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| Key Decision Required: | No | In the Forward Plan: | No |
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CABINET

21 NOVEMBER 2013

ADDENDUM REPORT OF THE MONITORING OFFICER AND CORPORATE DIRECTOR (CORPORATE SERVICES)

A.2 PROPOSED NEW STANDARDS ARRANGEMENTS

(Report prepared by Lisa Hastings and Ian Ford)

The Conduct Committee, at its meeting held on 19 November 2013, considered the proposed new standards arrangements. Whilst endorsing those proposed arrangements, during debate made a number of comments, which the Monitoring Officer agreed to reflect through amended documents and recommendations to Council on 26 November 2013.

The minutes of the Conduct Committee's meeting are set out as an Appendix to this Addendum Report.

RECOMMENDED

- (1) That Cabinet notes the comments made by the Conduct Committee;**
- (2) That the proposed new Standards Framework be endorsed and the recommendations to Full Council set out in the report attached as Appendix 1 be supported; and**
- (3) That the Council's Constitution, is amended as set out in Appendix 1, subject to the amendments suggested by the Conduct Committee.**

**MINUTES OF THE CONDUCT COMMITTEE, HELD ON TUESDAY 19 NOVEMBER 2013,
AT 7.30 P.M. IN THE COUNCIL CHAMBER, THORPE ROAD, WEELEY**

Present: Councillors Stock (Chairman), Hawkins, P B Honeywood, S A Honeywood, Howard, Johnson and Nicholls

Also Present: Councillors Candy and Halliday

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

Also in Attendance: John Wolton (Independent Person)

8. CHAIRMAN'S WELCOME

The Chairman welcomed Councillor Hawkins and Councillor Johnson following their recent appointments to serve as members of the Committee.

The Chairman also invited those persons present in the public gallery to join the meeting and participate in the discussions.

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Heaney (with Councillor S A Honeywood substituting).

10. MINUTES OF THE LAST MEETING

The minutes of the last meeting, held on 15 July 2013, were approved as a correct record and signed by the Chairman.

11. DECLARATIONS OF INTEREST

There were no declarations of interest recorded.

12. JOINT REPORT OF THE MONITORING OFFICER AND CORPORATE DIRECTOR (CORPORATE SERVICES)

A.1: Proposed new Standards Arrangements

The Committee had before it a joint report by the Council's Monitoring Officer (Lisa Hastings) and the Corporate Director (Corporate Services) (Martyn Knappett) asking the Committee to endorse and comment on proposed new standards arrangements.

Members were informed that a comprehensive revision of the Council's arrangements for promoting high standards of conduct by Members had been carried out and a new Standards Framework had been developed.

The five elements of the proposed new Framework were:

- The new Members' Code of Conduct;

- The Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils Sub-Committee;
- The Monitoring Officer Protocol;
- The Independent Person's Protocol; and
- The Complaints Procedure.

It was felt that those documents would collectively strengthen the Council's arrangements for fulfilling its duty to promote and maintain high standards of conduct, and to build public confidence by demonstrating a commitment to maintaining positive behaviours in relation to all seven principles of public life.

The overall approach of the new arrangements was to seek:

- A focus on clarity of information and training for Members to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which were proportionate to their seriousness;
- Timeliness – with clear timescales for the various stages of complaints to be progressed;
- Checks, balances, reporting requirements and delegation to the Monitoring Officer of key elements of the process in order to maximise independence from the political process; and
- Early and informal intervention to resolve complaints wherever possible (including an expectation that Group Leaders will play a key role).

The proposals were set out in full detail in the Officers' report to full Council on 26 November 2013, and which were before the Committee, (together with the Appendices setting out each of the elements of the Framework) as Appendix 1 to the joint Report of the Monitoring Officer and the Corporate Director (Corporate Services). The proposals had undergone a thorough consultation process with all Group Leaders and their members.

Those persons present at the meeting raised points for clarification and suggested changes and through the Committee's debate, the Monitoring Officer agreed to reflect the Committee's final position on each point (as set out in resolution (b) below) and amend the proposals accordingly for submission to Council.

The Committee was made aware that the Leader of the Independent Group (Councillor Talbot) and the Leader of the Labour Group (Councillor I J Henderson) had mutually agreed to nominate Councillor Howard to serve as one of the three Tending District Council members of the Town and Parish Councils Standards Sub-Committee.

Having considered the proposed new arrangements, it was moved by Councillor Johnson, seconded by Councillor Stock and **RESOLVED** that:

- (a) Subject to (b) and (c) below, the proposed new Standards Framework be endorsed and the recommendations to full Council, as set out in the report attached as Appendix 1 to item A.1 of the Report of the Monitoring Officer and Corporate Director (Corporate Services), be supported;
- (b) the Committee submits the following comments to Council for its consideration:

1. that, in Section 8 of the Complaints Procedure (Appendix F), appropriate steps be included that could be available to the Standards Committee or Sub-Committee in the event that a Group Leader is the subject of a complaint (for example by referring the complaint to the relevant Group's deputy leader or to an independent person, if considering mediation);
2. that the principle whereby when conducting a hearing regarding a specific complaint the chairmanship of the Standards Committee will pass to a member of the Committee who is not of the same political group as the Member complained about (or the complainant if that person is also a Member of the Council) be also applied to the Town and Parish Councils Standards Sub-Committee;
3. that, after six months of operation, a review of the effectiveness of the new standards arrangements be carried out by the Standards Committee for reporting to Council, and that this be reflected in the Monitoring Officer's recommendations to Council;
4. that a Member of the Council who is a serving member of the Standards Committee or Sub-Committee should not be allowed to sit in that capacity for a hearing if that Member is also the complainant or a respondent;
5. that paragraphs 4 of both the Standards Committee Proceedings section and the Town and Parish Councils' Standards Sub-Committee Proceedings section (Appendix C) should be amended to read:

"4. Any determination by the Committee/Sub-Committee [as applicable to the relevant paragraph] which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee/Sub-Committee [as applicable to the relevant paragraph] will also be reported to the next meeting of full Council."

The Complaints Procedure or other documentation should also be amended to reflect this principle;

6. that the Monitoring Officer ensure that, in the relevant sections of the Protocols and Procedures, the appropriate references are made to applying the principles of natural justice and the presumption of innocent until proven guilty;
7. that Section 3.2 Duties and Responsibilities of the Members' Code of Conduct (Appendix B) should be amended to read:

"Section 3.2 In fulfilling your Duties and Responsibilities

You must not:

- (a) breach your duties and responsibilities with due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion;
- (b) disrespect others;
- (c) bully or harass any person; or

- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the authority.”;
- 8. that sub-paragraph 4.1.2 of paragraph 4.1 of Section 4 Will Your Complaint Be Investigated?, of the Complaints Procedure (Appendix F) be amended to read:
“4.1.2 Merits early informal resolution or mediation”;
- 9. that sub-paragraph 7.1.1 of paragraph 7.1 of Section 7 What happens if the Investigating Officer or Monitoring Officer concludes that there is no evidence of a failure to comply with the Code of Conduct?, of the Complaints Procedure (Appendix F) be amended to include appropriate references for the matter be mediated or similar and where appropriate in the procedure acknowledging that the Member does not have to accept that a breach has occurred; and
- (c) the Committee supports the nomination of Councillor Howard to serve as one of the three Tendring District Council members of the Town and Parish Councils Standards Sub-Committee.

13. ANY OTHER ITEMS WHICH THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting was declared closed at 9.00 p.m.

Chairman