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STANDARDS COMMITTEE17 DECEMBER 2014

Present:- Councillor N R Stock (Chairman), Councillor J Hawkins, Councillor P B Honeywood, Councillor I Johnson, Councillor F H Nicholls, Councillor M J Talbot

In Attendance:- Corporate Director (Corporate Services) (Martyn Knappett), Monitoring Officer (Lisa Hastings) and Senior Democratic Services Officer (Ian Ford)

Also in Attendance:- Clarissa Gosling and John Wolton (Independent Persons) and Reverend Doctor William Lock (Independent Remuneration Panel Member)

(10.00 a.m - 11.00 a.m.)  
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12.. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was received on behalf of Councillor White (with Councillor Talbot substituting).

The Chairman welcomed Clarissa Gosling and John Wolton, Independent Persons, and Reverend Doctor William Lock, Independent Remuneration Panel Member, to the meeting.

13. MINUTES OF THE LAST MEETING OF THE STANDARDS COMMITTEE

The minutes of the last meeting of the Standards Committee, held on 29 September 2014, were approved as a correct record and signed by the Chairman.

14. DECLARATIONS OF INTEREST

There were no declarations of interest recorded at this time.

15. PRE-ELECTION PUBLICITY GUIDANCE

There was submitted a report (A.1) by the Corporate Director (Corporate Services) which sought the Committee's comments on the Guidance Note issued to District Council Members and Officers prior to the Clacton Parliamentary Constituency and Essex County Council Brightlingsea Division By-Elections held in October 2014 in order to help ensure that it was clear, concise and easily understood in readiness for the Clacton Parliamentary Constituency, District Council and Town & Parish Councils' Elections in May 2015.

The Guidance Note was before the Committee as the Appendix to item A.1 of the Report of the Corporate Director (Corporate Services).

Having considered the Guidance Note it was moved by Councillor Talbot, seconded by Councillor Johnson and:

RESOLVED, that the comments made by the Committee, through its discussion of the Pre-Election Publicity Guidance Note, be taken into account by the Officers when the Guidance Note for the 2015 Elections is prepared.

16. MEMBERS' PLANNING CODE/PROTOCOL

There was submitted a report (A.2) by the Monitoring Officer, which sought approval of the Model Council Members' Planning Code/Protocol produced by Lawyers in Local

Government (2014).

It was reported that, as part of the Council's Monitoring Officer's fundamental review of Codes and Protocols adopted by Tendring District Council in respect of decision making, the Planning Matters; Local Protocol for Councillors (third edition – March 2011) had been reviewed with consideration given to recommended good practice and national guidance.

The Monitoring Officer informed the Committee that rather than simply update the existing Local Protocol adopted by the Council in 2011, she had felt that it would be more appropriate to propose a new document, which was based on the Model Council Members' Planning Code or Protocol produced by the national body "Lawyers in Local Government (LLG)". That Model Code had been produced in accordance with the changes to the ethical framework in 2012 and guidance issued by the DCLG. Members were advised that the Model Code/Protocol could be adapted to cover and include the specific requirements of Tendring District Council.

The Monitoring Officer also informed the Committee that consultation had taken place with the Head of Planning Services and it was proposed that the following provisions of the current "Planning Matters: Local Protocol for Councillors (March 2011) be incorporated into the Model Protocol:

- Provisions relating to Site Visits contained at paragraphs 9.6 and 9.8, concerning how the Planning Committee Chairman will open the formal site visit and the procedure to be followed thereafter, including the Planning Committee members staying together as a Group (this would be included within section 7 of the Model Protocol); and
- The training provisions set out in Section 14 to include the mandatory training expectations on Planning Committee and Local Plan Committee members and named substitutes (this would be included within Section 11 of the Model Protocol).

In addition, it was suggested that the Committee recommend to Council that the document, once approved, be included within Part 6 of the Council's Constitution, relating to Codes and Protocols.

The proposed Planning Code/Protocol was before the Committee as the Appendix to item A.2 of the Report of the Monitoring Officer.

Having considered the proposed Planning Code/Protocol:

It was moved by Councillor Johnson, seconded by Councillor P B Honeywood and:

RESOLVED that the LLG Model Council Members' Planning Protocol, as amended at the meeting and as set out in the Appendix to these Minutes, be approved and adopted.

RECOMMENDED TO COUNCIL that the LLG Model Council Members' Planning Protocol be included within Part 6 (Codes and Protocols) of the Council's Constitution.

#### 17. ESSEX POLICE AND MONITORING OFFICER PROTOCOL

There was submitted a report (A.3) by the Monitoring Officer, which informed the Committee of the outcome of negotiations between Essex Police and Monitoring Officers across Essex to agree a Protocol which would apply County-wide, on dealing with potential breaches of the Disclosable Pecuniary Interest requirements.

The Monitoring Officer reminded the Committee that, under Section 34 of the Localism Act 2011, the Government had introduced summary offences, relating to elected and co-opted Councillors' failure to disclose / register and participate in a meeting where they had certain

interests (termed Disclosable Pecuniary Interests –“DPI”). Those were detailed in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

As the prosecution of such offences would be by the Police (by virtue of Section 34(5) of the Localism Act 2011), Essex Police and Essex Local Authority Monitoring Officers had agreed a Protocol relating to the reporting of / information sharing for potential criminal offences arising under Section 34 Localism Act 2011.

The Protocol was before the Committee as the Appendix to item A.3 of the Report of the Monitoring Officer.

It was moved by Councillor P B Honeywood, seconded by Councillor Nicholls and:

RESOLVED that the contents of the report and the Essex Police and Essex Local Authority Monitoring Officers Protocol be noted.

18. ORAL REPORT FROM THE INDEPENDENT PERSON (JOHN WOLTON) ON HIS RECENT ATTENDANCE AT AN EXTERNAL IP WORKSHOP

The Committee received an oral report from the Independent Person (IP) (John Wolton) on his recent attendance at an external IP workshop.

A copy of Mr Wolton’s notes was circulated to the Committee.

19. UPDATES FROM THE MONITORING OFFICER AND/OR DISCUSSION TOPICS

(1) Quarterly Update on Complaints etc.

The Monitoring Officer circulated to the Committee a written quarterly update, the contents of which, following discussion, was noted.

(2) Committee on Standards in Public Life (CSPL) Guidance Document

The Committee discussed the contents of the CSPL Guidance Document “Ethics in Practice: Promoting Ethical Conduct in Public Life” (July 2014).

The Monitoring Officer confirmed that, as part of the Induction Training Day for District Councillors elected in May 2015, she would be providing training on conduct and standards matters.

(3) Date of the Next Meeting of the Committee

Councillor Hawkins asked if the date of the next meeting of the Committee, which was currently scheduled for Wednesday 18 March 2015, could be changed as he would be unable to make that date.

The Chairman indicated that he would be happy to consider that request and would consult with Officers as to possible alternative dates.

20. EXCLUSION OF PRESS AND PUBLIC

RESOLVED that, under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of Agenda Item 9 on the grounds that it involved the likely disclosure of exempt information as defined in paragraph 1 of Part 1 of Schedule 12A of the Act.

