



Epping Forest District Council

STANDARDS COMMITTEE

Tuesday, 18th July, 2006

Place: Civic Offices, High Street, Epping
Room: Committee Room 1
Time: 7.30 pm
Committee Secretary: Graham Lunnun, Research and Democratic Services
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

Members:

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

Parish/Town Council Deputy Representative(s):

Councillors J Salter, K Percy (Deputy)

1. APOLOGIES FOR ABSENCE

2. MINUTES (Pages 5 - 12)

To approve as a correct record the minutes of the meetings held on 11 April and 22 June 2006 (attached).

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. ETHICAL STANDARDS - RESOURCES

Decision Required;

To consider a report on the need for additional resources.

(Monitoring Officer) Legislation is expected to be passed by Parliament devolving to the local level the receipt of all complaints from the public and decision taking on which ones are to be investigated. This will increase the workload for monitoring officers and other staff concerned with the ethical framework and necessitate a request to the Council for additional resources.

Report to follow.

5. ALLEGATIONS ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - CURRENT POSITION (Pages 13 - 14)

(Monitoring Officer) To note the attached schedule.

6. DATES OF FUTURE MEETINGS

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

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

7. 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
8	Appointment of Sub-Adjudication Committee	7C

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.

8. APPOINTMENT OF ADJUDICATION SUB-COMMITTEE (Pages 15 - 16)

To consider a restricted report.

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** Tuesday, 11 April 2006

Place: Civic Offices, High Street, Epping **Time:** 7.30 - 8.10 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: (none)

Apologies: (none)

Officers Present: G Lunnun (Democratic Services Manager), C O'Boyle (Head of Legal, Administration and Estates) and I Willett (Head of Research and Democratic Services)

39. MINUTES

RESOLVED:

That the minutes of the Committee meeting held on 14 February 2006 be taken as read and signed by the Chairman as a correct record.

40. DECLARATIONS OF INTEREST

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

41. 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.

42. ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

The Committee received details of the fifth Annual Assembly of Standards Committees being held at the ICC, Birmingham on 16 and 17 October 2006.

RESOLVED:

- (1) That no representative be appointed to attend this year's annual assembly;
- (2) That the attention of members of the Committee be drawn to any suitable courses regarding the ethical framework being run during the year which come to the attention of officers.

43. EXEMPT INFORMATION

The Committee noted that on 1 March 2006, changes had been made to legislation which affected hearings of Standards Committees. The changes related to the provisions regarding the access to meetings of local authorities and the availability of documents relating to such meetings. Principal councils could exclude the press and public from a meeting whenever it was likely that there would be a disclosure of exempt information and the changes, which had been made, were in relation to the categories of exempt information. Members were advised that the categories of exempt information specifically relating to Standards Committee hearings were largely unaffected, although they had been renumbered. The Standards Board remained of the view that hearings should generally be held in public.

RESOLVED:

That the changes made to the categories of exempt information be noted.

44. DATES OF FUTURE MEETINGS

The Committee noted that the calendar for 2006/07 provided for meetings of the Committees on 18 July 2006, 17 October 2006, 27 February 2007 and 25 April 2007.

45. EXCLUSION OF PUBLIC AND PRESS**RESOLVED:**

That the public and press be excluded from the meeting for the item of business set out below on the grounds that it would involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Local Government Act 1972 and that maintaining the exemption is considered to outweigh the potential public interest in disclosing the information:

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

46. ADJUDICATION SUB-COMMITTEES

The Committee noted that two reports of local investigating officers had not yet been received. The Deputy Monitoring Officer who was undertaking one of the investigations drew attention to the amount of time required to undertake such an investigation. He advised that he expected to be in a position to issue a report in late April/early May 2006. He also advised that the Monitoring Officer of an adjoining authority undertaking the other investigation was working to a similar timescale.

The Committee discussed the resources required to undertake investigations, the problems arising from officers being conflicted out of the process as a result of having given advice at an early stage and the likelihood of more cases being referred for local investigation by the Standards Board for England. Attention was also drawn to the cost of engaging investigators from the private sector.

Members noted that in view of the need for matters to be determined within a period of three months from the date of receipt of investigation reports it might be necessary to arrange for an additional meeting of this Committee to consider the reports.

RESOLVED:

That the annual report of this Committee include reference to the need for adequate resources to be provided in order to be able to undertake local investigations.

CHAIRMAN

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(c) that Councillor Russell, having declared a prejudicial interest at the Stapleford Abbotts Parish Council meeting on 9 May 2005, did not leave that meeting and thereby breached the Code of Conduct; and

(d) that Councillor Russell may have influenced the supply of minutes of Parish Council meetings such that they were not supplied to the complainant's son within a reasonable time.

The Committee noted that in accordance with Section 60 (2) of the Local Government Act 2000, the matter had been referred by the Standards Board for England to the District Council's Monitoring Officer for investigation. The investigation had been undertaken by the Council's Deputy Monitoring Officer who had found that there had been no breach of the Code of Conduct.

The Committee were advised that at this meeting they should simply consider the report of the Deputy Monitoring Officer and decide whether based on the facts set out in the report they agreed with the findings of the Deputy Monitoring Officer or believed that there was a case for Councillor Russell to answer.

The Allegations Determination Manager reported that if the Committee agreed that there had been no breach of the Code of Conduct, a notice would be published of their findings. The member involved would be entitled at that stage to ask that the notice not be passed to local newspapers. However, if the Committee found that there was a case to answer it would be necessary to appoint an Adjudication Sub-Committee to consider the matter in detail. That Sub-Committee would need to include the Parish Council representative.

Members were informed of the views expressed in writing by Councillor J Salter, the Parish Council representative, who was unable to be present at the meeting. Members also noted a letter dated 23 May 2005 from the Deputy Monitoring Officer to the Monitoring Officer advising that Councillor Russell had attended a training course on the Code of Conduct held on 15 May 2006.

The Committee considered the report of the Deputy Monitoring Officer. The Committee considered that Councillor Russell had a prejudicial interest in the planning application having regard to the location of his property in relation to the site of the application. The Committee found on the evidence of other Parish Councillors and the Parish Council Clerk that Councillor Russell had left the meeting when the application had been discussed by the Parish Council and had not been involved in the formulation of the Parish Council's views on the application. The Committee also found on the evidence of District Council members and officers that Councillor Russell had not sought to bring improper influence to bear on the District Council to reject the planning application so as to comply with his own objection to the granting of planning permission.

The Committee expressed concerns about the lack of transparency of some of the administrative processes adopted by the Parish Council, which in their view had contributed to the allegation being made. It was noted that some improvements had already been made and that these concerns were not relevant to the adjudication on the complaint. However, the Committee felt that it would be appropriate to issue advice to the Parish Council in relation to this aspect. Taking account of all of the evidence, the Committee decided unanimously that there had been no breach of the Code of Conduct.

RESOLVED:

(1) That, based on the facts set out in the Deputy Monitoring Officer's report there has been no breach of the Code of Conduct in this matter as Councillor Russell declared a personal and prejudicial interest in the planning application, withdrew from the meeting when the views of the Parish Council were formulated on the planning application and did not seek to bring improper influence to bear on the District Council to reject the planning application;

(2) That Councillor Russell be approached for his views on the publication of a notice in local newspapers; and

(3) That, whilst acknowledging that the Parish Council has already changed some of its administrative procedures in the light of this matter, it is recommended that it examines its procedures further having regard to the Code of Conduct and the Planning Protocol recommended by the District Council and, if necessary, seeks advice from District Council officers and/or the National Association of Local Councils.

CHAIRMAN

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Agenda Item 5

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

(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	Investigated locally – Committee determined that there had been no breach of the Code of Conduct
SBE 12697.05	Investigated at the local level – to be considered by an Adjudication Sub-Committee
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 15247.06 formerly SBE 14652.06	Referred to the Council's Monitoring Officer for local investigation following decision by Standards Board to overturn the original decision not to investigate the matter.
SBE 15177.06	Standards Board decided that the allegation should not be investigated.
SBE 15247.06 formerly SBE 14652 .06	Complainant requested review of Standards Board decision not to refer the matter for investigation. Standards Board has overturned the original decision and referred the complaint for investigation by an Ethical Standards Officer.
SBE 15017.06	Referred to the Council's Monitoring Officer for local investigation.
SBE 15039.06	Standards Board has reviewed its decision not to investigate the matter and has decided that the case was handled correctly and the final decision was reasonable – no further action to be taken.

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By virtue of paragraph(s) 7 of Part 1 of Schedule 12A of the Local Government Act 1972.

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