

STANDARDS COMMITTEE

22 JUNE 2015

REPORT OF THE MONITORING OFFICER

A.1 INTRODUCTION TO THE STANDARDS COMMITTEE

(Report prepared by Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To provide the opportunity for the new membership of the Committee to familiarise themselves with the Council's Standards Framework and agree a work plan for 2015/16.

EXECUTIVE SUMMARY

The six elements of the Framework are:

- The Members' Code of Conduct (contained within the Members' Constitution Booklet);
- The Terms of Reference and Delegated Powers for the Standards Committee and the Town and Parish Councils Sub-Committee, enclosed as **Appendix 1**;
- The work plan of the Committee and recommendations to Council (a summary of Committee's work since November 2013, is enclosed as **Appendix 2**);
- The Monitoring Officer Protocol (contained within the Members' Constitution Booklet);
- The Independent Person's Protocol (contained within the Members' Constitution Booklet);
- Member and Officer Relations Protocol (contained within the Members' Constitution Booklet); and
- The Complaints Procedure (contained within the Member's Constitution Booklet).

These documents collectively fulfil the Council's statutory duty to promote and maintain high standards of conduct and to building public confidence by demonstrating a commitment to maintaining positive behaviours in relation to all seven principles of public life.

The overall approach of the arrangements is to seek:

- Information and training for Members and Officers to increase awareness and support good standards of behaviour;
- Proportionality – responses to complaints which are 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 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 arrangements were adopted by full Council in November 2013, reviewed in June 2014 and March 2015, to ensure that the procedures and protocols are up to date and fit for purpose.

To enable the committee to focus on promoting high standards of conduct as well as reacting to complaints it is considered appropriate to discuss and agree a work plan for the Committee for 2015/16, a draft is enclosed as **Appendix 3**. Members' of the Committee can make a request to the Chairman and/or the Monitoring Officer for items to go on the agenda throughout the year, so long as it is appropriate and within the terms of reference. The item will be discussed at the next Committee, who will agree whether further work is required on that item.

RECOMMENDATION

That the Standards Committee note the contents of the Report and agree the annual work plan for 2015/16, as set in Appendix 3, subject to the Committee's comments or amendments through debate.

APPENDICES

- Appendix 1 – Terms of Reference for the Standards Committee
- Appendix 2 – Summary of 2014/15 Committee work plan.
- Appendix 3 – Suggested/Draft work plan for 2015/16

Appendix 1

Committee	Functions and Terms of Reference	Delegation of functions
Standards Committee	<ol style="list-style-type: none"> 1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority; 2. To develop a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships and to embed a culture of strong ethical and corporate governance at all levels in the Council; 3. To advise the Council on the adoption or revision of the Members' Code of Conduct; 4. To advise, train or arrange training on matters relating to and assisting Members, Co-Opted Members and Town and Parish Councillors on observing the Members' Code of Conduct; 5. To approve procedures for the conduct of hearings into complaints against Members; 6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council; 7. To receive reports from the Monitoring Officer and assess the operation and effectiveness of the Members' Code of Conduct and the other elements of the Standards Framework; 8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints; 9. To hear and determine appeals against refusal to grant dispensations by the Monitoring Officer pursuant to Section 33 of the Localism Act 2011; and 	<p>Delegation to Monitoring Officer:</p> <ol style="list-style-type: none"> 1. Deal with complaints against Members and co-opted Members of the Council and / or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council / Town or Parish Council ("Code") in accordance with the Complaints Procedure. 2. Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: <ul style="list-style-type: none"> • Merits no further action • Merits early informal conciliation • Merits further investigation • Should due to exceptional circumstances be referred to the Standards Committee or

	<p>10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.</p> <p>Proceedings:</p> <ol style="list-style-type: none"> 1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise; 2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure; 3. To hear and determine complaints about Tendring District Council Members and Co-Opted Members referred to it by the Monitoring Officer; and 4. Any determination by the Committee which is contrary to the recommendation of the Monitoring Officer will include detailed reasons. The decision of the Committee will also be reported to the next meeting of full Council. 	<p>Sub-Committee for consideration for further investigation</p> <ol style="list-style-type: none"> 3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary. 4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct. 5. Grant dispensations in compliance with Section 33(a) to (e) of the Localism Act 2011. 6. Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant Committee on any matters relating to the promotion and maintenance of high standards of conduct.
Committee	Functions and Terms of Reference	Delegation of

		functions
<p>Town and Parish Councils' Standards Sub-Committee</p>	<p>To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct.</p> <p>Proceedings:</p> <ol style="list-style-type: none"> 1. To conduct proceedings in accordance with the Complaints Procedure, giving due consideration to the Monitoring Officer's advice and guidance, and following the principles of natural justice and innocent until proven otherwise; 2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure; 3. To hear and determine complaints about Town and Parish Council Members and Co-Opted Members referred to it by the Monitoring Officer; and 4. Any determination by the Sub-Committee which is contrary to the recommendations of the Monitoring Officer will include detailed reasons. The decision of the Sub-Committee will also be reported to the next meeting of full Council. 	<p>Delegation to Monitoring Officer:</p> <ol style="list-style-type: none"> 1. Deal with complaints against Members and co-opted Members of the Council and / or any Town or Parish Council in the Tendring District alleging a breach of the Members' Code of Conduct of the Council / Town or Parish Council ("Code") in accordance with the Complaints Procedure. 2. Assess complaints in accordance with the Assessment Criteria and may consult with a duly appointed Independent Person and determine whether the complaint: <ul style="list-style-type: none"> • Merits no further action • Merits early informal conciliation • Merits further investigation • Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee

		<p>for consideration for further investigation</p> <p>3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.</p> <p>4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct.</p> <p>5. Submit reports to the Standards Committee or Sub-Committee on the actions taken under these delegated powers and to provide advice and support making recommendations to the relevant Committee on any matters relating to the promotion and maintenance of high standards of conduct.</p>
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31. **DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER**

(1) **Work of the Standards Committee since November 2013**

The Committee discussed its work since November 2013, as set out below, and considered whether there were any matters that needed to be highlighted with regard to Members' Induction/Training following the District Council Elections on 7 May 2015:

"Work of the Standards Committee since November 2013

November 2013:

- *Consulted and commented on proposed new Standards Framework with a recommendation to Council, new Standards Committee formed once approved by Council.*

March 2014:

- *Outcome of complaint against Councillor Danny Mayzes*
- *Approved and adopted Hearing Procedures*
- *Independent Person Recruitment – recommendation to Council*

June 2014:

- *Six month review of conduct arrangements – recommendation to Council*
- *Agreeing a work programme*
- *Review of mandatory training requirements for Members*

September 2014

- *Town and Parish Councils Standards Sub-Committee conducted a hearing regarding Alresford Parish Councillor*
- *Agreed recording and reporting of mandatory training requirements*
- *Member and Officer Relations Protocol – recommendation to Council*
- *Feedback from Annual Standards Conference and TDC now in line with national good practice.*

December 2014:

- *Pre-election publicity guidance*
- *Members planning code/protocol – recommendation to Council*
- *Oral report from Independent Person workshop – John Wolton*
- *Consideration of Guidance document – Ethics in Practice: Promoting Ethical Conduct in Public Life*

January 2015:

- *Hearing to determine outcome of external investigation – failure to comply with the Members' Code of Conduct – Councillor Stephen Mayzes plus report back to Council*

February 2015:

- *Hearing to determine outcome of external investigation – failure to comply with the Members' Code of Conduct – Councillor Joy Broderick plus report back to Council*

March 2015:

- *Review of investigation and hearing procedures*
- *Report to Council*

Regular quarterly updates from the Monitoring Officer on complaints received and progress"

RESOLVED that the contents of the Committee's Work Programme since November 2013 be noted.

**DRAFT/SUGGESTED COMMITTEE WORK PLAN – STANDARDS
COMMITTEE**

September 2015

Update on Mandatory Training

Report from Monitoring Officer – outcome of Annual Conference

Quarterly Complaints update

December 2015

Review of Independent Person Protocol

Gifts and Hospitality Protocol and Declaration Form

Quarterly Complaints update

March 2016

Annual Report on declarations of interest (meetings, gifts and hospitality)

Annual Report to Council summary of Standards Committee programme

Quarterly Complaint update