



STANDARDS COMMITTEE

DATE:	Wednesday, 5 February 2020
TIME:	10.00 am
VENUE:	Connaught Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Land (Chairman)
Councillor Alexander
Councillor Harris
Councillor J Henderson

Councillor Overton
Councillor Steady
Councillor Wiggins

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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, 28 January 2020

AGENDA

1 Election of a Vice-Chairman of the Committee

The Committee is requested to elect, from amongst its membership, a Member to take the vacant office of Vice-Chairman of the Committee for the remainder of the Municipal Year.

2 Apologies for Absence and Substitutions

The Committee is asked to note any apologies for absence and substitutions received from Members.

3 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 Wednesday 2 October 2019.

4 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.

5 Questions on Notice pursuant to Council Procedure Rule 38

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.

6 Report of the Monitoring Officer - A.1 - Disclosure and Barring Checks for Elected Members (Pages 7 - 12)

To note the outcome of an investigation into the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria).

7 Report of the Monitoring Officer - A.2 - Mandatory Training for Members - Annual Update (Pages 13 - 22)

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.

8 Quarterly Update on Complaints

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

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, 8 April 2020.

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.

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**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 2ND OCTOBER, 2019 AT 10.00 AM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Land (Chairman), Alexander, Harris, J Henderson, Steady and Wiggins
In Attendance:	Lisa Hastings (Head of Governance and Legal Services & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections)(except items 15 - 18), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) and Ian Ford (Committee Services Manager & Deputy Monitoring Officer)
Also in Attendance:	Sue Gallone, David Irvine and Jane Watts (three of the Council's four appointed Independent Persons)

10. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Amos (with Councillor Alexander substituting), Councillor Overton (with no substitute) and Clarissa Gosling (one of the Council's appointed Independent Persons).

11. MINUTES OF THE LAST MEETING

The Minutes of the last meeting of the Committee held on 3 July 2019 were approved as a correct record and signed by the Chairman.

12. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

13. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

14. REPORT OF HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.1 - COUNCILLOR DEVELOPMENT STATEMENT

There was submitted a report of the Head of Democratic Services & Elections (report A.1) which sought to ensure that the Committee:-

- (i) was aware of the development of the Councillor Development Statement;
- (ii) had the opportunity to input into the Statement; and
- (iii) could be re-assured that within the overall ambit of good governance at the Council the need to support the development of Councillors in their roles was being given further recognition through the development of the Statement.

It was reported that the draft Councillor Development Statement 2019-2023 attached at Appendix A to the Officer's report sought to provide the overarching position in respect

of Councillor development at the Council whilst addressing needs analysis and different modes of provision in order to address those needs.

The Committee was requested to consider the draft Statement and determine whether to endorse it for adoption as the framework for Councillor development over the term of the current Council. The Statement would be kept under review and, should there be a need to substantially update, refine and amend it there would be a further report to the Committee.

Members were aware that ensuring that Councillors were as best equipped as practically possible to fulfil the range of responsibilities that role entailed was a key component to delivering good governance.

The Committee raised areas of concern which included:-

Member Comment/Suggestions	Officer Response
<p>[Councillor J Henderson]</p> <p>Training should be offered for newly appointed Members of the Cabinet in order to help them adjust to their new responsibilities and duties.</p>	<p>[HoDS&E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p>
<p>[Councillor Steady]</p> <p>Overview and Scrutiny Members should be allowed to attend Management Team meetings and the Senior Managers' Forum in order to increase their understanding of the operational decision making process and how information is shared across the Authority.</p>	<p>[HoDS&E]</p> <p>Undertook to take up this suggestion with the Chief Executive, as Head of Paid Service as the request related to operational management of the Authority, rather than the item under consideration</p> <p>[HoGLS&MO]</p> <p>Reminded Members that the items discussed at Group Leader meetings with the Chief Executive and at All Member Briefings are for information purposes and share similar topics to those discussed with senior officers, at Management Team/Senior Managers' Forum, for example the draft emerging corporate plan</p>
<p>[Councillor Harris]</p> <p>Newly elected Councillors need prompt training on the "calling in" process for Planning Applications to go to the Planning Committee especially in teasing out the valid planning reasons for doing so.</p>	<p>[HoDS&E]</p> <p>This was a good suggestion that would be taken on board moving forward.</p> <p>[HoGLS&MO]</p> <p>Undertook to re-circulate to Members the</p>

	Members' Referral Scheme & Guidance Note for Planning Applications (January 2019) and also to arrange a training session on this at a future All Members' Briefing.
[Councillor Land] Guidance should be produced for newly elected Councillors on how best to represent their communities.	[HoDS&E] This was a good suggestion that would be taken on board moving forward.
[Councillor Alexander] Concerned that proposal to introduce video recordings of All Member Briefings for later circulation to Members could then get out into the public domain and be used to cause political embarrassment for a Member amongst other nefarious purposes. This could result in a chilling effect on discussions and Members' ability to speak freely. [Councillor J Henderson] This proposal could introduce a disincentive for Members to attend. [Councillor Harris] Suggested that video recordings of the Officer presentations to the All Member Briefing be produced separately to the Briefing itself.	[HoDS&E] Officer presentations to the All Member Briefing would be video recorded but not the Member discussions themselves. [N.B. refer also to resolution (b) below.]
[Councillors Alexander and Steady] All Member Briefings at present are poorly attended. Attendance at these events should be made compulsory as they are a vital source of information for Members.	[HoDS&E] Undertook to try to ascertain the reasons why Members do not, or are unable to, attend All Member Briefings and then carry out an analysis of Members' needs going forward.

Having thus considered and discussed the contents of the draft Councillor Development Statement 2019-2023:-

It was moved by Councillor Alexander, seconded by Councillor Harris and:-

RESOLVED that the Committee –

-
- (a) confirms its commitment to seeing good Councillor development as a key component of good governance;
 - (b) endorses the draft Councillor Development Statement 2019/23, as set out at Appendix A to the report of the Head of Democratic Services & Elections, with the exception of the paragraph on page 9 of the Statement which refers to the intention to video record All Member Briefings which should be deleted pending a re-draft and re-submission of that paragraph to a future meeting of the Committee;
 - (c) notes that the Statement will be kept under review and that any substantial alteration to it will be the subject of a further report to this Committee; and
 - (d) authorises the Head of Democratic Services and Elections to make minor amendments to the Statement, as necessary.

15. REPORT OF THE MONITORING OFFICER - A.2 - "THE LOCAL GOVERNMENT ETHICAL STANDARDS REPORT DATED JANUARY 2019 FOLLOWING A REVIEW BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE"

There was a report submitted by the Monitoring Officer (report A.2) which enabled the Committee to consider a breakdown of:-

- (1) which of the Committee on Standards in Public Life's (CSPL) recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council had already implemented.

The Committee recalled that, at its meeting held on 3 July 2019 (Minute 7 referred), it had received an update from the Monitoring Officer on the progress being made on the implementation of the CSPL's recommendations.

Following a discussion of the issues arising in the update the Monitoring Officer had undertaken to submit to this meeting of the Committee a breakdown of:-

- (1) which of the CSPL's recommendations required changes in legislation;
- (2) which of the CSPL's 'good practice' recommendations could be adopted and implemented straight away by local authorities; and
- (3) which of the 'good practice' recommendations referred to in (2) above this Council has already implemented.

Appendix A to the Officer's report submitted to this meeting provided an update on the progress made (if any) in implementing the recommendations contained in the CSPL's report.

Appendix B to the report provided a breakdown of this Council's current practice in relation to the list of best practice recommendations to local authorities contained in the CSPL's report.

In relation to the Committee's previous resolution also made on 3 July 2019 that the Head of Finance, Revenues and Benefits Services be requested to produce for the Committee's consideration a business case for providing a general professional indemnity cover for Members, Officers and, in particular, the Independent Persons, the Monitoring Officer reported that this matter was on-going and would be reported back to Committee when progressed.

Having considered and discussed the contents of the two Appendices:-

It was moved by Councillor Harris, seconded by Councillor J Henderson and:-

RESOLVED that –

- (a) in relation to Appendices A and B, the Committee notes the updates and other information provided; and
- (b) the Monitoring Officer investigates the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria) and reports the outcome of such investigation to a future meeting of the Committee.

16. REVIEW OF THE COUNCIL'S COMPLAINTS PROCEDURE

The Committee reviewed the Council's Complaints Procedure in order to determine whether it was still 'fit for purpose'.

The Monitoring Officer highlighted two minor textual amendments which would need to be made to the Complaints Procedure namely:-

- (1) in paragraph 11.1 to amend the number of Independent Persons from two to four;
- (2) in paragraph 13.2 to include the address for the Local Government and Social Care Ombudsman.

Having considered the contents of the Complaints Procedure:-

It was moved by Councillor Harris, seconded by Councillor Steady and:-

RESOLVED, that no changes be made to the Council's Complaints Scheme at present with the exception of the two minor textual amendments to paragraphs 11.1 and 13.2 highlighted at the meeting by the Monitoring Officer.

17. CASE REVIEW AND GUIDANCE UPDATE

The Monitoring Officer drew the Committee's attention to national cases relating to:

- (1) a Councillor who had called for the Prime Minister to be "hanged for treason" but was found not to have breached the Code of Conduct;

-
- (2) Flintshire Council who had expanded their Code of Conduct with a 'Standard' following abusive language and gestures being made by Councillors in meetings; and
 - (3) a Council Leader who had resigned from office and who had referred himself to the Ombudsman following concerns raised by the Welsh Audit Office.

The Senior Solicitor & Deputy Monitoring Officer then described for Members' benefit two cases under the previous national standards regime where an elected Member had been sanctioned by being disqualified from office. Those cases highlighted the sorts of issues that could once more arise should disqualification from office be restored as a permitted sanction following a Code of Conduct investigation and hearing.

The Monitoring Officer then made the Committee aware of:-

- (a) a recent publication by the Local Government Association of a document entitled "Councillors' Guide to Handling Intimidation"; and
- (b) an open letter to public officeholders circulated by the Chair of the Committee on Standards in Public Life on the importance of upholding high standards of behaviour in public debate. This followed recent fractious and high tempered debates on Brexit in the House of Commons in Parliament.

The Committee noted the foregoing.

18. QUARTERLY UPDATE ON COMPLAINTS

The Monitoring Officer circulated to the Committee the quarterly schedule, which gave an update on the one existing case from the last update, without providing any names, and went through it with the Committee explaining that, following discussion of the case with one of the Independent Persons, the matter had been referred to two of the Council's trained mediators for resolution. Following the mediators' involvement, the matter had been concluded satisfactorily with both parties agreeing a way for all future contact to be conducted. There had been no new cases arising since the last update to Members and there had been no requests for dispensations from Members.

The Monitoring Officer also informed the Committee that a complaint had been received from a member of the public in relation to a recent decision by the Planning Committee which had made reference to the Code of Conduct. However, this was being treated as a general complaint at present due to the breadth of matters contained within it.

Members were also made aware that the Monitoring Officer would shortly be delivering a refresher session on the Code of Conduct to Harwich Town Councillors.

The Committee noted the foregoing.

The meeting was declared closed at 12.02 pm

Chairman

STANDARDS COMMITTEE

5 FEBRUARY 2020

REPORT OF MONITORING OFFICER

A.1 DISCLOSURE AND BARRING CHECKS FOR ELECTED MEMBERS

(Report prepared by Anastasia Simpson, Katie Wilkins and Lisa Hastings)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To note the outcome of an investigation into the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria).

EXECUTIVE SUMMARY

This report provides background information and reviews policy options in regard to criminal history checks for Elected Members. Such checks are administered by the Disclosure and Barring Service (DBS).

At its meeting on 2nd October 2019, the Standards Committee received a further report of the Monitoring Officer concerning the recommendations within "the Local Government Ethical Standards Report dated January 2019 following a review by the Committee on Standards in Public Life". The Report set out those which required legislative changes and those which the Council could adopt through best practice and the providing information on the Council's current position. Following consideration of the report the Committee resolved that the Monitoring Officer investigates the feasibility of introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria) and reports the outcome of such investigation to a future meeting of the Committee.

At its meeting on the 23rd October 2019, the Human Resources and Council Tax Committee requested that the Council gives due consideration to whether it should conduct DBS Checks on Elected Members.

The Human Resources and Council Tax Committee determined that it is appropriate for them to consider this matter in the light of its legal duties in respect of safeguarding children and adults with needs for 'care and support', as defined in legislation including the Children Act 2004 and the Care Act 2014.

The Human Resources and Council Tax Committee resolved the following:

"That the Deputy Chief Executive be requested to investigate the appropriateness and practicalities of introducing DBS checks for all Elected Members of Tendring District Council (such as the budgetary and legal ramifications) and that the outcome of such investigations be reported to a future meeting of the Council (having first been submitted to the Standards Committee for its recommendations) for its consideration and determination."

The investigation process will involve:

- A review of the approach taken by other local authorities regarding the introduction of DBS check's for Elected Members;

- Engagement with the Legal, Financial and Democratic Services regarding the practical implications of introducing such policy.

Prior to 2012, Local Authorities routinely carried out Criminal Record Bureau (CRB) checks on Elected members. However, the [Protection of Freedoms Act 2012](#) created the [Disclosure and Barring Service](#) and a new system of checks. This included a more restrictive set of criteria to determine when checks could be carried out and on whom. Since 2012, the issue of DBS checking for Councillors has become a policy matter for individual Councils.

Standard and Enhanced DBS checks can only be undertaken if the specific role, or the specific activities carried out within the role, are included in the [Rehabilitation of Offenders Act \(ROA\) 1974](#) (Exceptions) Order 1975 (access to standard DBS certificates), and are also covered by the Police Act 1997 or Police Act 1997 (Criminal Records) regulations (access to enhanced DBS certificates). These laws only provide eligibility for DBS checks, they do not make them a requirement.

Decisions on when and whether to undertake a DBS check are for the relevant employer or regulator to make. If the Council are considering asking a person to apply for either a standard or enhanced DBS check, as the employer, the Council are legally responsible for making sure the job role is eligible.

There is currently no legal basis on which the Council can currently require or seek either Enhanced or Standard DBS Checks for Elected Members. The role does not constitute a 'named position' eligible for checks, and Ward Councillors do not carry out '[regulated activity](#)' as defined by the Freedom of Information Act 2012.

The Council is of course aware that some Elected Members may have had DBS checks, albeit in another capacity, for example if they are School Governor etc.

Elected Members who do not carry out any of the specific educational and/or social service functions but who attend community events, take surgeries or visit local residents in their own home where they have access to the general public, including children, do not meet the legislative criteria, as outlined above. However, a Basic Check could be requested.

Although the legislative framework allows discretion on the issue of Basic checks. Basic checks show "Unspent Convictions & Cautions" from the Police National Computer (PNC) only, (*those that are considered to be unspent under the terms of the Rehabilitation of Offenders Act (ROA) 1974*). These checks do not show spent convictions, cautions, warnings, reprimands, other relevant police information, or children or adults barred list and are therefore are often considered of limited value.

Basic DBS checks also need to be applied for by the individual themselves via the Government Website.

RECOMMENDATION(S)

It is recommended that the Standards Committee:

- (a) Notes the outcome of the investigation into introducing DBS checks as mandatory for all elected Members (having had regard to the statutory criteria);**

(b) endorses that the Council continues with its current approach of not requiring or seeking DBS checks for Elected Members; and

(c) should a Tendring District Councillor wish to pursue their own Basic DBS Check, then it is recommended that the cost is reimbursed to the individual councillor.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Safeguarding underpins the work of the whole Council as a statutory body.

FINANCE, OTHER RESOURCES AND RISK

Finance and other resources

The cost of each Basic DBS Check is £23.00 (*previously £25.00, updated October 2019*). The total cost of reimbursing the cost of checks for all 48 Elected Members would be circa £1,100.00

Risk

This report places the issue of DBS Checks before Councillors in some detail which assists the Council in managing risks as effectively as possible in the light of its wider safeguarding duties.

LEGAL

The Council has legal duties in respect of safeguarding children and adults with needs for 'care and support', as defined in legislation including the Children Act 2004 and the Care Act 2014. Activities undertaken in this area can help to improve Community Safety for residents.

The Standards Committee Terms of Reference are to promote and maintain high standards of conduct by Members and Co-opted Members of the authority and to inform Council and the Chief Executive of relevant issues arising from the determination of Code of Conduct complaints. No concerns have been raised through the determination of Code of Conduct complaints which would give justification to requiring a mandatory scheme of basic DBS checks for elected members.

In September 2017, the Department for Communities and Local Government consulted on proposals to update the disqualification criteria for councillors and Mayors to bring it into line with both modern sentencing practice and the values and high standards of behaviours the electorate have a right to expect of the elected members that represent them.

The Government considers there should be consequences where councillors, mayors and London Assembly members fall short of the behaviour expected in an inclusive and tolerant society. Where behaviour has led to a conviction or enforcement action resulting in an individual being subject to one or more of the following:

- the notification requirements set out in the Sexual Offences Act 2003;
- a civil injunction granted under Section 1 of the Anti-social Behaviour, Crime and Policing Act 2014; or
- a Criminal Behaviour Order made under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014.

The Council responded to the consultation supporting the proposals. Any changes to the disqualification criteria would require changes to primary legislation. In October 2018, the Government published its response to the outcome of the consultation stating they would seek to legislate to ensure that councils across England will have the power to prevent individuals from standing for election or holding office as local authority members or Mayors.

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.

The Report provides information on the practice undertaken in various local authorities, which was collected as part of the investigation.

All wards affected, the content of the report applies Council wide. Any change of practice would require Full Council approval.

PART 3 – SUPPORTING INFORMATION

BACKGROUND

DBS checks are not mandatory unless there exists a piece of legislation that makes checks a requirement for the role being offered. For information, the different types of checks carried out by the Disclosure and Barring Service are included within the table below:

Information Searched	Type of Check			
	Basic	Standard DBS	Enhanced DBS	Enhanced DBS (including barred list check)
Unspent Convictions	Yes	Yes	Yes	Yes
Spent Convictions	No	Yes	Yes	Yes
Cautions, Warnings, Reprimands	No	Yes	Yes	Yes
Other relevant police information	No	No	Yes	Yes
Children or adults barred list	No	No	No	Yes

Enhanced Level Checks

Under the current legislation, Councillors, as 'named positions', are not eligible for an Enhanced DBS Check. However, it is accepted that individuals tasked with certain functions would have previously been eligible for an 'Enhanced' level check with a check against the appropriate Barred list. However, following changes in legislation, and the enactment of the Protection of Freedoms Act 2012, those positions were removed from the scope of Regulated Activity and consequentially "*an entitlement now only exists for a Councillor at 'Enhanced only' level, if the individual retains those same responsibilities*". The responsibilities being referred to here are in respect of Education or Social Care, which are responsibilities that Tendring District Council Elected Members do not currently have.

Standard Level Checks

It would not be possible for the Council to apply for, or to request from Councillors, Standard Level DBS Checks. These are in-depth background checks used by employers on behalf of applicants to verify if a candidate is suitable to hire for work in a specific industry. The Council is unable to

apply directly for any DBS checks for Councillors unless they fall within the rules of carrying out “regulated activity” (under the Freedom of Information Act 2012) which they do not on the basis of ward Councillors’ normal duties.

Basic Level Checks

The Council could require Councillors to apply for a Basic Level DBS Check themselves, however, such checks show “Unspent Convictions” only.

At the request of their Governance and Audit Committee, Colchester Borough Council were asked to consider whether the Council should implement Disclosure and Barring Service checks for Elected Members. Their investigation into the matter included obtaining information on the approach of neighbouring, second tier local authorities, towards DBS checks (*both in October 2017 and February 2018*), to which they report, all eight responses confirmed that no checks (*including Basic Level checks*) are carried out by neighbouring authorities.

A similar exercise was undertaken by Harlow in 2019, they report that the following Council’s; *Dacorum, Maldon, Castlepoint, East Herts, Colchester, Brentwood, Basildon, Welling & Hatfield, Chelmsford, Braintree, Stevenage, Uttlesford and Epping Forest*, responded to confirm that they do not carry out DBS checks on Councillors. Following their research, Harlow is not proposing to start carrying out DBS checks on Elected Members.

To conclude, there is no legal basis on which the Council can currently require or seek either Enhanced or Standard DBS Checks on Elected Members. Although the legislative framework allows discretion on the issue of Basic Checks, there is no clear case for the introduction of such a measure: Basic checks show “Unspent Convictions” only, and are therefore of limited value, and there is no clear framework for the enforcement of such a policy as it is not required in law.

BACKGROUND PAPERS FOR THE DECISION

DCLG September 2017 - Consultation on updating disqualification criteria for Councillors and Mayors and its response published in October 2018

APPENDICES

None

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STANDARDS COMMITTEE

5 FEBRUARY 2020

REPORT OF THE MONITORING OFFICER

A.2 MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE

(Report prepared by Lisa Hastings)

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

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 part of 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 as a pre-requisite for Members (and named substitutes) of the Council's Audit, Licensing & Registration, Planning and Standards Committees is part of the Council Procedure Rules included within Part 4 of the Council's 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 Miscellaneous Licensing 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 aforementioned 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.

The Council Procedure Rules were amended in 2019 to expressly state that:

- A Member cannot sit as a member of the Planning Committee unless they have received specific training with regard to the determination of planning applications (CPR 33.3).
- A Member cannot sit as a member of the Licensing and Registration Committee unless they have received specific training with regard to the determination of applications for personal or premises licences submitted under the Licensing Act 2003.
- No Member can continue to sit as a member of the above committees if they have gone more than two years without attending any of the relevant training events.

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: The Standards Committee received an update at its meeting in July 2019 detailing of those members who attended the new Code of Conduct training in May 2019. Two additional District Councillors have received training which was delivered at Harwich Town Council in December 2019. 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 – no hearings have been required so far in 2019/20.

In February 2020, the Monitoring Officer is delivering two training sessions to Parish and Town Councillors at the Council Chamber in Weeley offices – invites will be sent to District Councillors, who have not received the required training for this year.

Appendix B: Provides details of the Planning Committee Mandatory Training for 2019/20. The Committee will note a range of subjects has been delivered, with concentration on determining applications being included within the new member training, Appeals and Affordable Housing. These sessions are essential to understand the various considerations to be taken into account by the Planning Committee when making decisions on applications. A further session is scheduled for 28th January, which will cover the Inspector's decisions for the enforcement at Point Clear and making decisions. A verbal update of attendance will be provided at the meeting.

Appendix C: attached to this report details the training record for the Licensing & Registration Committee. As usual only one session is delivered, this year in June 2019, and covered a range of topics. Two additional 1-2-1 training sessions were delivered to members of the committee who were unable to attend the first session or newly appointed to the 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.

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 2019/20
Appendix B: Planning Committee Training Programme for 2019/20
Appendix C: Licensing & Registration Committee Training Record 2019/20

COUNCILLOR	Member of Standards Committee	Named substitute of Standards Committee	2019/20 CODE OF CONDUCT TRAINING – MEMBER ATTENDANCE					TOTAL
			Delivered by Lisa Hastings		Additional Training			
			Code of Conduct 15.05.19	Previous Training Undertaken, if missed May 2019				
Alexander, M	✓							
Allen, T			✓					
Amos, C	formerly		✓					
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			✓					
Harris, P	✓		✓					
Henderson, I			Last session attended 02.05.18	Last session attended 02.05.18	16.12.19			
Henderson, J	✓		✓					

COUNCILLOR	Member of Standards Committee	Named substitute of Standards Committee	2019/20 CODE OF CONDUCT TRAINING – MEMBER ATTENDANCE					TOTAL
			Delivered by Lisa Hastings		Additional Training			
			New Code of Conduct 14.5.19					
Honeywood, P								
Honeywood, S								
King, K								
Knowles, F			✓					
Land, D	✓		✓					
McWilliams, L			✓					
Miles, D								
Morrison, P					16.12.19			
Newton, M			✓					
Overton, N	✓		✓					
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			
Wiggins, A	✓							
Winfield, C			✓					

Note following elections:

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

A2 Appendix B – Planning Committee Training 2019/20

	COUNCILLOR	Member of Planning Committee	Named substitute of Planning Committee	30.05.19 NEW MEMBER TRAINING	13.06.19 MEMBERS DISTRICT TOUR	02.10.19 APPEALS	12.11.19 AFFORDABLE HOUSING	18.11.19 APPEALS	28.1.20 POINT CLEAR & DECISIONS	TOTAL
1	Maurice Alexander	Y		Y			Y	Y	tbc	3
2	Terry Allen						Y			
3	Chris Amos									
4	Mick Barry									
5	Jeff Bray – VICE CHAIR	Y		Y			Y	Y	tbc	3
6	Joy Broderick									
7	Michael Bush					Y				
8	Garry Calver									
9	Dan Casey				Y					
10	Peter Cawthron	Y		Y			Y	Y	tbc	3
11	Jayne Chapman						Y			
12	John Chittock									
13	Paul Clifton		Y	Y	Y				tbc	3
14	Jim Codling	Y		Y	Y	Y	Y		tbc	4
15	Alan Coley				Y	Y	Y			
16	Bill Davidson		Y	Y	Y	Y	Y		tbc	4
17	Anne Davis					Y				
18	Zoe Fairley			Y						
19	Maria Fowler	Y		Y				Y	tbc	2
20	Chris Griffiths									
21	Carlo Guglielmi				Y	Y	Y			
22	Val Guglielmi		Y		Y	Y	Y			
23	Peter Harris	Y		Y	Y	Y			tbc	3
25	Ivan Henderson									
26	Jo Henderson									
27	Paul Honeywood									
28	Susan Honeywood									
29	Kangasundaram King									
30	Fiona Knowles									
31	Daniel Land									
32	Lynda McWilliams	Y		Y		Y		Y	tbc	3
33	Delyth Miles									
34	Mary Newton			Y						
35	Nicola Overton			Y	Y					
36	Gina Placey	Y		Y	Y	Y	Y		tbc	4
37	Alex Porter				Y					
38	Gary Scott				Y					
39	Mick Skeels Jnr									
40	Graham Steady									
41	Gemma Stephenson									
42	Mark Stephenson		Y	Y	Y		Y			
43	Neil Stock OBE									
44	Michael Talbot		Y	Y	Y		Y			
45	Nick Turner			Y	Y	Y	Y			
46	John White - CHAIR	Y		Y	Y		Y	Y	tbc	4
47	Anne Wiggins				Y					
48	Colin Winfield									

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COUNCILLOR	Member of a Licensing Committee	Named substitute of a Licensing Committee	LICENSING TRAINING PROGRAMME ATTENDANCE 2019/2020								TOTAL 2019/2020	
			Cornerstone Barristers	Linda Trembath & Karen Townshend								
			Mandatory Training 20/06/2019	Mandatory Training 06/08/2019 06/12/2019								
C Winfield	✓		1									1
V Guglielmi	✓		1									1
A Coley	✓		1									1
J White	✓		1									1
N Turner		✓	1									1
A Davis	✓		1									1
M Bush		✓	1									1
F Knowles	✓		1									1
J Henderson	✓		1									1
N Overton	✓		1									1
D Casey	✓		0	1 (06/08/19)								1
M Skeels	✓		0	1(06/12/19)								1

			LICENSING TRAINING PROGRAMME ATTENDANCE 2017/18								
COUNCILLOR	Member of a Licensing Committee	Named substitute of a Licensing Committee								TOTAL 2018/19	