



STANDARDS COMMITTEE

DATE: Monday, 19 March 2018
TIME: 10.00 am
VENUE: Council Chamber, Council Offices,
Thorpe Road, Weeley, CO16 9AJ

MEMBERSHIP:

Councillor Heaney (Chairman)	Councillor Bucke
Councillor Honeywood (Vice-Chairman)	Councillor Nicholls
Councillor Bray	Councillor Steady
Councillor J Brown	

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Meeting papers can be provided, on request, in large print, in Braille, or on disc, tape, or in other languages.

For further details and general enquiries about this meeting, contact Ian Ford on 01255 686584.

DATE OF PUBLICATION: Friday 9 March 2018

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 1 - 6)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on Monday 22 January 2018.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests or other interest, and the nature of it, in relation to any item on the Agenda.

4 Report of the Monitoring Officer - A.1 - Mandatory Training for Members - Annual Update (Pages 7 - 18)

To update the Standards Committee, as part of its agreed work programme, on the current position of mandatory training for Members (and named substitute members) of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

5 Report of the Monitoring Officer - A.2 - Annual Report on Declarations of Interest and Associated Matters (Pages 19 - 22)

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 11 March 2017.

6 Review of Local Government Ethical Standards by the Committee on Standards in Public Life

The Committee is invited to consider submitting a response to the stakeholder consultation by the Committee on Standards in Public Life on its review of local government ethical standards. The review is considering all levels of local government and its terms of reference are to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing.
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.
- make any recommendations for how they can be improved.
- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The consultation closes on 18 May 2018.

A copy of the consultation document is accessible through the link below.

<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

7 Discussion Topics and/or Updates from the Monitoring Officer

- (1) The Monitoring Officer will give a quarterly update on Complaints.
- (2) The Committee's Work Programme for 2018/2019

The Committee is invited to give consideration to its work programme for the 2018/2019 Municipal Year.

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 hall 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.

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON MONDAY 22 JANUARY 2018 AT 10.00 AM
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

Present:	Councillors Heaney (Chairman), Honeywood (Vice-Chairman), Bray, J Brown, Nicholls, Scott and Steady
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer) and Katie Sullivan (Committee Services Officer)
Also In Attendance:	John Wolton and Clarissa Gosling (Independent Persons)

15. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillor Bucke (with Councillor Scott substituting).

16. MINUTES OF THE LAST MEETING

The Monitoring Officer (Lisa Hastings) informed the Committee that the original published draft minutes had stated that Councillor Davis had said in her declaration of interest that she was a 'friend' of Councillor Bennison however this was deleted shortly after publication following representations made by Councillor Davis who had denied using the word 'friend'. The declaration of interest was amended and the draft minutes were re-published.

The Monitoring Officer confirmed that the minutes before the Chairman were the same as those published in the agenda pack and those were the amended re-published minutes.

The minutes of the meeting of the Standards Committee, held on 27 September 2017, were then approved as a correct record and signed by the Chairman.

17. DECLARATIONS OF INTEREST

The Monitoring Officer informed the Committee that she had decided that it was reasonable on this occasion to grant a blanket dispensation to members of the Committee for agenda item 4, as it was reasonable to do so under Section 33 (b) and (e) the Localism Act 2011. The Monitoring Officer considered that without the dispensation the representation of different political groups on the Committee transacting item 4 would be so upset as to alter the likely outcome of any vote relating to the business and therefore, it was appropriate for the dispensation to be granted.

18. REPORT OF THE MONITORING OFFICER - A.1 - FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT - DISTRICT COUNCILLOR

There was submitted a report (A.1) by the Council's Monitoring Officer that, in accordance with the District Council's Complaints Procedure, reported the outcome of an investigation to the Committee, where an informal resolution had been reached, in consultation with the Council's Independent Person without the need for a hearing.

The Monitoring Officer reported that two separate complaints had been received in October 2017. One had been received from a member of the public, Mr William Hones

and the other had been received from District Councillor Baker. Their complaints had been received by the Monitoring Officer under the Members' Code of Conduct and Complaints Procedure alleging that the actions of District Councillor Anne Davis had breached the Members' Code of Conduct.

It was alleged in the complaints that Councillor Anne Davis had not had regard for four of the Seven Principles of Public Life namely:

- Selflessness - Holders of public office should act solely in terms of the public interest;
- Integrity - Holders of Public Office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships;
- Objectivity - Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias; and
- Honesty - Holders of public office should be truthful.

Members were informed that although not expressly referring to the Rule, it was also alleged that Councillor Davis' actions had contravened Paragraph 10 of the Code of Conduct (*Effect of Other Pecuniary Interests on participation*) by remaining on the Committee after declaring that she had attended court with Councillor Bennison, who was the subject of an agenda item before the Committee on 27 September 2017.

The Monitoring Officer confirmed that on 1 November 2017, she had decided that it was reasonable and appropriate that the complaints merited further investigation and that an external investigator be appointed. All parties had been informed of this decision.

Members were reminded that Section 5 of the Complaints Procedure set out how an investigation was conducted and that under Section 5.6, the investigation report must contain a conclusion as to whether the evidence had supported a finding of failure to comply with the Code of Conduct. Annex E of the Complaints Procedure set out the Investigation Procedure.

The Committee was informed that Mr John Austin had been appointed as the external investigator and that, following a thorough investigation, he had concluded that there was sufficient evidence to show that Councillor Davis had breached Paragraph 10 of the Council's Code of Conduct, in remaining in the meeting and participating in the way that she had. The investigator had not however considered that this was a deliberate or conscious act.

In response to the allegations the external Investigator had provided a Summary of Findings in conclusion to the investigation which were:

- Given her attendance in court to support Councillor Bennison, Councillor Davis was correct in declaring a Non-Pecuniary Interest at the Standards Committee on 27 September 2017;

- There was no conclusive evidence that she had said that she was a friend when declaring the interest;
- Councillor Davis had stated that she would consider the matter with an open mind;
- She had also stated that she applied the public interest test when deciding to stay in the meeting;
- On the evidence in front of me, I am of the view that Councillor Davis made an error of judgement when applying the public interest test and under-estimated the strength of public perception in such matters. The fact that she had attended court would in my view cause people to think that she had an allegiance to Councillor Bennison over and above being a fellow councillor;
- I therefore find that there is sufficient evidence to show that Councillor Davis breached Paragraph 10 of the Council's Code of Conduct in remaining in the meeting and participating in the way that she did;
- I do not however think this was a deliberate or conscious act. She had nothing to gain personally. She took advice beforehand and felt that she followed it. I accept that her actions were borne firstly out of a genuine wish to support a council colleague who she felt needed help and secondly a misunderstanding of how her court attendance would be viewed by others given her role on the Standards Committee for the issue in question; and
- Given the passage of time since Councillor Davis' had had relevant training, and my view that she made an error of judgement partly based on a misunderstanding, I recommend that she be asked to undertake further training on the Council's Code of Conduct.

The Monitoring Officer informed the Committee that Paragraph 10.1 of the Members' Code of Conduct stated: "If you have a non-pecuniary interest in any business of your Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest and you are present at a meeting of the authority at which such business is to be considered or is being considered you must:-

- (a) Disclose the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12);
- (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making your representations or in any other case when the business is under consideration, unless you have obtained a dispensation from your authority's Monitoring Officer.

The Monitoring Officer informed Members that all parties had had the opportunity to comment on the investigation report and the findings contained therein. One Complainant and the Council's Independent Person were in agreement with the outcome as appropriate and proportionate responses to the breach. In addition, the Council's Independent Person, John Wolton had been consulted.

The Monitoring Officer confirmed that if an investigation concluded that there was evidence of a failure to comply with the Code of Conduct, the Council's Complaints Procedure at Section 7.1 provided her with the authority to obtain an informal resolution, in consultation with the Independent Person, without the need for a hearing by the Standards Committee.

John Wolton's comments were as follows:

"Cllr Davis duly phoned (on 13th December) and advised me of her concern and the circumstances that she now faced. A lengthy phone call ensued.

Towards the end of our discussion I felt that an apology would be appropriate and Cllr Anne Davis agreed.

My thoughts on the situation are that Cllr. Anne Davis was by naivety incorrect in taking further steps to be present at the confidential meeting of the Standards Committee as rightly noted by the complainants.

It is also noted that the Standards Committee as a whole knew of her previous declaration of interest and could have advised her of the inappropriate attendance at that confidential meeting".

The Monitoring Officer informed Members that upon receipt of the external Investigator's draft report Councillor Davis had provided a written apology accepting that paragraph 10 of the Code of Conduct had been breached.

Councillor Davis' written apology stated the following:

"Dear Mr Austin,

As you are aware, I have read the content of all the papers concerning the complaint against me, and responded to the best of my ability.

Having objectively considered that evidence, I believe and accept that I may have inadvertently and unintentionally breached article 10 of the councillor's code of conduct, and certainly, that I could be perceived to have done so. For that, and the expense caused to the council by that mistake, I am very sorry.

Would you please accept and pass on my apology for so doing, and pass it on to all concerned? Thank you so much.

Yours sincerely, Anne"

The Monitoring Officer informed Members that upon further communication with Councillor Davis, she had agreed to undergo refresher training on the provisions of the Code of Conduct, especially in relation to declarations of interest and the effects on participation. The Monitoring Officer confirmed that a date had been agreed to carry out the training.

The Monitoring Officer further informed Members that she considered that those actions were both appropriate and proportionate responses to the investigator's findings and in the circumstances, had resolved the matter informally without the need for a hearing.

Following discussion, it was moved by Councillor Heaney, seconded by Councillor Nicholls and:

Unanimously **RESOLVED** that the Committee:

- (a) Noted the outcome of the investigation undertaken by Mr Austin on behalf of the Monitoring Officer in respect of Councillor Davis;
- (b) welcomed the acknowledgement by Councillor Davis that the Code of Conduct had been breached;
- (c) noted and endorsed the Informal Resolution reached in respect of:-
 - (i) Councillor Davis's written apology contained within the body of the Report; and
 - (ii) that Councillor Davis should undergo refresher Code of Conduct training; and
- (d) requested that all elected Members should ensure that their declarations of interest are clear and concise at the meeting and that the Monitoring Officer ensures particular care is taken in recording what Members say under the declarations of interest item on the agenda for the purposes of the minutes.

19. CASE REVIEW

The Monitoring Officer provided the Committee with information on external case reviews which included the following:

- (1) Case 1 – East Devon District Council Standards Committee v. Town Council;
- (2) Case 2 – Suspension still permitted in Wales;
- (3) Case 3 – FOI Request of a draft Investigation Report;
- (4) Case 4 – Developer launches JR over Councillor's interest in planning decision;
- (5) Case 5 – Challenge to Standards Procedure;
- (6) Case 6 – Investigation in leaked report;
- (7) Case 7 – Premature Standards Committee decision;
- (8) Case 8 – All members of a political group reported to the Monitoring Officer; and
- (9) Case 9 – Breach of Code of Conduct 12 times.

Following on from the information provided, Members were given the opportunity to ask questions which were responded to by the Monitoring Officer.

20. 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 them with the Committee.

Requests for Dispensations

The Monitoring Officer informed the Committee that Councillor Bush had requested and had been granted a dispensation which had related to a Local Plan Report, as his land

was referred to in the evidence contained within the appendix, but the land was not the subject of any decisions. The declaration had been properly made at the meeting and recorded in the minutes. Details of the dispensation were also included on the Council's website, as the usual practice.

Lack of Sanctions

At its last meeting the Committee had been informed that two Local Authorities had considered motions to lobby the Government on the lack of sanctions which Councils had been left with since the introduction of the Localism Act 2011. A consultation had also been launched on extending the list of criminal convictions which would restrict an individual standing as a Councillor.

At that meeting, the Monitoring Officer, at the Committee's request, had agreed to bring this item back to the next meeting of the Committee for further consideration.

The Committee was aware that Tendring District Council had recently referred to the lack of sanctions in the consultation document from the DCLG on criminal orders and the eligibility to stand or remain as a Councillor.

The Committee discussed this issue further.

Following discussion, it was **RECOMMENDED** to **COUNCIL**:

That the Government be lobbied directly and via the Local Government Association for a review of the lack of sanctions available to the Standards Committee following criminal convictions of Elected Members.

The meeting was declared closed at 11.45 am

Chairman

STANDARDS COMMITTEE

19 MARCH 2018

REPORT OF THE MONITORING OFFICER

A.1 **MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE**

(Report prepared by Lisa Hastings, Katie Sullivan and Debbie Bunce)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To update the Standards Committee, as part of its agreed work programme, on the current position of mandatory training for Members (and named substitute members) of the Council's Audit, Licensing & Registration, Planning and Standards Committees.

EXECUTIVE SUMMARY

This report reiterates the Council's decision and constitutional requirement to make relevant training mandatory for Members, and their named substitutes, in respect of their membership on those committees which provide regulatory type functions. The report also details training undertaken and attendance to date.

RECOMMENDATION(S)

That the Standards Committee:

- (a) Notes the contents of this report and its Appendices;**
- (b) continues to encourage members of the Planning, Licensing & Registration and Audit Committees to attend organised mandatory training to comply with the constitutional requirement; and**
- (c) welcomes a review of the constitutional requirements relating to attending mandatory training linked to committee membership and requests that the Standards Committee is consulted on any new proposals, and through debate highlighting any areas of concern to be addressed.**

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The contents of the report and subsequent decision of the Standards Committee will enable the Council to demonstrate good governance in connection decision-making processes and monitoring of Member training.

FINANCE, OTHER RESOURCES AND RISK

Finance and Other Resources

Finance

The cost of external training organised for elected Members is met through a specified training budget and is therefore within existing resources. When changes are made to committee membership or named substitutes this does have an impact on the resources available. Although Officers will try to accommodate availability; alternative or additional training will not be offered to Members who fail to attend an organised session unless, or until, a further larger session is available.

Sessions arranged by Tendring District Council are sometimes offered to other Councils for their members to attend and in doing so a contribution towards the cost of hosting is received.

Risk

The integrity of Members, their decision-making and that of the Council and its committees, are good governance. Appropriate training should minimise or eradicate the risk of legal challenge through statutory appeals or judicial review.

The aim of the Planning Code & Protocol, which also makes reference to the requirements of attending training, is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.

LEGAL & CONSTITUTIONAL

Mandatory attendance at site visits, briefings and specific training was adopted by Council on 3 June 2014 as a pre-requisite for Members (and named substitutes) of the Council's Audit, Licensing & Registration, Planning and Standards Committees and this is now part of the Council Procedure Rules included within its Constitution.

Planning and Licensing decisions are quasi-judicial and both can be challenged by specific statutory appeal routes in addition to being subject to judicial review on administrative grounds.

Various pieces of legislation provide criteria to be considered for the majority of decisions taken by the Council's Planning and Licensing & Registration Committees and the Licensing (General Purposes) and Premises and Personal Sub-Committees. Knowledge of their provisions and how these are applied, together with general decision-making principles are essential in those areas of expertise.

The Planning Code and Protocol was approved by the Standards Committee and following a recommendation to full Council, incorporated within the Constitution. The Monitoring Officer has delegated authority from full Council to make minor amendments to the Constitution.

OTHER IMPLICATIONS

Consideration has been given to the implications of the proposed decision in respect of the following and any significant issues are set out below.

Crime and Disorder/Equality and Diversity/Health Inequalities/Area or Ward affected/Consultation/Public Engagement.

Wards Affected: All

PART 3 – SUPPORTING INFORMATION

CURRENT POSITION

The Standards Committee as part of its annual work programme since 2014 has received a report providing details of the mandatory training provided to members of the Planning and Licensing and Registration Committees.

Appendix A: Provides details of those members who have undertaken 121 Code of Conduct sessions with the Monitoring Officer, either following a recommendation from the Standards Committee, or following election to the Council. The Monitoring Officer can confirm that due to the type of matters considered by the Standards Committee, each topic involves consideration of the relevant factors and in doing so the Committee receives a range of information to take into account. When hearings are required to determine the outcome of Members' Code of Conduct complaints a briefing is held with the Committee beforehand.

Appendix B: Provides details of the Planning Committee Mandatory Training for 2017/18. The Committee will note that the usual range of subjects has not been delivered, with concentration on determining applications and the Local Plan, both of these sessions are essential to understand the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C: attached to this report details the training record for the Licensing & Registration Committee. This year only one session was delivered but this covered a range of topics.

Appendix D: attached to this report is the training record for the Audit Committee.

To ensure that the training is successful and the application of the principles is understood by Members, each session tends to have a workshop style question and answer session at the end. This style has been adopted by the Licensing & Registration and Planning Committees' training sessions and has worked well for both Members and officers and encourages debate.

Recently, as part of the committee structure review, members of the Electoral Review Working Group raised the requirements to attend mandatory training and the consequences for failing to do so. Whilst the Constitution requires a member to undertake mandatory training if they are a member of certain committees, the rules are silent on the consequences of failing to do so. It is acknowledged that in the majority of cases, if a member has not undertaken mandatory training they will not take part in certain decision making. However, without a Group Leader's co-operation it would be difficult to enforce if they failed to observe the rules.

The Working Group has requested that the Monitoring Officer undertake a review of the constitutional requirements relating to attending mandatory training linked to committee membership. Due to falling within their terms of reference, the Monitoring Officer will consult the Standards Committee on any new proposals. Through the consideration of this report, the Committee may wish to highlight any areas of concern to be addressed.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A: Mandatory Training for DPI & Code of Conduct plus Standards Committee 2017/18

Appendix B: Planning Committee Training Programme for 2017/18

Appendix C: Licensing & Registration Committee Training Record 2017/18

Appendix D: Audit Committee Training Record 2017/18

COUNCILLOR	Member of Standards Committee	Named substitute of Standards Committee	CODE OF CONDUCT AND DPI TRAINING ATTENDANCE 2017/18								TOTAL
			L. Hastings	L. Hastings	L. Hastings						
			Code of Conduct and DPI Training (various dates 121 sessions)	Briefing prior to Hearing September 2017	To be delivered New Code of Conduct training – All Member Briefing Session March 2018						
Alexander, M			✓								
Amos, C											
Baker, A											
Bennison, L			✓								
Bray, J											
Broderick, J											
Brown, B E											
Brown, J A											
Brown, M											
Bucke, R	✓			✓							
Bush, M			✓								
Callender, R											
Calver, G											
Cawthron, P											
Chapman, J											
Chittock, J											
Coley, A											
Cossens, M											
Davis, A	✓		✓	✓							
Everett, R											
Fairley, Z											
Ferguson, T											
Fowler, M											
Gray, L											
Griffiths, C											
Guglielmi, C											
Guglielmi, V											
Heaney, R	✓			✓							
Henderson, I											
Henderson, J											
Hones, J											

COUNCILLOR	Member of Planning Committee	Named substitute of Planning Committee	PLANNING COMMITTEE TRAINING PROGRAMME ATTENDANCE 2017/18								TOTAL
			C Bicknell & L Hastings	S Meecham	C Bicknell	M Lang & Charlotte Parker					
			Determining Planning Applications 08.05.2017 (new Member session)	Local Plan Update 25.05.2017	Determining Planning Applications 07.06.2017 (Single Member Session)	Determining Planning Applications 8.2.18					
Alexander, M	✓		✓	✓							2
Amos, C				✓							1
Baker, A	✓			✓			✓				2
Bennison, L	✓			✓			✓				2
Bray, J				✓							1
Broderick, J				✓							1
Brown, B E				✓							1
Brown, J A											
Brown, M	✓			✓	✓						2
Bucke, R				✓							1
Bush, M				✓							1
Callender, R											
Calver, G											
Cawthron, P	✓		✓	✓			✓				3
Chapman, J				✓							1
Chittock, J											
Coley, A		✓		✓							1
Cossens, M											
Davis, A		✓		✓			✓				2
Everett, R	✓			✓			✓				2
Fairley, Z											
Ferguson, T		✓									
Fowler, M	✓										
Gray, L											
Griffiths, C											
Guglielmi, C				✓							1
Guglielmi, V		✓		✓							1
Heaney, R	✓						✓				1
Henderson, I				✓							1
Henderson, J											

COUNCILLOR	Member of Planning Committee	Named substitute of Planning Committee	PLANNING COMMITTEE TRAINING PROGRAMME ATTENDANCE 2017/18							TOTAL	
			C Bicknell & L Hastings	S Meecham	C Bicknell	M Lang & Charlotte Parker					
			Determining Planning Applications 08.05.2017 (new Member session)	Local Plan Update 25.05.2017	Determining Planning Applications 7.6.17 (Single Member Session)	Determining Planning Applications 8.2.18					
Hones, J	✓					✓					1
Honeywood, P											
Honeywood, S											
Khan, M											
King, K											
Land, D				✓							1
Massey, A											
McWilliams, L	✓			✓		✓					2
Miles, D											
Newton, M				✓							1
Nicholls, F		✓		✓		✓					2
Pemberton, A											
Platt, M				✓							1
Poonian, A				✓							1
Porter, A											
Raby, R		✓		✓							1
Scott, G											
Skeels, M J		✓		✓							1
Skeels, M J D											
Steady, G				✓							1
Stephenson, M		✓		✓		✓					2
Stock, N											
Talbot, M		✓									
Turner, N		✓				✓					1
Watling, G											
Watson, K		✓		✓							1
White, J	✓			✓		✓					2
Whitmore, E				✓		✓					2
Winfield, C				✓							1
Yallop, K				✓							1

COUNCILLOR	Member of a Licensing Committee	Named substitute of a Licensing Committee	LICENSING TRAINING PROGRAMME ATTENDANCE 2017/18								TOTAL 2017/18
			Cornerstone Barristers								
			Mandatory Training 10/10/2017								
Alexander, M											
Amos, C	✓		✓								1
Baker, A											
Bennison, L	✓										0
Bray, J											
Broderick, J											
Brown, B E	✓		✓								1
Brown, J A											
Brown, M	✓										0
Bucke, R	✓		✓								1
Bush, M											
Callender, R	✓										0
Calver, G											
Cawthron, P											
Chapman, J											
Chittock, J											
Coley, A											
Cossens, M	✓		✓								1
Davis, A			✓								
Everett, R											
Fairley, Z											
Ferguson, T											
Fowler, M											
Gray, L											
Griffiths, C											
Guglielmi, C											
Guglielmi, V	✓										0
Heaney, R											
Henderson, I											
Henderson, J	✓										0
Hones, J											
Honeywood, P											

COUNCILLOR	Member of Audit Committee	Named substitute of Audit Committee	AUDIT TRAINING PROGRAMME ATTENDANCE 2017/18								TOTAL
			R. Barrett	R. Barrett							
			General Audit Training	General Audit Training							
Alexander, M	✓		✓								
Amos, C											
Baker, A											
Bennison, L											
Bray, J											
Broderick, J											
Brown, B E											
Brown, J A											
Brown, M											
Bucke, R											
Bush, M											
Callender, R											
Calver, G											
Cawthron, P											
Chapman, J											
Chittock, J											
Coley, A	✓										
Cossens, M											
Davis, A											
Everett, R											
Fairley, Z											
Ferguson, T											
Fowler, M											
Gray, L											
Griffiths, C											
Guglielmi, C											
Guglielmi, V											
Heaney, R											
Henderson, I											
Henderson, J											
Hones, J	✓		✓								

STANDARDS COMMITTEE

19 MARCH 2018

REPORT OF THE MONITORING OFFICER

A.2 ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

(Report prepared by Lisa Hastings and Katie Sullivan)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 11 March 2017.

EXECUTIVE SUMMARY

It was agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters. This report covers the period from 11 March 2017 to 28 February 2018.

RECOMMENDATION

That the Standards Committee notes the contents of the report, subject to the Committee's comments through debate.

BACKGROUND and CURRENT POSITION

In accordance with the Committee's Work Programme, this is an annual report on declarations of interest and associated matters. This report covers the period from 11 March 2017 to 28 February 2018 and provides statistics on the number of declarations of interest made, the number of offers of gifts and hospitality that have been registered by Members during this period and updates to the Members' Register of Interests. The data has been collated from the Committee system modern.gov which the Council started using as of August 2016 and from Members' submissions.

Register of Members' Disclosable Pecuniary Interests

The Council is required to publish the 'Register of Disclosable Pecuniary Interests' on its website in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, which prescribes the categories of interests.

It is confirmed that the Council's website includes a Register of Disclosable Pecuniary Interests for all District Councillors and this is updated, when an individual Member provides details of an amendment direct to the Monitoring Officer. Any entry which is relevant to a business item on an agenda, must be declared by the individual member and they must subsequently remove themselves from the meeting, unless a dispensation has been granted by the Monitoring Officer.

One dispensation has been granted by the Monitoring Officer during the relevant period and the reasons for the decisions are recorded on the website together with the Register.

Declarations of interest at meetings

Currently, Members are only required to declare Other and Non-Pecuniary Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 11 March 2017 to 28 February 2018 are set out in the table below. All minutes of the meetings also record the declarations.

	No. of Meetings	Disclosable Pecuniary Interest (DPI)	Prejudicial	Other Pecuniary Interest (OPI)	Non Pecuniary Interest (NPI) / Personal
Audit Committee	4	0	0	0	0
Cabinet	11	0	0	0	17
Community Leadership and Partnerships Committee	8	0	0	0	10
Corporate Management Committee	11	0	0	0	2
Council	8	0	0	0	24
Council Tax Committee	1	0	0	0	0
General Purposes Sub-Committee	4	0	0	0	0
Human Resources Committee	2	0	0	0	0
Licensing and Registration Committee	1	0	0	0	0
Local Plan Committee	4	3	0	0	6
Planning Committee	12	0	13	0	34
Premises/Personal Licences Sub-Committee 'A'	1	0	0	0	0
Premises/Personal Licences Sub-Committee 'B'	0	0	0	0	0
Premises/Personal Licences Sub-Committee 'C'	2	0	0	0	1
Service Development and Delivery Committee	4	0	0	0	7
Standards Committee	4	0	0	0	3

The Committee will note that on 13 instances, members at meetings of the Planning Committee, have declared a 'prejudicial' interest, which is not a term within the Council's Members' Code of Conduct, it is envisaged that the simplified definitions to '*personal interests*' will assist with using incorrect terminology.

The Committee will recall at its last meeting, the importance of members' correctly declaring interests was highlighted for recording in the minutes.

Use of Blanket dispensations

The current Members' Code of Conduct at paragraph 8.2, as agreed by full Council in November 2013 contains blanket dispensations for any business of the Authority where that business relates to the Council functions in respect of:

- i. housing, where you are a tenant of your Authority provided that those functions do not relate particularly to your tenancy or lease;
- ii. school meals or school transport and travelling expenses, where you are a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where you are in receipt of, or are entitled to the receipt of, such pay;
- iv. an allowance, payment or indemnity given to Members;
- v. any ceremonial honour given to Members; and
- vi. setting Council Tax or a Precept under the Local Government Finance Act 1992

Since their introduction, some of these blanket dispensations have been called upon at meetings of the Cabinet and full Council.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee review of the Councils Gift and Hospitality Policy for Members, new guidance and a notification form was issued to all District Councillors in May 2016. No declarations of offers/receipt of gifts and hospitality have been made by District Councillors during this period.

Revised Declarations of Interest with effect from April 2018

The Committee will recall that Declarations of Interests have been revised under the new Code of Conduct with effect from April 2018. Training has been organised to be presented at the All Member Briefing Session in March, where members are encourage to attend. The Monitoring Officer will also issue guidance highlighting the definition of Personal Interests and the requirement to register some of these interests in advance.

LEGISLATION/POLICY:

The Council's Code of Conduct for Members sets out guidance for Councillors regarding the registration and disclosure of interests. The relevant legislation is the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

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