



# **Epping Forest District Council**

## **STANDARDS COMMITTEE Wednesday, 29th September, 2010**

**Place:** Civic Offices, High Street, Epping  
**Room:** Committee Room 1  
**Time:** 7.30 pm  
**Committee Secretary:** G Lunnun (The Office of the Chief Executive)  
Tel: 01992 564244 Email: glunnun@eppingforestdc.gov.uk

### **Members:**

Councillors Mrs A Grigg, Mrs P Smith, Mrs J H Whitehouse, R Crone, J Guth, M Wright, Mrs D Borton, B Surtees, Councillor J Salter and G Weltch (Independent Member)

### **Parish/Town Council Representative(s):**

Councillors Mrs D Borton, J Salter and B Surtees

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## **1. ELECTION OF CHAIRMAN**

### **Recommendation:**

**To elect Richard Crone as Chairman of the Committee for the remainder of the municipal year 2010/11**

(Monitoring Officer) The Committee is asked to elect a Chairman for the current year. The Chairman must be elected from the independent co-optees and cannot be a member of the District Council or of any Parish or Town Council.

## **2. APPOINTMENT OF VICE-CHAIRMAN**

### **Recommendation:**

**To appoint Jason Guth as Vice-Chairman of the Committee for the remainder of the municipal year 2010/11**

(Monitoring Officer) The Committee is asked to appoint a Vice-Chairman for the current year. The Vice-Chairman must be elected from the independent co-optees and cannot be a member of the District Council or of any Parish or Town Council.

**3. APOLOGIES FOR ABSENCE**

**4. MINUTES (Pages 5 - 10)**

To approve as a correct record the minutes of the meeting held on 13 July 2010 (attached).

**5. DECLARATIONS OF INTEREST**

To declare interests in any item on the agenda.

**6. ANNUAL REPORT 2009/10 (Pages 11 - 30)**

**Recommendations:**

- (1) To consider the draft Annual Report for the last municipal year; and**
- (2) To consider arrangements for presenting this report to the Council meeting on 2 November 2010.**

(Deputy Monitoring Officer) A draft annual report for the last municipal year is attached. This draft has been sent to Mary Marshall and Grenville Welch as they were independent members of the Committee throughout that period.

Mary Marshall as Chairman of the Committee throughout the period has provided a foreward. The availability of the report will be publicised via the website and in the Council's Forester Magazine.

It has been usual for the Chairman of the Standards Committee to give a brief presentation on the report at the Council at which it is submitted. The Committee is asked how it wishes to deal with this.

The report will eventually form part of the "E Annual" report published on the Council's website.

**7. STANDARDS FOR ENGLAND BULLETIN - AUGUST 2010 (Pages 31 - 34)**

**Recommendation:**

**To consider the attached Bulletin**

(Monitoring Officer) The attached Bulletin updates the current position of Standards for England and its role in the foreseeable future.

**8. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS (Pages 35 - 38)**

(Monitoring Officer) To consider the attached schedule showing the current position.

**9. DATES OF FUTURE MEETINGS**

(Monitoring Officer) The calendar for 2010/11 provides for meetings of the

Committee on 18 January 2011 and 19 April 2011.

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

## 10. 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:

<b>Agenda Item No</b>	<b>Subject</b>	<b>Exempt Information Paragraph Number</b>
11	Allegations made about the conduct of District and Parish/Town Councillors – Issues Arising	1 and 2

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:

<b>Agenda Item No</b>	<b>Subject</b>
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.

**11. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS - ISSUES ARISING**

(Monitoring Officer) To discuss issues arising from recent Sub-Committee meetings.



(2) That G Welch be elected Chairman of this meeting.

**3. WELCOME AND INTRODUCTIONS**

The Chairman welcomed new members and asked all members and officers to introduce themselves.

**4. VICE-CHAIRMAN OF THE COMMITTEE**

The Committee considered the appointment of a Vice-Chairman for the coming year.

**RESOLVED:**

That consideration of the appointment of a Vice-Chairman of the Committee for the municipal year 2010/11 be deferred for consideration at the next meeting.

**5. MINUTES**

**RESOLVED:**

That minutes of the meeting held on 13 April 2010 be taken as read and signed by the Chairman as a correct record.

**6. MATTERS ARISING FROM THE MINUTES OF THE LAST MEETING**

**(a) Planning Protocol – Review (Minute 23(b))**

The Deputy Monitoring Officer advised that he was still in the process of drafting a revised Planning Protocol and that it would be submitted to the next meeting of the Committee.

**7. DECLARATIONS OF INTEREST**

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

**8. FUTURE OF STANDARDS FOR ENGLAND**

The Monitoring Officer reported the receipt of a letter from Standards for England drawing attention to the Government's announcement that the proposed De-Centralisation and Localism Bill would include proposals to abolish the Standards Board regime.

The Monitoring Officer advised that there were currently no clear details of the scope or implications of the proposal and that until such time as the relevant legislation was passed the current statutory framework remained operative.

The Committee noted the invitation contained in the letter to express views about how future arrangements could work most effectively.

The Deputy Monitoring officer also drew attention to a recent request to the Council from Grant Shapps, M.P., Minister for Housing and Local Government seeking suggestions on how to reduce the burdens on local authorities. The Deputy Monitoring officer advised that in reply one of the suggestions had been a review of

the requirement to provide performance information in relation to the ethical framework.

**RESOLVED:**

(1) That the Deputy Monitoring Officer draft a response to the invitation from Standards for England incorporating the following views:

(a) whilst relaxation of the need for Standards Committees to provide performance information in relation to the ethical framework is welcomed it is considered that there will continue to be a need for a body to provide a central framework of advice in order to ensure consistency across the country;

(b) there will be a need to make alternative arrangements for cases which under the current regime can be referred to Standards for England;

(c) if it is proposed that there should be increased joint working between Standards Committees there should be a requirement to participate as currently approaches to other Monitoring Officers do not generally meet with a positive response;

(d) the future status of directions issued by Standards for England needs to be addressed;

(e) the legislation facilitating the abolition of Standards for England needs to incorporate a realistic timescale and the future of the ethical framework needs to be made clear;

(2) That the draft response be circulated to all members of the Committee for comment;

(3) That the Monitoring Officer and Deputy Monitoring Officer finalise the response in the light of comments received from Committee Members and send it to Standards for England;

(4) That a copy of a letter to Standards for England be sent to Grant Shapps, M.P., Minister for Housing and Local Government; and

(5) That further consideration be given to this issue when more details of the new arrangements are made available.

**9. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND PARISH/TOWN COUNCILLORS**

The Committee received a schedule regarding current allegations made about the conduct of the District and Parish/Town Councillors.

Members noted that in relation to Case EFDC1/2010 the Monitoring Officer had engaged external solicitors to undertake the investigation and it was expected that their report would be received in late August.

The Committee was informed that since preparation of the agenda two further complaints had been received, one from a member of the public about a Parish Councillor and the other from a Town Councillor about another Town Councillor. Arrangements were being made for these cases to be considered by the Assessment Sub-Committee later in the month.

**RESOLVED:**

That future schedules specify whether the complaint is against a District Councillor or a Town/Parish Councillor.

**10. DATES OF FUTURE MEETINGS**

The Committee noted that the District Council's calendar for 2010/11 provided for meetings of the Committee on 12 October 2010, 18 January 2011 and 19 April 2011.

**11. INDEPENDENT MEMBER - GRENVILLE WELTCH**

The Monitoring Officer reported that this would be the last meeting attended by Grenville Weltch following his notice of resignation as an Independent Member of the Committee which would become effective on 31 July 2010.

The Monitoring Officer thanked Grenville for the work he had undertaken as a member of the Committee since 2001.

Grenville Weltch thanked members and officers for the help and support which he had received during his time as a member of the Committee.

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

That in accordance with Section 100(A)(4) of the Local Government Act 1972, the public and press be excluded from the meeting for the item of business set out below as it would involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Act indicated and the exemption is considered to outweigh the potential public interest in disclosing the information.

<b><u>Agenda Item No.</u></b>	<b><u>Subject</u></b>	<b><u>Exempt Information Paragraph Number</u></b>
12	Standards for England Direction	1

**13. STANDARDS FOR ENGLAND DIRECTION**

The Deputy Monitoring Officer advised of the background to the Direction and the progress being been in relation thereto.

The Committee noted that the cost of complying with the requirements of the Direction had to be met in full by the District Council as there was no power to seek a re-charge from the Parish Council which was the subject of the Direction.

The Monitoring Officer advised that whilst not contributing financially to the training etc the Parish Council would be a party to the two contracts and as such would be required to commit to the training.

**RESOLVED:**

(1) That further reports be submitted to the Committee on progress being made in relation to the Direction; and



(2) That on completion of the exercise details be provided to the Local Councils' Liaison Committee together including the cost of the training and that the cost be made public.

**CHAIRMAN**

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**EPPING FOREST DISTRICT  
STANDARDS COMMITTEE**

**EIGHTH ANNUAL  
REPORT  
2009/10**

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## **CHAIRMAN'S FOREWORD**

Although at the time of writing, I am no longer a member of Epping Forest District Council Standards Committee, I am pleased to be associated with the eighth annual report. As noted in the body of the report, I had been a member of the Committee since its inception nine years ago, and Chairman for 2009/10 and the previous two years.

Initially, the Committee's role was to oversee the introduction of the code of conduct and adjudicate on complaints following investigation by the Standards Board for England. Over the years, this has expanded to include the oversight of various protocols the most important being the Planning Protocol and, significantly, local assessment of complaints. The additional workload and the requirement that the make up of the various sub committees have different membership required the Committee to be increased to nine rather than six members.

I very much agree with the views of current members about the need for continuing advice and support following the disbandment of Standards for England. Without this, standards will almost certainly vary and costs rise as each council is forced to produce its own procedural manuals, training materials and advice to Councils. It is important that Councils get regular advice, so that standards are maintained resulting in fewer complaints requiring costly investigation.

I would like to thank the officers of the Council and my fellow committee members for all their hard work, help and advice over the past nine years. I believe that the Epping Forest Standards Committee has done its job professionally and fairly and trust that this continues in the years ahead.

Mary Marshall  
Chairman  
Epping Forest District Standards Committee 2009/10

## **1. INTRODUCTION**

- 1.1 This is the eighth Annual Report of the Epping Forest District Standards Committee covering the municipal year 2009/10. The aim of this report is to describe some of the issues which have arisen since our last report and likely future developments.

## **2. THE COMMITTEE**

- 2.1 The 2009/10 membership of the Standards Committee is as follows:

(a) three independent members (Mary Marshall, Grenville Weltch and Murray Wright);

(b) three parish representatives (Parish Councillors Daphne Borton, Jason Salter and Brian Surtees) who are nominated by the Epping Forest Association of Local Councils; and

(c) three District Councillors: Councillors B Rolfe, Mrs P Smith and Mrs J Whitehouse.

- 2.2 The Standards Committee continues to be supported by Colleen O'Boyle (Solicitor to the Council and Monitoring Officer), Ian Willett (Deputy Monitoring Officer and Assistant to the Chief Executive), Graham Lunnun (Allegations Determination Manager and Assistant Director - Democratic Services), and Simon Hill (Local Assessments Officer and Senior Democratic Services Officer).

## **3. CHANGES IN MEMBERSHIP**

- 3.1 Mary Marshall and Grenville Weltch served as Chairman and Vice Chairman of the Committee throughout 2009/10 but during the year, they indicated a wish to step down from the Committee. Both these individuals were founder members of the Committee in 2001 having been instrumental in establishing the Standards Committee and maintaining its important role within the District.
- 3.2 Mary Marshall chaired her last meeting of the Standards Committee on 13 April 2010. Members of the Committee and officers paid tribute to her work as member and Chairman of the Committee and the Monitoring Officer made a presentation on their behalf to her in appreciation.
- 3.3 Grenville Weltch, who had also been an independent member since 2001 and Vice Chairman of the Committee from 2008, had signified a wish to step down from the Committee at the end of the year. However, he agreed to continue until 31 July 2010 in order to provide some continuity and experience in view of a number of complaint issues that were to arise. Grenville Weltch's last meeting as a member of the Committee was scheduled for 13 July 2010. It should be recorded that he too was instrumental in establishing the Standards Committee as a recognised body within the District and his experience, like Mary Marshall's, often proved invaluable in dealing with some of the difficult issues that came before the Committee.
- 3.4 With the departure of two founder members of the Committee, arrangements were put in hand to advertise the two vacancies for independent members on the Committee. Following a press notice, three applicants were interviewed and two appointments made. These two appointments were subsequently ratified at the District Council's Annual Council meeting on 25 May 2010. The two new independent members are:

Mr Richard Crone who lives in Theydon Mount;  
Mr Jason Guth, a resident of North Weald.

- 3.5 To recognise the deferred resignation of Grenville Weltch, it was decided that Mr Jason Guth would be appointed to the vacancy created by the resignation of Mary Marshall immediately following the Annual Council meeting, whilst Richard Crone would take over following the resignation of Grenville Weltch on 1 August 2010.
- 3.6 As a Committee, we were very pleased that we were able to find two very suitable candidates for the independent member positions after a relatively short recruitment process. This has helped considerably in managing a considerable workload of complaints and other matters which has been referred to the Committee in recent weeks.
- 3.7 Following the District Council's Annual Meeting in May, we were pleased to welcome back as District Council representatives on the Committee, Councillors Penny Smith and Janet Whitehouse. We were also joined by Councillor Anne Grigg, the Vice Chairman of the District Council for 2009/10 and Chairman for 2010/11, as a third District Council representative on the Committee. We would like to record our thanks to Councillor Brian Rolfe whom Councillor Mrs Grigg replaced.
- 3.8 There have been no other changes in membership of the Committee during 2009/10.

#### **4. STANDARDS COMMITTEE – TERMS OF REFERENCE**

- 4.1 The terms of reference of the Standards Committee are set out in the Local Government Act 2000 and various government regulations. These statutory requirements are also set out in Article 9 of the District Council's Constitution and in a number of Council protocols. The Standards Committee in undertaking its functions, has continued to follow the advice given by the Standards Board for England (now known as "Standards for England").
- 4.2 The duties of the Committee continue to cover a number of statutory elements including proposing and amending the Code of Conduct for the District and Parish/Town Councils, promoting the Code and its values, providing training, investigating, reviewing, adjudicating on complaints and also giving advice on ethical issues affecting Councillors as they arise. The Committee remains responsible for granting dispensations from the effect of prejudicial interests affecting staff in limited circumstances.
- 4.3 In 2009/10, we continued to deal with complaints as prescribed in the Local Government Act 2007 which were referred to in last year's report. In regard to politically restricted posts, no cases have arisen during the last year.
- 4.4 New Sub-Committee arrangements established last year to deal with the complaints process have continued to operate, but over the period of the last 12 months, there have been no new changes to the role of the Committee.

#### **5. THE YEAR IN REVIEW**

- 5.1 This section of the report outlines the main activities of the Committee over the past Council year (2009/10). Each section reflects the main elements of the current terms of reference.

## **Review of Ethical Framework**

- 5.2 We referred in our last Annual Report to a Government Consultation Paper on further changes to the Member Code of Conduct. In June 2007, councils adopted a new Code of Conduct, but shortly afterwards, a new consultation was launched to make further clarifications on various points which we set out in our Annual Report last year.
- 5.3 Although it was suggested that a revised Code of Conduct was imminent by the then Government, this did not actually take place due to the General Election in May 2010. There is no indication as yet as to whether the proposals of the former Government will see the light of day.

## **Standards for England**

- 5.4 The Council will be aware from press reports that the new coalition Government elected in May last has made a number of pronouncements about the future of so-called “quangos” with a view to reducing the number of such bodies as part of measures for reducing the Government’s budget deficit. One of those “quangos” is Standards for England. Because of this, the future for the ethical framework is difficult to predict. There certainly have been indications from Standards for England that as an organisation it will cease to exist once the necessary legislative changes are made by the Government but there is no indication as to when this might be.
- 5.5 We have received a letter from the Chairman of Standards for England, Dr Robert Chiltern, concerning the current position. In writing to all Standards Committees he invited all these to submit any views about how they see the future once Standards for England has been wound up. As a Committee, we took the opportunity of commenting back to Dr Chiltern with our views on the situation. A copy of our letter ... is set out in Appendix 1 to this report.
- 5.6 In summary, we expressed the hope that the support and advice network established by Standards for England could be re-provided in some form.
- 5.7 We commented on the need for an advice and support network to Monitoring Officers and Standards Committees which seems to be at risk as a result of the disbandment of Standards for England. We also raised the process for referral of local complaints to a higher body in cases where local investigations and adjudications are impractical for any reason. The status of directions by Standards for England issued prior to disbandment and the statutory timetable for abolishing the organisation were also raised.
- 5.8 On Dr Chiltern’s advice, we have sent copies of this letter to the three local Members of Parliament as it will be MPs and the Department for Communities and Local Government which will actually make the decisions on the future of the Standards framework. We also agree with the suggestion of the Monitoring Officer that our comments should be passed to Mr Grant Shapps MP, the Minister for Local Government, who had written at around the same time to all local authorities concerning removal of burdens on local government.
- 5.9 Our principal concern about the demise of Standards for England is that without the national framework of advice and support, differing standards might begin to develop across the country in dealing with complaints. We consider it very important that consistency of approach and outcomes are maintained in dealing with complaints.



## **Planning Protocol – Review**

- 5.10 At our July 2009 meeting, we reviewed the Planning Protocol and the results of consultation with Planning Officers, the public and planning agents in the District. We raised a number of items which we asked the Monitoring Officer to review so as to bring back a revised draft. The point was made to us at that stage that the Planning Protocol needed to take account of changes to the Code of Conduct itself, bearing in mind that, at that time, the Government had stated that a new Code would be issued. The Council will be aware that the two documents are very closely linked.
- 5.11 However, with the continuing delay in the publication of the new Code and now the advent of a new Government which has all these matters under review, it has not been possible to revise the Protocol in accordance with the original timetable.
- 5.12 However, in the coming year, we will proceed to update the Protocol in accordance with our earlier discussions but we may be required to look again at this document once the feelings of the new Government concerning the ethical framework are known.

## **Local Complaint Assessment and Adjudication Process**

- 5.13 We mentioned in our 2008/09 Annual Report, the changes which had been made by the Local Government Act 2007 in regard to Standards Committee responsibilities. At our July 2009 meeting, we took the opportunity of reviewing processes that had been adopted over the previous year to see whether we could learn from the experience of dealing with complaints under the new arrangement.
- 5.14 As a result of that review, we have decided to place more emphasis on mediation and conciliation as a way of avoiding long and costly complaint investigations. We also looked at the question of complaint investigations in terms of specific office holders such as the Leader of the Council, a Standards Committee member, the Chairman of a Council or Cabinet Member, or similar office holders where a local investigation was difficult. We agreed a suggestion of the Monitoring Officer that advice to complainants on this aspect should be reinforced and that the consideration of the case for referral of such complaints to Standards for England should be part of the assessment process.
- 5.15 We also agree a suggestion that in future complaints should, wherever possible, be based on no more than one alleged breach of the Code. Allegations of multiple breaches of the Code often protract investigations and make outcomes more difficult to achieve.
- 5.16 We looked carefully at the various standard letters which we have been using as part of the complaints process. We asked that these letter templates should place more emphasis on strict compliance with timescales, in particular those relating to comments on draft investigation reports.
- 5.17 These various changes have now been incorporated in our procedures but we will continue to monitor how effective they are and whether further changes are required.

## **Dispensations**

- 5.18 At our July meeting, we received a report on a new set of government regulations which change the criteria for granting dispensations for members of the Council. In summary, dispensations may now be granted by a Standards Committee:

(a) where more than 50% of the members who would be entitled to vote at a meeting are prohibited from voting; or

(b) where the number of members that are prohibited from voting at a meeting would upset the political balance of the meeting to the extent that the outcome of voting would be prejudiced.

5.19 Thus if, for example, there were ten members on a Committee, six of whom would not be able to vote on the item of business concerned, all six could claim a dispensation. However, to decide whether these criteria apply, members must ignore any dispensations that have already been given to others at the meeting. However, even if the criteria apply, members cannot obtain dispensations to allow them to take part in voting at an Overview and Scrutiny Committee on a review of a decision by another body if they were a member at the time the decision was taken.

5.20 We bore in mind that the changes in procedure regarding dispensations require each member individually to give an account of the reasons why they are disbarred from voting and their grounds for seeking a dispensation. Block dispensations on behalf of whole political groups are not acceptable under these rules. The Committee can consider any applications for dispensations and have discretion as to how they apply the guidelines set in the regulations. The Standards Committee can also decide how long the dispensation should apply although it must not be longer than four years in duration.

### **Promoting the Code and its Values and Training**

5.21 The Committee held a training course in the Code of Conduct in June 2009, 3 District Councillors and 8 Parish Councillors attended. Training in the Planning Protocol was held in abeyance for the reasons already discussed concerning the new Code of Conduct. However, for 2010/11, we asked that Planning Protocol training should resume based on the current version. We will re-launch the Planning Protocol, when amended, with further training courses. 2009/10 was a year which saw very few new District Councillors joining the Council and this explains the relatively lower level of training activity over that period.

## **Adjudicating/Investigating Complaints against Elected Members**

- ... 5.22 Appendix 2 to this report sets out an annual statement of the complaints handled by the Standards Committee and its officers during the year.
- ... 5.23 Appendix 3 sets out a statement of the costs of conducting investigations. By way of explanation, because Epping Forest District Council has a relatively small team of officers handling complaints, it is not always possible, both in terms of the integrity of the process or in terms of the workloads of the individuals concerned, for all investigations to be carried out in house. Sometimes, it is necessary to use external investigators if the Deputy Monitoring Officer (who usually carries out these investigations) is unable to do so because he has been involved in the case previously or because his workload dictates that an additional investigation cannot be undertaken.
- 5.24 Appendix 3 shows the costs of these external investigations which are based on reliable consultancy figures. We have asked for internal investigations to be costed and this involves a time allocation of the work carried out by the Deputy Monitoring Officer. This information will appear in the next Annual Report. There are other incidental costs within the Council, such as printing, photocopying, word processing etc., which have not been taken into account and which apply to all internal investigations and in some respects to external ones. Suffice it to say that all complaint investigations are expensive and have many hidden internal costs if conducted internally. It should be borne in mind that complaints work is merely a part of other duties for established members of staff involved. This includes the administration of the Complaints process and officer time allocations where no recharging is made currently.
- 5.25 As a guide, one costed internal investigation (based on time allocations) completed after the year in question was costed at £3,705.

## **6. NAZEING PARISH COUNCIL – DIRECTION FROM STANDARDS FOR ENGLAND**

- 6.1 For the first time Standards for England have issued the Monitoring Officer with a direction concerning a Parish Council. Such directions are not commonplace and are usually applied by Standards for England where the circumstances are such that it is considered that further complaint investigations are counter productive and other measures are required to try and improve the situation. This Direction concerns Nazeing Parish Council.
- 6.2 We made reference in last year's Annual Report to the number of complaints which involved Nazeing Parish Council Members. These were often complaints by one member against another and Standards for England concluded that these complaints resulted from divisions within that Council, which surfaced in behaviour between members which was causing resentment and a desire to complain. The intervention by Standards for England was triggered by two complaints involving Nazeing Parish Councillors. One was referred to Standards for England for investigation in accordance with current guidance and this led to Standards for England asking for details of the complaint history at Nazeing Parish Council. Subsequently officials met the Monitoring Officer and Deputy Monitoring Officer about the situation.
- 6.3 The result was a direction to the Monitoring Officer to take other steps in lieu of complaint investigations to try to resolve the differences within the Council through measures not related to the complaints process. The Direction was mutually agreed

because it was already the view of the Monitoring Officer and the Deputy Monitoring Officer that continuing complaint investigations would not help the situation.

6.4 The direction consisted of four elements:

(a) training in the Code of Conduct with particular reference to treating others with respect;

(b) mediation and conflict management for two individual Councillors on Nazeing Parish;

(c) general conflict resolution training for all members of the Parish Council;

(d) training and review of Standing Orders so as to achieve better conduct of Parish Council meetings.

6.5 Having given the direction to the Monitoring Officer, an action plan for the delivery of measures to achieve the objectives of the direction were required by 30.4.10. The cost of this programme falls on the District Council. There is no opportunity under the law for this cost to be re-charged to that Parish Council, other than by agreement.

6.6 Extensive discussions have been held with the Clerk of Nazeing Parish Council, the Essex Association of Local Councils and a firm of specialist Solicitors in order to deliver the various elements of the programme. Although final costings have not been determined, it is likely that the costs will be in the order of £5,000. This programme is being facilitated externally – the review of Standing Orders and meeting procedures is being conducted by the Essex Association of Local Councils, whilst training in the Code of Conduct, mediation and conflict resolution will be led by the firm of external solicitors.

6.7 For the financial year 2010/11, the Monitoring Officer had already secured additional funding for the Standards Committee in order to deliver this programme, as this could not be accommodated within its normal budget. We would hope as a Committee, that this expenditure of this order will have a productive outcome for Nazeing Parish Council.

## **7. STANDARDS FOR ENGLAND – PERFORMANCE DATA**

7.1 At our meeting on 13 April 2010, we reviewed the annual return required to be made to Standards for England concerning the operation of the Committee.

7.2 Since submission, we have been advised by Standards for England that this information is no longer required in view of the demise of that organisation. It remains to be seen how performance information will be dealt with in the future.

## **8. CONCLUDING COMMENTS**

8.1 We would like to emphasise that any member of the Council in the District who has concerns about Code of Conduct issues is always welcome to speak to the Monitoring Officer, her staff or any member of the Committee. We repeat our views as stated in previous reports that the best way of complying with the ethical framework is to seek advice at as early a stage as possible and to remain vigilant at all times in dealings with the public, other Councillors and officers.

- 8.2 As a Committee, we will continue to look at the issue of complaints and will be aware at all times that a complaint investigation may not always be the right answer to dealing with problems. Some complaint investigations are going to be inevitable but some are avoidable and we and our officer support see this as the way forward both in terms of securing improvements in conduct but avoiding costs resulting from extended investigations with no clear benefit apparent.

### **Independent Members**

Mary Marshall (Chairman)  
Grenville Weltch (Vice-Chairman)  
Murray Wright

### **Parish Council Representatives**

Daphne Borton  
Jason Salter  
Brian Surtees

### **District Councillors**

Brian Rolfe  
Penny Smith  
Janet Whitehouse

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Date: 12 April 2013

Our ref: PU/IW/MC/5/8/1

Your ref:

Doctor Robert Chiltern  
Chair  
Standards for England  
4th Floor  
40 Lever Street  
Manchester M1 1BB

Ian Willett 01992 564243  
Email: iwillett@eppingforestdc.gov.uk

Dear Doctor Chiltern

### **Standards for England – The Future**

I refer to your letter dated 1 June 2010 which has now been considered by the Epping Forest District Standards Committee at its recent meeting.

The Committee noted that you are inviting Monitoring Officers and Standards Committee members to comment on the current situation concerning Standards for England, and the Government's intention to wind up the organisation.

The Committee has asked me to raise the following issues:

#### **(a) Advice and Support**

The Committee values the advice and support network provided by Standards for England and in particular the material contained on its website. Members placed great significance on this information in that it helps to ensure that across the country Standards Committees and Monitoring Officers deal with the ethical framework on a sound basis of advice. This avoids the possibility that, with a looser framework, differing standards of applying the ethical framework might begin to develop. The situation would be similar to Magistrates' Courts working without the framework provided by Crown/County Courts. Disbanding a national standard would be counter-productive in that each local authority would have to produce its own standards with the attendant increased demands on resources and time. Inevitably, inconsistencies would emerge as time goes by.

#### **(b) Referral of Local Complaints**

The Epping Forest District Standards Committee has not always been able to conduct a local investigation or adjudication into complaints against Councillors. In those circumstances, it has been useful to be able to refer such complaints for investigation by Standards for England. The Committee are concerned about what will replace the current arrangements once Standards for England ceases to operate. They feel that the ability of a local Standards Committee to refer a complaint to another Agency where circumstances require this must be retained, albeit in a different form.

The Committee discussed the idea of whether complaints could be referred to another Monitoring Officer/Standards Committee. The difficulty with this approach up to now has been that it has always been on a reciprocal basis without any degree of compulsion. Many Monitoring Officers and Standards Committees have their own ethical framework issues to deal with and it is understandable that it is sometimes difficult to conclude such arrangements.

Standards Committees can, of course, be combined for two or more local authority areas. This has never been an approach which the Standards Committee here has been able to support. Members consider that wherever possible local issues should be dealt with locally. One potential problem with referring complaints to other Monitoring Officers/Standards Committees in areas like this is that many of the neighbouring authorities are London Boroughs. Those Authorities may not always be familiar with the unique problems in Parish Councils.

**(c) Directions by SFE (Standards for England)**

The Committee also feel that some attention needs to be given to the status of Directions issued by Standards for England and which might still be current, even when Standards for England is disbanded. I have already heard it said locally that, with the future of Standards for England uncertain, Directions may not matter any more. I think this is something which the Government needs to address.

**(d) Standards for England**

It is presumed that Standards for England remains in being until such time as the relevant statutes are changed to facilitate abolition. The timescale for this and what is intended to replace Standards for England will be a matter of concern to all Monitoring Officers and Standards Committees, as indeed is the future of the ethical framework itself.

The Committee has asked me to send a copy of this letter to Grant Shapps MP, the Minister for Housing and Local Government. Mr Shapps has already written to Epping Forest District Council seeking ideas on the ways in which the burdens on Local Government can be reduced. The Council has raised the future of the ethical framework if Standards for England is disbanded and the Standards Committee wishes to support this stance.

Yours sincerely

**Ian Willett**  
**Deputy Monitoring Officer**  
**On behalf of Epping Forest District Standards Committee**



# Epping Forest Assessments Subcommittee

## Review of Cases for Annual Report 2009/10

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)
2009	1	EFDC 6/2009	Complaint by Parish Member about a Parish Member Assessment Panel – 27 October 2009 Referred to Standards for England – Ethical Standards Officer appointed for investigation.  <b>Subject to Standards Board Direction</b>	01/10/09
2009	2	EFDC 7/2009	Complaint by member of public against district member: Assessment November 2009 – Result NFA - no prima facie evidence, investigation would not serve useful purpose	14.10.09
2009	3	EFDC 8/2009	Complaint by Parish Member about a Parish Member Assessment Subcommittee held 8 December 2009 – Referred to Standards for England – Case accepted for investigation.  <b>Subject to Standards Board Direction</b>	19/11/09
2009	4	EFDC 9/2009	Complaint by member of public against district member: Assessment Panel 21 December 2009 – referred for investigation by Monitoring Officer  Referred for investigation on 2 February 2010 – Report to be issued in due course.	30/11/09

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)
2009	5	EFDC 10/2009	Complaint by Town Councillor against Town Councillor – Assessment 21/12/2009 – Referred for investigation. Result of investigation was no breach found which was accepted by the Assessment Subcommittee at their meeting on 10 May 2010 - NFA	1/12/09
2010	6	EFDC 1/2010	Complaint by Officer against District Member Assessment Panel 22 March 2010 Referred for investigation in part  Investigator appointed on 14 July 2010 – report due September 2010	2/3/10
2010	7	EFDC 3/2010	Complaint by Town Councillor against Town Councillor – Received 5 May 2010 – Assessment Sub 24 <sup>th</sup> May 2010 – NFA Not serious enough to merit investigation/ Investigation would not serve useful purpose – Review requested 28 May 2010  Reviewed 26 July 2010 – Decision other action mediation – Subject member happy to participate awaiting view of complainant	5/5/10
2010	8	EFDC 4/2010	Case: Parish Councillor, Complaint by member of public – sections 3(1) and 3(2)(b)  Assessment on 30 July 2010 – referred for investigation – P Mears appointed – report due by 15 October 2010	6/7/10

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)
2010	9	EFDC 5/2010	Complaint by Town Councillor against Town Councillor – sections 8 and 10 (interests)  Assessment on 30 July 2010  Result NFA – decision notice 2/8/10 – no appeal received	9/7/10

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## STANDARDS COMMITTEE OPERATIONAL BUDGET

<b>Expenditure</b>	<b>Budget 2009/10</b>	<b>Actual Outturn 2009/10</b>
Consultants Fees	0	4,050.00
Advertising – Public Notices	0	2,493.22
Other Miscellaneous Expenses	10,390.00	470.00
Managerial & Professional (R)	16,140.00	14,970.00
Office Services (R)	110.00	0
Print Operations	0	113.97
Chief Executive Policy Group (R)	9,150.00	9,100.00
<b>Gross Expenditure</b>	<b>35,790.00</b>	<b>31,197.19</b>
<b>Income</b>	<b>0</b>	<b>0</b>
<b>COST CENTRE TOTAL</b>	<b>35,790.00</b>	<b>31,197.19</b>

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## Introduction

This Bulletin comes at a time of big change for us following the Government's announcement of its intention 'to abolish the Standards Board regime'. Whilst we still await the detail of this policy, we will share with you what we know about what is proposed, and outline the timetable for our closure.

Although we have had to modify our work programme in light of this proposal, we remain 'open for business' and set out in this Bulletin our schedule of activities for the coming year. We are committed to continuing to work with you and support you in operating the standards framework successfully.

This is a sad month for us as we say goodbye to many valued staff leaving the organisation in our first wave of redundancies. We are losing people who have contributed much to this organisation, and many of whom have worked for us for some time. They will be much missed. We wish them all well in their future endeavours and thank them sincerely for their hard work.

## The Future of Standards for England and the Standards Framework

The Government's 'Programme for Government' of 20 May 2010 contained the commitment to "abolish the Standards Board regime". Primary legislation is needed to abolish Standards for England, and we expect the provisions to be included in the planned Decentralisation and Localism Bill which is due to be presented in late 2010, with Royal Assent anticipated between July and October 2011. This is likely to lead to final closure of this organisation sometime between 31 December 2011 and 31 March 2012. We have not seen any transitional provisions at this stage but will provide an update in a later Bulletin, when we know more.

In the light of these circumstances we have reviewed our business plan for this year and next. Our current priorities are to fulfil our statutory duties, to support local authorities in maintaining high standards and to assist the government in developing and implementing any new arrangements they may choose to put in place.

In the meantime, the local standards framework still exists and standards committees and monitoring officers have an obligation to keep the system operating.

### In order to assist you we will:

- Continue to provide advice and information to those who phone or write to us with queries about the standards regime via our enquiries helpline, monitoring officer helpline or press helpline. We will respond immediately where we can by telephone or in writing by post or email.
- Update our guidance on the framework to make it easier to use.

There will be changes to the content of the guidance where sections may be out of date, inaccurate or incorrect. We have received several suggestions from stakeholders and will incorporate these in the guidance where appropriate.

The format of the guidance is changing to make it easier to use and more helpful. It will highlight all statutory requirements and provide a link to the relevant legislation.

We are not proposing to produce any other new guidance products, unless a specific need is identified. All revised guidance will only be available via our website.

- Produce an updated case review.

As a result of a request from the Association of Council Secretaries and Solicitors, and to assist the standards community as a whole, we are updating the Case Review 2007 to reflect cases decided by the First Tier and Upper Tribunals since the Case Review was last updated in 2008.

- Continue to carry out investigations referred to us by standards committees.

See the article towards the end of this bulletin on the factors we take into account when deciding whether to accept cases for investigation

- Maintain existing relationships with key stakeholder organisations.

Standards for England will continue to provide support to those in the regulated and standards community who have requested our help with ethical issues.

- Meet requests for staff to give presentations or attend training events.

We will continue to provide staff and material for presentations and training events where we are requested to attend and where it fits in with our current business plan.

- Maintain our web site as a resource to support standards committees.

We will carry out routine maintenance of our website and the guidance we provide on it. We have published our Annual Report and Annual Accounts online but we will not be printing these publications.

## An update on monitoring returns

In June 2010 we sent out an email to all monitoring officers explaining that we had decided to postpone the return for the April to June quarter. As part of the review of the Business Plan we considered our requests for local authorities to complete quarterly monitoring. There will be no further requests for the submission of quarterly or annual returns. We do not anticipate re-establishing these procedures, unless a specific monitoring need arises in which we have to play a part.

The online questionnaires have been removed from our website and are now inaccessible. However, the information submitted by local authorities is available on request. If any authority wishes to obtain a copy we can provide them with pdf versions of any of the following:



- The standards committee composition details, correct as of the last date of monitoring (31 March 2010)
- Two years of case information, listed in chronological order by date received
- Annual Return 2008/09
- Annual Return 2009/10

Please email requests to [authorityreturns@standardsforengland.gov.uk](mailto:authorityreturns@standardsforengland.gov.uk)

Aggregated summary statistics of the quarterly return information are still available online at

<http://www.standardsforengland.gov.uk/CaseinformationReporting/Localstatistics/>

We will shortly be publishing an online report of the annual return information collected for 2009/10. This includes an introduction to the data, a key figures page, a summary of the findings and a full list of all the most common responses to each question.

## Acceptance of Complaints by SfE

We have reviewed the factors we take into account when assessing if we will accept cases in the public interest, referred to us by local standards committees, for investigation. We reviewed the factors to see whether they were still appropriate taking into account the Government's stated policy, its localist approach to regulation of local government and our reduced budget.

We concluded that both the underlying criterion of public interest and the relating factors are consistent with our statutory purpose and continue to be valid while the current standards framework remains in place. Therefore we have not made any changes to the factors or criterion. However, when considering whether to accept cases we will have to have regard to the resources we have available and take account of the relative importance of cases.

## Reappointment of Independent members

We have been asked if an authority has to follow our recommendation that independent members serve no more than two terms of four years after which new members should be recruited. Some authorities are concerned that, given the current uncertainty regarding the future of the standards regime, it may be preferable to retain those who have been trained and understand their role rather than to try to recruit and appoint new members. In light of the uncertain future of the standards framework we advise that, as long as the original appointment was carried out in accordance with all the correct legal requirements at the time (e.g. approved by full council, after being openly advertised and having assessed the suitability of all the applicants) an authority can extend that term for a further period. This can only be done during the term of office of an existing independent member and by approval from full council. Once the independent member's term has expired the full recruitment procedures must be followed again.

## Tell us how it should be done

The Standards Forum now has more than 1,100 users and over 200 posts on almost 70 different topics. The subjects of vexatious complaints, informing the subject member about a complaint and promoting ethical behaviour continue to be popular. More recently posts about subject members resigning before an election and discussions about the future of the standards regime have been generating interest.

If you have anything to say about these issues or if you want to share good practice, seek advice from your peers or simply draw attention to something you think might be relevant to others, do it on the Forum. To have your say, visit:

[www.standardsforengland.gov.uk/resources/TheStandardsForum/](http://www.standardsforengland.gov.uk/resources/TheStandardsForum/)

The Forum is open to members of standards committees, monitoring officers and other relevant council officers. If you are not currently registered for the Forum and would like to have access, please email: [forum@standardsforengland.gov.uk](mailto:forum@standardsforengland.gov.uk)

# Epping Forest Assessments Subcommittee – Active Cases

## As at: 12 April 2013

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2009	11	EFDC 3/2009	<p>No action - review requested - Review Subcommittee held on 21 April - Passed for investigation by MO – Final report received 31/3/2010</p> <p><b>Hearing Subcommittee held on 26 July 2010 – result apology and training – to be deleted from schedule</b></p>	23/02/2009	I Willett Referred on 8/6/9
2009	14	EFDC 6/2009	<p>Assessment Subcommittee – 27 October 2009</p> <p>Police investigation result: HFA</p> <p>Referred to Standards for England – Ethical Standards Officer appointed for investigation.</p> <p><b>Subject to Standards Board Direction</b></p>	01/10/09	n/a
2009	16	EFDC 8/2009	<p>Assessment Subcommittee held 8 December 2009 – Referred to Standards for England – Case accepted for investigation.</p> <p><b>Subject to Standards Board Direction</b></p>	19/11/09	n/a

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2009	17	EFDC 9/2009	Assessment Subcommittee 21 December 2009 – referred for investigation by Monitoring Officer  Referred to I Willett to investigate on 2 February 2010	30/11/09	I Willett
2010	19	EFDC 1/2010	Assessment Subcommittee 22 March 2010 Referred for investigation in part  <b>Investigator appointed on 14 July 2010 – report due by 13 September 2010</b>	2/3/10	Wilkin Chapman LLB
2010	21	EFDC 3/2010	Received 5 May 2010 – Assessment Sub 24 May 2010 – NFA Not serious enough to merit investigation/ Investigation would not serve useful purpose – Review requested 28 May 2010  <b>Reviewed 26 July 2010 – Decision other action mediation – Subject member happy to participate awaiting view of complainant</b>	5/5/10	None
2010	22	EFDC 4/2010	Case: Parish Councillor, Complaint by member of public – sections 3(1) and 3(2)(b)  <b>Assessment on 30 July 2010 – referred for investigation – P Mears appointed – report due by 15 October 2010</b>	6/7/10	P Mears

Year	No.	Case reference no.	Case status	Received - (dd/mm/yyyy)	Investigator
2010	23	EFDC 5/2010	<p><b>Case: Parish Councillor, Complaint Parish Councillor – sections 8 and 10 (interests)</b></p> <p><b>Assessment on 30 July 2010</b></p> <p><b>Result NFA – decision notice 2/8/10 – no appeal received – now out of time – delete from schedule</b></p>	9/7/10	None

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