

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards Committee **Date:** 26 February 2008

Place: Committee Room 1, Civic Offices, High Street, Epping **Time:** 7.30 - 9.20 pm

Members Present: Ms M Marshall (Independent Member) (Chairman), G Weltch (Independent Member), Councillors Mrs P Smith (Epping Forest Council Appointee), Mrs J H Whitehouse (Epping Forest Council Appointee), Mrs D Borton (Parish/Town Council Appointee), B Surtees (Parish/Town Council Deputy)

Other Councillors:

Apologies: M Wright (Independent Member)

Officers Present: C O'Boyle (Monitoring Officer), I Willett (Deputy Monitoring Officer), G Lunnun (Allegations Determination Manager) and S G Hill (Senior Democratic Services Officer)

22. MINUTES

RESOLVED:

That the minutes of the meeting of the Committee held on 16 October 2007 be taken as read and signed by the Chairman as a correct record.

23. MATTERS ARISING FROM THE MINUTES OF THE LAST MEETING

(a) Planning Protocol (Minute 16)

The Deputy Monitoring Officer drew attention to an issue which had arisen recently in relation to the new advice to members wishing to speak at Area Plans Sub-Committees despite having a prejudicial interest. Members noted that the issue had related to an incorrect interpretation of the new procedure rather than any fault with the procedure. Accordingly, further training was proposed for both members and officers.

RESOLVED:

- (1) That in addition to the proposed training, an item be placed on the agenda for the next meeting of Development Control Committee Chairmen;
- (2) That Parish Councillors be invited to the relevant training session.

(b) New Code of Conduct (Minute 17)

The Deputy Monitoring Officer reported that all of the outstanding Registration of Interest forms had been received from Parish/Town Councillors.

24. DECLARATIONS OF INTEREST

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

25. THE CONDUCT OF LOCAL AUTHORITY MEMBERS - ORDERS AND REGULATIONS

The Committee considered a report on a consultation document issued by the Department for Communities and Local Government in relation to orders and regulations regarding the conduct of local authority members in England. The Deputy Monitoring Officer advised that the consultation document had sought views by 15 February 2008 and, in order to comply with that timescale, members had been asked to submit views in order that officers could co-ordinate a reply. However, the Department for Communities and Local Government had granted an extension of time in order to allow the Committee to formulate its views at this meeting.

The Committee addressed the questions on which comments were sought in the consultation paper.

RESOLVED:

That the Monitoring Officer respond to the consultation document issued by the Department for Communities and Local Government incorporating the following views:

1. (Initial Assessment Arrangements)

There should be three separate sub-committees each comprising three members. There should be a clear separation of membership between the initial assessment of the complaint and the sub-committee, which will deal with any appeal. At the third stage (adjudication) there should be some flexibility on the membership of that body so as to ensure that finding the requisite three members is not made unduly difficult. A system whereby the three sub-committees may be appointed on an ad hoc basis according to circumstances is favoured rather than having a pre-determined membership, which is felt to be too inflexible for local needs.

2. (Allegations made to more than one Standards Committee)

It should be for the authorities concerned to agree on how the complaint should be dealt with. There should be regulations, which enable the Standards Board for England to facilitate an agreement on how to proceed where the matter cannot be resolved locally.

3. (Timescale for Making Initial Decisions)

A non-statutory deadline of 20 working days is favoured based on guidance by the Standards Board for England. It is thought that this is a more flexible way of dealing with the deadline, which could be changed according to experience.

4. (Notification to Councillors)

Where a complaint is referred to a Standards Committee for initial review, the appropriate time to issue notification to the member who is subject to a complain should be when the Standards Committee receives a copy of the initial review report. Notification should not be held over until after any appeal or to the commencement of any investigation. It should be for the Monitoring Officer to undertake this notification on the Standards Committee's behalf.

5. (Monitoring Officer References back to the Standards Committee)

The circumstances under which the Monitoring Officer will refer a case back to the Standards Committee should be prescribed but if any new facts arise at that stage these should not be used to extend the original complaint. The process should be strictly linked to the nature of the original complaint and not any other information.

6. (Maximum Sanction)

Standards Committees should have a maximum sanction available of six months suspension or partial suspension from office.

7. (Chairman of Sub-Committees)

The chairmen of all sub-committees should be one of the independent members on the Standards Committee. However, there should be some flexibility on this point so as to ensure that a Chairman is always readily available. For instance, if an investigation against a District Council member is being considered, there is no reason why a Parish Council representative could not chair that meeting. Equally if it were a parish council case, no difficulty is seen in allowing a District Council member to chair. In both cases these will be fallback positions if an independent member was not available for any reason.

8. (Access to Information)

The Department's view regarding exemption from the rules on Access to Information is supported.

9. (Suspension of Standard Committee Powers)

The performance criteria outlined in the Consultation Paper is supported.

10. (Charging)

There are reservations about a charging regime unless the Standards Board for England can provide a national framework. In any event a system, which is simple and will not result in negotiations and disagreements between relevant agencies is favoured.

11. (Joint Working Arrangements)

The concept of joint working arrangements where appropriate is supported but only in the sense of being a discretion, which could be exercised by agreement between different Standards Committee according to the

circumstances of the case. If a parish council representative is necessary, there is no need to be prescriptive about the district from which that representative is drawn.

12. (Adjudication Panel - Range of Sanctions)

The proposals in the Consultation Paper are supported.

13. (Ethical Standards Officer)

The provision for Ethical Standards Officers to withdraw references to the Adjudication Panel in the circumstances described in the Consultation Paper is supported.

In relation to paragraphs 56 - 58 of the Consultation Document, notification of tribunal decisions should be given immediately and directly to all parties rather than referring the matter back to the local Standards Committee.

14. (Dispensations)

Decisions have been made on dispensations and the changes now being proposed in the Consultation Document are supported subject to the following:

- (a) any regulations should encompassing Council meetings, committees and sub-committees;
- (b) clarification of the position concerning Cabinets; and
- (c) consideration of the quorum position of any body bearing in mind the proposal to remove the 50% criterion.

15. (Establishment of Standards Committees)

This is not applicable to Epping Forest District Council.

16. (Implementation)

The introduction of the new regime on 1 April 2008 is not a practical proposition. There needs to be time before the new regime is introduced to allow systems to be established and training to be given to the Standards Committee members.

Additional Point – Advertising

The arrangements for giving notice of decisions should be kept as flexible as possible. Public notices in the local press are very expensive and Council newspapers and website are considered sufficient and far less costly.

26. MEMBERSHIP OF THE COMMITTEE

The Monitoring Officer invited the Committee to express initial views on possible changes to the size of the Committee in anticipation that the proposals for sub-committees of Standards Committees set out in the consultation document of the

Department for Communities and Local Government would be incorporated into the regulations and orders for local assessment.

Members noted that the Standards Committee had to be made up of a minimum of:

- (a) three members (two elected members and one independent member);
- (b) 25% as independent lay members if the Committee was more than three people;
- (c) an independent Chairman (from April 2008);
- (d) one Parish or Town Council member if the Authority had responsibilities for those councils.

In addition the Standards Board had recommended:

- (a) at least six people as a minimum (three elected members and three independent members); and
- (b) two, or possibly three, Parish or Town Council members if the Authority had responsibilities for those councils.

RESOLVED:

That this Committee express a preference in principle for increasing the membership to three district councillors, three independent members and three local council representatives.

27. TRAINING FOR LOCAL ASSESSMENT

The Monitoring Officer reported that LGG, the limited training arm of Solicitors in Local Government and affiliated to the Association of Council Secretaries and Solicitors were running courses on the Code of Conduct and "Local First Sieve" for members of Standards Committees and officers.

Braintree District Council had advised that they were making arrangements for a session providing for up to 75 attendees and had invited other Essex authorities to send representatives.

Members of the Committee confirmed that they wished to attend this training session.

RESOLVED:

- (1) That Braintree District Council be advised that members of this Committee and officers supporting the Committee would wish to attend the training session; and
- (2) That Braintree District Council be advised that it would be preferable for the training session to be arranged shortly after elections and annual meetings in May 2008.

28. LOCAL ASSESSMENT - STANDARDS BOARD TRAINING EXERCISE

The Committee noted that the Standards Board had created a training exercise to help Standards Committees develop their ability to assess new complaints. The exercise was based on a pilot that the Standards Board had run in 2007 with approximately 50 participating local authorities.

The Committee received details of the exercise and noted that the full exercise required approximately three hours to complete.

RESOLVED:

That the officers make arrangements for an informal session of the Committee to undertake the training exercise on a date shortly after the Annual meeting of the District Council in May 2008.

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

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

30. DATES OF FUTURE MEETINGS

The Committee noted that the calendar for 2007/2008 provided for a meeting of the Committee on 8 April 2008.

The Committee also noted that the Council's calendar of meetings for 2008/09 provided for meetings of the Committee on 15 July 2008, 13 October 2008, 27 January 2009 and 14 April 2009

CHAIRMAN