



STANDARDS COMMITTEE

DATE: Wednesday, 2 February 2022
TIME: 10.00 am
VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea, CO15
1SE

MEMBERSHIP:

Councillor Land (Chairman)
Councillor Steady (Vice-Chairman)
Councillor Amos
Councillor Fowler

Councillor J Henderson
Councillor Turner
Councillor Wiggins

Most Council meetings are open to the public and press. The space for the public and press will be made available on a first come first served basis. The meeting will normally be live streamed and the link to this is available at www.tendringdc.gov.uk/livemeetings Those attending the meeting may therefore be filmed. After the meeting the recording of the live stream will normally be available using the same link. Agendas and Minutes are published on the Council's website www.tendringdc.gov.uk

Agendas are available to view five working days prior to the meeting date and the Council aims to publish Minutes within five working days of the meeting. 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 January 2022

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 - 4)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on 27 October 2021.

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 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.

5 Report of the Monitoring Officer - A.1 - Social Media Guidance for Members 2022 (Pages 5 - 14)

To review the Council's Social Media Guidance for Members and give specific advice to be issued for Elected Members.

6 Report of the Monitoring Officer - A.2 - Mandatory Training for Members - Annual Update (Pages 15 - 20)

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.

7 Report of the Monitoring Officer - A.3 - Annual Report on Declarations of Interest and Associated Matters (Pages 21 - 26)

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 1 April 2021 until 21 January 2022.

8 Quarterly Complaints Update (Pages 27 - 28)

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

9 Monitoring Officer's Update - Review of the Model Code of Conduct

The Monitoring Officer will give an oral update on the current position in relation to the review of the Model Code of Conduct.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Wednesday, 6 April 2022.

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 room 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, 27TH OCTOBER, 2021 AT 2.15 PM
IN THE COUNCIL CHAMBER - COUNCIL OFFICES, THORPE ROAD, WEELEY,
CO16 9AJ**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Fowler, Turner, Wiggins
Also Present	Sue Gallone (Independent Person), David Irvine (Independent Person) and Jane Watts (Independent Person)
In Attendance:	Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer) , Debbie Bunce (Legal & Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	John Austin – John Austin Associates – External Investigator

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were received from Councillors Amos and J Henderson (with no substitutions on this occasion) and Clarissa Gosling, one of the Council’s appointed Independent Persons.

10. MINUTES OF THE LAST MEETING

The minutes of the meeting of the Committee held on 21 April 2021 were approved as a correct record and signed by the Chairman.

Councillor Turner commented that, in respect of the report regarding Mandatory Training for Members, he would like to know what had happened with regards to E-learning and he stated that he had also not yet been contacted in respect of his offer to be the Committee’s representative on a cross-party Member Working Group in relation to E-Learning.

11. DECLARATIONS OF INTEREST

There were none on this occasion.

12. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were none on this occasion.

13. REPORT OF THE DEPUTY MONITORING OFFICER - A.1 - OUTCOME OF INVESTIGATION - FAILURE TO COMPLY WITH THE MEMBERS' CODE OF CONDUCT

A report was submitted (A.1) by the Council’s Deputy Monitoring Officer (Linda Trembath) in respect of a complaint received in January 2021 from the Council’s Monitoring Officer, Lisa Hastings regarding the conduct of District Councillor Peter Cawthron under the Members’ Code of Conduct and Complaints Procedure (Appendix 1), which had been adopted by full Council on 26 November 2013.

The complaint related to Councillor P Cawthron's behaviour at Full Council in November 2020, a formal, recorded and publicly available meeting, when Councillor Cawthron had used a word that was both unacceptable and an obscenity, and in so doing had conducted himself in such a way as to bring his office or the Authority into disrepute, contrary to paragraph 3.4 (a) and (c) of the Member Code of Conduct.

It was also alleged that Councillor P Cawthron had not had regard for one of the Seven Principles of Public Life, namely:

- **Accountability** – Holders of Public Office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

This complaint had been made by the Council's Monitoring Officer. Following that complaint, and in accordance with the Monitoring Officer Protocol, specifically paragraph 1(k), and to ensure that no conflict of interest might arise, the Deputy Monitoring Officer was authorised to receive and investigate the matter, taking action as appropriate.

On 9 March 2021, the Deputy Monitoring Officer, having read the papers provided to her and having noted the response from Councillor Cawthron, had decided that it was reasonable and appropriate that the complaint merited further investigation. The parties had been informed of that decision and an external investigator had been appointed. Section 5 of the Complaints Procedure (Appendix 1) set out how an investigation was to be conducted and under Section 5.6, that the investigation report must contain a conclusion as to whether the evidence supported a finding of a 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, following an investigation he had concluded that there was sufficient evidence to show that Councillor Cawthron had breached Paragraph 3.4(a) of the Council's Code of Conduct, by conducting himself in a manner that could reasonably be regarded as bringing his office or the Authority into disrepute.

Further, the investigator had also found that Councillor Cawthron had failed to co-operate with the Monitoring Officer in her attempts to resolve the matter informally, and had since failed to co-operate with the Investigator at any stage during the investigation. As part of Members compliance with the Code of Conduct they were required to co-operate with the investigation process.

As a result of Councillor Cawthron's failure to contact or respond to the Investigator, the Investigator has found that Councillor Cawthron had failed to comply with the Nolan Principle of Accountability by avoiding and ignoring communications with the Council's Statutory Officer, i.e. the Monitoring Officer, and had also failed to engage with the Investigator instructed by, and acting on behalf of the Deputy Monitoring Officer.

Members were reminded that Paragraph 3.4(c) of the Council's Code of Conduct required a Councillor to comply with any request of the Monitoring Officer in connection with an investigation conducted in accordance with their respective powers, and Councillor Cawthron's failure to engage had led to the Investigator finding the Councillor to be in breach of Paragraph 3.4(c) of the Code of Conduct.

All parties had had the opportunity to comment on the investigation report (Appendix 2) and the findings contained therein. The investigation report had been finalised on 30 September 2021.

In this case no consultation had been undertaken with any Independent Person as part of the investigation process but their subsequent comments had been included within the Deputy Monitoring Officer's report to the Committee.

The Committee was advised 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 the Monitoring Officer with the authority to obtain an informal resolution, in consultation with the Independent Person, without the need for a hearing by the Standards Committee. However, if the Monitoring Officer considered that informal resolution was not appropriate, or the Councillor concerned was not prepared to undertake any proposed remedial action, such as giving an apology, then the Monitoring Officer would report the Investigation Report to the Standards Committee which would conduct a hearing before deciding whether the Member had failed to comply with the Code of Conduct and, if so, whether to take any action in respect of the Member.

In this case the Deputy Monitoring Officer, had considered the Investigator's report following which she had also consulted with one of the Council's Independent Persons, who had been in agreement that this matter should be referred to the Standards Committee for that Committee to decide on the appropriate and proportionate response to the breach.

Mr John Austin, the external investigator was present at the meeting and Members asked him questions regarding his report to which he responded.

The Committee then retired to deliberate and reach its decision. The Independent Person also accompanied the Committee during its retirement to comment upon any sanctions being considered by the Committee together with the Legal and Governance Administration Officer.

Following such deliberations the meeting resumed:-

It was then moved by Councillor Land, seconded by Councillor Turner and unanimously:-

RESOLVED that the Committee:

- (a) notes the outcome of the investigation undertaken by Mr Austin, on behalf of the Deputy Monitoring Officer, in respect of Councillor Cawthron;
- (b) notes the comments of the Independent Person;
- (c) instructs the Deputy Monitoring Officer to report the outcome of the findings of the Committee to Council and to publish this decision on the Council's website; taking note of the fact that the Committee also wished it to be noted that they were extremely disappointed that Councillor Cawthron had failed to engage with

the Monitoring Officer, the Deputy Monitoring Officer or the Investigator during the course of the investigation.

14. WORK PROGRAMME FOR 2021/22

Members had before them a suggested Work Programme which had been submitted by the Monitoring Officer.

It was **RESOLVED** that the Annual Work Programme for 2021/2022 be approved.

The meeting was declared closed at 2.55 pm

Chairman

STANDARDS COMMITTEE

2 FEBRUARY 2022

REPORT OF THE MONITORING OFFICER

A.1 SOCIAL MEDIA GUIDANCE FOR MEMBERS 2022

(Report prepared by Karen Townshend)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Standards Committee to review the Council's Social Media Guidance for Members and give specific advice to be issued for Elected Members.

EXECUTIVE SUMMARY

The Council has produced Social Media Guidelines for Members, which were last updated in June 2017 and these are attached as Appendix A.

The Council recognises the benefits of communication with residents that Social Media can bring and recognises that it has become part of everyday life for some, if not all, Councillors. It also reaches a demographic of society that may not always be reached by more traditional means, plus the speed of communication that traditional correspondence does not lend itself to.

As part of its work programme, the Standards Committee is requested to review the Council's Social Media Guidance for Members to ensure that the guidance is clear in order to assist Elected Members in understanding the potential pitfalls of using Social Media.

In addition to the updated guidance, a virtual training session for Elected Members has been arranged for 27 January 2022. The course aims to cover the following content:

- Identify the strengths and weaknesses of major social media channels
- Work within the major dos and don'ts of social media
- Find and target an audience
- Build a 'brand' across platforms
- Manage trolls and keyboard warriors
- Apply the Nolan Principles/Code of Conduct to their use of Social Media
- Identify TDC's existing policies for social media use (and development of future policies)
- Identify the Point for Reporting misuse

This Committee are asked to re-visit Appendix A at its meeting to be held on 6 April 2022, and to reflect upon the above training when doing so.

Draft guidance, which sets out some simple rules, is attached as Appendix A and include a reminder that inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

RECOMMENDATION(S)

That the Standards Committee:

- (a) notes the contents of this report and its Appendix; and**
- (b) attends the Social Media Use by Councillors virtual training course on 27 January 2022; and**
- (c) re-visits the Social Media Guidance for Members at its meeting to be held on 6 April 2022.**

PART 2 – IMPLICATIONS OF THE DECISION

BACKGROUND INFORMATION, CODE OF CONDUCT and LEGAL CONSIDERATIONS

An increasing number of Councillors are utilising Social Media to interact with others and those that they represent. This an efficient and increasingly common means of communication. Social Media is the term for online tools, websites and interactive media that enable users to interact with each other by sharing information, opinions, knowledge and interest. For the purposes of the guidance, the term Social Media covers sites and applications including, but not restricted to:

Social networking sites (Facebook, MySpace, Foursquare, Linked In, Google+, Whatsapp)

Micro-blogging sites (Twitter)

Blogs (including personal blogs as well as comments)

Video and Photo Sharing websites (Flickr, YouTube)

Forums and Discussion Boards (Google Groups, Yahoo! Groups)

These principle may equally apply to any electronic communication addressed to a wider audience.

District Councillors are in a position whereby they may request information from Officers that might not be publically available in addition to being included on information sent out to all Members. Often this is privileged and sometimes sensitive information that is being provided in order that Councillors are aware of local issues to enable them to fulfil their role as a District Councillor. It must be considered how this information is used and Councillors should check before posting any of this information on Social Media. Anything posted on Social Media becomes a publication and will be in the public domain.

With Social Media being an important tool in which Councillors may represent their residents it is important that they do not fall foul of the law or compromise the Members' Code of Conduct.

MEMBERS' CODE OF CONDUCT:

The Code of Conduct applies to Councillors whenever they —

- (a) conduct council business, or are present at a meeting, of the Authority; or**
- (b) act, claim to act or give the impression they are acting in the role of Member to which**

they were elected or appointed; or

(c) act, claim to act or give the impression they are acting as a representative of the Authority (including representation on outside bodies).

Also the Code applies if a Councillor conducts themselves in a manner which could reasonably be regarded as bringing their office or that of the Council into disrepute. It is important to understand that Councillors can have 'blurred identities'. This means they may have a Social Media account and comment both as a Councillor and as an individual. For example, they may post a comment about a great night out (personal) and another time explain the District Council's position on pothole repairs (Councillor). It may be clear in the individual Councillor's mind that they are posting in a private capacity or as a Councillor, but it could be less clear to others.

Such blurred identities might have serious implications where a Councillor's views are taken by others as those of the Council, rather than a personal opinion. It's worth Councillors considering making Social Media accounts/profiles clear on the capacity in which they are commenting, and be more confident on what can and cannot be said. Councillors are expected to communicate and comment politically, but in the same way members are required to act in Council meetings or within their communities.

Members should:

- show respect for others – do not use social media to be rude or disrespectful
- not disclose confidential information about people or the council
- not bully or intimidate others
- not try to secure a benefit or advantage for themselves or others
- abide by the laws of equality

It is not permissible to use Council resources for personal or political purposes and during the run up to elections, additional guidance will be issued.

LEGAL CONSIDERATIONS

Whilst there is no additional legal or ethical burden around using Social Media, the usual rules still apply and need to be thought about in this context. In the main, Councillors have the same legal duties online as anyone else, but failure to comply with the law may have more serious consequences. There are additional duties around using websites for electoral campaigning and extra care needs to be taken when writing on Council business, for example Planning or Licensing matters.

- **Libel** - If an untrue statement is published about a person, which is damaging to their reputation they may take a libel action against the Councillor (not the Council). This will also apply if the Councillor allows someone else to publish something libellous on their Social Media, if the Councillor knew about it and didn't take prompt action to remove it. A successful libel claim will result in an award of damages, even if only repeating statements made by others.
- **Copyright** - Placing images or text on Social Media from a copyrighted source (for example extracts from publications or photos) without permission is likely to breach

copyright. Councillors should avoid publishing anything they are unsure about, or seek permission in advance. Breach of copyright may result in an award of damages.

- **Data Protection** - Avoid publishing the personal or sensitive data of individuals unless express written permission has been obtained in advance.

- **Equality** - Care must be taken in publishing anything that could breach Councillors' duties and responsibilities to have due regard to the principle that there should be equality of opportunity for all people, regardless of their gender, race, disability, sexual orientation, age or religion.

- **Obscene material** - It goes without saying that Councillors should avoid publishing anything on Social Media that people would consider obscene. Publication of obscene material is a criminal offence.

FREEDOM OF EXPRESSION

It is important for the Committee to understand the principles of the right to freedom of expression and its restrictions. Article 10 provides:

“(1) Everyone has the right to freedom of expression. This right shall include freedom to hold opinions and to receive and impart information and ideas without interference by public authority and regardless of frontiers....

(2) The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of...the protection of the reputation or rights of others ...”

It is also important to note the words of **Collins J in Livingstone v The Adjudication Panel for England [2006] EWHC 2533 (Admin) [at para.39]**:

“The burden is on [the Adjudication Panel for England] to justify interference with freedom of speech. However offensive and undeserving of protection the appellant's outburst may have appeared to some, it is important that any individual knows that he can say what he likes, provided it is not unlawful, unless there are clear and satisfactory reasons within the terms of Article 10(2) to render him liable to sanctions”.

The right to freedom of expression is a crucially important right in a democratic society and it is clear that it may only be interfered with where there are convincing and compelling reasons within the terms of Article 10(2) justifying that interference. Comments made on Social Media related to matters within legitimate concerns as a Councillor (political or quasi-political comment) would benefit from a high level of protection under Article 10.

The question as to whether information is fair and balanced should be, in the first instance, the stuff of political debate and journalistic analysis. A clear distinction exists between “rough and tumble” politicking, which is aimed squarely at the competence of political opponents and making statements which would fall foul of the legal consideration set out above. In a democratic system the actions or omissions of any governing body must be subject to the close scrutiny not only of the legislative and judicial authorities but also of the press and public opinion.

In *Heesom v Public Service Ombudsman for Wales*, Mr Justice Hickinbottom considered a Councillor's right to free speech in some detail. His considerations drew attention to a

number of earlier cases in which the following propositions could be derived:

- While freedom of expression is important for everyone, it is especially so for an elected representative of the people. They represent their electorate, draw attention to their preoccupations and defend their interests.
- The enhanced protection applies to all levels of politics, including local.
- Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.
- Whilst, in a political context, Article 10 protects the right to make incorrect but honestly made statements, it does not protect statements which the publisher knows to be false.
- The protection goes to “political expression”; but that is a broad concept in this context. It is not limited to expressions of or critiques of political views, but rather extends to all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others.
- Past cases draw a distinction between facts on the one hand, and comment on matters of public interest involving value judgment on the other. As the latter is unsusceptible of proof, comments in the political context amounting to value judgments are tolerated even if untrue, so long as they have some – any – factual basis. What amounts to a value judgment as opposed to fact will be generously construed in favour of the former; and, even where something expressed is not a value judgment but a statement of fact (e.g. that a council has not consulted on a project), that will be tolerated if what is expressed is said in good faith and there is some reasonable (even if incorrect) factual basis for saying it, “reasonableness” here taking account of the political context in which the thing was said
- As Article 10(2) expressly recognises, the right to freedom of speech brings with it duties and responsibilities however, any restriction must respond a “pressing social need”.

There have been other cases in which the courts have given consideration to freedom of expression, the public interest in such a freedom, and on the other side of the balance, the public interest in proper standards of conduct by elected members. The Article 10 balancing process is highly fact sensitive and while decisions will provide valuable guidance on the general approach, the courts have stressed that it is important to keep in mind the particular facts in any one case. What is essential is who comments are directed to, who is involved in the debate and if the recipient is not part of the political environment, the impact of the comments on them. In addition, it is possible to justify interference with the right to freedom of expression if the intention or impact results in civil or criminal activity, such as defamation, inciting public disorder, or breach of equality duties.

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

APPENDICES

Appendix A: Social Media Guidance for Members 2022

Tendring
District Council



TENDRING DISTRICT
COUNCIL

SOCIAL MEDIA GUIDANCE
FOR MEMBERS

TENDRING DISTRICT COUNCIL

GUIDELINES FOR MEMBERS WHEN USING SOCIAL MEDIA

What do the Guidelines cover?

These Guidelines cover all Social Media platforms, including but not limited to:

- Social Networking Sites (Facebook, Myspace, Foursquare, LinkedIn, Google+, Whatsapp)
- Micro-blogging sites (Twitter)
- Blogs (including personal blogs as well as comments)
- Video and Photo Sharing Websites (Flickr, YouTube)
- Forums and discussion Boards (Google Groups, Yahoo! Groups)

Correspondence, in all forms, should be consistent with this guidance.

Social Media

Social Media is a collective term used to describe easy ways to create and publish content on the internet. People generally use the term to describe how organisations and individuals share content – text, video and pictures – and create conversations on the web. Examples of Social Media tools include blogs, Twitter, Facebook, Google+, Flickr, Tumblr and YouTube. The Council recognises the benefits that these methods of communication can bring, but reminds all Members to use Social Media responsibly and with consideration to the Council's Social Media Policy and Communication Strategy.

Summary Principles:

- **These Guidelines should be considered in conjunction with the Council's Members' Code of Conduct**
<https://www.tendringdc.gov.uk/sites/default/files/TDC%20New%20Code%20of%20Conduct%20April%202018.pdf>
- **It relates to all use of Social Media, when acting in any capacity**

When making use of Social Media, Councillors should make use of stringent privacy settings if they do not wish them to be accessed by press or the public
- **You are personally responsible for the content you publish on any form of Social Media and messaging platform.**
- **Treat others with respect**
- **Comply with equality laws**
- **Do not disclose confidential information**
- **Do not disclose any personal or sensitive information**

- **If using third party material, ensure you have the requisite permission and that it is accurate.**
- **Since the judgment of whether you are perceived to be acting as a Councillor will be taken by someone else, it is safest to assume that any online activity can be linked to your official role. Online activity and posts must not bring the Council into disrepute.**

Key Points

- ❖ Your online presence reflects on the Council and your role as a Councillor. Be aware that your actions captured via images, posts or comments can affect your ability to take part in Council business.
- ❖ Comments posted on personal blogs should have clear disclaimers that the view expressed by you in the blog are your views alone and do not represent the views of the Council. Be clear and write in the first person. Make it clear that you are speaking for yourself and not on behalf of the Council.
- ❖ Comments on personal blogs, other blogs, forums and social networking sites should be respectful to the Council, its staff and contractors and the public.
- ❖ You need to use sound judgement and control what you publish online. What you publish is widely accessible and will always be available, so consider the content carefully. Even if you delete it, someone may have taken a picture of it.
- ❖ Social Media activities should not host content which is defamatory toward others.
- ❖ Abuse of Social Media can be a criminal offence.

The Council has produced the below simple guidelines to help Members:-

- ✓ **Do** – listen to what people are saying online, consider it and only respond if you feel it is appropriate
- ✗ **Don't** – publish anything you would not say in traditional media, for example during the pre-election period, or saying how you will vote on a particular issue
- ✓ **Do** – remember libel and copyright laws still apply to things you post on Social Media sites and the content you publish is widely accessible and may always be around
- ✗ **Don't** – bring the Council, or your Member role, into disrepute
- ✓ **Do** – make it clear whether you are speaking from a personal perspective or as a Member representing the Council or a Member representing your political party
- ✗ **Don't** – use Social Media during Committee meetings if you are a Member of the Committee or taking part in the meeting, if it interferes with or distracts from the business of the meeting
- ✓ **Do** – think about how the public might perceive who you follow on Twitter or befriend on Facebook etc. and what you might share from others which may be seen as an endorsement

- ✘ **Don't** – disclose any information which you have received in confidence
- ✔ **Do** – be respectful in your communications with others. Avoid personal attacks and disrespectful, rude or offensive comments (which can be a criminal offence). Think before you publish!
- ✘ **Don't** – assume that everyone shares your sense of humour. Others may be offended by the joke you thought was hilarious, or may not realise when you are being sarcastic or ironic
- ✔ **Do** – look to share content from the Council's corporate accounts, particularly at times of major incidents
- ✘ **Don't** - use social media when angry or under the influence of alcohol. Posting on Social Media during these times is not advisable.

Remember – Although Freedom of Expression provides Councillors with a greater degree of protection when acting as a Councillor, inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

As a District Councillor you are in a position where you are able to request information from officers that might not otherwise be publically available and you will also be included on information sent out to all Members. This may be privileged information that is provided to you to ensure you are aware of local issues and to enable you to fulfil your role as a District Councillor. You must consider how you use this information since it may be that it is private or privileged. You should check before posting this information on Social Media.

Members should be able to use social media to promote their work without fear of harassment, bullying, defamation or other hate speech; this is finely balanced with comment (and criticism) based upon freedom of speech and political debate.

Should Members be concerned about comments made then they should refer to that platform's community guidelines and take appropriate action, such as reporting the comment or post, and potentially blocking users. In more serious cases you may wish to consider seeking legal advice.

If Members are concerned about their safety or security, or feel they are being harassed, you may also wish to report it to Essex Police using the 101 service. Members may also consult with the Council's Communications Manager.

Approved and adopted by the Standards Committee

on ***** 2022

STANDARDS COMMITTEE

2 FEBRUARY 2022

REPORT OF THE MONITORING OFFICER

A.2 MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE

(Report prepared by Debbie Bunce and Keith Simmons)

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 Appendix; 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 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: Attached to this report are details of the training record for the Planning Committee.

Members of the Planning Committee were invited to a session on Planning Appeals on Tuesday 21 April 2021.

Members of the Licensing and Registration Committee are invited to attend the mandatory training session on 28 March 2022.

Mandatory Training in the context of Councillor Development more widely

The mandatory training referenced in this report also forms part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" as reported to this Committee on 2 October 2019 (Minute 14 refers). For 2021/22, and future years, it was recognised that the resources required for training for Councillors (beyond the mandatory training to which this report concerns), would require additional budget to be allocated. This budget was expanded from £1,870 to £6,870 as a consequence.

More recently, the Portfolio Holder for Corporate Finance and Governance has established a Working Party to provide a cross-party mechanism for the regular input going forward into development opportunities for Councillors as envisaged. The Membership provides for input from all the main Committees of the Council and all the political groups on the Council that is broadly proportionate to the overall position on the Council as a whole. The first meeting of the Working Party is envisaged to take place later in February 2022.

Access to the Local Government Association's online training portal has been arranged for all Councillors and this provides training modules on:

- Community Engagement and Leadership
- Councillor Induction
- Commissioning Council services
- Equality, Diversity and Unconscious Bias
- The Effective ward Councillor
- Facilitation and Conflict resolution
- Handling Complaints for service improvement
- Handling intimidation
- Holding Council meetings online
- Influencing skills
- Licensing and regulation
- Local Government Finance

Planning

Police and crime panels

Scrutiny for councillors

Stress management and personal resilience

Supporting mentally healthier communities

Supporting your constituents with complex issues

Using the opportunity of this report, it is also possible to advise the Committee that in-house training sessions have also been provided to Councillors in 2021 on Fraud, developing key lines of enquiry for scrutiny work, time management and speed-reading. In addition, a total of 30 places were booked on external training sessions in 2021; including on Scrutiny essentials, Implementing the new taxi and private hire vehicles standards, personal safety for Councillors and (for those elected in 2021) information for newly elected Councillors.

The completed and returned evaluation sheets, circulated following the training sessions provided, are used to assist the Council refine and improve its training offer.

The above itself does not reference the training provided for Councillors through the All Member Briefings.

BACKGROUND PAPERS FOR THE DECISION

There are no background papers arising from this report.

APPENDICES

Appendix A: Planning Committee Training Record 2021/22

STANDARDS COMMITTEE

2 FEBRUARY 2022

REPORT OF THE MONITORING OFFICER

A.3 ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

(Report prepared by Ian Ford and Lisa Hastings)

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 1 April 2021 until 21 January 2022.

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 1 April 2021 to 21 January 2022.

RECOMMENDATION

That the Committee NOTES the contents of this report, subject to any comments or recommendations that the Committee may wish to make following its consideration of the report.

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 1 April 2021 to 21 January 2022 and provides statistics on:-

- the number of declarations of interest made at meetings;
- 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 prior dispensation has been granted by the Monitoring Officer.

One individual dispensation has been requested during the relevant period.

Declarations of interest at meetings

Members are required to declare Personal and Disclosable Pecuniary Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 1 April 2021 to 21 January 2022 are set out in **Appendix A** to this report. All minutes of the meetings also record the declarations.

Use of Blanket dispensations

The Members' Code of Conduct at paragraph 7.3, as agreed by full Council in January 2018 contains blanket dispensations for any business of the Authority where that business relates to the Council functions in respect of:

- i. housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;
- ii. school meals or school transport and travelling expenses, where the Member is 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 the Member is 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 Council's Gift and Hospitality Policy for Members, new guidance and a notification form was issued to all District Councillors in May 2016. There have been no recorded declarations of offers/receipt of gifts and hospitality made by District Councillors in the time period covered by this report.

Updates to Members' Register of Interests

Since the new Members' Code of Conduct was adopted to take effect in April 2018, Members are required to register details of their Disclosable Pecuniary Interests and their Personal Interests within 28 days of becoming a Member (or being re-elected or reappointed) or a change in those details, in the Authority's Register of Interests. Personal Interests are defined in Paragraph 5 of the Code as relating to or is likely to affect any item of business of the Authority within any of the six categories as set out in 5.1 (a) to (f).

Following Guidance and a Notification Form being issued in 2018, Members are advised to register their Personal Interests with the Monitoring Officer. In the time period covered by

this report one Member has registered a Personal Interest (on two separate occasions) with the Monitoring Officer. To date these forms have not been published on the Council's website but retained within a central register. The most common declarations are made under paragraph 5.1 (d) being "any other body of which the Councillor is a member and in which they hold a position of general control or management –

- (i) exercising functions of a public nature;
- (ii) directed to charitable purposes; or
- (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

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.

APPENDIX

Appendix A: Table of Members' Declarations of Interest made at Council, Cabinet or Committee meetings 1 April 2021 to 21 January 2022

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A.3 Appendix A

Declarations of Interest in the Period of 1 April 2021 – 21 January 2022

	No. of Meetings	Disclosable Pecuniary Interest	Personal Interest	Points of Information for the Public Record Declarations	Pre-determined on a Planning Application (Planning Committee only)
Audit Committee	4	0	0	0	
Cabinet	7	0	9	1	
Community Leadership Overview and Scrutiny Committee	4	0	0	0	
Council	5	0	0	2	
Human Resources and Council Tax Committee	3	0	0	4	
Licensing and Registration Committee	2	0	1	0	
Miscellaneous Licensing Sub-Committee	3	0	0	0	
Planning Committee	11	0	18	7	5
Planning Policy and Local Plan Committee	4	0	1	4	
Premises / Personal Licences Sub-Committee	3	0	0	1	
Resources and Services Overview and Scrutiny Committee	6	0	2	0	
Standards Committee	2	0	0	0	

Town and Parish Councils' Standards Sub-Committee	0	0	0	0	
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Agenda Item 8

COUNCILLOR COMPLAINTS

TOWN	PUBLIC 2 x TOWN COUNCILLORS	ONGOING	Informal resolution	Matter related to claims of bullying. Informal resolution and training with an external company conducted
PARISH	PUBLIC	CLOSED	NFA	Actions did not breach the Code of Conduct
PARISH	PUBLIC	CLOSED	Informal resolution	Matter identified training requirements which have been conducted
DISTRICT	PUBLIC	PENDING	Awaiting MO final decision	Matter relates to conduct in a public meeting

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