

EPPING FOREST DISTRICT COUNCIL COMMITTEE MINUTES

Committee: Standards **Date:** 28 June 2005

Place: Committee Room 1, Civic Offices, Epping **Time:** 7.30 - 8.55 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:
Councillor K Percy (Deputy)

Other Councillors: D Stallan, Mrs J H Whitehouse

Apologies: **Independent Member:** G Welch, Parish/Town Council Representative – Councillor J Salter

Officers Present: I Willett (Head of Research and Democratic Services)(Deputy Monitoring Officer), G Lunnun (Research and Democratic Services)

1. MINUTES

RESOLVED:

That the minutes of the Committee meeting held on 14 April 2005 be taken as read and signed by the Chairman as a correct record.

2. MATTERS ARISING

(a) Ethical Governance – Tool Kit (Minute 37)

The Committee noted that the Council had yet to decide whether to take part in the Ethical Governance Tool Kit developed by the Audit Commission with the Standards Board and the Improvement and Development Agency. The recommendation of the Cabinet to take part in the process had been referred back by full Council for further consideration after concerns had been expressed about the cost of the exercise. The Cabinet would be reconsidering the matter at its next meeting.

3. DECLARATIONS OF INTEREST

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

4. STANDARDS COMMITTEE – ANNUAL REPORT 2004/05

The Committee considered a draft annual report for 2004/05 for submission to the District Council.

RESOLVED:

- (1) That the draft annual report be approved subject to:
 - (a) reference to the main issues being addressed at national level in relation to the review of the Code of Conduct;
 - (b) reference in paragraph 2.2 to responding to consultations by the Standards Board and Central Government and to training undertaken by Standards Committee members;
 - (c) rewording of paragraph 7.1 to reflect the fact that the first case for local adjudication has now been referred from the Standards Board;
 - (d) rewording of paragraph 5.1 to suggest that members record also refusals of offers of gifts and hospitality but pointing out that this is being reviewed nationally; and
 - (e) the correction of typographical errors;
- (2) That the Chairman of the Committee present the report to the District Council meeting on 28 July 2005; and
- (3) That the report be published on the Epping Forest District Council website.

5. PROTOCOL FOR MEMBERS AND OFFICERS ENGAGED IN THE DETERMINATION OF PLANNING APPLICATIONS

The Committee considered a revised draft of the protocol for members and officers engaged in the determination of planning applications. The Deputy Monitoring Officer advised that the protocol had been amended to reflect recent Standards Board for England advice about lobby groups and "dual-hatted" councillors. The Committee concentrated on the sections of the protocol dealing with those aspects.

The Deputy Monitoring Officer advised that no consultation had been undertaken on the proposed changes either with Planning Services, councillors, local councils or planning agents. He pointed out that in order to allow a reasonable period for such consultations it would not be possible to recommend adoption of the revised protocol to the District Council until a meeting on 27 September 2005. That date would be after the scheduled date for the planning protocol training course and the Committee considered whether the date of that course should be altered.

RESOLVED:

- (1) That the revised planning protocol be issued for consultation to District Councillors, parish and town councils, planning agents and planning officers subject to expansion of paragraph 20.10 to give advice to members on the registration of interests in relation to their attendance at a publicly convened meeting by a local organisation;

(2) That the Chairman of the Committee and the Deputy Monitoring Officer be authorised to determine whether any responses to the consultation exercise require further consideration by the Committee;

(3) That in the event of there being no need for further consideration of the protocol by the Committee, the revised protocol be submitted to the District Council meeting on 27 September 2005 for adoption;

(4) That the Chairman of the Committee and the Deputy Monitoring Officer be authorised to decide whether to alter the date of the planning protocol training course in the light of responses to the consultation exercise; and

(5) That the Overview and Scrutiny Task and Finish Panel on Member Training be asked to emphasise the need for all District Councillors serving on planning committees to undertake appropriate training, before being involved in making planning decisions, as set out in the protocol.

6. ADVICE TO MEMBERS SERVING ON OUTSIDE ORGANISATIONS

The Committee considered revised advice to members in relation to their links with outside organisations of which they were also members which flowed from the recent Standards Board advice on "dual-hatted" members and lobby groups.

RESOLVED:

(1) That the revised advice to members serving on outside organisations be agreed; and

(2) That the revised advice be issued to District Councillors and Town and Parish Councils.

7. STANDARDS BOARD FOR ENGLAND – ROADSHOW 2005

Members and the Deputy Monitoring Officer reported on their attendance at a Standards Board Road Show held on 21 June 2005.

The Committee noted that the Standards Board had set itself a target of referring 50% of complaints for local determination and had advised that a training video would be produced to assist Standards Committees in the running of hearings. This reflected the aim of the Standards Board to become a strategic regulator and investigator.

The Standards Board representatives had acknowledged that there appeared to be widespread confusion about personal and prejudicial interests and had stated that the Standards Board would be addressing this matter in the near future. Concern had been expressed about how the Code of Conduct affected partnership working with other agencies and further advice was likely to be given about the effect of the Code on the role of councillors as community advocates.

Other matters being considered by the Standards Board were the need to promote good behaviour and to address the problem of factual errors coming to light after the conclusion of an adjudication.

RESOLVED:

That the proceedings of the Road Show be noted.

8. POLICY ON USE OF COUNCIL FACILITIES BY MEMBERS

The Committee noted that officers were still working on a draft policy on the use of Council facilities by members including the use of IT. The document would be submitted to the next meeting of the Committee.

9. REGISTRATION BY MEMBERS OF FINANCIAL AND OTHER INTERESTS

Councillor Mrs Whitehouse sought advice from the Committee on the details to be included on the form of financial and other interests. She stated that she had inspected the public register and there appeared to be many inconsistencies in the details being provided. She also questioned the extent to which this information should be published on the Council's website. She advised that since she had asked for the matter to be considered by the Committee she had sought advice from the Standards Board who had advised that publication of information on the website was a matter for the Council but that in their view openness and transparency was the main aim.

RESOLVED:

(1) That the officers liaise with the Standards Board on the extent to which the wording of the form used by the Council can be altered in order to try to overcome some of the apparent inconsistencies; and

(2) That, subject to (1) above, the officers prepare a mock-up of the form for consideration at a future meeting of the Committee with a view to it being issued to District Councillors and Town and Parish Councils together with an advice note regarding completion of the form of financial and other interests.

10. ALLEGATIONS RECEIVED

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

Members noted that since the agenda had been prepared the Council had been informed that a provisional finding of no case to answer had been made in respect of cases SBE10228.05 and SBE10229-10231.05. Also in relation to case SBE10144.05 it had been determined that there was no evidence of any failure to comply with the Code of Conduct.

11. DATES OF FUTURE MEETINGS

The Committee noted that the District Council calendar for 2005/06 provided for meetings of the Committee on 26 July 2005, 18 October 2005, 21 February 2006 and 11 April 2006.

12. EXCLUSION OF PUBLIC AND PRESS

RESOLVED

That the public and press be excluded from the meeting for the item of business set out below on the grounds that it will involve the likely disclosure of exempt information as defined in the paragraph of Part 1 of Schedule 12A of the Local Government Act 1972:

Agenda Item No.	Subject	Exempt information Paragraph Number
12	Allegations Received – Appointment of Sub-Committee	16

13. ALLEGATIONS RECEIVED – APPOINTMENT OF SUB-COMMITTEE

The Deputy Monitoring Officer reported that the Standards Board had advised that an allegation was to be referred to the Standards Committee for adjudication.

Members noted that in accordance with the arrangements agreed by the Committee on 21 October 2003, the allegation was due to be considered by the Chairman of the Committee, Ms M Marshall and one of the District Council representatives on the Committee.

RESOLVED:

That Councillor Mrs D Borton be appointed (with Councillor Mrs P Smith as deputy) to consider the allegation together with the Chairman of the Committee and Ms M Marshall.

CHAIRMAN