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**MINUTES OF THE STANDARDS COMMITTEE  
HELD ON MONDAY 14 MARCH 2016 AT 10.00 A.M.  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

**Present:** Councillors Heaney (Chairman), J A Brown, Steady and Whitmore

**In Attendance:** Monitoring Officer (Lisa Hastings) and Senior Democratic Services Officer (Ian Ford)

**Also in Attendance:** John Wolton (Independent Person)

**12. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Broderick, Honeywood and Nicholls.

The Chairman welcomed John Wolton, one of the Council's Independent Persons to the meeting.

**13. MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE HELD ON 14 OCTOBER 2015**

The minutes of the meeting of the Standards Committee, held on 14 October 2015, were approved as a correct record and signed by the Chairman.

**14. DECLARATIONS OF INTEREST**

There were no declarations of interest received.

**15. REVIEW OF THE INDEPENDENT PERSON PROTOCOL**

There was submitted a report by the Monitoring Officer (Lisa Hastings) which sought the Committee's approval of a revised Independent Person Protocol.

Members recalled that the Independent Person Protocol had been adopted by the Council in November 2013, as part of the Standards Framework. At that time it had been proposed that three Independent Persons would be appointed to support the Standards Committee and the Monitoring Officer however, since 2014 the Council had worked effectively with only two Independent Persons. The Protocol had therefore been reviewed to reflect the current working practices. In addition, the Protocol had been amended to reflect the manner in which the Independent Persons had contributed to meetings of the Standards Committee and its hearings.

It was also reported that the Protocol now also included provisions regarding the conduct expected of the Independent Persons, which whilst it had not been an issue at Tendring District Council problems had been experienced in other local authorities and it was felt appropriate to ensure that the Council's protocols covered all matters both existing and potential.

The Committee was reminded that the Independent Person had three statutory roles, namely:

- To be available to complainants to give their independent view and advice;
- To be available to the person who is the subject of the complaint to give their independent view and advice, and
- To be available to the Monitoring Officer to give their independent view and advice.

Members were further reminded that an Independent Person must be consulted before a decision was made after a complaint has been referred for investigation. The Monitoring Officer also consulted an Independent Person where a request for a dispensation had been received. The Independent Persons could be consulted in other such circumstances, which the Council deemed appropriate.

After discussion it was unanimously:

**RESOLVED** that the revised Independent Persons Protocol, as set out in Appendix A to item A.1 of the Report of the Monitoring Officer, be approved and adopted.

**16. MEMBERS' GIFTS AND HOSPITALITY POLICY**

There was submitted a report by the Monitoring Officer (Lisa Hastings) which sought the Committee's approval of the Members' Gifts and Hospitality Policy.

The Committee was reminded that the Members' Code of Conduct required declaration of non-pecuniary interests at meetings where the business to be discussed and decided upon, was likely to affect a person from whom a Member had received a gift and/or hospitality with an estimated value of at least £50. In addition, the Code required compliance with the Council's Gifts and Hospitality Policy.

Members were also advised that Section 2 of the Bribery Act 2010 made it a criminal offence for a person to request, agree to receive, or accept a financial, or other advantage, to improperly perform or not perform, whether by her/ himself or another, a relevant function or activity. In the context of the Council the relevant function or activity meant a public activity which a reasonable person would expect to be performed in good faith, impartially, or in a particular way by a person performing it in a position of trust.

Consequently, the Monitoring Officer had drafted a Gifts and Hospitality Policy for Members which aimed to provide a clear set of Rules for the protection of both Councillors and the Council and which set out the General Principles to be applied when deciding whether it would be proper to accept any gift or hospitality; and the Procedure for declaring any such gift or hospitality received.

Members were informed that the Policy included at section (b)(viii) a list of circumstances, which the Committee was requested to agree were appropriate for Members to choose to accept gifts and hospitality. Declarations would still be required in accordance with the Policy.

The Committee was advised that it was each Member's own individual responsibility to observe the proposed Policy, but that the Monitoring Officer and the Members' Support Officers would assist, where possible. The Committee was also requested to endorse the use of a standard form for the purposes of registering acceptance of gifts and hospitality over £50, which would be available on the Council's website.

During the discussion of this item the Committee raised a number of questions and suggested clarifications and amendments to the draft Policy and form. It was consequently:

**RESOLVED** that:

- (a) the Monitoring Officer takes into account the Committee's proposed amendments and suggestions (including that all offered or received Gifts be declared but only Hospitality offered or received over £50 in estimated value) in redrafting the Gifts and Hospitality Policy;

- (b) the Monitoring Officer circulates the revised Gifts and Hospitality Policy to the members of the Committee for their comments;
- (c) the Monitoring Officer, in consultation with the Chairman of the Committee, be authorised to publish and publicise the final version of the Gifts and Hospitality Policy having taken the aforementioned comments into account.

**17. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER**

Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave general details of complaints received, without providing any names, and went through it with the Committee. The Monitoring Officer also highlighted a number of other matters which included:

- (1) Two additional training sessions had been delivered to Town and Parish Councils covering matters such as Code of Conduct, declarations of interest, decision making, dispensations and access to information. Both had been well-attended with positive feedback;
- (2) In addition to the circulated list above, there had been instances, where an individual had contacted the Monitoring Officer to raise concerns about decision making and had requested a Complaint Form and a copy of the Procedure had been provided, but not returned. There had also been discussions with individuals who were aggrieved with a decision made at a Parish level rather than relating to Code of Conduct matters and those had not been progressed;
- (3) No requests for a Dispensation had been received;
- (4) A Parish Council Clerk had requested a Declaration of Interest 'flowchart'. The Monitoring Officer felt that such a document would be very useful for all interested parties and she undertook to produce a 'flowchart' which would be submitted for the Committee's comments at a future date.

The meeting closed at 11.05 a.m.

Chairman