



STANDARDS COMMITTEE

DATE:	Wednesday, 8 February 2023
TIME:	9.30 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, 31 January 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 26 October 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 - Annual Report on Declarations of Interest and Associated Matters (Pages 9 - 16)

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 22 January 2022 until 31 December 2022.

6 Report of the Monitoring Officer - A.2 - Mandatory Training for Members - Annual Update (Pages 17 - 26)

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

7 Report of the Monitoring Officer - A.3 - Pre-Election Guidance for Tendring District Council Members and Officers (Pages 27 - 38)

To note the Pre-Election Publicity Guidance produced for elections within the Tendring District ensuring that its contents are clear for Members in readiness for the 2023 elections.

8 Quarterly Complaints Update and other general matters (Pages 39 - 40)

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 to be held in the Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE at 10.00 am on Wednesday, 15 March 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.

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.

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 26TH OCTOBER, 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), Casey, V E Guglielmi, Placey and Skeels
In Attendance:	Lisa Hastings (Deputy Chief Executive & Monitoring Officer), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager) and Debbie Bunce (Legal and Governance Administration Officer)
Also in Attendance:	The following Independent Persons: David Irvine and Jane Watts

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor J Henderson.

10. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 3 August 2022 be approved as a correct record and be signed by the Chairman.

11. DECLARATIONS OF INTEREST

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

12. 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.

13. REPORT OF THE MONITORING OFFICER - A.1 REVIEW OF THE MONITORING OFFICER PROTOCOL

The Committee was reminded that, in March 2017, it had reviewed the Monitoring Officer's Protocol and having considered its contents, it had resolved that it was satisfied and therefore it did not wish to make any amendments at that time.

As part of its work programme for 2022-23, the Standards Committee had agreed to review the Monitoring Officer's Protocol and, if any changes were felt to be required, to recommend those to Full Council for formal approval and adoption.

Members were aware that the Protocol only covered dealing with matters arising from the Standards Framework relating to Members' interests and complaints, and did not cover the wider responsibilities of the Council's Monitoring Officer as detailed within the Constitution.

As highlighted in the overarching principles of the Protocol, the Monitoring Officer was not the legal adviser for, or to, Town and Parish Councils and the role only extended to those councils in relation to the promotion and maintenance of high standards of conduct. If a complaint identified criminal conduct or breach of other regulation by any person, the Monitoring Officer was under an obligation to notify and/or refer the matter to the Police or other regulatory agencies.

The Committee recalled that this Protocol operated in conjunction with the terms of reference of the Standards Committee, its Sub-Committee, the Complaints Procedure and the Independent Person's Protocol. The Complaints Procedure provided an in depth compulsory process in which alleged breach of Members' Code of Conduct complaints were dealt with and included a number of actions to be carried out by the Monitoring Officer.

The Complaint Procedure was a staged process and the initial stage of determination of a complaint was delegated to the Monitoring Officer. The Monitoring Officer would then take various factors into consideration, as detailed within the Complaints Procedure including, when reaching a decision in respect of how to progress the complaint, taking account of the following factors where appropriate:-

- *Was the Member acting in their official capacity?*
- *Was the Member in office at the time of the alleged misconduct?*
- *Is the complaint of a very minor or trivial nature?*
- *Is the complaint vexatious or malicious?*
- *Are there historical matters?*
- *Is there a potential breach of the Code?*
- *Assessment of public interest?*
- *Is additional information required prior to making a decision?*

Following consideration of a complaint, the Monitoring Officer would issue a Decision Notice setting out the matters taken into account and the reasons for their decision. The Monitoring Officer provided anonymised updates regarding complaints to the Standards Committee at each of its scheduled meetings.

Although, the Protocol referred to the Complaints Procedure and had its own overarching principles, the Monitoring Officer felt that the Protocol could be strengthened, thus further reflecting and supporting the Complaints Procedure, by expanding some of the actions in some instances.

Section 1(j) of the Protocol stated: "The Monitoring Officer will consult with one of the Independent Persons on complaints received and throughout the process in accordance with the Complaints Procedure". The Monitoring Officer felt that this could be enhanced with the following inclusion from the Complaints Procedure:

"Section 4.1 – The Monitoring Officer will review every complaint received and, may consult with one of the Independent Persons before taking a decision as to whether the complaint:

4.1.1 Merits no further action

4.1.2 Merits early informal resolution or mediation

4.1.3 Merits further investigation"

The decision as to how the complaint was to be progressed would normally be taken within 15 working days of receipt of the complaint and would be considered in accordance with the Assessment Criteria included at Annex D of the Complaints Procedure. There was no right of appeal for a complainant or Member against a decision of the Monitoring Officer or of the Standards Committee, but a complaint could be made to the Local Government and Social Care Ombudsman. The Monitoring Officer considered that this paragraph from the Complaints Procedure could be included within the Protocol and, in addition, the Monitoring Officer suggested that the Protocol should make reference to a Decision Notice being issued to publicly record the outcome.

Members were informed that the Overarching Principles of the Protocol at paragraph 1(m) currently referred to, in providing information, in any manner at any stage in the process, that the Monitoring Officer must be satisfied that they had the legal power to do so and that the requirements of the Data Protection Act 1998 and Freedom of Information Act 2000 had been considered, as reflected in the Council's Constitution.

The legislation had since changed and the Monitoring Officer recommended that the above should be now amended to read:-

“(m) In providing information, in any manner at any stage in the process, the Monitoring Officer must be satisfied that they have the legal power to do so and the requirements of the Data Protection Act 2018 and the UK General Data Protection Regulation (GDPR), and Freedom of Information Act 2000 have been considered, as reflected in the Council's Constitution.”

In addition, the Monitoring Officer proposed an amendment to paragraph 4(d) of the Protocol, which referred to the “Deputy Chief Executive”. In this instance, as this would now also be undertaken by the Deputy Monitoring Officer, in the Monitoring Officer's absence, the Monitoring Officer proposed replacing “Deputy Chief Executive” with “Deputy Monitoring Officer” within the aforementioned paragraph 4(d).

The Committee then duly considered and discussed this matter. During that discussion Members complimented the Monitoring Officer and her Team for all of the work that they undertook in the course of their duties.

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

RESOLVED that, having reviewed the Monitoring Officer's Protocol, the Committee agrees that the suggested proposed amendments to that Protocol, as set out in the Monitoring Officer's report, be submitted to Full Council for formal approval and adoption.

14. CASE REVIEW AND GUIDANCE UPDATE FOR THE COMMITTEE ON DECISIONS AND ACTIONS TAKEN NATIONALLY

The Monitoring Officer presented a guidance update on conduct complaint decisions and actions taken nationally.

The Monitoring Officer's external case review covered the following:-

“Clear frustration” within Councils on limited powers remaining

- The Committee on Standards in Public Life (CSPL) had called upon the Government to reconsider its position on the powers of local authorities to sanction councillors for poor behaviour.
- The Chair of the CSPL, Lord Evans had written to then Levelling Up Secretary of State, Simon Clarke, stating that he was very disappointed that many of its careful recommendations had not been accepted.
- The local government sector had backed the call to strengthen the arrangements in place to support high ethical standards.

Common factors in recent auditor interventions nationally

- Grant Thornton in its update report September “Lessons from Public Interest Reports” had found weaknesses in council cultures (e.g. poor behaviours, lack of transparency); and weaknesses in governance (e.g. a circumvention of governance procedures, poor quality review and decision making).
- Failure to address and resolve relationships difficulties between senior officers and Members.
- Intimidating cultures, culture of secrecy and in some cases, an overuse of confidential or delegated action reports, which reduced openness and trust in leadership and corporate culture.
- Limited understanding of declarations of interest and of gifts and hospitality registers, not being monitored.
- Lack of appreciation of the Nolan principles and the requirements of the Members’ Code of Conduct.
- Lack of understanding in how complaints against Members should be handled.
- Failure to adequately support whistle-blowers also suggested a council that is not open to challenge, Grant Thornton argued.
- Number of recommendations suggested in relation to culture and governance.

Civility and Respect Pledge launched for Local Councils by the NALC

- “There were growing concerns about the impact of bullying, harassment and intimidation on local councils, councillors, clerks and council staff and the effectiveness of local councils. By signing the pledge the relevant Council “agrees that the council will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles” ... with a package of actions.”

Council meetings & the passing of HM Queen Elizabeth II

- National Mourning Guidance
- Did local government legislation prevent councils holding meetings or affect the ability to give notice of meetings?
- The period of public mourning was declared by the Earl Marshall, the Duke of Norfolk
- A day could be declared as a bank holiday, by the King by proclamation, but only the day of the funeral was so declared
- NALC took a different view to the LGA as to the notice period and holding of meetings during the period of National Mourning

Pre-action protocol letter (for a potential Judicial Review) contesting breach finding

- A Councillor alleged that a District Council's Code of Conduct assessments regarding comments he had made online amounted to a "clear serious breaching" of his human rights.
- Eden Council found that the Councillor had breached the Code of Conduct over posts on Twitter & his blog.
- However, the Councillor had argued that the content of the Twitter post was: "not aligned to my role as a councillor and was a personal expression of a view and opinion".

Welsh Councillor disqualified from holding office for 3 years

- Found to have breached the code of conduct; 5 separate incidents concerning false accusations and posting misinformation online about fellow Councillors.
- A tribunal, convened by the adjudicator for Wales, had found no basis for the statements and that they had wilfully misinformed people and discredited colleagues in a harmful way.
- Wales has a different sanctions regime to England.

Welsh Councillor disqualified for 2 years

- Town Councillor barred from holding office for two years after he declared he was eligible to stand for election even though he had a criminal record, which disqualified him from running under the Local Government Act 1972.
- The Ombudsman's report alleged that the former Councillor (he had resigned once a national newspaper had published a news story referencing the conviction) had misled the council as to his eligibility to be a councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the time he acted as councillor (a period of two years), was a serious abuse of office.

The Committee thanked the Monitoring Officer for her presentation and duly noted the foregoing.

15. **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 matters.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE OCTOBER 2022				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
TOWN	PUBLIC 2 x TOWN COUNCILLORS	CLOSED	Informal resolution	Matter related to claims of bullying. Informal resolution and governance review with an external company conducted. All Members within Town Council engaged to positive working

				arrangements going forward. Final action outstanding as at last meeting now actioned to conclude the matter.
DISTRICT	PUBLIC	CLOSED	No further action	Matter related to conduct within the Council's Committee Room. Reflective assurances provided to MO. Independent Person was consulted.
DISTRICT	PUBLIC	PENDING	PENDING	Further information has been sought from the Complainant, matters raised may not relate of acting in official capacity and within the remit of the Code. No response received since the last meeting. Will be closed as no further action to be taken.
New Cases since last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	PUBLIC	CLOSED	No further action	Matters raised do not relate to acting in official capacity and within the remit of the code.
<p><u>General Notes – 2022/23 Summary:</u></p> <p>Overall, 3 cases had been received in 2022/23. The Monitoring Officer had attended the All Member Briefing in September 2022 to present an introduction to the report to Full Council regarding the Standards Committee's recommendation to adopt the LGA Model Code.</p>				
<p>Requests for dispensations:</p> <p>There had not been any requests for dispensation since the last meeting of the Committee.</p>				

The Committee noted the foregoing.

The meeting was declared closed at 10.51 am

Chairman

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STANDARDS COMMITTEE

8 FEBRUARY 2023

REPORT OF THE MONITORING OFFICER

A.1 ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 22 January 2022 until 31 December 2022.

EXECUTIVE SUMMARY

It was agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters.

RECOMMENDATION(S)

It is recommended that the Committee notes the contents of this report, subject to any comments or recommendations that the Committee may wish to make following its consideration of the report.

REASON(S) FOR THE RECOMMENDATION(S)

To provide a timely update to the Committee as part of its agreed work programme.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Declarations of Interest in accordance with the Members' Code of Conduct, forms part of effective and positive governance, being a theme of the Corporate Plan 2020-24.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

The Council's Code of Conduct for Members sets out guidance for Councillors regarding the registration and disclosure of interests. The relevant legislation is the Localism Act 2011 and the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are no finance or resource implications associated with this report.

USE OF RESOURCES AND VALUE FOR MONEY	
The following are submitted in respect of the indicated use of resources and value for money indicators:	
A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	The agendas for the Council, Cabinet and Committee meetings include declarations of interest as a formal item of business.
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	This is an annual report presented to the Standards Committee for openness and transparency in its decision making.
MILESTONES AND DELIVERY	
This is an annual report presented to the Committee in accordance with the work programme.	
ASSOCIATED RISKS AND MITIGATION	
Not presenting this information could have a detrimental impact on the Council's reputation.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
None undertaken.	
EQUALITIES	
Equality considerations are taken into account for each decision made.	
SOCIAL VALUE CONSIDERATIONS	
Social value considerations are taken into account for each decision made.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
This is taken into account for each decision made.	
OTHER RELEVANT 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	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	All Wards could be affected
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND

In accordance with the Committee's Work programme, this is an annual report on declarations of interest and associated matters. This report covers the period from 22 January 2022 to 31 December 2023 and provides statistics on:

- the number of declarations of interest made at meetings;
- the number of offers of gifts and hospitality that have been registered by Members during this period; and
- updates to the Members' Register of Interests.

The data has been collated from the Committee system Modern.gov which the Council started using as of August 2016 and from Members' submissions.

Register of Members' Disclosable Pecuniary Interests

The Council is required to publish the 'Register of Disclosable Pecuniary Interest' on its website in accordance with the Localism Act 2011 and The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012, which prescribes the categories of interests.

It is confirmed that the Council's website included a Register of Disclosable Pecuniary Interests for all District Councillors and that this is updated when a Member provides details of an amendment direct to the Monitoring Officer. Any entry, which is relevant to a business item on an agenda, must be declared by the individual Member and they must subsequently remove themselves from the meeting, unless a prior dispensation has been granted by the Monitoring Officer.

There have been eight requested dispensations during the relevant period.

Declarations of interest at meetings

Members are required to declare Personal and Disclosable Pecuniary Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 22 January 2022 to 31 December 2022 are set out in Appendix A to this report. All minutes of the meetings also record the declarations.

Use of blanket dispensations

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

- i. housing, where the Member is a tenant of the Authority provided that those functions do not relate particularly to their tenancy or lease;
- ii. school meals or school transport and travelling expenses, where the Member is a parent or guardian of a child in full time education, or are a parent governor of a school, unless it relates particularly to the school which the child attends;
- iii. statutory sick pay under Part XI of the Social Security Contributions and Benefits Act 1992, where the Member is in receipt of, 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 have been relied upon at meetings of the Cabinet and full Council.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee review of the Council's Gift and Hospitality Policy for Members, new guidance and a notification form was issued to all District Councillors in May 2016. There has been one recorded declaration of offers/receipt of gifts and hospitality made by District Councillors in the time period covered by this report.

Updated to Members' Register of Interests

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

Following Guidance and a Notification Form being issued in 2018, Members are advised to register their Personal Interests with the Monitoring Officer. In the time period covered by this report three Members have registered a Personal Interest with the Monitoring Officer. To date these forms have not been published on the Council's website but retained within a central register.

The most common declarations are made under paragraph 5.1(d) being "any other body of which the Councillor is a member and in which they hold a position of general control or management –

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

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

It was agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers associated with this report.

APPENDICES

Appendix A – Table of Members' Declarations of Interest made at Council, Cabinet or Committee meetings 22 January 2022 to 31 December 2022.

REPORT CONTACT OFFICER(S)	
Name	Karen Townshend
Job Title	Executive Projects Manager – Governance
Email/Telephone	<u>ktownshend@tendringdc.gov.uk</u>
Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	<u>iford@tendringdc.gov.uk</u>

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A.Z Appendix A

Declarations of Interest in the Period of 22 January 2022 – 31 December 2022

	No. of Meetings	Disclosable Pecuniary Interest	Personal Interest	Points of Information for the Public Record Declarations	Pre-determined on a Planning Application (Planning Committee only)
Audit Committee	6	0	0	0	
Cabinet	9	0	5	1	
Community Leadership Overview and Scrutiny Committee	7	0	1	0	
Council	6	0	12	0	
Human Resources and Council Tax Committee	4	0	0	4	
Licensing and Registration Committee	3	0	0	0	
Miscellaneous Licensing Sub-Committee	3	0	0	0	
Planning Committee	16	0	10	22	6
Planning Policy and Local Plan Committee	4	0	1	7	
Premises / Personal Licences Sub-Committee	2	0	0	0	
Resources and Services Overview and Scrutiny Committee	8	0	5	0	
Standards Committee	4	0	0	0	

Town and Parish Councils' Standards Sub-Committee	0	0	0	0	
Tendring / Colchester Borders Garden Community Joint Committee	2	0	0	0	

STANDARDS COMMITTEE

8 FEBRUARY 2023

REPORT OF THE MONITORING OFFICER

A.2 MANDATORY TRAINING FOR MEMBERS – ANNUAL UPDATE

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

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

EXECUTIVE SUMMARY

This report reiterates the Council's decision and constitutional requirement to make relevant training mandatory for members, and their named substitutes, in respect of their membership on those committees which provide regulatory type functions. The report also details training undertaken and attendance to date.

RECOMMENDATION(S)

It is recommended that the Standards Committee:

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

REASON(S) FOR THE RECOMMENDATION(S)

To provide a timely update to the Committee as part of its agreed work programme.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

Members' training forms parts of the effective and positive governance within the organisation. Council Procedure Rule 33.3 refers to the training for Members of the Audit, Licensing and Registration and Planning Committees.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Mandatory attendance at site visits, briefings and specific training as a pre-requisite for Members (and named substitutes) of the Council's Audit, Licensing and Registration, Planning and Standards Committees is part of the Council Procedure Rules included within Part 4 of the Council's Constitution.

Planning and Licensing decisions can be challenged by specific statutory appeal routes in addition to being subject to judicial review on administrative grounds.

Various pieces of legislation provide criteria to be considered for the majority of decisions taken by the Council's Planning and Licensing and registration Committees and the Miscellaneous Licensing and Premises and Personal Sub-Committees. Knowledge of their provisions and how these are applied, together with general decision making principles are essential in those areas of expertise.

The aforementioned Planning Code and Protocol was approved by the Standards Committee and following a recommendation to full Council, incorporated within the Constitution. The Monitoring Officer has delegated authority from full Council to make minor amendments to the Constitution.

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

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

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance

The cost of external training organised for elected Members is met through a specified training budget and is therefore within existing resources. When changes are made to committee membership or named substitutes this does have an impact on the resources available. Although Officers will try to accommodate availability, alternative or additional training will not be offered to Members who fail to attend an organised session, unless or until, a further session is available.

Sessions arranged by Tendring District Council are sometimes offered to other Councils for their Members to attend and in doing so a contribution towards the cost of hosting is received.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	
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B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
---------------------------------------------------------------------------------------------------------------------	--

C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	
MILESTONES AND DELIVERY	
Mandatory training must be delivered to relevant Members in a timely manner and within the timeframes mentioned in this report.	
ASSOCIATED RISKS AND MITIGATION	
The integrity of Members, their decision making and that of the Council and its committees, are part of good governance. Appropriate training should minimise or eradicate the risk of legal challenge through statutory appeals or judicial review.	
The aim of the Planning Code and Protocol, which also makes reference to the requirements of attending training, is to ensure that in the planning process there are no grounds for suggesting that a decision has been biased, partial or not well founded in any way.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
There is no requirement to seek consultation on this report. This is a public document to be presented to the Standards Committee.	
EQUALITIES	
The Standards Committee and its associated work programme aims to deliver fairness, transparency and consistency to all customers and stakeholders.	
SOCIAL VALUE CONSIDERATIONS	
Social value considerations are taken into account for each decision made.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
This is taken into account for each decision made.	
OTHER RELEVANT 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	Not applicable
Health Inequalities	Not applicable
Area or Ward affected	All Wards could be affected
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
The Standards Committee, as part of its annual work programme since 2014, has received a report providing details of the mandatory training provided to Members of the Planning and

Licensing and Registration Committees.

Mandatory Training in the context of Councillor Development more widely

The mandatory training referenced in this report also forms part of the overall training provision for all Councillors within the framework established by the Council's "Councillor Development Statement" as reported to this Committee on 02 October 2019 (Minute 14 refers). The resources required for training Councillors (beyond the mandatory training to which this report concerns) has a budget allocation of £8,300.

In 2021/22 The Portfolio Holder for Corporate Finance and Governance established a Working Party which provided a cross-party mechanism for the regular input into development opportunities for Councillors. The Membership provides for input from all the main Committees of the Council and all the political groups on the Council that is broadly proportionate to the overall position on the Council as a whole. Thus far five sessions have taken place, with a further session planned, along with specific planning development sessions.

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

- Community Engagement and Leadership
- Councillor Induction
- Commissioning Council services
- Equality, Diversity and Unconscious Bias
- The Effective Ward Councillor
- Facilitation and Conflict Resolution
- Handling Complaints for service improvement
- Handling intimidation
- Holding Council meetings online
- Influencing skills
- Licensing and Regulation
- Local Government Finance
- Planning
- Police and Crime Panels
- Scrutiny for Councillors
- Stress management and personal resilience
- Supporting mentally healthier communities
- Supporting your constituents with complex issues

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

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

The new Member Induction Programme for 2023/24 will be presented to the Committee at its next meeting.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

The Standards Committee resolved at its 2 October 2019 meeting that the Committee:

a) confirms its commitment to seeing good Councillor development as a key component of good governance;

b) endorses the draft Councillor Development Statement 2019/23, as set out at Appendix A to the report of the Head of Democratic Services and Elections, with the exception of the paragraph on page 9 of the Statement which refers to the intention to video record All Member Briefings which should be deleted pending a re-draft and re-submission of that paragraph to a future meeting of the Committee;

c) notes that the Statement will be kept under review and that any substantial alteration to it will be the subject of a further report to this Committee; and

d) authorises the Head of Democratic Services and Elections to make minor amendments to the Statement, as necessary.

The Committee has also been provided with annual training updates as part of its work programme.

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers associated with this report.

APPENDICES

Appendix A – Planning Committee and Licensing and Registration Committee Training Record 2022/23

REPORT CONTACT OFFICER(S)

Name	Karen Townshend
Job Title	Executive Projects Manager - Governance
Email/Telephone	ktownshend@tendringdc.gov.uk
Name	Debbie Bunce
Job Title	Legal Governance Officer
Email/Telephone	dbunce@tendringdc.gov.uk

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COUNCILLOR	Member of Licensing and Registration Committee	Named substitute of Licensing and Registration Committee	2022/23 LICENSING AND REGISTRATION TRAINING – MEMBER ATTENDANCE							TOTAL
			Alison Lambert 28 Mar 22							
			Licensing and Registration training							
Casey, D	✓		✓							1
Clifton, P	✓		✓							1
Davis, A	✓		✓							1
Guglielmi, V	✓		✓							1
Henderson, J	✓		✓							1
Henderson, I		✓	✓							1
McWilliams, L	✓		✓							1
Turner, N		✓	✓							1
Winfield, C	✓		✓							1

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STANDARDS COMMITTEE

8 FEBRUARY 2023

REPORT OF THE MONITORING OFFICER

A.3 PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

To note the Pre-Election Publicity Guidance produced for elections within the Tendring District ensuring that its contents are clear for Members in readiness for the 2023 elections.

EXECUTIVE SUMMARY

A Guidance Note concerning publicity and resources has been routinely issued, to all District Council Members and Officers, in the run up to the elections since 2014, in the format as shown in Appendix A to this report. In readiness for the 2023 local elections, the Standards Committee is requested to provide any comments or seek clarification on the content of the guidance to ensure that it is clear, concise and easily understood. The Standards Committee feedback will be considered by the Chief Executive (who is also the Returning Officer for the elections) when issuing the revised guidance in February 2023.

RECOMMENDATION(S)

It is recommended that the Standards Committee:

- (a) notes the contents of this report, subject to any comments or recommendations that the Committee may wish to make following its consideration of the report;
- (b) endorses the Guidance 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 area.

REASON(S) FOR THE RECOMMENDATION(S)

To request any feedback on the Guidance to be issued by the Chief Executive in a timely manner in readiness for the 2023 May Elections and the upcoming Pre-Election Period.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The Guidance builds on the Council's good governance arrangements and reputation during

pre-election periods and forms part of effective and positive governance, being a theme of the Corporate Plan 2020-24.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Paragraph 3.8 (b) of the Council's Members Code of Conduct requires **Compliance with the Law and the Authority's Rules and Policies** and states Members must comply with the Local Authority Code of Publicity made under the Local Government Act 1986 and any relevant guidance issued.

The Secretary of State for Communities and Local Government issued the Code of Recommended Practice on Local Authority Publicity, under the Local Government Act 1986 (as amended) ("the Act") which came into force on 31 March 2011. The Code is recognised as the statutory guidance for local authorities to have regard to, at all times, ensuring their publicity complies with all applicable requirements. The principle to ensure that special care is taken during periods of heightened sensitivity is of particular relevance during the period just before elections.

Local authorities are 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 defines publicity as "any communication in whatever form, addressed to the public at large or a section of the public". The Code therefore applies in relation to all decisions by local authorities relating to paid advertising and leaflet campaigns, publication of free newspapers and newsheets and maintenance of websites – including the hosting of material, which is created by third parties. Nothing in the Code overrides the prohibition by Section 2 of the Act on the publication by local authorities of material which in whole or in part appears to be designed to affect public support for a political party. Paragraphs 21 to 24 of the Publicity Code offer some guidance for local authorities on the management of publicity, which may contain or have links to party political material.

Tendring District Council's Guidance follows best practice and assists 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 per-election period published in 2021 (and updated for 2023) has been reviewed and its contents have taken into account.

FINANCE AND OTHER RESOURCE IMPLICATIONS

There are no finance or resource implications associated with this report.

USE OF RESOURCES AND VALUE FOR MONEY

The following are submitted in respect of the indicated use of resources and value for money indicators:

A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;	The Council must ensure that any guidance issued to Councillors and Officers is up to date with current policy, legislation, good practice and national guidance. It is also important to ensure that the contents are clear and concise and easily understood.
B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and	
C) Improving economy, efficiency and effectiveness: how the body uses information about its costs and performance to improve the way it manages and delivers its services.	

MILESTONES AND DELIVERY	
The Council is due to publish its Notice of Election on 13 th March 2023, which commences the formal Pre-Election Period for Tendring District Council.	
ASSOCIATED RISKS AND MITIGATION	
Not presenting this Guidance could have a detrimental impact on the Council's reputation and a risk of inadvertently attempting to use Council resources inappropriately.	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
The Standards Committee has previously been consulted with on the format of the Guidance for previous elections.	
EQUALITIES	
There are no equalities implications for the purposes of this report and guidance.	
SOCIAL VALUE CONSIDERATIONS	
There are no social value implications for the purposes of this report and guidance.	
IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2030	
There are no implications for the Council aim to be net zero by 2030, all future correspondence and communication will be undertaken electronically.	
OTHER RELEVANT 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	None identified
Health Inequalities	None identified
Area or Ward affected	All Wards could be affected
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<i>The period just before local elections when there are restrictions on local authority publicity and rules concerning media reporting of the election campaign, is now known as the Pre-election Period, with the publication of notice of the election.</i>
<i>At all times, local authorities should ensure that publicity complies with all applicable statutory provisions, including the Code of Recommended Practice on Local Authority Publicity 2011, and the principle to ensure that special care is taken during periods of heightened sensitivity is of particular relevance during the pre-election period. The Council will refrain from taking decisions or making policy announcements, which are significant and may be politically contentious. As with central government, 'business as usual' will always continue, but on</i>

certain issues a local authority may act cautiously and delay decision-making until after the election has concluded.

The Code of Practice makes reference to the period before elections in paragraphs 33-35 (see below). Each local authority is able to adopt their own version of the convention in the period leading up to local elections. Paragraph 4 of the Code sets out the principles, which local authorities should follow:-

- be lawful*
- be cost effective*
- be objective*
- be even-handed*
- be appropriate*
- have regard to equality and diversity*
- be issued with care during periods of heightened sensitivity*

Care during periods of heightened sensitivity:

- 33. Local authorities should pay particular regard to the legislation governing publicity during the period of heightened sensitivity before elections and referendums – see paragraphs 7 to 9 of this code. It may be necessary to suspend the hosting of material produced by third parties, or to close public forums during this period to avoid breaching any legal restrictions.*
- 34. **During the period between the notice of an election and the election itself, local authorities should not publish any publicity on controversial issues or report views or proposals in such a way that identifies them with any individual members or groups of members. Publicity relating to individuals involved directly in the election should not be published by local authorities during this period unless expressly authorised by or under statute. It is permissible for local authorities to publish factual information which identifies the names, wards and parties of candidates at elections.***
- 35. In general, local authorities should not issue any publicity which seeks to influence voters. However this general principle is subject to any statutory provision which authorises expenditure being incurred on the publication of material designed to influence the public as to whether to support or oppose a question put at a referendum. It is acceptable to publish material relating to the subject matter of a referendum, for example to correct any factual inaccuracies which have appeared in publicity produced by third parties, so long as this is even-handed and objective and does not support or oppose any of the options which are the subject of the vote.*

period, summarises the essential points from the Code as:

- *In general you should not issue any publicity which seeks to influence voters (an exception being situations covered by legislation or regulations directing publication of information for explanatory purposes).*
- *Particular care should be taken between the time of publication of a notice of an election and polling day.*
- *Consider suspending the hosting of third party material or closing public forums if these are likely to breach the code of practice.*
- *Do not publish any publicity on controversial issues or report views on proposals in a way which identifies them with candidates or parties.*
- *Publicity relating to individuals involved directly in the election should not be published unless expressly authorised by statute.*
- *You are allowed to publish factual information which identifies the names, constituencies and parties of candidates at elections.*

What this means in practice?

The first question to ask is 'could a reasonable person conclude that you are spending public money to influence the outcome of the election?' In other words it must pass the 'is it reasonable' test. When making your decision, you should consider the following:

*You should **not**:*

- *produce publicity on matters which are politically controversial*
- *make references to individual candidates or parties in press releases*
- *arrange proactive media or events involving candidates*
- *issue photographs which include candidates*
- *supply council photographs or other materials to political group staff unless you have verified that they will not be used for campaigning purposes*
- *continue hosting third party blogs or e-communications*
- *help with national political visits (as this would involve using public money to support a particular candidate or party). These should be organised by political parties with no cost or resource implications for the council.*

*You should also **think carefully** before you:*

- *Continue to run campaign material to support your own local campaigns. If the campaign is already running and is non-controversial (for example, on issues like recruitment, recycling or foster care) and would be a waste of public money to cancel or postpone them, then continue. However, you should always think carefully if a campaign could be deemed likely to influence the outcome of the election. In such cases you should stop or defer them. An example might be a campaign on an issue which has been subject of local political debate and/or*

disagreement.

- *Launch any new consultations. Unless it is a statutory duty or considered normal council business, such as budget consultations. Councils should consider carefully before starting any new consultations or publish report findings from consultation exercises, which could be politically sensitive.*

You are allowed to:

- *continue to discharge normal council business (including budget consultations or determining planning applications, even if they are controversial)*
- *publish factual information to counteract misleading, controversial or extreme (for example, racist/sexist) information.*

If you are in any doubt, seek advice from your Returning Officer and/or Monitoring Officer, legal or communications colleagues.

Ultimately, you must always be guided by the principle of fairness. It is crucial that any decision you take would be seen as fair and reasonable by the public and those standing for office.

PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.

Standards Committee December 2014 – minute 15

“RESOLVED, that the comments made by the Committee, through its discussion of the Pre-Election Publicity Guidance Note, be taken into account by the Officers when the Guidance Note for the 2015 Elections is prepared.”

BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL

There are no background papers associated with this report.

APPENDICES

Appendix A: PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

REPORT CONTACT OFFICER(S)

Name	Lisa Hastings
Job Title	Deputy Chief Executive and Monitoring Officer
Email/Telephone	lhastings@tendringdc.gov.uk (01255) 686561

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ELECTIONS - 4 MAY 2023

PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

As you will be aware, on 4 May 2023 there will be elections for all 48 Tendring District Councillors (TDC) and Town and Parish Councils within the District. Therefore, I thought it would be useful to remind you about the guidelines and restrictions on publicity during the pre-election period that starts on 13th March 2023. These restrictions apply to all the elections happening during this period.

At all times, the Council must comply with restrictions outlined in Section 2 of the Local Government Act 1986; however, it is specifically important in pre-election periods. In addition, a Code of Recommended Practice on Local Authority Publicity published in 2011 makes clear that particular care should be taken in periods of heightened sensitivity, such as in the run up to an election. The Act defines publicity as “*any communication, in whatever form, addressed to the public at large or to a section of the public.*”

This guidance has been produced taking into account the guide to publicity during the pre-election period produced by the LGA in January 2021, which discourages the use of the term *purdah*.

INTRODUCTION

This guidance is intended for both Members and Officers of TDC however, will be circulated to all Town and Parish Councils in the area for their information.

It covers a number of issues, which arise because of an election is being held while the Council needs to continue with its normal business as usual.

SUMMARY OF KEY POINTS

- The pre-election period (previously known as “Purdah”) applies from the date the Notice of Election is published (13 March 2023) for the TDC and Town and Parish Council elections referenced above.
- The Council is prohibited at all times (not only during pre-election periods) from undertaking activities or providing publicity “designed to affect support for a political party” and during the pre-election period the obligation to ensure that no candidate or party is favoured is heightened.

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- Any publicity describing the Council’s policies and aims should be as objective as possible, concentrating on the facts or explanation or both. Local authorities should not use public resources to mount publicity campaigns whose primary purpose is to persuade the public to hold a particular view on a question of policy.
- In general, local authorities should not issue any publicity, which seeks to influence voters. This extends to the Council publicising material of others where that material seeks to influence voters.
- The general rule is that during the pre-election period for the 4 May 2023 Polls the Council’s press releases will not include the names, photographs or quotations from any politicians.
- The Council’s day-to-day work will continue on a “business as usual” basis with decisions being made and services provided but we will seek to avoid consideration of, or publicity for, politically contentious issues during the pre-election-period.
- The basic principle for all officers is not to undertake any activity which would call into question their political impartiality, or could give rise to the criticism that public resources are being used for party political purposes. This includes, but is not limited to, participation in photo shoots involving Councillors/candidates.
- No elected member or officer is permitted to use any Council resources (including their TDC email account) for private or party political purposes. Use of Council resources for political campaigning purposes to promote one or more candidate over another at an election is strictly prohibited.
- Nothing in Section 2 of the Local Government Act 1986 or the Code of Recommended Practice on Local Authority Publicity prevents the Council from promoting voter registration or participation in elections. As such it is appropriate for the Council to support messaging around measures to make #FindItFriday and #frIDay and steps to raise awareness of the requirement in the Elections Act 2022 for electors to present appropriate photo ID when they attend a polling Station in order to vote. The same applies to publicising the names and descriptions of all

A.3 APPENDIX

candidates/agents as included in formal Notices issued by the Deputy/Returning Officer.

- The Council is also specifically permitted to correct factual inaccuracies in material produced by third parties. It must do this in an even handed and objective way and will otherwise not seek to enter into political debate on issues.

DUTIES OF THE DEPUTY/LOCAL RETURNING OFFICER

- The roles and responsibilities of a Deputy/Local Returning Officer are set by law. They are a series of powers and duties which are the personal responsibility of the person appointed as Deputy/Local Returning Officer.
- Ian Davidson is the Returning Officer (RO) for the TDC elections referenced above – and has personal responsibility for conducting the Election. Keith Simmons is his Deputy with the full powers of the Returning Officer delegated to him.
- Returning Officers are not local government employees for the purposes of conducting elections and are not accountable to the Council or its members in carrying out their statutory functions.
- The Returning Officer is required to conduct all elections entirely in accordance with the law.
- The Returning Officer is obliged to provide information to residents around registration to vote, absent vote arrangements and arrangements for voting in person at Polling Stations. As such the Returning Officer may, as part of that duty, issue information around measures to make #PollingDaySafe including steps to make Polling Stations safe. They will also publicise the names, details of the home address, description (and if relevant the chosen party emblem) and the agent of all candidates as required by law.

COUNCIL DECISION MAKING

- “Business as usual” will continue for services with decisions being made and services delivered. This will include certain consultations including those on planning and licensing applications. It is important to

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remember to avoid any unapproved change in service delivery/approach/decision making being regarded as influencing political views during a pre-election period.

- The “Business as usual” approach includes the provision for meetings of Council, Cabinet and Committees in the pre-election period. Where these are provided for, this therefore permits public speaking provisions at those meetings and the operation of the democratic governance processes.
- However, decisions, meetings, public consultation exercises and publicity campaigns on issues which it is considered have the potential to be politically contentious may be re-scheduled until after the election. This will avoid the risk of the decision making process being skewed or otherwise affected. A record will be kept of such a decision to identify why the matter should not be considered in the pre-election period. Staff will submit these through their appropriate member of Management Team to ensure these are noted at that level in the organisation.
- Management Team members and senior officers should familiarise themselves with the Council’s approach to the pre-election period as set out in this guidance and should not permit any issue to be brought forward during the pre-election period which is likely to create political advantage or disadvantage. Again, records will be kept to identify the issue and this will be raised at Management Team to ensure this is noted at that level.

PUBLICITY

- The law says the Council must never publish “any material which, in whole or in part, appears to be designed to affect public support for a political party”. In this context “publicity” is defined as “any communication, in whatever form, addressed to the public at large or to a section of the public”.
- The above applies to events and spoken communications as well as written communications.

A.3 APPENDIX

- All TDC press releases during the Pre-election Period will require the approval of the Chief Executive or Monitoring Officer before publication. Likewise, all requests to correct factual inaccuracies must be submitted to the Chief Executive/Monitoring Officer to consider along with any intended correction.

USE OF RESOURCES

- No elected member – whether a member of the Cabinet, Chairman of a Committee or any backbench member – or officer is permitted to use any Council resources for private or party political purposes.
- Requests for information by candidates and political parties should be responded to in accordance with legal requirements and normal policies and in an even handed way.
- Specifically, the provisions of the Freedom of Information Act (and the Environmental Information Regulations) are not suspended during the pre-election period and must be complied with by the Council.

SECURITY

- The Returning Officer will receive detailed and restricted advice from the appropriate bodies in relation to any security issues directly during the election period.
- Based on past experience Tendring has not been vulnerable or prone to any significant or particular security concerns.
- Members and Officers should expect to see and be subject to rigorous security requirements in the days leading up to Polling day and on the day itself.
- Access to the Count will be rigorously controlled and limited. Only those issued with formal accreditation issued in the name of the Returning Officer will be admitted.
- There will be close liaison with Essex Police to prepare operational policing plans to deal with the day to day policing of polling stations and the Count venue and also to respond to any incidents which may arise.

A.3 APPENDIX

QUESTIONS AND QUERIES

- Officers should seek general guidance on the issues in this document from their Manager or Director or from Keith Simmons, Head of Democratic Services and Elections, or Lisa Hastings, Monitoring Officer.
- All publicity matters should be referred to Will Lodge, Communications Manager.
- Members should raise issues relating to the business of the Council as they are affected by the elections and pre-election period with the Returning Officer, their Deputy or the Monitoring Officer.

GENERAL

All of the above is general guidance which should cover the majority of circumstances. There may however be legitimate exceptions to the guidance – where for example there is a major event outside the control of the Council, an emergency or a statutory requirement to act within the timeframe of the election. Judgements about those issues will be made on a case by case basis in light of the legal requirements and the need to maintain balance and impartiality.

Ian Davidson

Chief Executive

Distribution

- All current TDC Members
- Senior Managers' Forum Members
- Communications Group Members

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 response received currently being reviewed by 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 relates to behaviour within Parish Council meetings and electronic correspondence.
<p><u>General Notes – 2022/23 Summary:</u></p> <p>Overall 7 cases have been received in 2022/23.</p> <p>During this period advice has been given to all Town and Parish Councils to remind the individual Councillors to ensure that their Disclosable Pecuniary Interests are up to date on the their websites. The Monitoring Officer will 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>				

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