



# Epping Forest District Council

## **HEARINGS SUB-COMMITTEE - EPPING FOREST STANDARDS COMMITTEE Tuesday, 31st March, 2009**

**Place:** Committee Room 2, Civic Offices, High Street, Epping

**Time:** 7.00 pm

**Local Assessment Officer:** Graham Lunnun, Office of the Chief Executive  
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

### **Members:**

G Weltch (Independent Member)(Chairman), Ms M Marshall (Independent Member) and Councillor B Rolfe (District Council Representative)

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### **1. QUORUM**

The quorum for the Sub-Committee is three members. The meeting will need to be adjourned in the absence of any of the three members appointed to the Sub-Committee.

### **2. INTRODUCTIONS**

The Chairman will introduce the members of the Sub-Committee and will invite others to introduce themselves.

### **3. DECLARATIONS OF INTEREST**

(Monitoring Officer) To declare interests in any item on the agenda.

### **4. EXCLUSION OF PRESS AND PUBLIC**

To consider whether under Section 100(A)(4) of the Local Government Act 1972, the public and press should be excluded from the meeting on grounds that it will involve the likely disclosure of exempt information as defined in the paragraphs of Part 1 of Schedule 12A of the Act.

To consider whether the press and public should be excluded from the meeting during the consideration of matters which are confidential under Section 100(A)(2) of the Local Government Act 1972.

Both the Investigating Officer and the member against whom the allegation has been made have stated that they do not want any part of the proceedings to be held in

private. In coming to its decision the Sub-Committee will consider whether maintaining an exemption outweighs the public interest in disclosing the information. The Sub-Committee will also take account of the ability of the member against whom the allegation has been made to prohibit normal publication of a notice in the press and on the Council's website in the event of the Sub-Committee finding no failure to comply with the Code of Conduct.

If the Sub-Committee determines that the press and public are not to be excluded from the meeting, copies of the relevant documents will be made available to any representative of the press and members of the public who are present.

**5. LOCAL ASSESSMENT CASES 1 AND 3/2008 (Pages 5 - 6)**

**Recommendations:**

- (1) To consider an allegation about the conduct of District Councillor Ms S-A Stavrou as follows:**

**Findings Of Fact**

- (a) to receive the Investigating Officer's report and the enclosures referred to therein;**

**(The Sub-Committee may determine that it is not necessary to undertake steps (b) – (f) below as all of the facts set out in the Investigating Officer's report are agreed)**

- (b) to receive submissions from the Investigating Officer on matters of fact;**
- (c) to ask questions of the Investigating Officer, directed through the Chairman, on matters of fact;**
- (d) to receive submissions on behalf of Councillor Stavrou on matters of fact;**
- (e) to ask questions of Councillor Stavrou directed through the Chairman, on matters of fact;**
- (f) to consider, if necessary in private session, the facts of the case and make a decision on the facts of the case;**

**Breach of the Code of Conduct**

- (g) to receive submissions from the Investigating Officer on whether there has been a breach of the Code of Conduct;**
- (h) to ask questions of the Investigating Officer, directed through the Chairman, on whether there has been a breach of the Code of Conduct;**

- (i) to receive submissions on behalf of Councillor Stavrou on whether there has been a breach of the Code of Conduct;**
- (j) to ask questions of Councillor Stavrou, directed through the Chairman, on whether there has been a breach of the Code of Conduct;**
- (k) to consider, in private session, whether the facts represent a breach of the Code of Conduct;**

#### **Sanctions**

- (l) if the Sub-Committee determines that there has been a breach, to receive further submissions from the Investigating Officer and on behalf of Councillor Stavrou on whether a penalty should be imposed;**
  - (m) to consider, in private session, whether no action needs to be taken or whether to impose a penalty and, if so, what that penalty should be;**
- (2) To consider, in private session, whether to make any recommendations to the Council with a view to promoting high standards of conduct among councillors.**

(Monitoring Officer) The Sub-Committee is to determine complaints made by Mr R Wood and Mr and Mrs S Wood that Councillor Ms S-A Stavrou of Epping Forest District Council may have breached the Code of Conduct.

The pre-hearing summary is attached.

The report of the Investigating Officer has been sent separately to members of the Sub-Committee and the parties to the hearing. The report will be made available to others at the hearing if the Sub-Committee decides to hold the proceedings in public.

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## HEARINGS SUB- COMMITTEE OF THE EPPING FOREST STANDARDS COMMITTEE

### Pre hearing process summary

**Name of Authority:** Epping Forest District Council

**Name of member who the allegation has been made about:**

Councillor Ms Sydney-Ann Stavrou

**Name of the person who made the original allegation:** Mr Robert Wood and Mr and Mrs Stephen Wood

**Council Case Reference Numbers :** EFDC 1/2008 and 3/2008

**Name of the Standards Committee Member who will chair the hearing:**

Mr Grenville Weltch

**Name of the Monitoring Officer:** Miss Colleen O'Boyle.

**Name of the Investigating Officer:** Mr Ian Willett

**Name of the Administrative Officer for the Hearing:** Mr Graham Lunnun

**The date the pre-hearing process summary was produced:** 13 March 2009

**The date, time and place of the hearing:** 31 March 2009 at 7.00 pm in Committee Room 2, Civic Offices, High Street, Epping, Essex CM16 4BZ.

### Summary of the Allegation:

The complaints concern:

- (a) an argument on 3 June 2008 outside Mr and Mrs S Wood's premises (known as Lira Nursery) between Councillor Stavrou and Mr R Wood in which the allegation of the latter is that the former used bad language against Mr R Wood and made threats that she would take action to close down the nursery and remove a retaining barrier on the highway frontage; and
- (b) an allegation by Mr and Mrs S Wood that the incident on 3 June 2008 constituted victimisation against both the nursery and the family.

### Relevant Sections of the Code of Conduct:

- (a) Section 2(1)(b) – Application of the Code of Conduct when a Councillor acts, claims to act or gives the impression of acting as a representative of an authority;
- (b) Section 3(1) – Treating others with respect;
- (c) Section 3(2)(b) – Bullying of any person;
- (d) Section 5 – Conduct in a manner which could reasonably be regarded as bringing the office of Councillor or an authority into disrepute; and

- (e) Section 6(a) – Not using, nor attempting to use, the position of Councillor to secure a personal advantage or an advantage or disadvantage for any other person.

**The findings of fact in the Investigating Officer's report that are agreed:**

All of the findings of fact in the Investigating Officer's report are agreed.

**Member to attend or be represented:**

Councillor Ms Stavrou will be present and will be represented by Councillor Mitchell Cohen, LLB (Hons), ACI Arb, Dip Crim, HCA, Solicitor of the Supreme Court.

**Names of witnesses to give evidence:**

No witnesses are being asked to give evidence, subject to the power of the Sub-Committee to make a ruling on this at the hearing.

**Outline of proposed procedure for the hearing**

- (a) Introductions.
- (b) To consider representations , if any, about the exclusion of press and public and the withholding of documents from the public.
- (c) If necessary, Investigating Officer and Councillor Cohen to make submissions regarding findings of facts. Sub-Committee to consider facts set out in the Investigating Officer's report, and make findings about the facts.
- (d) Investigating Officer and Councillor Cohen to make submissions on whether or not Councillor Stavrou has breached the Code of Conduct. Sub-Committee to determine whether the facts represent a breach of the Code.
- (e) If the Sub-Committee decides there has been a breach, to decide whether no action needs to be taken or whether to impose a penalty and, if so, what that penalty should be - after considering further submissions of the Investigating Officer and Councillor Cohen.
- (f) The Sub-Committee to consider whether it is minded to make any recommendations to the Council with a view to promoting high standards of conduct among Councillors.