



## STANDARDS COMMITTEE

<b>DATE:</b>	<b>Wednesday, 3 July 2019</b>
<b>TIME:</b>	<b>10.00 am</b>
<b>VENUE:</b>	<b>Connaught Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE</b>

### MEMBERSHIP:

<b>Councillor Land (Chairman)</b>	<b>Councillor Overton</b>
<b>Councillor Amos (Vice-Chairman)</b>	<b>Councillor Steady</b>
<b>Councillor Harris</b>	<b>Councillor Wiggins</b>
<b>Councillor J Henderson</b>	

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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: Tuesday, 25 June, 2019

## 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

### **3 Declarations of Interest**

Councillors are invited to declare any Disclosable Pecuniary Interests or Personal Interest, and the nature of it, in relation to any item on the agenda.

### **4 Questions on Notice pursuant to Council Procedure Rule 37**

Subject to providing two working days' notice, a Member of the Committee may ask the Chairman of the Committee a question on any matter in relation to which the Council has powers or duties which affect the Tendring District **and** which falls within the terms of reference of the Committee.

### **5 Standards Committee - Terms of Reference (Pages 7 - 14)**

As this is the first meeting of the Standards Committee following the District Council elections in May 2019, the Council's Monitoring Officer will introduce Members of the Committee to its terms of reference.

### **6 Code of Conduct Training (Pages 15 - 16)**

The Monitoring Officer will update the Committee on the Members' Code of Conduct training that was provided to Members as part of the post-election Members' Induction process.

### **7 "The Local Government Ethical Standards Report dated January 2019 following a review by the Committee on Standards in Public Life"**

Further to Minute 53(4) of the meeting of the Committee held on 20 March 2019, the Monitoring Officer will give an update on the progress being made on the implementation of the CSPL's recommendations.

### **8 Quarterly Complaints Update**

The Monitoring Officer will give an update on existing cases together with general details of new cases, if any.

### **9 Appointment of Members to serve on the Town and Parish Councils' Standards Sub-Committee**

Pursuant to the provisions of Article 9.05 of the Council's Constitution, the Committee is requested to appoint three of its members to serve on the Town and Parish Councils' Standards Sub-Committee for the 2019/2020 Municipal Year.

**Date of the Next Scheduled Meeting**

*The next scheduled meeting of the Standards Committee is to be held in the Council Offices, Thorpe Road, Weeley, CO16 9AJ at 10.00 am on Wednesday, 2 October 2019.*

## **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.

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,  
HELD ON WEDNESDAY, 20TH MARCH, 2019 AT 10.00 AM  
IN THE COUNCIL CHAMBER, COUNCIL OFFICES, THORPE ROAD, WEELEY**

<b>Present:</b>	Councillors Heaney (Chairman), Bray (Vice-Chairman), Davis, S A Honeywood, Scott and Whitmore
<b>Also Present:</b>	Councillor P B Honeywood
<b>In Attendance:</b>	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager & Deputy Monitoring Officer) and Debbie Bunce (Legal and Governance Administration Officer)
<b>Also in Attendance:</b>	Clarissa Gosling, David Irvine, Jane Watts and John Wolton (all of whom were the Council's appointed Independent Persons)

**46. JOHN WOLTON**

The Chairman (Councillor Heaney) informed Members that this was the last meeting of the Committee that John Wolton would be attending. On behalf of the Committee she paid tribute to John for his service to the Council as an Independent Person and thanked him for his work and his assistance and advice to the Monitoring Officer and Members of the Council.

Councillor Heaney requested that a formal letter of thanks be sent to Mr Wolton which the Monitoring Officer undertook to arrange.

Mr Wolton thanked Councillor Heaney for her kind words.

**47. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS**

Apologies for absence were submitted on behalf of Councillors Nicholls (with no substitute) and Steady (with Councillor Davis substituting).

**48. MINUTES OF THE LAST MEETING**

The minutes of the meeting of the Standards Committee, held on 16 January 2019, were approved as a correct record and signed by the Chairman.

**49. DECLARATIONS OF INTEREST**

There were none on this occasion.

**50. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 37**

There were none on this occasion.

**51. REPORT OF THE MONITORING OFFICER - A.1 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE**

There was submitted a report (A.1) by the Monitoring Officer which sought to update the 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.

The report reiterated 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 provided regulatory type functions. The report also detailed training undertaken and attendance to date.

Appendix A to the report provided details of those Members who had attended the new Code of Conduct training in May 2018. The Monitoring Officer confirmed that due to the type of matters considered by the Standards Committee, each topic involved consideration of the relevant factors and in doing so the Committee received a range of information to take into account. When hearings were required to determine the outcome of Members' Code of Conduct complaints a briefing would be held with the Committee beforehand, though no hearings had been undertaken in 2018/19.

Appendix B to the report provided details of the Planning Committee Mandatory Training for 2018/19. The Committee noted that a range of subjects had been delivered, with concentration on determining applications, the National Planning Policy Framework and Appeals as those sessions were essential to understanding the various considerations to be taken into account by the Planning Committee when making decisions on applications.

Appendix C to the report detailed the training record for the Licensing and Registration Committee. As usual only one session had been delivered (in November 2018) but it had covered a range of topics.

In respect of the Audit Committee the Committee was informed that there had been no formal committee-wide training in 2018/19. However, the Head of Finance, Revenues and Benefits & Section 151 Officer had undertaken general Audit Committee induction training for new members of the Committee on a one-on-one basis.

The Committee was reminded that to ensure that the training was successful and the application of the principles was understood by Members, each session tended to have a workshop style question and answer session at the end. This style had been adopted by the Licensing and Registration and Planning Committees' training sessions and had worked well for both Members and officers and had encouraged debate.

Members of the Committee indicated that they would like to see, as part of the post-election Members' Induction arrangements, a repeat of the previous training on overview and scrutiny matters provided by the Centre for Public Scrutiny as Members had found it to be very useful and informative.

Following discussion by the Committee, it was moved by Councillor Scott, seconded by Councillor Heaney and -

**RESOLVED** that the Standards Committee:

- (a) notes the contents of the report and its Appendices; and

- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend organised mandatory training events in order to comply with the requirements of the Council's Constitution.

**52. REPORT OF THE MONITORING OFFICER - A.2 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS**

There was submitted a report (A.2) by the Monitoring Officer which provided the Committee with an overview on the register of, and declarations of, interests made by Members in the period 25 April 2018 to 19 February 2019. The report provided statistics and related information on -

- 1) the Register of Members' Disclosable Pecuniary Interests (including any specific dispensations granted by the Monitoring Officer);
- 2) declarations of interest at meetings;
- 3) use of blanket dispensations;
- 4) declarations of offers/receipt of gifts and hospitality; and
- 5) updates to Members' Register of Interests.

The data had been collated from the Committee modern.gov IT system and from Members' submissions.

Having considered the information submitted it was moved by Councillor Heaney, seconded by Councillor Scott and:

**RESOLVED** that the contents of the report be noted.

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

(1) Quarterly Complaints Update

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on existing cases together with general details of new cases, without providing any names, and went through them with the Committee.

(2) General Notes - Summary of Complaints in the period April 2018 to March 2019

The Monitoring Officer informed the Committee that a total of 11 complaints had been received during 2018/19 of which five had related to District Councillors and six had related to Town and Parish Councillors. Six complaints had originated from members of the public and five complaints had originated from Councillors.

The Monitoring Officer had decided that five of the complaints merited no further action and that three related to Councillors acting in a private capacity and could not be taken forward. Of the remaining three complaints, two were referred for external investigation and one complaint was pending.

The Monitoring Officer also reported that five complaints had involved the same Councillor and that no Hearings had been held during 2018/19.

(3) Requests for Dispensations

No requests for dispensations had been received since the last meeting of the Committee.

- (4) “The Local Government Ethical Standards Report dated January 2019 following a review by the Committee on Standards in Public Life”

The Committee had before it the published report by the Committee on Standards in Public Life (CSPL) following its review of Ethical Standards in Local Government.

The Monitoring Officer highlighted the salient points contained in the Chairman of the CSPL’s covering letter to the Prime Minister, the Executive Summary of the report, the list of recommendations made by the CSPL and its list of best practice recommendations directed at local authorities.

Having considered and discussed the contents of the report:-

It was moved by Councillor Bray, seconded by Councillor Scott and –

**RESOLVED** that –

- (a) the outcome of the review of Ethical Standards in Local Government by the CSPL be noted;
  - (b) an update on the progress being made on the implementation of the CSPL’s recommendations, together with the further information requested by Members in respect of recommendation 11 and the list of best practice be submitted to the next meeting of the Committee;
  - (c) the Monitoring Officer investigate ways in which the Independent Persons could be kept up-to-date with regard to the cases deemed to require “No Further Action”; and
  - (d) with regards to the quarterly complaints update, the Monitoring Officer be requested to give an indication whether multiple complaints had been submitted by an individual member of the public.
- (5) The Committee’s Work Programme for 2019/2020

The Committee gave consideration to its work programme for the 2019/2020 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Scott, seconded by Councillor Bray and –

**RESOLVED** that the annual Work Programme for 2019/2020, as set out below, be approved –

31 July 2019 (provisional date)

- Update on Member Induction – Code of Conduct Training



- Update of the ongoing progress of the implementation of the Review by Committee on Standards in Public Life/further discussion on list of Best Practice
- Quarterly Complaints update by Monitoring Officer

2 October 2019 (provisional date)

- Review of the Complaints Procedure
- Case review and guidance update for the Committee on decisions and actions taken nationally
- Quarterly Complaints update by Monitoring Officer

29 January 2020 (provisional date)

- Update on Mandatory Training
- Quarterly Complaints update by Monitoring Officer

8 April 2020 (provisional date)

- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Work Programme 2020/2021
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against a dispensation decision or a code of conduct hearing.

The meeting was declared closed at 11.45 am

**Chairman**

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APPENDIX A

ARTICLE 9 – STANDARDS COMMITTEE & TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE

**9.01 Composition:**

- The Standards Committee (“the Committee”) shall consist of seven Members of Tendring District Council;
- No more than one Member shall be a Member of its Cabinet;
- No Leaders of Political Groups will be members of the Committee;
- The only Members permitted to be substitutes on the Committee will be those named at the beginning of the Municipal Year by the Political Group Leaders;
- No Member will be permitted to participate in meetings of the Standards Committee or its Sub-Committee unless they have undertaken specific Standards Committee training;
- No substitute Members will be permitted, unless they have undertaken specific Standards Committee training;
- The Committee is politically balanced in accordance with Section 15 of the Housing and Local Government Act 1989;
- The Committee will have a standing Chairman and Vice Chairman appointed by the Full Council. However, when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Committee who is not from the same Political Group as the Member who is the subject of the complaint (nor of the same Group as the Complainant if a Member of the Council); and
- A member of the Standards Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

**9.02 Quorum**

- At least 3 voting Members of the Committee.

**9.03 Meetings**

- At least quarterly.

**9.04 Terms of Reference**

- The Standards Committee will exercise the functions in accordance with the terms of reference set out in Part 3 of this Constitution.

**9.05 TOWN AND PARISH COUNCILS' STANDARDS SUB-COMMITTEE**

**(1) Terms of Reference:**

- 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.

**(2) Composition:**

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination; and
- A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.

**(3) Meetings:**

- The Sub-Committee will meet as and when required.

**(4) Quorum:**

- The Quorum for meetings of the Standards Sub-Committee is three voting Members. All three Tendring District Councillor Members, or substitutes for them, therefore, have to be present at the Sub-Committee.

**(5) Voting:**

- Only the three District Council Members (or their substitutes, if applicable) on the sub-Committee can vote.
- The views and recommendations of the three Town and Parish Council representatives will be recorded in the minutes of the meeting.

**(6) Chairmanship:**

- The Sub-Committee will appoint a Chairman from the District Councillor membership.
- However, when the Committee is convened to conduct a hearing the meeting will be chaired by one of the Members of the Sub-Committee who is not from the same political Group as the Member who is the subject of the Complaint (nor of the same Group as the complainant if a Member of the Council).

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Committee	Functions and Terms of Reference	Delegated Functions
<b>Standards Committee</b>	<ol style="list-style-type: none"> <li>1. To promote and maintain high standards of conduct by Members and Co-opted Members of the authority;</li> <li>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 of the Council;</li> <li>3. To advise the Council on the adoption or revision of the Members' Code of Conduct;</li> <li>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;</li> <li>5. To approve procedures for the conduct of hearings into complaints against Members;</li> <li>6. To advise the Council upon the contents of and requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council;</li> <li>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;</li> <li>8. To inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints;</li> <li>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</li> <li>10. To maintain oversight of the Council's arrangements for dealing with complaints delegated to Standards Town and Parish Sub-Committee.</li> </ol>	<p><b>Delegation to Monitoring Officer:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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"> <li>• Merits no further action</li> <li>• Merits early informal conciliation</li> <li>• Merits further investigation</li> <li>• Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation.</li> </ul> </li> <li>3. Determine the format of the Complaints Form, Decision Notices and Procedure Flowchart and review where necessary.</li> </ol>

(Green)

(July 2016) Part 3.23

	<p><b>Proceedings:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;</li> <li>3. To hear and determine complaints about Tendring District Council Members and Co-opted Members referred to it by the Monitoring Officer; and</li> <li>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.</li> </ol>	<ol style="list-style-type: none"> <li>4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member conduct.</li> <li>5. Grant dispensations in compliance with Section 33(a) to (e) of the Localism Act 2011.</li> <li>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.</li> </ol>
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Committee	Functions and Terms of Reference	Delegated Functions
<p><b>Town and Parish Councils' Standards Sub-Committee</b></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 Town or Parish Councillor to comply with its Code of Conduct.</p> <p><b>Proceedings:</b></p> <ol style="list-style-type: none"> <li>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;</li> <li>2. To receive referrals from the Monitoring Officer into allegations of misconduct in accordance with the assessment criteria and Complaints Procedure;</li> <li>3. To hear and determine complaints about Town and Parish Council Members and Co-opted Members referred to it by the Monitoring Officer ; and;</li> <li>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.</li> </ol>	<p><b>Delegation to Monitoring Officer:</b></p> <ol style="list-style-type: none"> <li>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.</li> <li>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"> <li>• Merits no further action</li> <li>• Merits early informal conciliation</li> <li>• Merits further investigation</li> </ul> </li> <li>3. Should due to exceptional circumstances be referred to the Standards Committee or Sub-Committee for consideration for further investigation.</li> <li>4. Commission external resources to investigate, undertake consultation with an Independent Person and report on any complaints relating to Member Conduct.</li> </ol>

(Green)

(July 2016) Part 3.25

		<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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COUNCILLOR	Member of Standards Committee	Named substitute of Standards Committee	2019/20 CODE OF CONDUCT TRAINING – MEMBER ATTENDANCE					TOTAL
			Delivered by Lisa Hastings					
			Code of Conduct 15.05.19	Previous Training Undertaken, if missed May 2019				
Alexander, M								
Allen, T			✓					
<b>Amos, C</b>	✓		✓					
Barry, M			✓					
Bray, J				Last session attended 02.05.18				
Broderick, J			✓					
Bush, M			✓ (left during presentation)					
Calver, G								
Casey, D			✓					
Cawthron, P								
Chapman, J			✓					
Chittock, J			✓					
Clifton, P			✓					
Codling, J			✓					
Coley, A			✓					
Davis, A			✓					
Davidson, B			✓					
Fairley, Z								
Fowler, M			✓					
Griffiths, C								
Guglielmi, C			✓					
Guglielmi, V			✓					
<b>Harris, P</b>	✓		✓					
Henderson, I			Last session attended 02.05.18		Last session attended 02.05.18			
<b>Henderson, J</b>	✓		✓					

COUNCILLOR	Member of Standards Committee	Named substitute of Standards Committee	2019/20 CODE OF CONDUCT TRAINING – MEMBER ATTENDANCE					TOTAL
			Delivered by Lisa Hastings					
			New Code of Conduct 14.5.19					
Honeywood, P								
Honeywood, S								
King, K								
Knowles, F			✓					
<b>Land, D</b>	✓		✓					
McWilliams, L			✓					
Miles, D								
Morrison, P								
Newton, M			✓					
<b>Overton, N</b>	✓		✓					
Placey, G			✓					
Porter, A								
Scott, G					Last session attended 02.05.18			
Skeels, M			✓					
Steady, G	✓							
Stephenson, G			✓					
Stephenson, M			✓					
Stock, N								
Talbot, M			Not an elected member at time		Last session attended 02.05.18			
Turner, N			✓					
White, J			Not an elected member at time		Last session attended 02.05.18			
<b>Wiggins, A</b>	✓							
Winfield, C			✓					

**Note following elections:**

- All Disclosable Pecuniary Interests forms for Tendring District Councillors were returned and registered within the timescale.