



STANDARDS COMMITTEE

DATE:	Wednesday, 15 March 2023
TIME:	10.00 am
VENUE:	Committee Room - Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

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

Councillor J Henderson
Councillor Placey
Councillor Skeels

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DATE OF PUBLICATION: Tuesday, 7 March 2023

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 8 February 2023.

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 Draft Committee Work Plan for 2023/2024 (Pages 9 - 10)

The Committee is invited to give consideration to its draft Work Plan for the 2023/2024 Municipal Year.

6 New Member Induction Programme 2023/24

The Committee will receive from the Council's Head of Democratic Services & Elections a presentation on the new Member Induction Programme for the Councillors duly elected at the District Council elections to be held on Thursday 4 May 2023.

7 Quarterly Complaints Update and other general matters (Pages 11 - 12)

The Committee will receive the Monitoring Officer's quarterly update regarding standards complaints together with an update on other pertinent matters.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is provisionally arranged to be held on Wednesday 19 July 2023..

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.

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Your calmness and assistance is greatly appreciated.

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 8TH FEBRUARY, 2023 AT 9.32 AM
IN THE COMMITTEE ROOM, TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Land (Chairman), Steady (Vice-Chairman), Casey, Coley and Placey
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Karen Townshend (Executive Projects Manager (Governance)), Keith Durran (Committee Services Officer) and Debbie Bunce (Legal and Governance Officer)
Also in Attendance:	Clarissa Gosling and Jane Watts (two of the Council's Independent Persons)

16. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Val Guglielmi (with Councillor Alan Coley substituting), Councillor Jo Henderson (with no substitute), Councillor Mick Skeels (with no substitute), Sue Gallone (one of the Council's Independent Persons) and David Irvine (one of the Council's Independent Persons).

17. MINUTES OF THE LAST MEETING

It was moved by Councillor Placey, seconded by Councillor Casey and:-

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 26 October 2022 be approved as a correct record and be signed by the Chairman.

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 - 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 22 January 2022 to 31 December 2022 and provided statistics on:-

- *the number of declarations of interest made at meetings;*
- *the number of offers of gifts and hospitality that had 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.

Eight dispensations had been requested 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 22 January 2022 to 31 December 2022, were set out in Appendix A to the Monitoring Officer's report. Minutes of the meetings also recorded 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:

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

Since their introduction, only category iv and vi 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 one recorded declaration of offers/receipt of gifts and hospitality made by a District Councillor 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 three Members had registered a Personal Interest 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);"*

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

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

RESOLVED that the contents of this report be noted.

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

The Standards Committee, as part of its agreed work programme since 2014, 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.

Appendix A to the Monitoring Officer's report provided details of the training record for the Planning Committee and the Licensing and Registration Committee.

Mandatory Training in the context of Councillor Development more widely

It was reported that the mandatory training referenced in the Monitoring Officer's 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)). The resources required for training Councillors (beyond the mandatory training to which this report concerned) had a budget allocation of £8,300.

Members were aware that during 2021/22 the Portfolio Holder for Corporate Finance and Governance had established a Working Party, which provided a cross-party mechanism for the regular input 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 and was broadly proportionate to the overall position on the Council as a whole. Thus far, five sessions had taken place, with a further session planned, along with specific planning development sessions.

In addition, access to the Local Government Association's online training portal was available 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 completed and returned evaluation sheets, circulated following any training sessions provided, were used by Officers to assist the Council to refine and improve its training offer.

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

The Committee was informed that the new Member Induction Programme for 2023/24 would be presented to it at its next meeting.

The Monitoring Officer informed the Committee that Councillor Maria Fowler had contacted Officers to inform them that she had in fact attended the "TCPA Webinar: An introduction to planning reform on 15th June 2022" and that this had inadvertently been omitted from the Appendix.

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

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

RESOLVED that the Standards Committee -

- (a) notes the contents of this report and its Appendix; and
- (b) continues to encourage Members of the Planning, Licensing and Registration and Audit Committees to attend all organised mandatory training events in order to comply with the requirements of the Council's Constitution.

22. REPORT OF THE MONITORING OFFICER - A.3 - PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

The Committee considered the Pre-Election Publicity Guidance produced in readiness for the 2023 District Council elections. The Guidance Note concerning publicity and resources was attached as an Appendix to the Monitoring Officer's report (A.3). The Committee was requested to provide any comments or seek clarification on the content of the guidance to ensure that it was clear, concise and easily understood by Members and Officers. Any feedback from the Standards Committee would be considered by the Chief Executive (who was also the Returning Officer for the elections) in issuing the revised guidance during February 2023.

The Committee was reminded that paragraph 3.8 (b) of the Council's Members' Code of Conduct required Compliance with the Law and the Authority's Rules and Policies and stated that Members must comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued.

Members were informed that then Secretary of State for Communities and Local Government had issued the Code of Recommended Practice on Local Authority Publicity, under the Local Government Act 1986 (as amended) ("the Act") and which had come into force on 31 March 2011. The Code was recognised as the statutory guidance for local authorities to have regard to, at all times, ensuring their publicity complied with all applicable requirements and also to ensure that special care was taken during periods of heightened sensitivity such as during the period just before elections.

It was reported that local authorities were required by section 4(1) of the Act to have regard to the contents of the Code in coming to any decision on publicity. Section 6 of the Act defined publicity as: "*any communication in whatever form, addressed to the public at large or a section of the public*". The Code therefore applied in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newssheets and maintenance of websites – including the hosting of material, which was created by third parties.

Nothing in the Code overrode the prohibition by Section 2 of the Act on the publication by local authorities of material, which in whole or in part, appeared to be designed to affect public support for a political party. Paragraphs 21 to 24 of the Publicity Code offered some guidance for local authorities on the management of publicity, which might contain, or have links to, party political material.

Members were advised that Tendring District Council's Guidance followed best practice and assisted the Council to fulfil its statutory duty to have regard to national guidance for pre-election periods. The Local Government Association's short guide to publicity during the pre-election period published in 2021 (and updated for 2023) had been reviewed and its contents had been taken into account.

The Committee was made aware that the Council was due to publish its Notice of Election on 13th March 2023, which would commence the formal Pre-Election Period for Tendring District Council.

Having duly considered the information and advice contained in the Monitoring Officer's report (A.3), together with the proposed Pre-Election Guidance for Tendring District Council Members and Officers:-

It was moved by Councillor Coley, seconded by Councillor Placey and:-

RESOLVED that the Committee -

- (a) notes the contents of the Monitoring Officer's report (A.3);
- (b) endorses the Pre-Election Guidance for Tendring District Council Members and Officers being circulated to all Tendring District Councillors, together with a reminder of paragraph 3.8(b) of the Members' Code of Conduct; and
- (c) supports the Guidance being circulated to all Town and Parish Councils in the District.

23. **QUARTERLY COMPLAINTS UPDATE AND OTHER GENERAL MATTERS**

The Committee had before it the Monitoring Officer's quarterly schedule, which updated it on existing and new conduct complaint cases, along with other general matters.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE FEBRUARY 2023				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
None				
New Cases since last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PARISH COUNCILLOR	ONGOING		Complaint and the response received were currently being reviewed by an Independent Person.
DISTRICT	PUBLIC	CLOSED	No further action	
TOWN	TOWN COUNCILLOR	CLOSED	Complaint withdrawn	Matter resolved informally within

				the Town Council.
PARISH	PARISH COUNCILLOR	ONGOING		Complaint received relating to the aforementioned Parish Council complaint. To run in parallel with the initial complaint.
PARISH	PARISH COUNCILLOR	ONGOING		Matter related to behaviour within Parish Council meetings and also related to electronic correspondence.
<p><u>General Notes – 2022/23 Summary:</u></p> <p>Overall, 7 cases had been received in 2022/23.</p> <p>During this period, advice had been given to all Town and Parish Councils to remind the individual Councillors to ensure that their Disclosable Pecuniary Interests were up to date on their websites. The Monitoring Officer would be delivering training to one Parish Councillor on the DPI requirements.</p>				
<p>Requests for dispensations:</p> <p>There have not been any requests for dispensation.</p>				

The Committee noted the foregoing.

The meeting was declared closed at 10.09 am

Chairman

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DRAFT COMMITTEE WORK PLAN – STANDARDS COMMITTEE

19th July 2023 (provisional date)

- Introduction to the Standards Framework and Terms of Reference of the Standards Committee
- Update on Member Induction and Code of Conduct training
- Review of the Planning Probity Protocol
- Regular Complaints update by Monitoring Officer

11th October 2023 (provisional date)

- Update on Mandatory Training for Members
- Review of the Independent Person joint working arrangements and recruitment preparations for 2024
- Town and Parish Councils Code of Conduct and Interests review
- Regular Complaints update by Monitoring Officer

7th February 2024 (provisional date)

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

24th April 2024 (provisional date)

- Update on Mandatory Training for Members
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- 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.

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Agenda Item 7

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE MARCH 2023				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PARISH COUNCILLOR	ONGOING	Informal resolution recommended	Complaint and response received and reviewed by Independent Person. No response received so far to suggestion of informal resolution.
PARISH	PARISH COUNCILLOR	ONGOING	Informal resolution recommended	Complaint and response reviewed by Independent Person. Matter received relating to the aforementioned Parish Council complaint. To run in parallel with the initial complaint. Currently informal resolution not accepted by both parties.
PARISH	PARISH COUNCILLOR	CLOSED	No further action – other than recommended to reflect upon actions. MO offered to attend meetings to observe.	Matter relates to behaviour within Parish Council meetings and electronic correspondence. Complaint resulted from a series of actions, by both parties and could have been dealt with differently.
New Cases since last update				
DISTRICT	PUBLIC	ONGOING		Matter relates to alleged conduct whilst acting in an official capacity.
DISTRICT	DISTRICT COUNCILLOR	ONGOING		Matter relates to not disclosing a pecuniary interest.
DISTRICT	DISTRICT COUNCILLOR	ONGOING		Matter relates to alleged disclosure of confidential information.
<u>General Notes – 2022/23 Summary:</u>				
Overall, 10 cases have been received in 2022/23.				

The Monitoring Officer will be delivering training to one Parish Councillor on the DPI requirements.

During the last month it has been evident of a need for refresher training of the impacts of declaring Personal Interests at meetings of the District Council. Guidance has been offered in emails however, if there was a longer period and more formal meetings before the district elections, training would be organised.

A case of non-declaration and registration of a Disclosable Pecuniary Interest is being explored in the appropriate manner.

Requests for dispensations:

There have not been any requests for dispensation.