



Epping Forest District Council

STANDARDS COMMITTEE **Thursday, 19th July, 2018**

You are invited to attend the next meeting of **Standards Committee**, which will be held at:

Committee Room 1, Civic Offices, High Street, Epping
on Thursday, 19th July, 2018
at 5.30 pm .

Derek Macnab
Acting Chief Executive

Democratic Services
Officer

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Members:

Councillors G Chambers (Chairman), C P Pond (Vice-Chairman), N Avey, S Kane, M McEwen, S Neville, C Roberts, B Rolfe, J Share-Bernia

1. APOLOGIES FOR ABSENCE

2. SUBSTITUTE MEMBERS

To report the appointment of any substitute members for the meeting.

3. INDEPENDENT PERSON - MR. P. ADAMS

To report and mark the recent passing of the Standards Committee Independent Person, Mr. Peter Adams.

Mr. Adams had been one of the Independent Persons since 2012.

4. MINUTES (Pages 5 - 8)

(Monitoring Officer) To confirm as a correct record, the minutes of the meeting of the Committee held on 18 December 2017.

5. DECLARATIONS OF INTEREST

To declare interests in any item on the agenda.

6. APPOINTMENT OF NEW MONITORING OFFICER AND DEPUTY

(Monitoring Officer) To note that the Council, at its meeting in February 2018,

appointed Simon Hill (Assistant Director (Governance)) as the Monitoring Officer. Pursuant to delegated powers given to the Monitoring Officer, Stephen Tautz (Democratic Services Manager) has been appointed as Deputy Monitoring Officer.

Mr. Hill will outline the work undertaken since his appointment and arrangements for the appointment of the Monitoring Officer under the Council's proposed new management structure.

7. INDEPENDENT PERSONS - APPOINTMENTS

Recommendations:

- (1) To discuss the ongoing requirement for Independent Persons and timing of any future recruitment;**
- (2) That subject to (1) above, the Monitoring Officer be requested to undertake recruitment activity;**
- (3) That the Chairman of the Committee, in consultation with the Monitoring Officer set up a selection panel of three members to shortlist and interview candidates and recommend their appointment to Council.**

(Monitoring Officer) Following the recent passing of Peter Adams, Mr. David Cooper is now the sole Independent Person. Recruitment activity for the Standards Committee was last undertaken in 2012 and the Committee is asked to discuss the desirability of further recruitment to ensure continuity. If the Committee wishes to undertake further recruitment, members are also asked to consider the appropriate timing for such activity.

On the last occasion that recruitment activity was undertaken, an interview panel, formed from members of the Standards Committee shortlisted and interviewed for the relevant positions.

The appointment of the Independent Persons is a matter for the Council to approve.

8. MEMBER CODE OF CONDUCT TRAINING - UPDATE

(Monitoring Officer) To consider an update on the status of training of members on the Code of Conduct.

A training session was held on 10 July 2018 and an update will be given at the meeting on the outstanding members who require training.

9. ALLEGATIONS MADE ABOUT THE CONDUCT OF DISTRICT AND TOWN/PARISH COUNCILLORS (Pages 9 - 10)

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

10. DATES OF FUTURE MEETINGS

Following the decision of the Council that the Standards Committee be convened to meet only when there is business to be transacted (Minute 12 - 26 April 2016), no

formal meetings of the Committee have been scheduled for the remainder of the municipal year. However, meetings of the Committee will be arranged during the year if required.

11. EXCLUSION OF PUBLIC AND PRESS

Exclusion

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
12	Allegations made about the conduct of District and Town/Parish Councillors - Issues Arising	1

Background Papers

Article 17 of the Constitution (Access to Information) 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 and does not include published works or those which disclose exempt or confidential information and in respect of executive reports, the advice of any political advisor.

The Council will make available for public inspection one copy of each of the documents on the list of background papers for four years after the date of the meeting. Inspection of background papers can be arranged by contacting either the Responsible Officer or the Democratic Services Officer for the particular item.

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

(Monitoring Officer) To discuss any confidential issues arising from active cases listed in the schedule for item 9 of this agenda.

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EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee:	Standards Committee	Date:	Monday, 18 December 2017
Place:	Committee Room 1, Civic Offices, High Street, Epping	Time:	7.00 - 7.30 pm
Members Present:	G Chambers (Chairman), C P Pond (Vice-Chairman), S Kane, A Mitchell, C Roberts, B Rolfe, J H Whitehouse and H Kane		
Other Councillors:	R Morgan		
Apologies:	N Avey and M McEwen		
Officers Present:	C O'Boyle (Director of Governance), S Hill (Assistant Director (Governance)) and G J Woodhall (Senior Democratic Services Officer)		
Also in attendance:	P Adams (Independent Person) J Whybrow (Towen/Parish Councillors)		

9. SUBSTITUTE MEMBERS

The Committee noted the following substitute Members had been appointed for this meeting:

- (a) Cllr H Kane for Cllr N Avey.

10. MINUTES

Resolved:

- (1) That the minutes of the meeting held on 7 August 2017 be taken as read and signed by the Chairman as a correct record.

11. DECLARATIONS OF INTEREST

There were no declarations of interest pursuant to the Council's Member Code of Conduct.

12. AUDIT AND STANDARDS COMMITTEE - REVIEW OF MERGER PROPOSALS

The Deputy Monitoring Officer, S Hill, presented a report on a review of the merger proposals for the Audit & Governance and Standards Committees.

S Hill reported that, at its meeting on 26 April 2016, the Council did not adopt the proposals to merge the Standards and Audit & Governance Committees, but requested that a further review be undertaken after two years; i.e. before April 2018. In addition, the Council also agreed that the Standards Committee should meet only as and when there was business to be transacted. Since April 2016, the Committee

had only met twice previously, and the Committee had only met 5 times in the last three and half years.

The Committee was reminded that it had previously accepted the implementation of the Localism Act 2012 had dramatically reduced its workload through new arrangements for dealing with allegations of Member misconduct. However, the Committee were not minded to support the proposals and expressed a number of concerns. The Committee was requested to comment on the review, prior to a report to the Constitution Working Group later in the year.

There was considerable support from the Committee for the status quo and maintaining a separate Standards Committee. The Chairman highlighted that the Standards Committee had recently encouraged Members to undertake Code of Conduct training at least once during each term of office, which was very important.

The Monitoring Officer, C O'Boyle, emphasised that the Localism Act 2012 abolished the need for a local authority to maintain a formal Standards Committee, they just required a process to deal with complaints made against Members. The proposal was to merge the two Committees, not abolish the Standards Committee. The general view was that the Council held too many Member meetings, and these two Committees were combined at many other local authorities. S Hill added that no Standards issues were ever ignored, and that Officers resolved many issues which Members were not aware of.

Cllr Kane stated that he was not against a potential merger provided there was a process in place to deal with issues, the merged Committee would have the ability to co-opt other Members to give it depth, and if it was open to public scrutiny. However, P Adams (Independent Person) felt that 90% of the problem was public perception and any merger could have the effect of hiding Standards issues as the Audit & Governance Committee was very technical. Parish Cllr J Whybrow also had concerns about the lack of Town and Parish Council involvement.

The Committee agreed to recommend to the Constitution Working Group that the two Committees not be merged and that the current status quo be maintained.

Recommended (to the Constitution Working Group):

(1) That the current status quo of having two separate Committees for Standards issues and Audit & Governance issues be maintained, for the same reasons as outlined in January 2016 (minute 24, 25 January 2016 refers).

13. APPOINTMENT OF A STANDARDS COMPLAINTS SUB-COMMITTEE

The Monitoring Officer, C O'Boyle, presented a report on the appointment of a Standards Complaint Sub-Committee.

C O'Boyle advised the Committee that there was a need to appoint to and convene a meeting of a Complaints Sub-Committee to conduct a hearing into an allegation that a Member had breached the Council's Code of Conduct. Article 9 of the Constitution outlined the appointment of, and terms of reference for, a Complaints Sub-Committee. The complaint in this case concerned a District Council Member so there was not a requirement to appoint a Town or Parish Council representative. In addition, Article 9 also delegated authority to the Sub-Committee to determine the case in this instance without further reference to the main Standards Committee. Training would be organised for the Members of the Sub-Committee prior to the

hearing of the case, although it was suggested that all Members of the Standards Committee should attend.

Given the make-up of the Standards Committee, and the pro-rata requirements, S Hill suggested that the Sub-Committee should consist of three Members, two from the Conservative Group and one from the Loughton Residents Association, with one reserve for each Group. The Committee concurred, and agreed to appoint a Sub-Committee of three members with the suggested make-up.

The Chairman made an initial suggestion that the Sub-Committee should comprise himself as Chairman, Cllr Pond from the LRA and Cllr Avey; Cllr Avey informed the Committee that he could not guarantee his attendance during the day and therefore Cllr Rolfe was suggested as a Sub-Committee Member, with Cllr Avey as a substitute for the Conservative Group. Cllr Pond suggested Cllr Roberts as the substitute for the Loughton Residents Association, and this was agreed by the Committee.

S Hill informed the Committee that the training would be scheduled during January 2018, with the meeting of the Sub-Committee taking place as soon as possible afterwards. It was also highlighted that this particular case had taken some time to progress through of all of the preceding steps to get to this point.

Decision:

- (1) That three Members of the Standards Committee be appointed to the Standards Complaints Sub-Committee to hear the current outstanding case;
- (2) That the three Members of the Standards Complaints Sub-Committee be comprised of two Members of the Conservative Group and one Member of the Loughton Residents Association, plus a substitute Member for each Group;
- (3) That the following Councillors be appointed to the Standards Complaints Sub-Committee:
 - (a) Cllr Chambers (CON);
 - (b) Cllr Pond (LRA); and
 - (c) Cllr Rolfe (CON);
- (4) That Cllr Avey (CON) and Cllr Roberts (LRA) be appointed as substitutes for their Groups for the Standards Complaints Sub-Committee;
- (5) That Cllr Chambers be appointed as the Chairman of the Standards Complaints Sub-Committee;
- (6) That the Terms of Reference for the Standards Complaints Sub-Committee, as set out in Article 9 of the Constitution, be noted; and
- (7) That all Members of the Standards Committee be invited to attend the training from the Monitoring Officer for hearing a Standards Complaint, to be scheduled during January 2018.

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

The Deputy Monitoring Officer, S Hill, informed the Committee that there were 2

allegations concerning the conduct of District and Town or Parish Councillors to update the Committee on.

The Committee were reminded that, for the first allegation listed, an investigation had been completed and the Monitoring Officer had requested a Standards Complaint Sub-Committee to hear the case, which the Committee had considered earlier in the meeting. For the second allegation listed, the Monitoring Officer had determined that it was not suitable for investigation and therefore no further action should be taken on the matter.

S Hill stated that two further complaints had been received this week: for the first, Officers were seeking more information; and for the second, this was a complaint against a Town Councillor and it was in the early stages of being assessed.

Resolved:

(1) That the outstanding allegations made about the conduct of District and Town or Parish Councillors, and the steps taken so far in resolving these issues, be noted.

15. DATES OF FUTURE MEETINGS

The Committee noted that there had been no formal meetings of the Standards Committee scheduled during the municipal year, following the decision of the Council that the Standards Committee should only meet as and when there was business to be transacted (Council 26 April 2016, minute 12 refers).

16. EXCLUSION OF PUBLIC AND PRESS

The Committee noted that there were no issues arising from the Allegations Made about the Conduct of District and Town Councillors which necessitated the exclusion of the public and press from the meeting.

CHAIRMAN

Standards Complaints Assessment Matters:
 Active Cases
 As at: 10 July 2018

Year	Case reference no.	Case status	Received - date	Investigator
2017	EFDC 1-2017	That a Councillor failed to disclose a (potentially disclosable) interest and remained in the meeting for a planning application considered by an Area Planning Sub-Committee where their partner (the relevant person) worked for a company connected to the site. Status: Completed, Review undertaken, training appropriate, Monitoring Officer other action taken.	2 Feb 2017	A Jones
2017	EFDC 6-2017	That a Town/Parish member has used his office to give out fraudulent awards in a misuse of parliamentary premises. Status: Completed, no breach of Code identified – To be deleted from schedule	21 December 2017	
2017	EFDC 7-2017 (see EFDC 1-2018)	Two members of the public have complained about the content of a speech made at Council relating to the Local Plan Status: Completed, no breach of Code identified– To be deleted from schedule	21 December 2017	
2017	EFDC 8-2017	That a Councillor has failed to declare interests in Companies and is in breach of the Nolan principles in his business dealings. Status: Discussion with complainant has meant that complaint not formally now being made	20 December 2017	

2017	EFDC 1-2018 see EFDC 7-2017 ()	Two members of the public have complained about the content of a speech made at Council relating to the Local Plan Status: Completed, no breach of Code identified – To be deleted from schedule	7 January 2018	
2018	EFDC 2-2018	That in discussing a planning application, members did not meet the standards required by the Nolan Principles set out in the code of conduct. Status: Completed, no breach of Code identified, Code of Conduct Training appropriate in one instance – training completed - To be deleted from schedule	12 February 2018	
2018	EFDC 3-2018	That two Councillors made misleading comments relating to a local plan site allocation prior to the full Council vote on the local plan on 14 December 2017. Additionally that, in doing this, failed to act with objectivity in the preparation and presentation to the Council contrary to the Nolan principles Status: Assessment Drafted to be sent to IP shortly	8 May 2018	
2018	EFDC 4-2018	That a member sent emails to an officer considered by them to be in breach of the Code of Conduct Status: Assessment ongoing, partial apology received	9 May 2018	
2018	EFDC 5-2018	That three members have acted in breach of the Code of Conduct in the handling of a number of planning applications at the complainants property. Status: Assessment yet to commence	25 June 2018	

A further case has been dealt with informally.