



STANDARDS COMMITTEE

DATE:	Wednesday, 9 April 2025
TIME:	10.00 am
VENUE:	Committee Room, Town Hall, Station Road, Clacton-on-Sea, CO15 1SE

MEMBERSHIP:

Councillor Wiggins (Chairman)
Councillor Oxley (Vice-Chairman)
Councillor Alexander
Councillor Codling

Councillor J Henderson
Councillor Land
Councillor Talbot

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DATE OF PUBLICATION: Tuesday, 1 April 2025

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 5 - 12)

To confirm and sign as a correct record, the minutes of the meeting of the Standards Committee, held on Wednesday, 5 February 2025.

3 Declarations of Interest

Councillors are invited to declare any Disclosable Pecuniary Interests, Other Registerable Interests of Non-Registerable Interests, 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 13 - 20)

To present the Committee with an overview on the register of, and declarations of, interests made by Members from 01 April 2024 until 31 March 2025.

6 Report of the Monitoring Officer - A.2 - Mandatory Training for Members - Annual Update (Pages 21 - 30)

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 - Standards Committee Work Programme 2025/26 (Pages 31 - 36)

To present for approval the Standards Committee's proposed work programme covering the period April 2025 to March 2026.

8 Complaints Update and National Policy Changes (Pages 37 - 38)

The Committee will receive the Monitoring Officer's update regarding standards complaints and an update to the National Policy changes.

Date of the Next Scheduled Meeting

The next scheduled meeting of the Standards Committee is to be held in the at Time Not Specified on Date Not Specified.

Information for Visitors

FIRE EVACUATION PROCEDURE

There is no alarm test scheduled for this meeting. In the event of an alarm sounding, please calmly make your way out of any of the fire exits in the hall and follow the exit signs out of the building.

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, 5TH FEBRUARY, 2025 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Wiggins (Chairman), Oxley (Vice-Chairman), Alexander, J Henderson and Talbot
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Karen Hayes (Executive Projects Manager (Governance)), Bethany Jones (Committee Services Officer) and Katie Koppenaal (Committee Services Officer)
Also in Attendance:	David Irvine and Jane Watts (two of the Council's four appointed Independent Persons)

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Newton (with no substitute), Sue Gallone (one of the Council's Independent Persons) and Clarissa Gosling (one of the Council's Independent Persons).

31. MINUTES OF THE LAST MEETING

It was moved by Councillor Oxley, seconded by Councillor Talbot and:-

RESOLVED that the Minutes of the meeting of the Committee held on Thursday 24 October 2024 be approved as a correct record and be signed by the Chairman.

32. DECLARATIONS OF INTEREST

In relation to report A.1 (Planning Probity Protocol – Results of Consultation and Revised Planning Probity Protocol), Councillors Alexander and Wiggins both declared as a point of information for the public record that they were current, serving members of the Council's Planning Committee.

33. 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.

34. REPORT OF THE MONITORING OFFICER - A.1 - PLANNING PROBITY PROTOCOL - RESULTS OF CONSULTATION AND REVISED PLANNING PROBITY PROTOCOL

The Committee considered the report that presented the updated revised version of the Planning Probity Protocol, following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It was reported that some themes emerging from the consultation were:

- the concept of Bias needed to be stronger.
- stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.

- importance of seeking advice earlier.
- a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.
- the importance of Member Training needed to be stressed within the Planning Probity Protocol.
- stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and
- site visits section needed to be stronger relating to the exceptional circumstances.

Members were made aware that the outcome of the consultation was set out in detail in Appendix B of the Officer report. In addition, it was considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was relevant.

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

RESOLVED that the Standards Committee –

- (a) notes the outcome of the consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution;
- (c) subject to (b) includes an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed seniority of Officers and all Officers within Planning and Legal Services personal planning applications to be referred to the Planning Committee; and
- (d) subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

35. REPORT OF THE MONITORING OFFICER - A.2 - GOVERNMENT CONSULTATION ON STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK

Members were told that the Government had launched a consultation regarding the application of standards and conduct in local authorities. The consultation had opened on 18 December 2024 and ran for 10 weeks, closing on 26 February 2025. It stated: *"This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils' investigation of serious breaches of their member codes of conduct, including the introduction of the power of suspension."*

Appendix A of the Officer report was a set of proposed answers to the specific questions which had been posed, together with supporting text where appropriate.

Members were also made aware that back in 2019, there had been a national review of the standards framework, and a number of recommendations had come out. Some of the recommendations required changes to legislation, especially in relation to sanctions. The previous Government had responded to that review and had said that they had no intention of amending the legislation at that current time, but that a model code had been produced by the Local Government Association (LGA) and Tendring District Council had adopted that model code.

The Committee was informed that the consultation sought views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils' investigation of serious breaches of their Members' codes of conduct, including the introduction of the power of suspension.

Specific proposals being consulted upon for legislative change included:

- the introduction of a mandatory minimum code of conduct for local authorities in England
- a requirement that all principal authorities convened formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations
- the introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that might involve police investigations
- a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
- a role for a national body to deal with appeals.

Officers told Members that in addition, the consultation sought views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

The consultation suggested that the Government was in favour of introducing those sanctions, but the consultation was seeking input from the sector and any other interested parties.

Members were updated on an amendment to the wording of the response to Question 19 in Appendix A of the Officer report which now stated: *"Although we feel that it should remain with the Standards Committee but in the event that the national consultation supports suspension being referred to an independent body, it is unclear how a referral to an independent body would work in practice, could create a delay and increase Council resources to manage the process?"*

Officers also updated Members on the figures relating to Question 13a in Appendix A of the Officer report which were for 2021/22, 2022/23, 2023/24 and 2024/25 up until the present time, those were as follows:

Complaints received from Elected Members: 10

Complaints received from Co-opted Members: 5

Complaints received from the public: 22
Complaints received from Officers: 0

Officers told Members that some of the complaints received from the public were from ex co-opted members.

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

RESOLVED that the Standards Committee:-

- (a) agrees a formal response should be provided on behalf of Tendring District Council to the Government's consultation exercise,
- (b) agrees to submit the proposed response, as set out in Appendix A and as amended through the debate at the meeting; and
- (c) agrees that the power of suspension should be returned to Local Authorities to re-enforce the importance of upholding breaches of the Code of Conduct but it should not be used for political purposes and with the ability for an appeal.

36. REPORT OF THE MONITORING OFFICER - A.3 - STANDARDS COMMITTEE - REVIEW OF STANDARDS HEARING PROCEDURE

It was reported that the Standards Committee framework was responsible for the function of Standards Hearings, be it whether held by the Standards Committee for District Councillor complaints or a Sub-Committee for Town and Parish Councillor complaints.

Members heard that matters reaching the Standards Hearing Procedure arose from complaints received under the Council's Members' Code of Conduct complaints procedure and followed a finding of a breach of the Members' Code of Conduct.

The Committee was reminded that in April 2024 the Committee had considered a proposed updated Hearing Procedure that reflected best practice and case law, and which would supplement the Council's Complaints Procedure for dealing with allegations that a Member had breached the Code of Conduct. Full Council had previously approved the Standards Framework with effect from November 2013, which had included a Complaints Procedure. The Complaints Procedure referred to the hearing in paragraph 7.1.2 and that it would follow the relevant procedures setting out how the hearing would be conducted. The purpose of the document was to ensure that all parties understood the process which would be followed at the hearing and to assist the Chairman to conduct a fair and proper hearing. When a hearing was convened, a copy of the procedures would be set out with the Report.

Members were told that at its April 2024 meeting the Committee had been also informed that the Hearing Procedure had been approved by the Standards Committee in March 2014 and in consideration of the length of time since its adoption and with a Hearing that was due to be held in May 2024, it was felt important by the Monitoring Officer to ensure that the Council's procedures reflected best practice and were up to date. The Standards Committee had subsequently approved the amended Hearing Procedure for

immediate adoption for both the Standards Committee and the Town and Parish Councils' Sub-Committee.

Officers also told Members that the opportunity for a further review of the Standards Hearing Procedure came after a Standards Hearing was conducted in May 2024 where the procedure was utilised and had been put through a 'stress test', having been infrequently used as the necessity had not arisen. The Hearing Procedure had not failed and was robust in its application, however there were some operational matters prior to the Hearing which would be addressed in the process, once a matter was referred for a hearing by the Monitoring Officer. Subsequently, informal discussion sessions had taken place with Members of the Standards Committee and Independent Persons, with their views and subsequent amendments reflected within the Officer report and within the Standards Hearing Procedure as appropriate; whilst still reflecting the Standards Framework and Terms of Reference of the Standards Committee.

Finally, Members heard that once the proposals had been considered by the Standards Committee through a formal decision, further work could be undertaken on the documentation for approval.

It was moved by Councillor Talbot, seconded by Councillor Alexander and unanimously:-

RESOLVED that the Standards Committee:-

- a) notes the contents of the Officer report and endorses the proposals as set out therein;
- b) requests that Officers further review the Council's Complaints Procedure, proposes amendments as necessary and produces a flowchart detailing the process following an investigation being concluded to referral for a hearing, where evidence of a breach has been found; and
- c) requests that Officers then present a revised Council's Complaints Procedure, Standards Hearing Procedure and flowchart to a future meeting of the Committee.

37. **COMPLAINTS UPDATE**

The Committee had before it the Monitoring Officer's update on existing and new conduct complaint cases.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE FEBRUARY 2025				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPOLITAN BOROUGH COUNCILLOR –	Hearing held on 16 May 2024	Standards Hearing – determined	Matter relates to behaviour whilst acting in an official

	received 18 August 2023	Sanctions not fully complied with	breach of Code of Conduct – Committee sanctions published on Council's website	capacity. Following the meeting of the Standards Committee in October 2024, the Chairman as requested by the Committee wrote to the Subject Member to which no response has been received. In presenting this item, options available will be covered by the Monitoring Officer during the meeting.
PARISH	PARISH COUNCILLOR – received 08 May 2024	CLOSED – 18 Oct 2024	Informal resolution	Matter relates to behaviours within the Parish Council between multiple Councillors. Code of Conduct training conducted, however there may be a need to provide further support.
TOWN	PUBLIC - received 05 Jun 2024	ONGOING - INVESTIGATION	Investigation – externally appointed Investigator	Matter relates to behaviour whilst acting in an official capacity. A draft report has been received and submitted to parties for comment.
PARISH	PUBLIC – received 23 Sep 2024	CLOSED – 21 Oct 2024	No further action	Matter relates to behaviour whilst acting in a non-official capacity, therefore the Code of Conduct was not engaged.
DISTRICT	PUBLIC – received 30 Sep 2024	CLOSED – 28 Oct 2024	No further action – decision by former Deputy Monitoring Officer	Matter related to behaviour whilst acting in an official capacity and behaviours between District Councillors. It was considered there was a lack of evidence to support

				the complaint proceeding.
DISTRICT	PUBLIC – received 02 Oct 2024	CLOSED – 29 Nov 2024	No further action	Matter related to acting within a Ward Member's responsibility and in accordance with the Council's Procedures.
PARISH	PARISH COUNCILLOR – received 21 Oct 2024	CLOSED – 18 Dec 2024	Informal resolution was offered to both parties, but only accepted by one	Matter relates to behaviour whilst acting in an official capacity and behaviours between Parish Councillors. The Subject Member attended a reflective session with the Monitoring Officer. The Complainant did not wish to proceed any further.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Investigation to be commenced	Matter relates to use of social media.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Pending	Matter relates to public statements on the Town Council's website.
PARISH	PARISH COUNCILLOR – received 18 Dec 2024	CLOSED – 07 Jan 2025	No further action	Subject Member resigned from Parish Council.
New Cases since last update - four				
<u>General Notes – 2024/25 Summary:</u>				
Overall, nine cases had been received so far in 2024/25. Since the last update, one case had resulted in Code of Conduct training being conducted, one remained being investigated by an externally appointed investigator, one had been appointed to an internal investigator, five had been closed with no further action as there had not been a breach of the Code of Conduct and one remained ongoing.				
<u>Requests for dispensations:</u>				
There had been eight requests for dispensations during this period.				

The Monitoring Officer further reported to the Committee an update following, the outcome of the hearing on 16th May 2024, where the Standards Committee made a decision on sanctions as a result of the Code of Conduct being breached by Councillor

Turner. Two of these sanctions have not been complied with, being issuing an apology to Members of the Local Government Association's Coastal Special Interest Group and undertaking training organised by the Monitoring Officer.

No response had been forthcoming from Councillor Turner to communication from the Monitoring Officer since the meeting in May. The Chairman of the Standards Committee had written to Councillor Turner following the Committee's resolution in October 2024, requesting him to comply with the sanctions and decisions of the Standards Committee made on 16 May 2024. The letter had also expressed disappointment that it had not been followed up despite communications to that effect. The letter had also included an opportunity to speak to an Independent Persons who had not been involved in the hearing process.

Failure to comply with sanctions recommended by the Standards Committee following a finding of a breach of the Members' Code of Conduct continues to be a breach in accordance with paragraph 8. However, the Standards Committee did not believe that further Council resources should be engaged in this matter, due to the on-going lack of alternative sanctions available, but remained disappointed that the breaches continue.

The Committee expressed its ongoing support to its previous decision which it considered reasonable in all the circumstances and to the Council's Monitoring Officer in upholding high standards of conduct.

It was moved by Councillor Talbot, seconded by Councillor Alexander and unanimously:-

RESOLVED that:-

- (a) the contents of the Monitoring Officer's Complaints Update be noted; and
- (b) the Standards Committee recommends to Full Council that it formally agree with the decision of the Standards Committee on 16 May 2024, that whilst the 2 sanctions remained outstanding being issuing an apology and undertaking training, Councillor Turner should not be allocated Committee membership or represent the Council on any Outside Bodies as his behaviour continues to undermine the high standards of conduct that the Council expects from its elected Members.

The meeting was declared closed at 11.46 am

Chairman

STANDARDS COMMITTEE

09 April 2025

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 01 April 2024 until 31 March 2025.

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. The Standards Committee included the annual item at its meeting on 24 April 2024 (minute no 21).

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 Financial Sustainability and Openness within the Corporate Plan for 2024-2028, adopted by full Council at its meeting in November 2023 (minute. No. 76).

Members' Declaration of Interests comes within Principle A of the Council's Annual Governance Statement - Behaving with integrity, demonstrating strong commitment to ethical values and respecting the rule of law.

LEGAL REQUIREMENTS (including legislation & constitutional powers)	
<p>The Council's Code of Conduct for Members sets out the requirements 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.</p> <p>The District Council adopted the Local Government Association's Model Code of Conduct with effect from May 2023, with interests defined as Discloseable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests.</p> <p>The Council has approved and adopted a Local Code of Corporate Governance, which is consistent with the principles of the CIPFA / SOLACE Delivering Good Governance in Local Government Framework (2016 Edition). A copy of the Council's Code is available to be viewed or downloaded from the website (www.tendringdc.gov.uk) or can be obtained by contacting the Assistant Director – Governance.</p> <p>The Annual Governance Statement explains how the Council has complied with the Code, and also meets the requirements of the Accounts and Audit Regulations 2015, regulation 6(1), which requires an authority to conduct a review, at least once in a year, of the effectiveness of its systems of internal control and include a statement reporting on the review with any published Statement of Accounts.</p>	
FINANCE AND OTHER RESOURCE IMPLICATIONS	
<p>There are no finance or resource implications associated with this report.</p>	
USE OF RESOURCES AND VALUE FOR MONEY	
<p>The following are submitted in respect of the indicated use of resources and value for money indicators:</p>	
<p>A) Financial sustainability: how the body plans and manages its resources to ensure it can continue to deliver its services;</p>	-
<p>B) Governance: how the body ensures that it makes informed decisions and properly manages its risks, including; and</p>	<p>The agendas for the Council, Cabinet and Committee meetings include declarations of interest as a formal item of business.</p>
<p>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.</p>	<p>This is an annual report presented to the Standards Committee for openness and transparency in its decision making.</p>
MILESTONES AND DELIVERY	
<p>This is an annual report presented to the Committee in accordance with the work programme.</p>	
ASSOCIATED RISKS AND MITIGATION	
<p>Not presenting this information could have a detrimental impact on the Council's reputation.</p>	
OUTCOME OF CONSULTATION AND ENGAGEMENT	
<p>None undertaken.</p>	
EQUALITIES	
<p>Equality considerations are taken into account for each decision made.</p>	

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 2050	
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	No Wards are directly affected by the contents of the report.
ANY OTHER RELEVANT INFORMATION	
None	

PART 3 – SUPPORTING INFORMATION

BACKGROUND
<p>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 01 April 2024 to 31 March 2025 and provides statistics on:</p> <ul style="list-style-type: none"> • 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. <p>The data has been collated from the Committee system Modern.gov which the Council started using as of August 2016 and from Members' submissions.</p> <p><u>Register of Members' Disclosable Pecuniary Interests</u></p> <p>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.</p> <p>It is confirmed that the Council's website includes a Register of Disclosable Pecuniary Interests and Other Registerable Interests for all District Councillors and that this is updated when a Member provides details of an amendment directly 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.</p> <p>A dispensation for all District Members was granted by the Monitoring Officer for the purpose of the report of the Director (Finance & IT) – Formal Confirmation of Council Tax Amounts for</p>

2025/26.

Declarations of interest at meetings

Members are required to declare Disclosable Pecuniary Interests, Other Registerable Interests and Non-Registerable Interests at meetings and those recorded on the committee system, as declared by District Councillors for the period 01 April 2024 to 31 March 2025 are set out in Appendix A to this report. All minutes of the meetings also record the declarations.

Use of blanket dispensations

Tendring District Council's former 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 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.

The current Code of Conduct which took effect in May 2023 does not include blanket dispensations consequently, the Monitoring Officer gave a blanket dispensation for the purposes of setting Council Tax under the Local Government Finance Act 1992, at the District Council's budget meeting on 11 February 2025 (minute no 105).

A recorded vote is mandatory on any decision relating to the budget or Council Tax. This includes not only on the substantive budget motions agreeing the budget and setting Council taxes, but also on any amendments proposed at the meeting.

For other types of Interests, which need to be considered, Disclosable Pecuniary Interests (DPIs), Other Registerable Interests (ORIs) or Non-Registerable Interests are defined in the Code of Conduct and for DPIs & ORIs, these have been (or should have been) registered in advance, and with the exception of the Council Tax exemption for residing in the District, you should still consider if any other interests do apply. A blanket exemption/dispensation has not been applied for all.

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee review of the Council's Gift and Hospitality Policy for Members, guidance and a notification form was produced for all District Councillors in May 2016. Reference to declarations of offers/receipt of gifts and hospitality was included within the mandatory Members' Code of Conduct training delivered by the Monitoring Officer in June

and July 2023. 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.

Members' Register of Interests

Pursuant to the Localism Act 2011, within 28 days of becoming a Member or re-election or re-appointment to office, Members must register with the Monitoring Officer the interests which fall within the categories set out in Table 1 of the Members' Code of Conduct, namely, Disclosable Pecuniary Interests (DPIs) which are as described in the "The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012. Members should also register details of other personal interests which fall within the categories set out in Table 2 (Other Registerable Interests).

At the conclusion of the May 2023 District, Town and Parish Council elections, all Members received the relevant Disclosable Pecuniary Interest and Other Registerable Interests form as part of their induction procedure, to complete and return to the Monitoring Officer, for inclusion on the Council's website within a central register. Registration and the obligations to disclose DPIs, Other Registerable Interests and Non-Registerable Interests and the effect on participation was covered within the mandatory Members' Code of Conduct training delivered by the Monitoring Officer in June and July 2023. In line with the requirements of the Council's External Auditors, an annual reminder has been sent to all District Members to ensure that all interests are up to date and this remains ongoing.

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.

Full Council on 22 November 2022 (minute no. 51) - **RESOLVED** that Council approves:-

- (a) the adoption of the Local Government Association's Model Members' Code of Conduct, as set out in Appendix 2, for the purposes of Sections 27 & 28 of the Localism Act 2011, with a commencement date of the Annual Meeting of the Council in May 2023.

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 01 April 2024 to 31 March 2025.

REPORT CONTACT OFFICER(S)	
Name	Karen Hayes
Job Title	Executive Projects Manager - Governance
Email/Telephone	khayes@tendringdc.gov.uk
Name	Ian Ford
Job Title	Committee Services Manager
Email/Telephone	iford@tendringdc.gov.uk (01255) 686584

Appendix A

Declarations of Interest in the Period of 01 April 2024 – 31 March 2025

Committee/ Sub-Cttee	No. of Meetings	Disclosable Pecuniary Interest	Other Registerable Interest	Non- Registerable Interest	Public Record Declarations (Points of Information)	Pre- Determined Planning Application (Planning Committee)
Audit	7	0	0	0	0	
Cabinet	10	6	17	2	3	
Community Leadership O&S	5	0	0	0	1	
Full Council	8	5	2	2	1	
HR & Council Tax	2	0	0	0	1	
Licensing & Registration	3	0	0	2	2	
Miscellaneous Licensing Sub-Cttee	2	0	0	0	2	
Planning	9	0	0	6	5	2
Planning Policy & Local Plan	5	3	1	2	6	
Premises / Personal Licences Sub- Cttee	9	0	0	0	2	
Resources and Services O&S	4	0	2	0	0	
Standards	4	0	0	0	12	
Tendring / Colchester Borders Garden Community Joint Cttee	1	0	0	0	0	

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STANDARDS COMMITTEE

09 April 2025

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 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.

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 stated 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 2050	
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).

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 including:

- 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.

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

The Standards Committee resolved at its 02 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 2024/25

REPORT CONTACT OFFICER(S)

Name	Karen Hayes
Job Title	Executive Projects Manager - Governance
Email/Telephone	khayes@tendingdc.gov.uk

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COUNCILLOR	Member of Planning Committee	Named substitute of Planning Committee	2024/25 PLANNING TRAINING – MEMBER ATTENDANCE							TOTAL
			27 Mar 2024	04 Apr 2024	29 Jan 2025					
			Planning Mock Committee - TDC	Planning – Mandatory Training - TDC	Planning Conditions - TDC					
Alexander, M	✓		✓							1
Baker, A			✓		✓					2
Bray, J	✓									0
Codling, J			✓							1
Davidson, B					✓					1
Everett, R	✓		✓							1
Fairley, Z					✓					1
Fowler, M	✓		✓		✓					2
Goldman, B	✓		✓	✓	✓					3
Newton, S					✓					1
Scott, G				✓						1
Smith, A	✓		✓		✓					2
Sudra, G		✓	✓		✓					2
Talbot, M			✓							1
White, J	✓		✓							1
Wiggins, A	✓		✓							1

COUNCILLOR	Member of Licensing and Registration	Named substitute of Licensing and Registration Committee	2024/25 LICENSING AND REGISTRATION TRAINING – MEMBER ATTENDANCE							TOTAL
			08 Apr 2024	02 Sep 2024	23 Jan 2025					
			Licensing & Registration - TDC	Licensing Act 2003 Refresher - TDC	Licensing & Registration - TDC					
Bray, J					✓					1
Casey, D			✓							1
Codling, J			✓							1
Cossens, A	✓		✓							1
Davidson, B	✓		✓							1
Doyle, C	✓									0
Henderson, J	✓		✓							1
Skeels, M Jnr	✓		✓							1
Smith, A	✓		✓							1
Thompson, B	✓			✓						1
Wiggins, A	✓		✓							1

COUNCILLOR	Member of Audit Committee	Named substitute of Audit Committee	2024/25 AUDIT COMMITTEE TRAINING – MEMBER ATTENDANCE							TOTAL
			19 Nov 2024	22 Jan 2025						
			Understanding Audit Committees - LGA	Role of Audit Committee – Ian Fifield						
Bensilum, T				✓						1
Chapman, J				✓						1
Cossens, A				✓						1
Cossens, M				✓						1
Fairley, Z	✓			✓						1
Goldman, B				✓						1
Griffiths, C				✓						1
Honeywood, P	✓			✓						1
Morrison, P	✓			✓						1
Platt, M										0
Smith, A				✓						1
Steady, G	✓			✓						1
Sudra, G	✓		✓							1
White, J				✓						1
Wiggins, A				✓						1

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STANDARDS COMMITTEE

09 APRIL 2025

REPORT OF THE MONITORING OFFICER

A.3 STANDARDS COMMITTEE WORK PROGRAMME 2025/26

(Report prepared by Karen Hayes)

PART 1 – KEY INFORMATION

PURPOSE OF THE REPORT

- To present for approval the Standards Committee's proposed work programme covering the period April 2025 to March 2026.

EXECUTIVE SUMMARY

A work programme covering the period April 2025 to March 2026 has been prepared which reflects the activity required falling within the responsibilities of the Standards Committee's Terms of Reference.

RECOMMENDATION(S)

It is recommended that the Standards Committee approves its Work Programme for 2025/26.

REASON(S) FOR THE RECOMMENDATION(S)

To provide a work programme which reflects the activity required falling within the responsibilities of the Standards Committee's Terms of Reference.

ALTERNATIVE OPTIONS CONSIDERED

There are no alternative options associated with this report.

PART 2 – IMPLICATIONS OF THE DECISION

DELIVERING PRIORITIES

The existence of sound governance, internal control and financial management practices and procedure are essential to the delivery of the Corporate Priorities supported by effective management and forward planning within this overall framework.

LEGAL REQUIREMENTS (including legislation & constitutional powers)

Statutory and regulatory requirements have been recognised within the work programme.

FINANCE AND OTHER RESOURCE IMPLICATIONS

Finance and other resources

Although there are no significant financial implications associated with the work programme of

the Committee, additional officer time or resources may be required to support the activities of the Committee and existing budgets will be reviewed as appropriate if the potential for additional costs arises.

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 work programme of the Committee covers the function of the Committee to promote and maintain high standards of conduct by Members and Co-Opted Members of the Authority. The work programme aims to address these areas of responsibility within related timescales and deadlines to support, protect and enhance the Council's reputation and Standards framework.
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

With the implementation of the work programme the Committee will be able to satisfactorily carry out its required activities.

ASSOCIATED RISKS AND MITIGATION

The work programme reflects a number of functions and activities that form part of the Council's wider governance arrangements that includes risk and assurance.

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

There are no direct implications associated with this report.

SOCIAL VALUE CONSIDERATIONS

There are no direct implications associated with this report.

IMPLICATIONS FOR THE COUNCIL'S AIM TO BE NET ZERO BY 2050

There are no direct implications associated with this report.

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
<p>The Standards Committee functions include promoting and maintaining high standards of conduct by Members and Co-Opted Members of the Authority; along with developing a culture of openness, transparency, trust and confidence between Members and in Member and Officer relationships, embedding a culture of strong ethical and corporate governance at all levels of the Council.</p> <p>In addition to the above the Standards Committee will advise the Council on the adoption or revision of the Members' Code of Conduct and the requirements for codes/protocols/other procedures relating to standards of conduct throughout the Council; therefore assessing the operation and effectiveness of the Members' Code of Conduct and other elements of the Standards Framework.</p> <p>In addition to the items set out in Appendix A, other matters may be presented to the Committee for consideration as determined by the Monitoring Officer in consultation with the Chairman.</p> <p>Taking into account the responsibilities of the Standards Committee as highlighted above, the proposed work programme covering the period from April 2025 up to and including March 2026 is set out in the Appendix.</p>
PREVIOUS RELEVANT DECISIONS TAKEN BY COUNCIL/CABINET/COMMITTEE ETC.
The work programme is presented to the Standards Committee annually for its consideration and approval.
BACKGROUND PAPERS AND PUBLISHED REFERENCE MATERIAL
None
APPENDICES
Appendix A – Standards Committee Work Programme 2025/26

REPORT CONTACT OFFICER(S)	
Name	Karen Hayes
Job Title	Executive Projects Manager – Governance
Email/Telephone	khayes@tendringdc.gov.uk

DRAFT COMMITTEE WORK PLAN 2025/26 – STANDARDS COMMITTEE

July 2025

- Updates by Monitoring Officer covering complaints and national policy changes
- Licensing and Registration Probity Protocol
- Standards Hearing Procedure review
- Update on mandatory Members' Code of Conduct training

October 2025

- Updates by Monitoring Officer covering complaints and national policy changes
- Town and Parish Councils' Code of Conduct and Interests review – including Local Government Reorganisation (LGR) implications
- Outcome of consultation from Licensing and Registration Probity Protocol
- Role of Monitoring Officer and review of administrative delegated powers

February 2026

- Case review and guidance update for the Committee on decisions and actions taken nationally
- Updates by Monitoring Officer covering complaints and national policy changes
- Update on mandatory training for Members

April 2026

- Annual Report on declarations of interest (including meetings, gifts and hospitality)
- Updates by Monitoring Officer covering complaints and national policy changes
- Annual Work Programme for 2026/27

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.

Agenda Item 8

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE APRIL 2025				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPLITAN BOROUGH COUNCILLOR – received 18 August 2023	CLOSED	Standards Hearing – determined breach of Code of Conduct – Committee sanctions published on Council’s website	Subject Member has sadly passed away.
TOWN	PUBLIC - received 05 Jun 2024	CLOSED 07 Mar 2025	Investigation concluded – conducted by externally appointed Investigator	Matter relates to behaviour whilst acting in an official capacity. A final report has been received and submitted to all parties. No evidence of a breach of Code of Conduct.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Investigation – internally appointed Investigator	Matter relates to use of social media.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Pending	Matter relates to public statements on the Town Council’s website.
PARISH	PARISH COUNCILLOR – received 05 Mar 2025	ONGOING	Pending	Matter relates to behaviour between Parish Councillors whilst acting in an official capacity.
DISTRICT	PUBLIC – received 11 Mar 2025	ONGOING	Pending	Matter relates to communications between parties.
New Cases since last update - two				

General Notes – 2024/25 Summary:

Overall eleven cases have been received so far in 2024/25. Since the last update, one case investigation has been concluded by the externally appointed investigator, one remains being investigated by an internally appointed investigator and three remain ongoing.

Requests for dispensations:

A dispensation for all District Members was granted by the Monitoring Officer for the purpose of the report of the Director (Finance & IT) – Formal Confirmation of Council Tax Amounts for 2025/26.