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Your ref:

Mr William Tandoh
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Local Democracy and Empowerment Directorate
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Dear Mr Tandoh

**Consultation Document – Orders and Regulations relating
to the Conduct of Local Authority Members in England**

I refer to the Department's consultation document concerning the new arrangements for Standards Committees and the Standards Board for England to undertake their new roles under the new standards regime.

Thank you for allowing the Standards Committee of the Epping Forest District Council more time against your deadline of 15 February 2008 to consider this important document.

I would like to submit the Standards Committee response to the consultation document by dealing with each question in turn.

1. (Initial Assessment Arrangements)

The Standards Committee takes the view that there should be three separate sub-committees each comprising three members. The Committee feels that 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) the Committee would look for some flexibility on the membership of that body so as to ensure that finding the requisite three members is not made unduly difficult. The Committee favours a system whereby the three sub-committees may be appointed on an ad hoc basis according to circumstances 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)

The Committee takes the view that it should be for the authorities concerned to agree on how the complaint should be dealt with. The Committee would like to see 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)

The Committee favours a non-statutory deadline of 20 working days 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)

The Committee felt that 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 complaint is when the Standards Committee receives a copy of the initial review report. The Committee is not comfortable with that notification being held over until after any appeal or to the commencement of any investigation. The Committee also felt that it should be for the Monitoring Officer to undertake this notification on the Standard Committee's behalf.

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

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

6. (Maximum Sanction)

The Committee favoured Standards Committees having a maximum sanction available of six months suspension or partial suspension from office.

7. (Chairman of Sub-Committees)

The Committee favours the chairmen of all sub-committees being one of the independent members on the Standards Committee. However they were concerned that 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 was being considered, the Committee felt there was no reason why a Parish Council representative could not chair that meeting. Equally if it were a parish council case, no difficulty was seen in allowing the 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 Committee supported the Department's view regarding exemption from the rules on Access to Information.

9. (Suspension of Standard Committee Powers)

The Committee supported the performance criteria outlined in the consultation paper

10. (Charging)

The Committee had reservations about a charging regime unless the Standards Board for England could provide a national framework. In any event, the Committee favoured a system, which was simple and would not result in negotiations and disagreements between relevant agencies.

11. (Joint Working Arrangements)

The Standards Committee supported the concept of joint working arrangements where appropriate 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, the committee felt that there was 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 were supported.

13. (Ethical Standards Officer)

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

It was also felt that in relation to paragraphs 56 – 58 of the Consultation Document that 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)

The Epping Forest District Standards Committee has made decisions on dispensations and supports the changes now being proposed in the Consultation Document subject to the following:

- (a) that any regulations should encompass 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)

The Committee concluded that this was not applicable to Epping Forest District Council.

16. (Implementation)

The Committee felt that introduction of the new regime on 1 April 2008 was not a practical proposition. They noted that the question asked related to, "1 April 2008 at the earliest" and they wished to express their opinion that 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 Committee hopes that the arrangements for giving notice of decisions can be kept as flexible as possible. Public notices in the local press are very expensive and the Committee feels that the Council newspapers and website would be sufficient and far less costly.

I hope that the Department will be able to take the views of the Standards Committee into account as part of the current consultation exercise.

Yours sincerely

Ian Willett
Deputy Monitoring Officer