



Epping Forest District Council

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

Place: Civic Offices, High Street, Epping
Room: Committee Room 2
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 - 10)

To approve as a correct record the minutes of the meeting held on 17 October 2006 (attached).

3. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

4. ADJUDICATION SUB-COMMITTEES - MINUTES

Minutes of Adjudication Sub-Committee meetings held to date will be available for the relevant Chairman to sign.

5. DATES OF FUTURE MEETINGS

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

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

6. 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
7	Allegation SBE 15017.06	7C
8	Appointment of Adjudication Sub-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.

7. ALLEGATION SBE 15017.06 (Pages 11 - 12)

To consider a restricted report.

8. APPOINTMENT OF ADJUDICATION SUB-COMMITTEE (Pages 13 - 14)

To consider a restricted report.

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Sub-Committee and members of that Sub-Committee were under no duty at the District Development Control Committee to present the views expressed by the Sub-Committee.

RESOLVED:

- (1) That the Deputy Monitoring Officer draft proposed amendments to Sections 5 and 6 of the Planning Protocol to make it clear in relation to items referred to the District Development Control Committee by an Area Plans Sub-Committee that the Chairman of the Sub-Committee and any Councillors who are members of both Committees are under no duty to support the views of the Sub-Committee at the District Development Control Committee; and
- (2) That the Deputy Monitoring Officer circulate a draft of the proposed amendments to Sections 5 and 6 of the Planning Protocol to members of the Committee for approval with a copy also being sent to Councillor Wright; and
- (3) That the Planning Protocol be republished in due course incorporating the agreed amendments.

(b) Planning Applications submitted by Councillors, Officers and Others

The Deputy Monitoring Officer drew attention to Section 22 of the Planning Protocol which required District councillors and officers to inform the Monitoring Officer of the submission of their planning applications to the District Council. He advised that the Protocol linked with the delegated authorities held by the Head of Planning and Economic Development which did not extend to the Head of Planning and Economic Development determining a planning application from a councillor or officer of Planning Services or from any officer acting as an agent for an applicant.

The Deputy Monitoring Officer advised that the procedure had come under scrutiny recently because the fact that an applicant was a serving councillor had not been relayed to a case officer in Planning Services. The resultant procedural problems were still being reviewed but it had become clear that the requirement in the Protocol to simply notify the Monitoring Officer might not be sufficient to ensure that a Case Officer appreciated that an application could not be determined under delegated authority.

The Committee considered proposed amendments to Section 22 of the Code. They were advised that suggested complimentary changes to the terms of reference of Committees and the delegated authorities to the Head of Planning and Economic Development had not been approved by the District Development Control Committee which had expressed concern about the wide definition of some of the categories of applicant. Accordingly, further consideration was to be given to the wording a proforma being considered for completion with future planning applications aimed at identifying applications submitted by councillors, officers etc.

RESOLVED:

- (1) That, irrespective of whether the Council changes the terms of reference of Committees or the delegated authorities to the Head of Planning and Economic Development and/or adopts a proforma to be submitted with planning applications, Section 22 of the Planning Protocol be amended to require serving councillors, chief officers, staff in Planning Services and any District Council staff acting as an agent for a planning application to advise the Head of Planning and Economic Development in addition to the

Monitoring Officer when submitting or instructing an agent to submit a planning application on their behalf;

(2) That the Deputy Monitoring Officer redraft Section 22 of the Planning Protocol to reflect (1) above and that the amended draft be circulated to members of the Committee for approval; and

(3) That the District Council's District, Town and Parish Council Charter Review Working Group be asked to consider whether Parish and Town Councils should be encouraged to adopt the Planning Protocol as part of the review of the Charter.

14. STAPLEFORD ABBOTTS PARISH COUNCIL - ADMINISTRATIVE PROCEDURES

Members considered a letter from the Clerk of the Stapleford Abbots Parish Council in response to the comments made by the Committee about a lack of transparency of some of that Council's administrative procedures. The Committee noted that the Parish Council had altered some of its procedures since the matters of concern had been considered by this Committee. Members of the Committee who were also Parish Councillors advised of the procedures adopted in their local councils in relation to consideration of planning applications.

RESOLVED:

That the Stapleford Abbots Parish Council be advised that its amended procedures are considered satisfactory and that this Committee has no other suggestions to make in relation to the consideration of planning applications by Parish and Town Councils bearing in mind the deadline for a reply to the District Council and the need not to involve the Parish Council in more expense.

15. TRANSFER OF ASSESSMENT OF ALLEGATIONS - STANDARDS BOARD SUPPORT

The Deputy Monitoring Officer advised that at the last meeting, members had sought clarification of the extent of support to be provided to Monitoring Officers following the transfer of the system for assessing allegations to principal authorities.

The Deputy Monitoring Officer advised that the Standards Board had acknowledged that, whilst most authorities had welcomed the benefits of a local system, a number had concerns about managing the function, particular those authorities which had a large number of Parish and Town Councils in their area. Members noted that the Standards Board had indicated that it be focusing its work on supporting authorities with guidance and advice and would be making representations for Standards Committees and Monitoring Officers to be properly resourced. Attention was drawn to the specific support projects currently being undertaken by the Standards Board.

16. ADJUDICATION SUB-COMMITTEE - DETERMINATION

The Committee noted that at a meeting on 5 September 2006 the Adjudication Sub-Committee appointed by this Committee had considered an allegation made about the conduct of District Councillor Mrs D Collins by Mrs J Abel, Clerk of the Ongar Town Council on behalf of the Town Council. The complainant had been of the view that Councillor Mrs Collins had breached the Code of Conduct by failing to declare a prejudicial interest and withdraw from a meeting of the Council's Area Plans Sub-

Committee 'C' held on 21 September 2005 when consideration had been given to a planning application for a medical and day care centre at The Borough, Ongar.

The Committee noted that the Sub-Committee had decided that the agreed facts, represented a failure to comply with Paragraph 10 of the Code of Conduct. However, the Sub-Committee had further decided that no sanction should be imposed on the Councillor having regard to:

- (a) Councillor Mrs Collins had not sought any personal or financial gain, her sole aim had been to secure an improved health facility for the benefit of Ongar residents;
- (b) she had acknowledged that she had not fully appreciated the difference between the former test of a pecuniary interest and the relevant test of a prejudicial interest, and that she should have given more careful consideration to the public perception of her actions; and
- (c) she had acknowledged her mistake and apologised for not taking greater care and for the inconvenience caused, and had indicated an intention to attend future training in relation to the Council's Code of Conduct and the Planning Protocol.

The Committee were advised the Sub-Committee had further recommended that the advice issued to members in July 2005 on interests arising from membership on outside organisations and other public bodies should be clarified and updated. The Committee reviewed this advice.

RESOLVED:

- (1) That the decision of the Adjudication Sub-Committee be noted; and
- (2) That the suggested changes to Section 5 and the Schedule summarising the advice on interests arising from membership on outside organisations be agreed; and
- (3) That Paragraph 7.1 and the footnote on the Schedule be expanded to explain that compliance with the guidance applies to informal settings where the member is conducting the business of the office to which he has been elected or appointed or is acting as a representative of the authority.

17. 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.

18. DATES OF FUTURE MEETINGS

The Committee noted that the calendar for 2006/07 provided for meetings of the Committee on 27 February 2007 and 25 April 2007.

Members were advised that reports were expected shortly from the Deputy Monitoring Officer who had completed two local investigations into allegations made about District Councillors. Members noted that in the event that in one or both cases, the Investigator found there had not been a breach of the Code of Conduct it would be necessary to hold a meeting of this Committee in order to decide whether members agreed with that finding. In the event the Investigating Officer found that

there had been a breach in one or both cases, it will be necessary to appoint an Adjudication Sub-Committee to determine the matter.

RESOLVED:

That arrangements be made for a meeting of the Committee to be held on 14 November 2006 to consider the reports of the Investigating Officer and/or to appoint Adjudication Sub-Committees to determine the issues.

CHAIRMAN

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