



STANDARDS COMMITTEE

DATE: Wednesday, 6 April 2022
TIME: 2.00 pm
VENUE: Committee Room - Town Hall,
Station Road, Clacton-on-Sea, CO15
1SE

MEMBERSHIP:

Councillor Land (Chairman)
Councillor Steady (Vice-Chairman)
Councillor Fowler
Councillor V Guglielmi

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 or email: iford@tendringdc.gov.uk

DATE OF PUBLICATION: Tuesday, 29 March 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 - 8)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on Wednesday 2 February 2022.

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 - Adoption of the Local Government Association's Model Members' Code of Conduct (Pages 9 - 44)

To review part of the elected Members' Model Code of Conduct (the Model Code), as authored by the Local Government Association (LGA), in comparison to Tendring District Council's Members' Code of Conduct (the Code), for eventual determination as to whether to recommend the Model Code to Full Council for adoption.

6 Case Review Presentation and Guidance Update on decisions and actions taken nationally

To give the Committee a presentation and guidance update on decisions and actions taken nationally.

7 Draft Committee Work Plan for 2022/2023 (Pages 45 - 46)

The Committee is invited to give consideration to its draft Work Plan for the 2022/2023 Municipal Year.

8 Quarterly Complaints Update and other General Matters (Pages 47 - 48)

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

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee will be held on a date to be published and notified in due course.

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.

This page is intentionally left blank

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 2ND FEBRUARY, 2022 AT 10.00 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Fowler, V Guglielmi, J Henderson, Turner and Wiggins
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Debbie Bunce (Legal and Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Jane Watts (one of Tendring District Council's appointed Independent Persons)

15. CHANGE IN MEMBERSHIP OF THE COMMITTEE

The Committee Services Manager (Ian Ford) formally reported that, in accordance with the wishes of the Leader of the Conservative Group and the authority delegated to the Chief Executive, Councillor V E Guglielmi had been appointed to serve on the Standards Committee in place of Councillor Amos.

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Sue Gallone, Clarissa Gosling and David Irvine, three of the Council's appointed Independent Persons.

17. MINUTES OF THE LAST MEETING

It was moved by Councillor Fowler, seconded by Councillor Wiggins and:-

RESOLVED that the Minutes of the meeting of the Committee held on 27 October 2021 be approved as a correct record and be signed by the Chairman.

Further to Minute 10 (27.10.21), Councillor re-iterated that he had still not been contacted in respect of being this Committee's representative on the Councillor Development Portfolio Holder Working Party.

The Monitoring Officer confirmed that Councillor Turner had been appointed to that Working Party and that it was anticipated that the Working Party would hold its first meeting later on in the month.

18. DECLARATIONS OF INTEREST

There were no Declarations of Interest made by Members at this time.

19. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

No Questions on Notice had been submitted by Members pursuant to Council Procedure Rule 38 on this occasion.

20. **REPORT OF THE MONITORING OFFICER - A.1 - SOCIAL MEDIA GUIDANCE FOR MEMBERS 2022**

The Standards Committee considered the Council's Social Media Guidance for Members, which had been last updated in June 2017.

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

Therefore, the Standards Committee was requested to review the Council's Social Media Guidance for Members in order to ensure that the guidance was clear in order to assist Elected Members in understanding the potential pitfalls of using Social Media.

In addition to the updated guidance, it was reported that a virtual training session for Elected Members had been held on 27 January 2022. The course had covered 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*

Draft updated guidance, which set out some simple rules for members to adhere to, was attached as Appendix A to item A.1 of the Report of the Monitoring Officer and included a reminder that inappropriate use of Social Media could amount to a breach of the Members' Code of Conduct.

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.

Having duly considered and discussed this matter:-

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

RESOLVED that the Standards Committee:

- (a) welcomes the intention of the Monitoring Officer to arrange for the circulation to all Members of the Council of guidance in relation to security settings on social media accounts;
- (b) approves and formally adopts the Social Media Guidance for Members and that it be circulated to all Members of the Council and to Town & Parish Councils within the District; and

- (c) endorses social media use by Councillors being included as part of the regular training programme for members and especially that it be included as part of the Members' Induction Training programme following the District Council Elections in May 2023.

21. REPORT OF THE MONITORING OFFICER - A.2 - MANDATORY TRAINING FOR MEMBERS - ANNUAL UPDATE

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

Members were reminded that the Standards Committee, as part of its annual work programme since 2014, had received a report providing details of the mandatory training provided to members of the Planning and Licensing and Registration Committees.

It was reported that Members of the Planning Committee had attended a session on Planning Appeals on Tuesday 21 April 2021.

It was further reported that members of the Licensing and Registration Committee had been invited to attend their mandatory training session on 28 March 2022.

Mandatory Training in the context of Councillor Development more widely

Members were informed that the mandatory training referenced in this report also formed 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 referred)). For 2021/22, and future years, it had been recognised that the resources required for training for Councillors (beyond the mandatory training on which this report focussed), would require an additional budget to be allocated. This budget had been expanded from £1,870 to £6,870 as a consequence.

The Committee was advised that, more recently, the Portfolio Holder for Corporate Finance and Governance had established a Working Party to provide a cross-party mechanism for Members' regular input going forward into development opportunities for Councillors. The membership provided for input from all the main Committees of the Council and all the political groups on the Council in a manner that was broadly proportionate to the overall position on the Council as a whole. The first meeting of the Working Party was envisaged to take place later on in February 2022.

The Committee was informed that access to the Local Government Association's online training portal had been arranged for all Councillors and this provided 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

The Committee was further advised that in-house training sessions had also been provided to Councillors during 2021 on Fraud, developing key lines of enquiry for scrutiny work, time management and speed-reading. In addition, a total of 30 places had been 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, were used to assist the Council to refine and improve its training offer.

In addition, further training was provided for Councillors through the All Member Briefings.

Members were made aware that details of training events that they had undertaken were now being recorded on their individual pages on the Council's website (via Modern.Gov). This had commenced with the Social Media training event held on 27 January 2022.

Having duly considered and discussed the contents of the report:-

It was moved by Councillor Turner, seconded by Councillor V E Guglielmi and:-

RESOLVED that the Standards Committee -

- (a) notes the contents of this report and its Appendix;
- (b) reminds 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 and to be able to sit on those Committees; and
- (c) requests the Portfolio Holder for Corporate Finance & Governance to increase the Councillors' training budget from £6,870 to £10,000.

22. REPORT OF THE MONITORING OFFICER - A.3 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

Members recalled that it had been 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. The report now before the Committee covered the period from 1 April 2021 to 21 January 2022 and provided 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 had been collated from the Committee IT system Modern.gov which the Council had started using as of August 2016 and from Members' submissions.

Register of Members' Disclosable Pecuniary Interests

The Committee was aware that the Council was 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 prescribed the categories of interests.

It was confirmed that the Council's website included a Register of Disclosable Pecuniary Interests for all District Councillors and this was updated, when an individual Member provided details of an amendment directly to the Monitoring Officer. Any entry, which was 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 had been granted by the Monitoring Officer.

Two individual dispensations had been requested and granted during the relevant period.

Declarations of interest at meetings

Members were 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 were set out in Appendix A to the Monitoring Officer's report. Minutes of the meetings also record the declarations.

Use of Blanket dispensations

The Committee was reminded that the Members' Code of Conduct at paragraph 7.3, as agreed by full Council in January 2018, contained blanket dispensations for any business of the Authority where that business related to the Council's functions in respect of:

- housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;*
- 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;*
- 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;*
- 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 those blanket dispensations had been called upon at meetings of the Cabinet and full Council.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee's review of the Council's Gift and Hospitality Policy for Members, new guidance and a notification form had been issued to all District Councillors in May 2016. There had 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 had been adopted to take effect in April 2018, Members had been 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 were 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).

It was reported that, following Guidance and a Notification Form being issued in 2018, Members were advised to register their Personal Interests with the Monitoring Officer. In the time period covered by this report one Member had registered a Personal Interest (on two separate occasions) with the Monitoring Officer. To date those forms had not been published on the Council's website but retained within a central register. The most common declarations were 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);"*

The Monitoring Officer reminded the Committee that it was Members' individual responsibility to declare their interests at a meeting and that they should be clear, detailed and precise in the wording of their declaration in order that the Minutes of the meeting accurately recorded that declaration of interest.

Having duly considered and discussed the contents of the report:-

It was **RESOLVED** that the Committee notes the contents of this report.

23. 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. There had been no requests for dispensations from Members.

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

The Monitoring Officer informed the Committee that the Executive Projects Manager (Governance) and her had provided training, or would be providing training, to several parish/town councils as a result of the above and other matters.

The Committee noted the foregoing.

24. MONITORING OFFICER'S UPDATE - REVIEW OF THE MODEL CODE OF CONDUCT

The Monitoring Officer gave an oral update on the current position in relation to the Local Government Association's (LGA) review of the Model Code of Conduct.

The Monitoring Officer informed the Committee that the LGA had revised its model Code of Conduct on two occasions as a result of consultative feedback and that it had now indicated that it was not intending to make any more revisions. The LGA had produced Guidance on the Model Code of Conduct and, in conjunction with Lawyers in Local Government (LLG), was finalising a "LGA Model Councillor Code of Conduct Training Pack".

The Monitoring Officer advised Members that it was the view of the Essex Monitoring Officers' Group that, as a result of the two revision processes, the Model Code of Conduct was now much improved though still not perfect.

The Monitoring Officer reported that Essex County Council was proposing to adopt the LGA's Model Code of Conduct.

As a result, the Monitoring Officer considered that there was now an obligation on this Council (TDC) to review TDC's own Code of Conduct to see if it wished to adopt it in total or incorporate parts of it in to TDC's Code of Conduct. The Monitoring Officer suggested that the review (which would involve input from all TDC Members and parish/town councils in the District) should take place over the course of 2022/23 and that any changes should take effect with the new Council that would be elected in the May 2023 District Council Elections.

The Monitoring Officer undertook to bring a report on the above to the next meeting of the Committee.

25. START TIME FOR THE NEXT MEETING OF THE COMMITTEE

Members were made aware that, due to a clash with a nationally organised online training event, the Council's legal services officers would not be able to attend the scheduled start time of 10.00 a.m. for the next meeting of the Committee due to be held on Wednesday 6 April 2022.

In order to enable the Officers to attend that meeting, the Chairman (Councillor Land) informed the Committee that he was changing the start time to **2.00 p.m.**

The meeting was declared closed at 10.55 am

Chairman

STANDARDS COMMITTEE

6 April 2022

REPORT OF THE MONITORING OFFICER

A.1 ADOPTION OF THE LOCAL GOVERNMENT ASSOCIATION (LGA) MODEL MEMBERS' CODE OF CONDUCT

(Report prepared by Karen Townshend)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

For the Standards Committee to review part of the elected Members' Model Code of Conduct (the Model Code) as authored by the Local Government Association (LGA), in comparison to Tendring District Council's Members' Code of Conduct (the Code), for eventual determination as to whether to recommend the Model Code to Full Council for adoption.

EXECUTIVE SUMMARY

In 2018 the Standards Committee recommended to Full Council that the Council adopted the Members' Code of Conduct (the Code) as detailed within Part 6 of The Constitution and attached as Appendix A. The Code sets out the standards, values and rules of conduct that elected Members are expected to abide by.

In May 2021, a final version of the Members' Model Code of Conduct was authored and released by the LGA (after two amended versions had previously being issued). The aim of the Model Code is to provide consistency for Members across Parish, Town, District and County Councils, especially for those Members representing two or more electorates (also known as 'dual or triple hatters').

As part of its work programme, the Standards Committee is requested to review the Code in comparison with the Model Code, together with associated guidance, and recommend to Full Council as to whether the Model Code should be adopted or whether to review and keep the Tendring District Council Code. Should the Committee wish to recommend that the Model Code be adopted, it has previously been proposed that implementation would not take effect until the new municipal period following the 2023 elections.

The LGA plan to undertake an annual review of the Model Code to ensure it continues to be fit for-purpose, incorporating advances in technology, social media and changes in legislation. Therefore this authority will be required to review its Code, if adopted, to ensure consistency.

In addition to the publication of the Model Code, the LGA, in consultation with Monitoring Officers and associated Officers nationally, is compiling a training package for Members and Officers which can be utilised upon election or for refresher training. The training package, which is currently in draft form, allows to be either completed in a single session or broken down into multiple sessions focussing on specific areas, whichever caters to Members' needs at that time, allowing for questions throughout.

The training package may be conducted in person or virtually and there is supporting material available for Members' reference.

The training is broken down into 'bite size' sections following the Model Code with relevant scenarios and case studies. Due to the training package still being in draft form, a further report will be presented for discussion to the Committee at its next meeting, together with a more detailed consideration of the differences relating to registration and declaration of interests.

The Model Code is attached as Appendix B.

RECOMMENDATION(S)

That the Standards Committee:

- (a) notes the contents of this report and its Appendices;**
- (b) confirms its satisfaction of the comparison of the Tendring District Council's Members' Code of Conduct and the LGA Model Code of Conduct or whether there are any matters for concern; and**
- (c) requests the Monitoring Officer to present in more detail the implications of the differences in Declarations and Registration of Interests, for the Committee to consider prior to agreeing its recommendations to Full Council.**

PART 2 – IMPLICATIONS OF THE DECISION

BACKGROUND INFORMATION, CODE OF CONDUCT and LEGAL CONSIDERATIONS

The current Code was adopted in 2018 and has served well to uphold and promote the high standards of conduct in public life for all elected Members, voting co-opted Members and appointed members. Trust and confidence in public office holders and institutions are important for the functioning of local authorities and it is each Members' responsibility to comply with the provisions of the Code.

In January 2019, the Committee on Standards in Public Life published a report which recommended that the Local Government Association (LGA) in consultation with representative bodies of councillors and officers of all tiers of local government, should produce a new Model Code of Conduct for Councillors.

This Model Councillor Code of Conduct ("the Model Code") was approved by the LGA on 3 December 2020 and then a final version was approved in May 2021 and made available to all Local Authorities shortly thereafter.

The Code covers three main areas:

Part 1 sets out some general obligations regarding the behaviour of elected and co-opted Members ("**Rules of Conduct**")

Part 2 explains how Members should behave if they have a personal/code interest in an item of Council business ("**Members' Interests**")

Part 3 sets out rules requiring registration of interests for public inspection ("**Register of**

Members' Interests")

The Principles of Public Life, also referred to as The Nolan Principles, are set out as Appendix B.

The Code covers the following areas:

- Duties and Responsibilities
- Information
- Conduct
- Use of the Position
- Registration of Interests
- Sensitive Information
- Decision Making
- Compliance with the Law and the Authority's Rules and Policies
- Disclosable Pecuniary Interests
- Declaration of Members' Interests
- Declaration of Personal Interests generally
- Effect of Disclosable Pecuniary Interests on participation
- Effect of Personal Interests on participation

The Model Code has been written in the first person, to make it more personal to individual Councillors and covers the following areas:

- General Conduct
- Respect
- Bullying, harassment and discrimination
- Impartiality of officers of the council
- Confidentiality and access to information
- Disrepute
- Use of position
- Use of local authority resources and facilities
- Complying with the Code of Conduct

- Interests
- Gifts and Hospitality

Although the Code and Model Code state slightly differing titles for the areas covered within them, the content is extremely similar within each document and the Model Code covers each area in more detail giving some explanatory text. The main differences between the Code and Model Code are detailed below:

The Code

3.4 Conduct

Members must:

- (a) not conduct themselves in a manner which could reasonably be regarded as bringing their office or Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the Authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted on accordance with their respective statutory powers.

The Model Code

8 Complying with the Code of Conduct

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

The Model Code also includes a definition of bullying, something which the Code does not have. The Committee on Standards in Public Life recommend that local authorities include such a definition within their code.

The Code

3.7 Decision Making

Members must:

(a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by –

(i) the Authority's Head of Paid Service

(ii) the Authority's s.151 Officer / Chief Financial Officer

(iii) the Authority's Monitoring Officer / Chief Legal Officer

(b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

Decision making in this form is not referred to in the Model Code, however Article 13 within the Council's Constitution, sets out the responsibilities and principles for decision making in detail, including reference to the Statutory Officers, therefore in the view of the Monitoring Officer, this would be sufficient were the Model Code to be adopted.

The Code

3.6 Registration of Interests

In accordance with and subject to Part 2 of the Code, 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.

The Model Code

9.1 I register and disclose my interests

Section 29 of The Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interest of members of the authority.

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

Should the Model Code be adopted then particular attention will need to be given to training for Members in this area. Further research into the differences between the Interests sections will be conducted by Officers, with a report compiled, to be presented in further detail for discussion by the Committee at its next meeting.

From initial conversations between Monitoring Officers across the County, there does appear to be an eagerness for the majority of the authorities to consider and subsequently

adopt the Model Code, subject to approval from Full Council. At the time of writing, both Essex County Council and Southend-on-Sea City Council have received reports recommending adopting the Model Code. If all Essex Authorities adopt the Model Code, this does achieve the aim of bringing consistency across the county.

LEGAL CONSIDERATIONS

The Localism Act 2011 requires the Authority to have a code of conduct which is consistent with The Nolan Principles determined by the Committee on Standards in Public Life. These principles are set out within the Code. Both The Code and The Model Code are consistent with The Nolan Principles but any breach of the principles is not by itself a breach of either code. Members of Tendring District Council along with Town and Parish Councils shall have regard to the Seven Principles of Public Life as it is these principles which underpin the Rules of Conduct.

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 Model Code and supporting Guidance emphasises the importance of Councillor responsibility to ensure those with protected characteristics are protected from discrimination

Prior to the Model Code being produced by the LGA, extensive consultation was undertaken nationally, to which the District Council via consideration by the Standards Committee responded to. The first version of the LGA Model Code, was amended following feedback and a third version was produced in response to concerns around the Members' interests section. Prior to the third version being issued, Essex Monitoring Officers were not comfortable recommending the LGA Model Code for adoption, these concerns have now been reduced. However, it is worth noting that the LGA Model Code is not being recommended for adoption at this stage and the Standards Committee may wish to undertake more local consultation in this regard.

Wards Affected: All

APPENDICES

Appendix A: Tendring District Council Members' Code of Conduct (The Code)

Appendix B: The LGA Model Code of Conduct (The Model Code)

**TENDRING DISTRICT COUNCIL
MEMBERS' CODE OF CONDUCT
APRIL 2018**

1. INTRODUCTION TO THE CODE OF CONDUCT

- 1.1 Trust and confidence in public office-holders and institutions are important for the functioning of local authorities. This is particularly true in the case of elected office-holders. The Council has therefore adopted this Code of Conduct for elected Members (also referred to as "Councillors") to promote and maintain high standards of conduct in public life. It is each Member's responsibility to comply with the provisions of this Code.
- 1.2 The Code of Conduct applies to all elected Members, voting co-opted Members and appointed Members.
- 1.3 The Code covers three main areas:
- **Part 1** sets out some general obligations regarding the behaviour of elected and co-opted Members ("**Rules of Conduct**")
 - **Part 2** explains how Members should behave if they have a personal/code interest in an item of Council business ("**Members' Interests**")
 - **Part 3** sets out rules requiring registration of interests for public inspection ("**Register of Members' Interests**")

The Principles of Public Life are set out in the Appendix.

2. Interpretation of when the Code of Conduct applies?

- 2.1 In this Code "meeting" means any meeting of
- (a) Tendring District Council ("the Authority");
 - (b) the Cabinet (also known as the Executive) of the Authority
 - (c) any of the Authority's or Cabinet's committees, sub committees joint committees, joint sub-committees, or area committees (including working parties and panels); or
 - (d) informal meetings with other Members and/or Officers relating to the discharge of the Authority's functions.
- 2.2 The Code of Conduct applies—
- (a) whenever a Member conducts the business, or are present at a meeting, of the Authority; or
 - (b) whenever a Member acts, claims to act or gives the impression they are acting in the role of Member to which they were elected or

- appointed; or
- (c) whenever a Member acts, claims to act or give the impression they are acting as a representative of the Authority (including representation on outside bodies); or
 - (d) at all times and in any capacity, in respect of conduct identified in paragraphs 3.4(a) and 3.5; or
 - (e) in respect of any criminal offence for which they have been convicted during their term of office.
- 2.3 Where a Member is elected, appointed or nominated by the Authority to serve on any other authority or body they must, when acting for that other authority or body, comply with the code of conduct of that other authority or body.
- 2.4 Where a Member is elected, appointed or nominated by the Authority to serve on any other body which does not have a code relating to the conduct of its members, they must, when acting for that other body, comply with this Code of Conduct, unless it conflicts with any other lawful obligations to which that other body may be subject.

3. Principles of Public Life

- 3.1 The Localism Act 2011 requires the Authority to have a code of conduct which is consistent with the 'Nolan Principles' determined by the Committee on Standards in Public Life. These Principles are set out in the Appendix A to this Code. The Code is consistent with the Nolan Principles but any breach of the principles is not by itself a breach of the Code.

Members of Tendring District Council shall have regard to the Seven Principles of Public Life as it is these principles which underpin the Rules of Conduct set out below.

PART 1 **RULES OF CONDUCT**

3.2 In fulfilling Duties and Responsibilities

Members must not:

- (a) breach their duties and responsibilities with 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;
- (b) disrespect others;
- (c) bully or harass any person; or
- (d) do anything which compromises, or which is likely to compromise, the impartiality of those who work for, or on behalf of, the Authority.

3.3 Information

Members must not:

- (a) disclose confidential information or information which should reasonably be regarded as being of a confidential nature, without the express consent of a person authorised to give such consent, or unless required by law to do so;
- (b) prevent any person from gaining access to information to which that person is entitled by law.

3.4 Conduct

Members must:

- (a) not conduct them self in a manner which could reasonably be regarded as bringing their office or the Authority into disrepute;
- (b) not make vexatious, malicious or frivolous complaints against other Members or anyone who works for, or on behalf of, the Authority.
- (c) comply with any request of the Authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers.

3.5 Use of the Position

Members must not:

- (a) in their official capacity or otherwise, use or attempt to use their position improperly to confer on or secure for them self, or any other person, an advantage or create or avoid for them self, or any other person, a disadvantage;
- (b) use, or authorise others to use, the resources of the Authority—
 - (i) imprudently;
 - (ii) in breach of the Authority's requirements;
 - (iii) unlawfully;
 - (iv) other than in a manner which is calculated to facilitate, or to be conducive to, the discharge of the functions of the Authority or of the office to which they have been elected or appointed;
 - (v) improperly for political purposes; or
 - (vi) improperly for private purposes.

3.6 Registration of Interests

In accordance with and subject to Part 2 of the Code, 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.

3.7 Decision Making

Members must:

- (a) when participating in meetings or reaching decisions regarding the business of the Authority, do so on the basis of the merits of the circumstances involved and in the public interest having regard to any relevant advice provided by the Authority's officers, in particular by—
 - (i) the Authority's Head of Paid Service;
 - (ii) the Authority's s.151 Officer/ Chief Finance Officer;
 - (iii) the Authority's Monitoring Officer/ Chief Legal Officer;
- (b) give reasons for all decisions in accordance with any statutory requirements and any reasonable additional requirements imposed by the Authority.

3.8 Compliance with the Law and the Authority's Rules and Policies

Members must:

- (a) observe the law and the Authority's rules governing the claiming of expenses and allowances in connection with their duties as a Member;
- (b) comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued;
- (c) comply with the provisions of the Bribery Act 2010 or similar;
- (d) comply with the Authority's Gifts and Hospitality Policy;
- (e) comply with any other policy (or part of policy) which sets out required conduct from Members, for example the Member/Officer Working Protocol and Planning Code for Members, or similar.

PART 2 MEMBERS' INTERESTS

Holding the position of a District Councillor is NOT an interest which is required to be declared at any Council, Committee, Sub-Committee or Cabinet meetings, unless the Member is involved in the decision making affecting the ward they were elected to.

4. Disclosable Pecuniary Interests

4.1 Disclosable Pecuniary Interests (DPIs) are defined by ***The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012*** and are set out in Appendix B to this Code. It is important that Members understand what amounts to a DPI, that they identify carefully all DPIs relevant to them and that they take the necessary action required by law. Breach of the requirements related to DPIs is a criminal offence and are referred to the Police.

4.2 A Member will have a Disclosable Pecuniary Interest in any business of their Authority if it is of a description set out in Appendix B and is either:

- (a) their own interest,
or that of a Relevant Person being:
- (b) an interest of their spouse,
- (c) an interest of their civil partner, or
- (d) an interest of a person with whom they are living with as a spouse or civil partner,

and in the case of paragraphs 4.2(b) – (d) the Member is aware that the Relevant Person has the interest.

5. Personal Interests

5.1 A Member will have a Personal Interest in any item of business of the Authority where it relates to or is likely to affect –

- (a) any person or body who employs or has appointed them;
- (b) any existing contract for goods, services or works, which has not been fully discharged or has expired within the last 2 years, and made between the Authority and
 - (i) the Member,
 - (ii) a Related Person;
 - (iii) a body in which the Member has a Disclosable Pecuniary Interest; or
 - (iv) a person or body of the description specified in paragraphs 5.1 (c)-(d) below;

- (c) any body of which the Councillor is a member or in which they hold a position of general control or management and to which they are appointed or nominated by the Authority;
- (d) 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; or
 - (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);
- (e) the interests of any person from whom the Member has received a gift or hospitality with an estimated value of at least £50;
- (f) a decision in relation to that business which might reasonably be regarded as affecting the financial position or wellbeing of:
 - (i) the Member or
 - (ii) a Related Person (if the Member is aware of its existence)

to a greater extent than the majority of other council tax payers, ratepayers or inhabitants of the electoral division or ward, affected by the decision;

5.2 Related Person is defined as:

- a member of the Councillor's family; or
- any person with whom the Councillor has a close business or personal association.

In the case of a Related Person, a Councillor is only required to declare those interests which they are aware or ought reasonably to be aware of the existence.

6. Declaration of Members' Interests

- 6.1 Subject to sub-paragraphs 6.2 to 6.3, where a Member has a Disclosable Pecuniary or Personal Interest in any business of the Authority and they are present at a meeting of the Authority at which the business is considered, they must declare to that meeting the existence and nature of that interest whether or not such interest is registered on their Register of Interests or for which they have made a pending notification.
- 6.2 Sub-paragraph 6.1 only applies where a Member is aware or ought reasonably to be aware of the existence of the Relevant Person's (as defined

in 4.2 above) Interest or the Related Person's (as defined in 5.2 above) Interest.

- 6.3 Where a Member has an interest in any business of the Authority which would be declarable by virtue of paragraph 6.1 but by virtue of paragraph 11 (Sensitive Information) details of the interest are not registered in the Authority's published Register of Members' Interests and the interest is a Disclosable Pecuniary or Personal Interest they do not need to declare the nature of the interest to the meeting.
- 6.4 Where a Member has an interest in any business of the Authority which would be declarable by virtue of paragraph 6.1 and they are acting as a Cabinet Member, making an executive decision in relation to that business they must ensure that any written statement of that decision records the existence and nature of that interest. In this paragraph "executive decision" is to be construed in accordance with any regulations made by the Secretary of State under section 22 of the Local Government Act 2000.

7. Declaration of Personal Interests generally

- 7.1 Subject to sub-paragraphs 7.2 & 7.3 below, a Member has a duty to declare any Personal Interest, as set out in paragraph 5 above, in considering any business of the Authority, where that interest is one which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice their judgement of the public interest.
- 7.2 Holding the position of a District Councillor is NOT an interest which is required to be declared at any Council, Committee, Sub-Committee or Cabinet meetings, unless the Member is involved in the decision making affecting the ward they were elected to.
- 7.3 A Member does not have a declarable interest in any business of the Authority where that business relates to the functions of the Authority 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

8. Effect of Disclosable Pecuniary Interests on participation

- (a) If a Member is present at a meeting of the Authority or of any committee, sub-committee, joint committee or joint sub-committee of the Authority and they have a Disclosable Pecuniary Interest in any matter to be considered, or being considered, at the meeting and they are aware of that Interest:
 - (i) the Member must not participate, or participate further, in any discussion of the matter at the meeting, or participate in any vote, or further vote, taken on the matter at the meeting.
 - (ii) the Member must withdraw from the room or chamber where the meeting considering the business is being held unless they have received a dispensation from the Authority's Monitoring Officer.
- (b) If a Member has a Disclosable Pecuniary Interest in any business of the Authority they must not:
 - (i) exercise executive functions in relation to that business; and
 - (ii) seek improperly to influence a decision about that business
- (c) If a function of the Authority may be discharged by a Member acting alone and they have a Disclosable Pecuniary Interest in any matter to be dealt with or being dealt with in the course of discharging that function they may not take any steps or any further steps in relation to the matter (except for the purpose of enable the matter to be dealt with otherwise than by them self).

9. Effect of Personal Interests on participation

- 9.1 If a Member has a Personal interest (not a Disclosable Pecuniary Interest) in any business of the Authority which a Member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice the Member's judgement of the public interest and they are present at a meeting of the Authority at which such business is to be considered or is being considered the Member must:-
 - (a) Declare the existence and nature of the interest in accordance with paragraph 7.1 (but subject to paragraph 12)
 - (b) Withdraw from the room or chamber where the meeting considering the business is being held, immediately after making representations or in any other case when the business is under consideration, unless they have obtained a dispensation from the Authority's Monitoring Officer.

PART 3

REGISTER OF MEMBERS' INTERESTS Registration of Members' Interests

- 10.1 Subject to paragraph 11, Members must, within 28 days of—
- a. this Code being adopted by or applied to the Authority; or
 - b. their election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the Authority,
- register in the Authority's Register of Members' Interests (maintained by the Monitoring Officer under Section 29(1) of the Localism Act 2011) details of Disclosable Pecuniary Interests as referred to in paragraph 4, and defined in Appendix B, that they, their spouse, civil partner or person with whom they live as if they were their spouse or civil partner in so far as they are aware of their interests at that time.
- 10.2 Subject to paragraph 11, Members must, within 28 days of becoming aware of any new or amended Disclosable Pecuniary Interest as referred to in paragraph 4, and defined in Appendix B, that they, their spouse, civil partner or person with whom they live as if they were their spouse or civil partner or change to any interest registered under paragraph 4 above by providing written notification to the Authority's Monitoring Officer.
- 10.3 Subject to paragraphs 10.5 and 11, Members must, within 28 days of—
- a. this Code being adopted by or applied to the Authority; or
 - b. their election, re-election or appointment or re-appointment to office (where that is later), or co-option onto the Authority,
- register in the Authority's Register of Members' Personal Interests details of Personal Interests as referred to in paragraph 5, that the Member is aware of at that time.
- 10.4 Subject to paragraphs 10.5 and 11, Members must, within 28 days of becoming aware of any new or amended Personal Interest as referred to in paragraph 5 or change to any interest registered under paragraph 5 above by providing written notification to the Authority's Monitoring Officer.
- 10.5 The provisions of paragraphs 10.3 and 10.4 above, do not apply to any Personal Interest which concerns a Related Person, as these interests are not required to be registered in advance and only declared at a meeting of the Authority at which the business is considered and the Member is present.

11. Sensitive Information

- 11.1 Where a Member has an interest referred to in paragraphs 4 or 5, and the nature of the interest is such that the Member and the Authority's Monitoring Officer consider that disclosure of details of the interest could lead to the Member or a person connected with them being subject to violence or intimidation if the interest is entered in the Authority's register then copies of the register available for inspection and any published version of the register should not include details of the interest but may state that the Member has an interest details of which are withheld under s32(2) of the Localism Act 2011 and/or this paragraph.
- 11.2 Members must, within 28 days of becoming aware of any change of circumstances which means that information excluded under paragraph 11.1 is no longer sensitive information, notify the Authority's Monitoring Officer.
- 11.3 In this Code "sensitive information" means information whose availability for inspection by the public creates, or is likely to create, a serious risk that the Member or a person who lives with them may be subject to violence or intimidation.

APPENDIX A

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the civil service, local government, the police, courts and probation services, non-departmental public bodies, and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

The Nolan Principles

- | | |
|------------------------------|---|
| <i>Selflessness</i> | Holders of public office should act solely in terms of the public interest. |
| <i>Integrity</i> | Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships. |
| <i>Objectivity</i> | Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias. |
| <i>Accountability</i> | 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. |
| <i>Openness</i> | Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing. |
| <i>Honesty</i> | Holders of public office should be truthful. |
| <i>Leadership</i> | Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs. |

APPENDIX B

“Disclosable Pecuniary Interests” are defined by *The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012* and are:-

Employment, office, trade, profession or vacation

Any employment, office, trade, profession or vocation carried on for profit or gain.

Sponsorship

Any payment or provision of any other financial benefit (other than from the relevant Authority) made or provided within the relevant period in respect of any expenses incurred by the Member in carrying out duties as a Member, or towards the election expenses of the Member. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.

Contracts

Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant Authority—

- (a) under which goods or services are to be provided or works are to be executed; and
- (b) which has not been fully discharged.

Land

Any beneficial interest in land which is within the area of the relevant Authority.

Licences

Any licence (alone or jointly with others) to occupy land in the area of the relevant Authority for a month or longer.

Corporate tenancies

Any tenancy where (to the Member’s knowledge)—

- (a) the landlord is the relevant Authority; and
- (b) the tenant is a body in which the relevant person has a beneficial interest.

Securities

Any beneficial interest in securities of a body where—

- (a) that body (to the Member’s knowledge) has a place of business or land in the area of the relevant Authority; and
- (b) either—
 - (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or
 - (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

Local Government Association

Model Councillor Code of Conduct 2020

Joint statement

The role of councillor across all tiers of local government is a vital part of our country's system of democracy. It is important that as councillors we can be held accountable and all adopt the behaviors and responsibilities associated with the role. Our conduct as an individual councillor affects the reputation of all councillors. We want the role of councillor to be one that people aspire to. We also want individuals from a range of backgrounds and circumstances to be putting themselves forward to become councillors.

As councillors, we represent local residents, work to develop better services and deliver local change. The public have high expectations of us and entrust us to represent our local area; taking decisions fairly, openly, and transparently. We have both an individual and collective responsibility to meet these expectations by maintaining high standards and demonstrating good conduct, and by challenging behaviour which falls below expectations.

Importantly, we should be able to undertake our role as a councillor without being intimidated, abused, bullied or threatened by anyone, including the general public.

This Code has been designed to protect our democratic role, encourage good conduct and safeguard the public's trust in local government.

Introduction

The Local Government Association (LGA) has developed this Model Councillor Code of Conduct, in association with key partners and after extensive consultation with the sector, as part of its work on supporting all tiers of local government to continue to aspire to high standards of leadership and performance. It is a template for councils to adopt in whole and/or with local amendments.

All councils are required to have a local Councillor Code of Conduct.

The LGA will undertake an annual review of this Code to ensure it continues to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation. The LGA can also offer support, training and mediation to councils and councillors on the application of the Code and the National Association of Local Councils (NALC) and the county associations of local councils can offer advice and support to town and parish councils.

Definitions

For the purposes of this Code of Conduct, a “councillor” means a member or co-opted member of a local authority or a directly elected mayor. A “co-opted member” is defined in the Localism Act 2011 Section 27(4) as “a person who is not a member of the authority but who

- a) is a member of any committee or sub-committee of the authority, or;
- b) is a member of, and represents the authority on, any joint committee or joint sub-committee of the authority;

and who is entitled to vote on any question that falls to be decided at any meeting of that committee or sub-committee”.

For the purposes of this Code of Conduct, “local authority” includes county councils, district councils, London borough councils, parish councils, town councils, fire and rescue authorities, police authorities, joint authorities, economic prosperity boards, combined authorities and National Park authorities.

Purpose of the Code of Conduct

The purpose of this Code of Conduct is to assist you, as a councillor, in modelling the behaviour that is expected of you, to provide a personal check and balance, and to set out the type of conduct that could lead to action being taken against you. It is also to protect you, the public, fellow councillors, local authority officers and the reputation of local government. It sets out general principles of conduct expected of all councillors and your specific obligations in relation to standards of conduct. The LGA encourages the use of support, training and mediation prior to action being taken using the Code. The fundamental aim of the Code is to create and maintain public confidence in the role of councillor and local government.

General principles of councillor conduct

Everyone in public office at all levels; all who serve the public or deliver public services, including ministers, civil servants, councillors and local authority officers; should uphold the [Seven Principles of Public Life](#), also known as the Nolan Principles.

Building on these principles, the following general principles have been developed specifically for the role of councillor.

In accordance with the public trust placed in me, on all occasions:

- I act with integrity and honesty
- I act lawfully
- I treat all persons fairly and with respect; and
- I lead by example and act in a way that secures public confidence in the role of councillor.

In undertaking my role:

- I impartially exercise my responsibilities in the interests of the local community
- I do not improperly seek to confer an advantage, or disadvantage, on any person
- I avoid conflicts of interest
- I exercise reasonable care and diligence; and
- I ensure that public resources are used prudently in accordance with my local authority's requirements and in the public interest.

Application of the Code of Conduct

This Code of Conduct applies to you as soon as you sign your declaration of acceptance of the office of councillor or attend your first meeting as a co-opted member and continues to apply to you until you cease to be a councillor.

This Code of Conduct applies to you when you are acting in your capacity as a councillor which may include when:

- you misuse your position as a councillor
- Your actions would give the impression to a reasonable member of the public with knowledge of all the facts that you are acting as a councillor;

The Code applies to all forms of communication and interaction, including:

- at face-to-face meetings
- at online or telephone meetings
- in written communication
- in verbal communication
- in non-verbal communication
- in electronic and social media communication, posts, statements and comments.

You are also expected to uphold high standards of conduct and show leadership at all times when acting as a councillor.

Your Monitoring Officer has statutory responsibility for the implementation of the Code of Conduct, and you are encouraged to seek advice from your Monitoring Officer on any matters that may relate to the Code of Conduct. Town and parish councillors are encouraged to seek advice from their Clerk, who may refer matters to the Monitoring Officer.

Standards of councillor conduct

This section sets out your obligations, which are the minimum standards of conduct required of you as a councillor. Should your conduct fall short of these standards, a complaint may be made against you, which may result in action being taken.

Guidance is included to help explain the reasons for the obligations and how they should be followed.

General Conduct

1. Respect

As a councillor:

1.1 I treat other councillors and members of the public with respect.

1.2 I treat local authority employees, employees and representatives of partner organisations and those volunteering for the local authority with respect and respect the role they play.

Respect means politeness and courtesy in behaviour, speech, and in the written word. Debate and having different views are all part of a healthy democracy. As a councillor, you can express, challenge, criticise and disagree with views, ideas, opinions and policies in a robust but civil manner. You should not, however, subject individuals, groups of people or organisations to personal attack.

In your contact with the public, you should treat them politely and courteously. Rude and offensive behaviour lowers the public's expectations and confidence in councillors.

In return, you have a right to expect respectful behaviour from the public. If members of the public are being abusive, intimidating or threatening you are entitled to stop any conversation or interaction in person or online and report them to the local authority, the relevant social media provider or the police. This also applies to fellow councillors, where action could then be taken under the Councillor Code of Conduct, and local authority employees, where concerns should be raised in line with the local authority's councillor-officer protocol.

2. Bullying, harassment and discrimination

As a councillor:

2.1 I do not bully any person.

2.2 I do not harass any person.

2.3 I promote equalities and do not discriminate unlawfully against any person.

The Advisory, Conciliation and Arbitration Service (ACAS) characterises bullying as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient. Bullying might be a regular pattern of behaviour or a one-off incident, happen face-to-face, on social media, in emails or phone calls, happen in the workplace or at work social events and may not always be obvious or noticed by others.

The Protection from Harassment Act 1997 defines harassment as conduct that causes alarm or distress or puts people in fear of violence and must involve such conduct on at least two occasions. It can include repeated attempts to impose unwanted communications and contact upon a person in a manner that could be expected to cause distress or fear in any reasonable person.

Unlawful discrimination is where someone is treated unfairly because of a protected characteristic. Protected characteristics are specific aspects of a person's identity defined by the Equality Act 2010. They are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The Equality Act 2010 places specific duties on local authorities. Councillors have a central role to play in ensuring that equality issues are integral to the local authority's performance and strategic aims, and that there is a strong vision and public commitment to equality across public services.

3. Impartiality of officers of the council

As a councillor:

3.1 I do not compromise, or attempt to compromise, the impartiality of anyone who works for, or on behalf of, the local authority.

Officers work for the local authority as a whole and must be politically neutral (unless they are political assistants). They should not be coerced or persuaded to act in a way that would undermine their neutrality. You can question officers in order to understand, for example, their reasons for proposing to act in a particular way, or the content of a report that they have written. However, you must not try and force them to act differently, change their advice, or alter the content of that report, if doing so would prejudice their professional integrity.

4. Confidentiality and access to information

As a councillor:

4.1 I do not disclose information:

- a. given to me in confidence by anyone**
- b. acquired by me which I believe, or ought reasonably to be aware, is of a confidential nature, unless**
 - i. I have received the consent of a person authorised to give it;**
 - ii. I am required by law to do so;**
 - iii. the disclosure is made to a third party for the purpose of obtaining professional legal advice provided that the third party agrees not to disclose the information to any other person; or**
 - iv. the disclosure is:**
 - 1. reasonable and in the public interest; and**
 - 2. made in good faith and in compliance with the reasonable requirements of the local authority; and**
 - 3. I have consulted the Monitoring Officer prior to its release.**

4.2 I do not improperly use knowledge gained solely as a result of my role as a councillor for the advancement of myself, my friends, my family members, my employer or my business interests.

4.3 I do not prevent anyone from getting information that they are entitled to by law.

Local authorities must work openly and transparently, and their proceedings and printed materials are open to the public, except in certain legally defined circumstances. You should work on this basis, but there will be times when it is required by law that discussions, documents and other information relating to or held by the local authority must be treated in a confidential manner. Examples include personal data relating to individuals or information relating to ongoing negotiations.

5. Disrepute

As a councillor:

5.1 I do not bring my role or local authority into disrepute.

As a Councillor, you are trusted to make decisions on behalf of your community and your actions and behaviour are subject to greater scrutiny than that of ordinary members of the public. You should be aware that your actions might have an adverse impact on you, other councillors and/or your local authority and may lower the public's confidence in you or your local authority's ability to discharge your/its functions. For example, behaviour that is considered dishonest and/or deceitful can bring your local authority into disrepute.

You are able to hold the local authority and fellow councillors to account and are able to constructively challenge and express concern about decisions and processes undertaken by the council whilst continuing to adhere to other aspects of this Code of Conduct.

6. Use of position

As a councillor:

6.1 I do not use, or attempt to use, my position improperly to the advantage or disadvantage of myself or anyone else.

Your position as a member of the local authority provides you with certain opportunities, responsibilities and privileges, and you make choices all the time that will impact others. However, you should not take advantage of these opportunities to further your own or others' private interests or to disadvantage anyone unfairly.

7. Use of local authority resources and facilities

As a councillor:

7.1 I do not misuse council resources.

7.2 I will, when using the resources of the local or authorising their use by others:

- a. act in accordance with the local authority's requirements; and**
- b. ensure that such resources are not used for political purposes unless that use could reasonably be regarded as likely to facilitate, or be conducive to, the discharge of the functions of the local authority or of the office to which I have been elected or appointed.**

You may be provided with resources and facilities by the local authority to assist you in carrying out your duties as a councillor.

Examples include:

- office support
- stationery
- equipment such as phones, and computers
- transport
- access and use of local authority buildings and rooms.

These are given to you to help you carry out your role as a councillor more effectively and are not to be used for business or personal gain. They should be used in accordance with the purpose for which they have been provided and the local authority's own policies regarding their use.

8. Complying with the Code of Conduct

As a Councillor:

8.1 I undertake Code of Conduct training provided by my local authority.

8.2 I cooperate with any Code of Conduct investigation and/or determination.

8.3 I do not intimidate or attempt to intimidate any person who is likely to be involved with the administration of any investigation or proceedings.

8.4 I comply with any sanction imposed on me following a finding that I have breached the Code of Conduct.

It is extremely important for you as a councillor to demonstrate high standards, for you to have your actions open to scrutiny and for you not to undermine public trust in the local authority or its governance. If you do not understand or are concerned about the local authority's processes in handling a complaint you should raise this with your Monitoring Officer.

Protecting your reputation and the reputation of the local authority

9. Interests

As a councillor:

9.1 I register and disclose my interests.

Section 29 of the Localism Act 2011 requires the Monitoring Officer to establish and maintain a register of interests of members of the authority .

You need to register your interests so that the public, local authority employees and fellow councillors know which of your interests might give rise to a conflict of interest. The register is a public document that can be consulted when (or before) an issue arises. The register also protects you by allowing you to demonstrate openness and a willingness to be held accountable. You are personally responsible for deciding whether or not you should disclose an interest in a meeting, but it can be helpful for you to know early on if others think that a potential conflict might arise. It is also important that the public know about any interest that might have to be disclosed by you or other councillors when making or taking part in decisions, so that decision making is seen by the public as open and honest. This helps to ensure that public confidence in the integrity of local governance is maintained.

You should note that failure to register or disclose a disclosable pecuniary interest as set out in Table 1, is a criminal offence under the Localism Act 2011.

Appendix B sets out the detailed provisions on registering and disclosing interests. If in doubt, you should always seek advice from your Monitoring Officer.

10. Gifts and hospitality

As a councillor:

- 10.1 I do not accept gifts or hospitality, irrespective of estimated value, which could give rise to real or substantive personal gain or a reasonable suspicion of influence on my part to show favour from persons seeking to acquire, develop or do business with the local authority or from persons who may apply to the local authority for any permission, licence or other significant advantage.**
- 10.2 I register with the Monitoring Officer any gift or hospitality with an estimated value of at least £50 within 28 days of its receipt.**
- 10.3 I register with the Monitoring Officer any significant gift or hospitality that I have been offered but have refused to accept.**

In order to protect your position and the reputation of the local authority, you should exercise caution in accepting any gifts or hospitality which are (or which you reasonably believe to be) offered to you because you are a councillor. The presumption should always be not to accept significant gifts or hospitality. However, there may be times when such a refusal may be difficult if it is seen as rudeness in which case you could accept it but must ensure it is publicly registered. However, you do not need to register gifts and hospitality which are not related to your role as a councillor, such as Christmas gifts from your friends and family. It is also important to note that it is appropriate to accept normal expenses and hospitality associated with your duties as a councillor. If you are unsure, do contact your Monitoring Officer for guidance.

Appendices

Appendix A – The Seven Principles of Public Life

The principles are:

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must disclose and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

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.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

Appendix B Registering

interests

Within 28 days of becoming a member or your re-election or re-appointment to office you must register with the Monitoring Officer the interests which fall within the categories set out in **Table 1 (Disclosable Pecuniary Interests)** which are as described in "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012". You should also register details of your other personal interests which fall within the categories set out in **Table 2 (Other Registerable Interests)**.

"Disclosable pecuniary interest" means an interest of yourself, or of your partner if you are aware of your partner's interest, within the descriptions set out in Table 1 below.

"Partner" means a spouse or civil partner, or a person with whom you are living as husband or wife, or a person with whom you are living as if you are civil partners.

1. You must ensure that your register of interests is kept up-to-date and within 28 days of becoming aware of any new interest, or of any change to a registered interest, notify the Monitoring Officer.
2. A 'sensitive interest' is as an interest which, if disclosed, could lead to the councillor, or a person connected with the councillor, being subject to violence or intimidation.
3. Where you have a 'sensitive interest' you must notify the Monitoring Officer with the reasons why you believe it is a sensitive interest. If the Monitoring Officer agrees they will withhold the interest from the public register.

Non participation in case of disclosable pecuniary interest

4. Where a matter arises at a meeting which directly relates to one of your Disclosable Pecuniary Interests as set out in **Table 1**, you must disclose the interest, not participate in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest, just that you have an interest. Dispensation may be granted in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest.
5. Where you have a disclosable pecuniary interest on a matter to be considered or is being considered by you as a Cabinet member in exercise of your executive function, you must notify the Monitoring Officer of the interest and must not take any steps or further steps in the matter apart from arranging for someone else to deal with it

Disclosure of Other Registerable Interests

6. Where a matter arises at a meeting which **directly relates** to one of your Other Registerable Interests (as set out in Table 2), you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it

is a 'sensitive interest', you do not have to disclose the nature of the interest.

Disclosure of Non-Registerable Interests

7. Where a matter arises at a meeting which **directly relates** to your financial interest or well-being (and is not a Disclosable Pecuniary Interest set out in Table 1) or a financial interest or well-being of a relative or close associate, you must disclose the interest. You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation. If it is a 'sensitive interest', you do not have to disclose the nature of the interest.
8. Where a matter arises at a meeting which **affects** –
 - a. your own financial interest or well-being;
 - b. a financial interest or well-being of a friend, relative, close associate; or
 - c. a body included in those you need to disclose under Disclosable Pecuniary Interests as set out in **Table 1**

you must disclose the interest. In order to determine whether you can remain in the meeting after disclosing your interest the following test should be applied

9. Where a matter **affects** your financial interest or well-being:
 - a. to a greater extent than it affects the financial interests of the majority of inhabitants of the ward affected by the decision and;
 - b. a reasonable member of the public knowing all the facts would believe that it would affect your view of the wider public interest

You may speak on the matter only if members of the public are also allowed to speak at the meeting but otherwise must not take part in any discussion or vote on the matter and must not remain in the room unless you have been granted a dispensation.

If it is a 'sensitive interest', you do not have to disclose the nature of the interest.

10. Where you have a personal interest in any business of your authority and you have made an executive decision in relation to that business, you must make sure that any written statement of that decision records the existence and nature of your interest.

Table 1: Disclosable Pecuniary Interests

This table sets out the explanation of Disclosable Pecuniary Interests as set out in the [Relevant Authorities \(Disclosable Pecuniary Interests\) Regulations 2012](#).

Subject	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession or vocation carried on for profit or gain. [Any unpaid directorship.]
Sponsorship	Any payment or provision of any other financial benefit (other than from the council) made to the councillor during the previous 12-month period for expenses incurred by him/her in carrying out his/her duties as a councillor, or towards his/her election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract made between the councillor or his/her spouse or civil partner or the person with whom the

	<p>councillor is living as if they were spouses/civil partners (or a firm in which such person is a partner, or an incorporated body of which such person is a director* or a body that such person has a beneficial interest in the securities of*) and the council —</p> <p>(a) under which goods or services are to be provided or works are to be executed; and</p> <p>(b) which has not been fully discharged.</p>
Land and Property	<p>Any beneficial interest in land which is within the area of the council.</p> <p>'Land' excludes an easement, servitude, interest or right in or over land which does not give the councillor or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners (alone or jointly with another) a right to occupy or to receive income.</p>
Licenses	<p>Any licence (alone or jointly with others) to occupy land in the area of the council for a month or longer</p>
Corporate tenancies	<p>Any tenancy where (to the councillor's knowledge)—</p> <p>(a) the landlord is the council; and</p> <p>(b) the tenant is a body that the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were spouses/civil partners is a partner of or a director* of or has a beneficial interest in the securities* of.</p>
Securities	<p>Any beneficial interest in securities* of a body where—</p> <p>(a) that body (to the councillor's knowledge) has a place of business or land in the area of the council; and</p> <p>(b) either—</p> <p>(i) the total nominal value of the securities* exceeds £25,000 or one hundredth of the total issued share capital of that body; or</p> <p>(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the councillor, or his/her spouse or civil partner or the person with whom the councillor is living as if they were</p>

	spouses/civil partners has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
--	---

* 'director' includes a member of the committee of management of an industrial and provident society.

* 'securities' means shares, debentures, debenture stock, loan stock, bonds, units of a collective investment scheme within the meaning of the Financial Services and Markets Act 2000 and other securities of any description, other than money deposited with a building society.

Table 2: Other Registerable Interests

<p>You have a personal interest in any business of your authority where it relates to or is likely to affect:</p> <ul style="list-style-type: none"> a) any body of which you are in general control or management and to which you are nominated or appointed by your authority b) any body <ul style="list-style-type: none"> (i) exercising functions of a public nature (ii) any body 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)
--

Appendix C – the Committee on Standards in Public Life

The LGA has undertaken this review whilst the Government continues to consider the recommendations made by the Committee on Standards in Public Life in their report on [Local Government Ethical Standards](#). If the Government chooses to implement any of the recommendations, this could require a change to this Code.

The recommendations cover:

- Recommendations for changes to the Localism Act 2011 to clarify in law when the Code of Conduct applies
- The introduction of sanctions
- An appeals process through the Local Government Ombudsman
- Changes to the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012
- Updates to the Local Government Transparency Code
- Changes to the role and responsibilities of the Independent Person
- That the criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished

The Local Government Ethical Standards report also includes Best Practice recommendations. These are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to

review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

The LGA has committed to reviewing the Code on an annual basis to ensure it is still fit for purpose.

This page is intentionally left blank

DRAFT COMMITTEE WORK PLAN – STANDARDS COMMITTEE

27th July 2022 (provisional date)

- Review of Tendring District Council's Code of Conduct and Local Government Association Model Code of Conduct
- Review of the Independent Person Protocol and recruitment preparations for 2023
- Regular Complaints update by Monitoring Officer

26th October 2022 (provisional date)

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

1st February 2023 (provisional date)

- Update on Mandatory Training
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Regular Complaints update by Monitoring Officer

15th March 2023 (provisional date)

- Work Programme 2023/24
- New Member Induction Programme for 2023/24
- Regular Complaints update by Monitoring Officer

Individual matters may be referred to these meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example, an appeal against dispensation decision or a Code of Conduct hearing.

N.B. Meeting dates are provisional pending ratification at the Annual Meeting of the Council on 26 April 2022.

This page is intentionally left blank

Agenda Item 8

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE APRIL 2022				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
TOWN	PUBLIC 2 x TOWN COUNCILLORS	ONGOING	Informal resolution	Matter related to claims of bullying. Informal resolution and training with an external company conducted. All Members within Town Council engaged to positive working arrangements going forward.
DISTRICT	PUBLIC	CLOSED	No further action	Matter relates to conduct in proceedings external to the Council. Inconsistent information provided by Complainant related to a separate dispute.
PARISH	PUBLIC	CLOSED	No further action	Complaint mainly related to the dissatisfaction of the Councils lack of action in a particular matter.
New Cases since last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PUBLIC	ONGOING	Awaiting response from Councillor identified in complaint	Matter relates to conduct in a public meeting. Second complaint of this nature Independent Person will be consulted prior to any MO decision.
TOWN	PUBLIC	ONGOING	Awaiting response from Councillor identified in complaint	Matter relates to various areas which need to be identified more clearly
General Notes – 2021/22 Summary:				
11 new cases were received in 2021/22 however, 5 complaint forms were sent relating to correspondence received for District/Parish/Town Councillors conduct but not returned.				

1 Town Council matter is still on-going from March 2021 but includes all members and stakeholders as part of the process.

1 District Councillor complaint from 2020/21 was considered by the Standards Committee at a hearing and a breach of the Code of Conduct was found.

1 District Councillor complaint resulted in No Further Action.

2 Parish Councillor complaints resulted in No Further Action.

1 Parish Councillor complaint resulted in Informal Resolution including training.

2 cases are pending.

Training has been conducted at 1 Parish Council. Separate training session conducted for Clerks.

Requests for dispensations:

6 separate requests – 5 relating to the same matter being discussed recently at several meetings. Website needs to be updated with information.