

## **EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES**

**Committee:** Reviews Sub-Committee - Epping   **Date:** 2 October 2008  
Forest Standards Committee

**Place:** Committee Room 2, Civic Offices,   **Time:** 10.00 - 10.30 am  
High Street, Epping

**Members Present:** Ms M Marshall, Councillor B Rolfe and G Weltch

**Other Councillors:**

**Apologies:**

**Officers Present:** G Lunnun (Allegations Determination Manager) and C O'Boyle (Monitoring Officer)

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### **1. ELECTION OF CHAIRMAN**

#### **RESOLVED:**

That G Weltch be elected Chairman of the meeting.

### **2. DECLARATIONS OF INTEREST**

Pursuant to the Council's Code of Member Conduct, Councillor B Rolfe declared a personal interest in Agenda item 4 (Local Assessment Case EFDC 2/2008) by virtue of being a member of the same political group as the member who was the subject of the complaint. Councillor Rolfe determined that his interest was not prejudicial.

### **3. ASSESSMENT CRITERIA AND THE CODE OF CONDUCT**

The Sub-Committee noted the Assessment criteria agreed by the Standards Committee for local assessment cases. The Sub-Committee received a copy of the Council's Code of Conduct for Members which had been adopted by the Council at its meeting on 28 June 2008.

### **4. 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 paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 and it is considered that the public interest in maintaining the exemption outweighs the public interest in disclosing the information:

<b>Agenda Item Number</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
4	Local Assessment Case EFDC 2/2008	1

**5. LOCAL ASSESSMENT CASE EFDC 2/2008 - REVIEW**

The Sub-Committee considered complaint 2/2008 made against a District Councillor. Miss C O'Boyle (Monitoring Officer) was present at the meeting to advise the Sub-Committee as required on details of the Code of Conduct and Local Assessment criteria relative to the complaint and the procedure to be followed in order to ensure proper consideration was given to the complaint. Mr G Lunnun (Allegations Determination Manager) was present at the meeting to outline the complaint for the Sub-Committee and to record the decisions of the Sub-Committee in relation to the complaint.

The Sub-Committee had before them the following documents which were taken into consideration:

- (a) letter dated 26 June 2008 from the complainant setting out his complaint and enclosures including two letters to the complainant from the Councillor complained about and photographs;
- (b) letter dated 30 June 2008 from the Local Assessment Officer of the Council to the complainant;
- (c) letter dated 3 July 2008 from the complainant submitting further details of his complaint;
- (d) copy of the Councillor's Declaration of Acceptance of Office;
- (e) a summary of the complaint;
- (f) a copy of the Council's Local Assessment of Complaints criteria;
- (g) a copy of the Council's adopted Code of Conduct;
- (h) a copy of the decision notice issued following a meeting of the Assessments Sub-Committee on 15 July 2008;
- (i) letters dated 21 and 24 July 2008 from the complainant requesting a review of the decision of the Assessments Sub-Committee.

The Sub-Committee considered all of the evidence in order to determine whether:

- (a) the allegation should be referred to the Monitoring Officer for investigation or some other action such as mediation or training;
- (b) the allegation should be referred to the Standards Board for England; or
- (c) no action should be taken in respect of the allegation and the complainant and the member concerned should be advised of the reasons for that decision.

**RESOLVED:**

That, having considered Complaint 2/2008 against the Assessment criteria agreed by the Standards Committee at their meeting on 2 July 2008, no action be taken on the complaint for the following reasons:

- (a) some of the incidents complained of took place in 2006 more than a year ago and at a time when the Councillor concerned was not a District Councillor;
- (b) some of the incidents complained of may have taken place during the last year at a time when the Councillor concerned was a District Councillor but the evidence submitted is not clear; and
- (c) in any event, all of the evidence that has been submitted shows that the allegations relate to acts carried out in the Councillor's private life, and that he was not conducting the business of the Authority and was not claiming to act or give the impression that he was acting as a representative of the Authority.

**CHAIRMAN**