



STANDARDS COMMITTEE

DATE:	Thursday, 16 May 2024
TIME:	10.00 am
VENUE:	Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Wiggins (Chairman)
Councillor Oxley (Vice-Chairman)
Councillor Alexander
Councillor Baker

Councillor J Henderson
Councillor Land
Councillor Newton
Councillor Talbot

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This meeting will be filmed by the Council for live and/or subsequent broadcast on the Council's website. The whole of the meeting will be filmed, except where there are confidential or exempt items, and the footage will be on the website for up to 24 months (the Council retains one full year of recordings and the relevant proportion of the current Municipal Year). The Council will seek to avoid/minimise footage of members of the public in attendance at, or participating in, the meeting. In addition, the Council is obliged by law to allow members of the public to take photographs, film, audio record and report on the proceedings at public meetings. The Council will only seek to prevent this should it be undertaken in a disruptive or otherwise inappropriate manner.

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DATE OF PUBLICATION: Tuesday, 7 May 2024

AGENDA

1 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

2 Minutes of the Last Meeting (Pages 9 - 16)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on Wednesday 24 April 2024.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, and the nature of it, in relation to any item on the agenda.

4 Questions on Notice pursuant to Council Procedure Rule 38

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

5 Report of the Monitoring Officer - A.1 - Report Outcome of Members' Code of Conduct Investigation (Pages 17 - 172)

In accordance with paragraph 7 of the District Council's Complaints Procedure, the Monitoring Officer is required to refer a matter for a hearing before the Standards Committee, where an investigation concludes that there is evidence of a failure to comply with the Members' Code of Conduct and the Monitoring Officer has determined informal resolution is not appropriate.

This Part A Report provides background information and advice with regards to the Code of Conduct, legislation and procedures.

6 Exclusion of Press and Public

The Committee is requested to consider passing the following resolution:-

"That, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the remainder of the meeting on the grounds that the conduct of the Hearing will involve the likely disclosure of exempt information as defined in Paragraphs 1 and 5 of Part 1 of Schedule 12A, as amended, of the Act."

Monitoring Officer's Advice (as set out in the A.1 Report) – "That the exclusion of the press and public resolution is not passed, to enable the hearing to proceed with the Investigator's Report in Public."

7 Report of the Monitoring Officer - B.1 - Investigator's Report & Findings

This Part B Report provides background information and advice with regard to the Investigator's report and findings.

(THIS REPORT IS "TO FOLLOW")

8 Opening of the Hearing

The Chairman will explain that:-

- (1) the hearing has been convened in accordance with the Council's Complaints Procedure and that an investigation has been conducted, the outcome of which is that it is considered there is evidence of a failure to comply with the Members' Code of Conduct;
- (2) the Parties have been made aware of the content of the Investigator's Report and that this has been circulated to all Members of the Committee;
- (3) the Monitoring Officer has referred the matter for a hearing because upon conclusion of the investigation, informal resolution was not considered appropriate, for the reasons given within the Committee Reports; and
- (4) the purpose of the Hearing is to consider the Investigator's Report, the evidence in support and representations from the Parties. If the Committee departs from the recommendation from the Investigating Officer and/or Monitoring Officer detailed reasons will be required and which will be published in the Decision Notice.

The Chairman will then ask all persons present to introduce themselves.

9 Hearing the Complaint - Presentation of the Investigator's Report

The Investigating Officer shall be invited to present their report including:

- (i) any documentary evidence or other material;
- (ii) call such witnesses as considered necessary; and
- (iii) make representations to substantiate the conclusion that the Councillor has failed to comply with the Code of Conduct

This report and documentary evidence must be based on the complaint made to the Council – no new points will be allowed.

10 Hearing the Complaint - Questions by the Respondent Councillor

The Respondent Councillor (or their representative) may question (not cross-examine) through the Chairman:

- (i) the Investigating Officer upon the content of their report; and/or
- (ii) any witnesses called by the Investigating Officer.

This is solely the Councillor's opportunity to ask questions rising from the Investigator's report i.e. not to make a statement.

11 Hearing the Complaint - Committee Members' Questions

Members of the Committee may question (not cross-examine) through the Chairman:

- (i) the Investigating Officer upon the content of their report; and/or
- (ii) any witnesses called by the Investigating Officer.

This is the Committee's opportunity to ask questions rising from the Investigator's report but not to make statements.

12 The Respondent Councillor's Case

The Respondent Councillor (or their representative) may:

- (i) present their case;
- (ii) call any witnesses as required by the Councillor or their representative; and
- (iii) make representations as why they consider that they did not fail to comply with the Code of Conduct.

The Investigating Officer may then question (not cross-examine) through the Chairman, the Respondent Councillor and/or any of their witnesses.

Members of the Committee may the question (not cross-examine) through the Chairman the Respondent Councillor and/or any of their witnesses.

In all instances, only questions will be permitted relating to the allegation(s) and the Respondent Councillor's case and no statements should be made.

13 Summing Up

The Investigating Officer may sum up the Complaint.

The Respondent Councillor (or their representative) may sum up their case.

14 Independent Person's Views as to whether there has been a failure to comply with the Code of Conduct

The Independent Person will provide their views on this matter as to whether there has been a failure to comply with the Code of Conduct, which the Committee will take into account before it makes its decision on the allegation that has been investigated.

15 The Committee's Deliberations as to whether there has been a failure to comply with the Code of Conduct

The Committee will retire to consider and deliberate in private the complaint prior to reaching its decision.

16 The Committee's Decision as to whether there has been a failure to comply with the Code of Conduct

Upon the Committee's return the Chairman will announce the Committee's decision in the following terms:-

- (i) the Councillor has failed to comply with the Code of Conduct; **or**
- (ii) the Councillor has not failed to comply with the Code of Conduct

The Committee will also give detailed reasons for its decision, which will be included within the published Decision Notice.

17 Only required if Committee decides that the Councillor has failed to comply with the Code of Conduct - Representations as to Sanction(s)

If the Committee decides that the Councillor has failed to comply with the Code of Conduct it will then consider any representations from the Investigator and/or the Respondent Councillor as to the appropriate sanction, as set out in Section 8 of the Complaints Procedure, and based on relevance to the breach, being proportionate and necessary to promote and maintain high standards of conduct.

Section 8 sets out the available sanctions as follows:-

- (1) Publish its findings in respect of the Member's conduct on the Council's website;
- (2) Report its findings to Council for information;
- (3) Recommend to the Member's Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) that he/she be removed from any or all Committees or Sub-Committees of the Council;
- (4) Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
- (5) Instruct the Monitoring Officer to arrange training for the Member;
- (6) Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) that the Member be removed from all outside appointments to which he/she has been appointed or nominated by the authority;
- (7) Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or to Committee) the withdrawal of facilities provided to the Member by the Council, such as a computer, website and/or email and internet access; or
- (8) Recommend to the relevant Group Leader (or in the case of un-grouped members, recommend to Council or Committee) the exclusion of the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

18 Independent Person's Views as to the Sanction(s) to be applied (if any)

The Independent Person will provide their views on this matter as to the Sanction(s) to be applied (if any), which the Committee will take into account before it makes its decision.

19 The Committee's deliberations as to Sanction(s) to be applied

The Committee will then retire once more to consider and deliberate in private what action, if any, should be taken.

20 The Committee's decision as to Sanction(s) to be applied

On the Committee's return the Chairman will announce the Committee's decision as to what actions they resolve to take, having regard to Section 8 of the Complaints Procedure.

The Committee will consider whether it should make any specific recommendations to the Council with a view to promoting and maintaining high standards of conduct among Members.

The Chairman will confirm that a full written Decision Notice shall be issued within 7 working days following the hearing and that the Committee's findings will be published on the Council's website and reported to the next full Council meeting.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Wednesday, 10 July 2024.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the room and follow the exit signs out of the building.

Please heed the instructions given by any member of staff and they will assist you in leaving the building and direct you to the assembly point.

Please do not re-enter the building until you are advised it is safe to do so by the relevant member of staff.

Your calmness and assistance is greatly appreciated.