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Standards Committee

16 July 2020

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON THURSDAY, 16TH JULY, 2020 AT 10.00 AM
THE MEETING WAS HELD IN ACCORDANCE WITH THE PROVISIONS OF SI
2020/392. LINK TO THE LIVE STREAM IS FOUND HERE:
[HTTPS://WWW.TENDRINGDC.GOV.UK/LIVEMEETINGS](https://www.tendringdc.gov.uk/livemeetings)**

Present:	Councillors Dan Land (Chairman), Graham Steady (Vice-Chairman), Sue Honeywood and Ann Wiggins
Also Present:	Councillor Peter Cawthron
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Linda Trembath (Senior Solicitor (Litigation and Governance) & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Debbie Bunce (Legal and Governance Administration Officer) and Matt Cattermole (Communications Assistant)
Also in Attendance:	Sue Gallone, Clarissa Gosling, David Irvine and Jane Watts (the Council's four appointed Independent Persons)

1. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Jo Henderson (with no substitute) and Nicola Overton (with no substitute).

2. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the last meeting of the Committee held on 5 February 2020 be approved as a correct record.

3. DECLARATIONS OF INTEREST

There were no declarations of interest made at this time.

4. QUESTIONS ON NOTICE PURSUANT TO COUNCIL PROCEDURE RULE 38

There were no such questions on this occasion.

5. REPORT OF THE MONITORING OFFICER - A.1 - LOCAL GOVERNMENT ASSOCIATION MODEL MEMBER CODE OF CONDUCT CONSULTATION

There was submitted a report (A.1) by the Monitoring Officer which sought the Committee's agreement to this Council's formal response to the Local Government Association's (LGA) Model Member Code of Conduct consultation.

The Committee was informed that the LGA had launched its consultation on a draft Model Member Code that could be a template for councils to adopt in whole and/or in part with local amendments. The LGA Consultation document incorporating the draft Model Code of Conduct was attached as Appendix A to the Monitoring Officer's report for Members' consideration.

The Committee was aware that all Councils were required to have a local Member Code of Conduct and that Tendring District Council's Members' Code had been last reviewed and adopted by Full Council in 2018. The Code of Conduct was attached as Appendix B to the Monitoring Officer's report for Members' reference.

It was reported that the LGA draft Model Member Code of Conduct had been developed in consultation with the local government sector and that the LGA had committed to undertake an annual review of the Model Code in order to ensure it continued to be fit for purpose, particularly with respect to advances in technology, social media and any relevant changes in legislation.

Members were made aware that the draft Model Code covered its purpose and application, referred to the seven Principles of Public life, expressly stated what model member conduct as a councillor was expected and set out the minimum requirements through some specific obligations of general conduct. Under each of the specific obligations the LGA had a created additional guidance.

Members were also made aware that, in responding to the consultation, the LGA was asking a number of questions via an online form, however they had produced an information document setting out those questions for responders to consider in advance. That information document was attached as Appendix C to the report.

The Committee was advised that any individual whether an elected Member, Independent Person or Officer could respond to the consultation in their own right. The purpose of the report before it was to establish whether an agreed formal response could be submitted on behalf of Tendring District Council. Therefore Members of the Standards Committee were requested to give consideration to the questions set out in the aforementioned Appendix C.

The Committee was further advised that responding to the consultation would not commit this Council to adopting the Model Member Code of Conduct, in full or in part. The Monitoring Officer suggested that the Standards Committee would wish to consider each aspect, in detail, against a review of its existing Members' Code of Conduct, which could be undertaken later in the year as part of its work programme once the final version of the LGA Model Code was launched.

The Monitoring Officer sought the Committee's views, in particular, in respect of the following questions and matters:-

<u>Question/Matter</u>	<u>Views expressed by the Committee (including the Independent Persons)</u>
The length, quality, clarity etc. of the LGS Model Member Code of Conduct	Consensus was that the Model Code was of good quality and, in particular, positive comments were expressed about its clarity.
Should the requested Councillor commitment to "Civility" towards others be amended to be a commitment to "Respect" towards others?	The majority view expressed was that the reference to "Civility" was acceptable.

Question 3: Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?	The consensus was that the Committee would prefer “I will” or “Councillors will” rather than “Councillors should” as this implies definite, positive action will be taken rather than a perception of an indefinite may or may not take this action approach.
Question 8: To what extent do you think the concept of ‘bringing the council into disrepute’ is sufficiently clear?	The consensus of the Committee was that they would like to a widening within the Model Code of this concept. At the moment it is too narrowly focused on behaviour that is considered dishonest and/or deceitful.
Question 15: The draft code proposes £25 as the threshold for registering gifts and hospitality, is this an appropriate threshold?	The Committee Members and IPs were split in their views between supporting the LGA’s suggested £25 threshold or maintaining the £50 threshold included within TDC’s current Code of Conduct.
<p>Question 16: The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1 – 5, with 1 being the most useful.</p> <ul style="list-style-type: none"> - Regularly updated examples of case law - Explanatory guidance on the code - Case studies and examples of good practice - Supplementary guidance that focuses on specific areas, e.g. social media - Improvement support materials, such as training and e-learning packages 	The consensus of the Committee was that they were all very useful and of equal importance, with the exception of case law which should be given a slightly lower score.

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

RESOLVED that the Monitoring Officer be authorised, on behalf of Tendring District Council, to submit the agreed response to the Local Government Association’s Model Member Code of Conduct consultation, following a further consultation with the Members of the Committee and the Independent Persons on the contents of that proposed response.

6. WORK PROGRAMME FOR 2020/2021

The Committee gave consideration to its work programme for the 2020/2021 Municipal Year.

Members had before them a suggested work programme which had been submitted by the Monitoring Officer.

It was moved by Councillor Land, seconded by Councillor Wiggins and –

RESOLVED that the annual Work Programme for 2020/2021, as set out below, be approved –

14 October 2020 (provisional date)

- Update on LGA Model Code of Conduct and commence review of Tendring District Council's Code of Conduct
- Review of Planning Probity Code and Protocol
- Quarterly Complaints update by Monitoring Officer

3 February 2021 (provisional date)

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

21 April 2021 (provisional date)

- Update on Mandatory training;
- Annual Report on declarations of interest (meetings, gifts and hospitality);
- Work Programme 2021/2022; and
- Quarterly Complaints update by Monitoring Officer

The Committee was aware that individual matters might be referred to the above meetings by the Monitoring Officer in accordance with the Committee's Terms of Reference as necessary, for example an appeal against a dispensation decision or a code of conduct hearing.

7. DISCUSSION TOPICS AND/OR UPDATES FROM THE MONITORING OFFICER

Quarterly Update on Complaints

The Monitoring Officer circulated to the Committee the following quarterly schedule of complaints, which gave an update on cases, without providing any names, and went through it with the Committee.

The Monitoring Officer gave details as follows:-

Existing Cases since last update:				
Council	Complainant	Current Status	Final Outcome	Comments
Parish	Member of the Public	Closed	No further action	<p>Independent Person consulted.</p> <p>No further action to be taken by the District Council, as it was a private contractual matter but it was recommended to the relevant parties that they consider their actions with a view to improving relationships within the Parish.</p>
District (x2)	Member of the Public	Closed	No further action	<p>Ward Councillors had chosen not to respond to the individual, but their actions were not discriminatory as suggested.</p> <p>Relevant Group Leaders were consulted.</p> <p>Councillors had been advised to consider their actions and the Council's reputation if</p>

				<p>they continued to take this approach.</p> <p>Complainant had then requested a review, no appeal process in place but under General Complaints Procedure, the Complainant was notified that nothing further would be done but was given a further reassurance that the Councillors concerned had been advised of the perception of their failure to engage with the resident.</p>
New Cases since last update:				
Council	Complainant	Current Status	Final Outcome	Comments
Parish	County Councillor	Closed	No further action	Deemed to be Politically motivated and the Parish Councillor had subsequently acknowledged that they had learnt from the minor error.

General Notes:

The Monitoring Officer informed the Committee that she had delivered a second Code of Conduct training session to a number of Town and Parish Councillors on 18th February 2020, which had also been attended by a number of District Councillors. The session had been well received with positive feedback provided.

The Monitoring Officer reported that a complaint had been made to the Local Government and Social Care Ombudsman (LG&SCO) concerning a previous matter that had been decided last year. The LG&SCO had decided to take no further action and not to investigate. The LG&SCO had deemed that the Council's Complaints Procedure had been followed, the correct assessment criteria had been applied and their involvement would not produce a different outcome.

Dispensations:

The Monitoring Officer reported that there had been no requests for dispensations received from Members since the last update.

The Committee noted the foregoing.

The meeting was declared closed at 11.02 am

Chairman

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