from £85 to £140 per night, some of which include breakfast).

6. EXEMPT INFORMATION

Recommendation:

To note changes made to the categories of exempt information.

(Monitoring Officer) On 1 March 2006, changes were made to legislation which affect hearings of Standards Committees. The changes are contained in the Local Government (Access to Information) (Variation) Order 2006 and the Relevant Authorities (Standards Committee) (Amendment) Regulations 2006.

The changes relate to the provisions regarding the access to meetings of local authorities and the availability of documents relating to such meetings. Principal councils can exclude the press and public from a meeting whenever it is likely that there would be a disclosure of exempt information. The Order replaces the categories of exempt information with simpler and clearer descriptions.

The main alteration is that the new regulations no longer contain specific provision relating to the personal circumstances of any person. This provision is covered in new paragraphs 1 and 2 which refer to information relating to any individual and information which is likely to reveal the identity of an individual.

The categories of exempt information specifically relating to Standards Committee hearings are largely unaffected, although they are re-numbered as follows:

- 7A – Information which is subject to any obligation of confidentiality;
- 7B - Information which relates in any way to matters concerning national security;
- 7C - The deliberations of a Standards Committee or a sub-committee of a Standards Committee in reaching any finding on a matter.

The Standards Committee remains of the view that hearings should generally be held in public.

7. DATES OF FUTURE MEETINGS

(Monitoring Officer) The calendar for 2006/07 provides for meetings of the Committee on 18 July 2006, 17 October 2006, 27 February 2007 and 25 April 2007.

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

8. 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 following paragraph(s) of Part 1 of Schedule 12A of the Act (as amended) or are confidential under Section 100(A)(2):

Agenda Item No	Subject	Exempt Information Paragraph Number
9	Adjudication Committee	Sub- 1 and 2

The Local Government (Access to Information) (Variation) Order 2006, which came into effect on 1 March 2006, requires the Council to consider whether maintaining the exemption listed above outweighs the potential public interest in disclosing the information. Any member who considers that this test should be applied to any currently exempted matter on this agenda should contact the proper officer at least 24 hours prior to the meeting.

Confidential Items Commencement: 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 and 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.

9. ADJUDICATION SUB-COMMITTEES (Pages 13 - 14)

To consider a restricted report.

EPHING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Standards Committee	Date:	Tuesday, 14 February 2006
Place:	Civic Offices, High Street, Epping	Time:	7.30 - 8.40 pm
Members Present:	Dr D Hawes (Chairman), Ms M Marshall, G Weltch, Councillors Mrs D Borton, Mrs P Smith, J Salter and K Percy		
Other Councillors:	Mrs J H Whitehouse		
Apologies:	(none)		
Officers Present:	C O'Boyle (Head of Legal, Administration and Estates), I Willett (Head of Research and Democratic Services) and G Lunnun (Democratic Services Manager)		

31. MINUTES

RESOLVED:

That the minutes of the Committee meeting held on 18 October 2005 be taken as read and signed by the Chairman as a correct record subject to the inclusion of Councillor Percy's name under the list of apologies.

32. DECLARATIONS OF INTEREST

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

33. PROTOCOL ON THE USE OF FACILITIES FOR COUNCILLORS

The Committee considered the results of consultation with members of the Council and the Overview and Scrutiny Committee's Constitutional Affairs Standing Panel on a draft protocol on the Use of Facilities for Members.

RESOLVED:

(1) That the revised protocol on the Use of Facilities for Councillors including Guidance on the Use of IT be agreed subject to:

(a) reference in paragraph 3.2(a) to the need for members when using their own notepaper or sending e-mails to include a disclaimer indicating that any correspondence does not necessarily bind the Authority to any views expressed by the author;

(b) substitution of "the Portfolio Holder for ICT and Corporate Support Services" for "senior members" in paragraph 4.2;

(c) clarification of paragraph 4.3;

(d) amendment of paragraph 4.7 to read "Council accommodation provided for surgeries should be available to all members of the Council, subject to any stipulations that prevents such use";

(e) paragraph 6.1 being amended to read "The Council provides training designed to equip members for their various roles. Members should regard attendance at those courses as essential and strongly recommended, particularly where the training specifically relates to tasks they must undertake as a Committee or Cabinet member";

(2) That the Council's Overview and Scrutiny Committee's Constitutional Affairs Standing Panel be asked to agree to reference being made in the protocol to the need for members to take account of Freedom of Information policies contained in other Council documents and, if necessary, to seek advice in relation to such policies; and

(3) That following further consideration of the suggestion in (2) above, the officers issue the amended protocol to all members of the District Council via the Members' Information Bulletin and to all Parish and Town Councils for information.

34. ADJUDICATION SUB-COMMITTEE - DETERMINATION

The Committee noted that at a meeting on 8 December 2005, the Adjudication Sub-Committee appointed by this Committee had considered an allegation made about the conduct of District Councillor P McMillan by Mr R A Ward, a lay planning agent. The allegation had arisen 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 Committee noted that the Sub-Committee had decided that the amended facts as determined at their 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, the Sub-Committee had 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 had further decided that no sanction should 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.

Members acknowledged receipt of a letter sent to them by Councillor McMillan presenting his apologies for not attending a subsequent training course on the

Planning Protocol and advising that he would be receiving the relevant training in the near future.

RESOLVED:

- (1) That the decision of the Adjudication Sub-Committee be noted; and
- (2) That the apologies of Councillor McMillan be accepted.

35. MEMBER TRAINING

The Monitoring Officer reported that the Adjudication Sub-Committee at its meeting on 8 December 2005 had 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 Committee was advised that there was no power to deny members being on committees to which they had been appointed by the Council purely on the grounds of not having undertaken training. However, in formulating the members' training programme for 2006/07, the courses in relation to all of the District Council's regulatory committees were planned early in the new municipal year. Details of the courses would be made known to existing District Councillors shortly in the Members' Information Bulletin. In addition candidates seeking election to the District Council in May 2006 would receive details of the courses in a candidates' pack prior to the election so that the successful candidates would have early notice of the courses.

The Committee noted that representations had 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 had been the subject of recent allegations, had indicated that they were completely unprepared for what had taken place and felt that all members should have a better understanding of the processes. Accordingly, arrangements had been made to include an appropriate training course which would include the viewing of the DVD issued by the Standards Board for England entitled "Going Local - Investigations and Hearings".

The Monitoring Officer also reported that the Council's Overview and Scrutiny Panel on Constitutional Affairs would be considering the possibilities of providing independent support/advice for Councillors who were the subject of allegations as the officers most closely associated with the ethical framework were often unable to assist in such cases having regard to their roles supporting this Committee and the Adjudication Sub-Committee.

RESOLVED:

- (1) That the proposals for members' training be agreed; and
- (2) That the report to be submitted to the Council's Overview and Scrutiny Constitutional Affairs Panel be noted.

36. GUIDANCE ON CONFIDENTIALITY - ROLE OF ETHICAL STANDARDS OFFICERS

The Monitoring Officer advised that recent discussions with members had highlighted the need for guidance on "confidentiality" in relation to allegations made about the conduct of members. In particular, there was a need to reassure members that the

need to keep matters confidential did not preclude them from seeking assistance and advice in responding to an allegation.

RESOLVED:

That guidance on confidentiality in relation to allegations made about the conduct of members be included in the training course to be arranged on the processes undertaken in relation to the investigation and determination of such allegations.

37. 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.

Members were advised that reports were expected to be received shortly from the Investigating Officers in relation to two cases which had been referred to the Monitoring Officer for investigation and determination locally. In view of the need for these matters to be determined within a period of three months from the date of receipt of the reports it might be necessary to arrange for an additional meeting of this Committee to consider the reports.

38. DATE OF NEXT MEETING

The Committee noted that the next scheduled date for a meeting was 11 April 2006.

CHAIRMAN

Agenda Item 4

(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 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.
SBE 13804.06	Part of the allegation referred to Ethical Standards Officer – awaiting to hear whether the matter will be handled locally or centrally.
SBE 14349.06 and SBE 14350.06	Standards Board has advised that this allegation should not be investigated.

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

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