

## EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

**Committee:** Standards **Date:** 14 April 2005

**Place:** Committee Room 1, Civic Offices, Epping **Time:** 7.30 – 9.10 pm

**Members Present:** **Independent Members:**  
Dr D Hawes (Chairman), Ms M Marshall

**District Council Representatives:**  
Councillors Mrs D Borton, Mrs P Smith

**Parish/Town Council Representatives:**  
Councillors J Salter, K Percy (Deputy)

**Other Councillors:** -

**Apologies:** **Independent Member** – G Weltch

**Officers Present:** C O'Boyle (Head of Legal, Administration and Estates)(Monitoring Officer), I Willett (Head of Research and Democratic Services)(Deputy Monitoring Officer), G Lunnun (Research and Democratic Services)

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### 32. MINUTES

#### RESOLVED:

That the minutes of the Committee meeting held on 24 February 2005 be taken as read and signed by the Chairman as a correct record.

### 33. DECLARATIONS OF INTEREST

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

### 34. COMMITTEE ON STANDARDS IN PUBLIC LIFE – TENTH REPORT (Minute 22 – 24.2.05)

The Committee considered the consultation paper issued by the Standards Board for England in relation to a review of the Code of Conduct.

Members noted that a review of the Code had been requested by the Government and the Minister of State for Local Government and Regional Government had made it clear that he did not wish to see the underlying principles of the Code diluted. The key areas of the review were:

- (a) public interest defence in relation to disclosure of confidential information;

- (b) the duty for members to report misconduct by colleagues;
- (c) the line between public and private conduct;
- (d) personal and prejudicial interests; and
- (e) registering interests.

The Panel determined that it would respond to the consultation exercise by answering the questions set out in the consultation paper.

**RESOLVED:**

- (1) That the following responses be sent to the Standards Board for England:

**The General Principles**

- 1. Should the 10 general principles be incorporated as a preamble to the Code of Conduct? – Yes.
- 2. Are there any other principles which should be included in the Code of Conduct? – No.

**Disrespect and Freedom of Speech**

- 3. Is it appropriate to have a broad test for disrespect or should we seek to have a more defined statement? – No – as it is difficult to specify an acceptable more defined statement, the current broad test should remain.
- 4. Should the Code of Conduct include a specific provision on bullying? If so, is the ACAS definition of bullying quoted in the full consultation paper appropriate for this? – No there should be no specific provision on bullying – issues should be dealt with as questions of judgement within investigation of individual cases.

**Confidential Information**

- 5. Should the Code of Conduct contain an explicit public interest defence for members who believe they have acted in the public interest by disclosing confidential information? – No.
- 6. Do you think the Code of Conduct should cover only information which is in law “exempt” or “confidential”, to make it clear that it would not be a breach to disclose any information that an authority had withheld unlawfully? – Feel unable to respond without being in receipt of firm draft proposals.

**Disrepute and Private Conduct**

- 7. Should the provision relating to disrepute be limited to activities undertaken in a member’s official capacity or should it continue to apply to certain activities in a member’s private life? – No - the provision should continue to apply to certain activities in a member’s private life.

8. If the latter, should it continue to be a broad provision or would you restrict it solely to criminal convictions and situations where criminal conduct has been acknowledged? – Yes - it should not just be confined to criminal convictions, for example, anti social behaviour orders should be included which are not in themselves convictions; a number of professional bodies have appropriate wording in their professional codes and a similar wording to those would be appropriate.

#### **Misuse of Resources**

9. We believe that the Code should prohibit breaches of the publicity code, breaches of any local protocols, and misuse of resources for inappropriate political purposes. Do you agree? – Yes but political is only one element and the reference should be to inappropriate or political purposes.

10. If so, how could we define “inappropriate political purposes”? – As in (9) above.

11. Is the Code of Conduct right not to distinguish between physical and electronic resources? – Yes.

#### **Duty to Report Breaches**

12. Should the provision of the Code of Conduct that requires members to report breaches of the Code by fellow members be retained in full, removed altogether, or somehow narrowed? – Yes - if a member reasonably feels that a significant breach of the Code has arisen he should be required to report it, but in respect of a breach of less significance he should have discretion to report it.

13. If you believe the provision should be narrowed, how would you define it? For example, should it apply only to misconduct in a member’s private capacity, or only to significant breaches of the Code? – As in (12) above.

14. Should there be a further provision about making false, malicious or politically-motivated allegations? – Yes.

15. Does the Code of Conduct need to provide effective protection for complainants against intimidation, or do existing sections of the Code of Conduct and other current legislation already cover this area adequately? – No - intimidation has not been a problem in this District and it is not considered necessary for the Code of Conduct to provide for effective protection.

#### **Personal Interests**

16. Do you think the term “friend” requires further definition in the Code of Conduct? – Yes, the definition could be based on that used by the Local Government Ombudsman.

17. Should the personal interest test be narrowed so that members do not have to declare interests shared by a substantial number of other inhabitants in an area’s area? – Yes.

18. Should a new category of “Public Service Interests” be created, relating to service on other public bodies and which is subject to different rules of conduct? – No, this would over complicate the position.

19. If so, do you think public service interests which are not prejudicial and which appear in the public register of interests should have to be declared at meetings? – See (18) above.

20. Do you think paragraph 10(2)(a-c), which provides limited exemption from the prejudicial interest rules for some members in certain circumstances, should be removed from the Code of Conduct – No.

21. Do you think less stringent rules should apply to prejudicial interests which arise through public service and membership of charities and lobby groups? – No.

### **Prejudicial Interests**

22. Should members with a prejudicial interest in a matter under discussion be allowed to address the meeting before withdrawing? – No.

23. Do you think members with prejudicial public service interests should be allowed to contribute to the debate before withdrawing from the vote? – No.

### **Registration of Interests**

24. Should members employed in areas of sensitive employment, such as the Security Services, need to declare their occupation in the public register of interests? – No, there should be an exemption but only with dispensation previously approved by the Standards Committee.

25. Should members be required to register membership of private clubs and organisations? And if so, should it be limited to organisations within or near an authority’s area? – Not all clubs need to be registered but there is a need to clearly define the position, e.g. registration should be required in respect of any club or organisation having a formal constitution; organisations active within the authority’s area should also be included.

### **Gifts and Hospitality**

26. Should the Code of Conduct require that the register of gifts and hospitality be made publicly available? – Yes.

27. Should members also need to declare offers of gifts and hospitality that are declined? – No.

28. Should members need to declare a series of gifts from the same source, even if these gifts do not individually meet the threshold for declaration? How could we define this? – Yes, a frequency of at most monthly would be appropriate.

29. Is £25 an appropriate threshold for the declaration of gifts and hospitality? – Yes;

(2) That in relation to the review generally, careful consideration be given to using words such as “reasonable” or “significant” since these necessitate judgement and may lead to inconsistencies; and

(3) That the Monitoring Officer draft a letter incorporating the above comments for submission to the Standards Board by the Chairman of the Committee.

### **35. MEMBER PROTOCOLS (Minutes 23 and 24 – 24.2.05)**

The Committee was advised that it had not been possible to complete revised drafts of member protocols for submission to this meeting. As the next scheduled meeting was not due to be held until 26 July 2005, the Committee considered holding an extraordinary meeting in early/mid June 2005 which would enable recommendations to be made to the full Council meeting in July 2005.

#### **RESOLVED:**

(1) That an extraordinary meeting of the Committee be held on 15 June 2005 at 7.30 pm to consider:

(a) revised drafts of the Planning Protocol and the advice to members serving on outside organisations; and

(b) a policy on the use of Council facilities by members.

### **36. GIFTS AND HOSPITALITY – GUIDANCE FOR MEMBERS (Minute 25 – 24.2.05)**

The Monitoring Officer reported that guidance for members had been approved at the last meeting of the Committee for consultation with District Council members. No comments had been received as a result of the consultation exercise.

#### **RESOLVED:**

That the Council be recommended to adopt the guidance subject to the rewording of Section 1(b) in order to remove references to “gifts” and to the rewording of a question on the proforma in order to refer to advice/guidance from instead of consent of an officer.

### **37. ETHICAL GOVERNANCE - TOOLKIT**

The Committee was advised that an ethical governance toolkit was being developed by the Audit Commission with the Standards Board and the Improvement and Development Agency which would enable councils to work out how well they were performing in maintaining high standards and identify ways to improve performance.

The toolkit would include an audit, a self-assessment survey and a range of workshops. Members and senior officers of the District Council and members of the Standards Committee would be encouraged to take part in the survey and workshops.

The Monitoring Officer reported that it was likely the District Council would wish to participate fully in the process and that it would hope to receive support from the Standards Committee.

**RESOLVED:**

- (1) That the development of an ethical governance toolkit be noted; and
- (2) That the District Council be informed that in the event of it deciding to take part in the process, members of this Committee would be pleased to take an active role.

**38. MEMBER TRAINING – 2005/06 (Minute 28 – 24.2.05)**

The Committee considered dates for member training in relation to the Code of Conduct, the revised Planning Protocol and the acceptance of gifts and hospitality.

**RESOLVED:**

- (1) That a refresher course on the Code of Conduct together with a training session on the acceptance of gifts and hospitality be held on 7 June 2005 commencing at 7.30 pm and that Councillor J Salter be appointed to represent the Committee at this training session;
- (2) That a refresher course on the revised Planning Protocol be held on 19 September 2005 commencing at 7.30 pm and that Mary Marshall be appointed to represent the Committee at this training session; and
- (3) That other members of the Committee be encouraged to attend the training courses.

**39. TRAINING COURSE – LOCAL INVESTIGATION OF COMPLAINTS**

Members reviewed the training course held on 21 March 2005 and agreed that it had been a useful exercise.

**40. ALLEGATIONS RECEIVED**

The Monitoring Officer reported on the current position in relation to allegations against Parish/Town Councillors and District Councillors.

**RESOLVED:**

That the current position on allegations about District and Parish/Town Councillors be noted.

**CHAIRMAN**