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Standards Committee

20 March 2024

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 20TH MARCH, 2024 AT 10.00 AM
IN THE COMMITTEE ROOM, AT THE TOWN HALL, STATION ROAD, CLACTON-
ON-SEA, CO15 1SE**

Present:	Councillors Talbot (Chairman), J Henderson, Newton and Oxley
Also Present:	Councillor Baker
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Karen Hayes (Executive Projects Manager (Governance)), Ian Ford (Committee Services Manager) and Bethany Jones (Committee Services Officer)
Also in Attendance:	Clarissa Gosling, David Irvine and Jane Watts (three of the Council's four appointed Independent Persons)

9. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillors Ferguson, Land and Wiggins and Sue Gallone (Independent Person). There were no substitutions.

10. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 19 July 2023 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 ASSISTANT DIRECTOR (GOVERNANCE) & MONITORING OFFICER - A.1 - INDEPENDENT REMUNERATION PANEL AND INDEPENDENT PERSONS RECRUITMENT

The Committee considered whether to comment on the Independent Remuneration Panel and Independent Persons' term of office, exploring alternative options and future recruitment, with a view to making relevant recommendations to Full Council.

The Committee was reminded of the current situation as follows:-

At its meeting held on 27 November 2018, Full Council had agreed the appointment of Mr David Irvine, Mrs Clarissa Gosling, Mrs Jane Watts and Mrs Sue Gallone as the Council's Independent Remuneration Panel for the purposes of making recommendations to Council on Members' allowances. Mr David Irvine, Mrs Clarissa

Gosling, Ms Jane Watts and Ms Sue Gallone had also confirmed as the Council's Independent Persons for the purposes of standards arrangements.

The roles of Independent Remuneration Panel and Independent Persons were still separate but the same individuals had been appointed to both and were, currently, in place until Annual Council in April 2024. Each role was covered by separate legislation and were different in their nature.

The appointments as Independent Persons (IPs) had been extended for a year from May 2023 to April 2024, by Full Council at its meeting held on 22nd November 2022 (Minute 52 referred) and as Independent Remuneration Panel (IRP) members by Full Council at its meeting held on 2nd March 2023 (Minute 108 referred).

Following the decision by Full Council on 22nd November 2022, there was a requirement that alternative arrangements for the IRP be explored further in order to maximise options available with other Councils within Essex and to give consideration to the outcome prior to any future recruitment. During the last year, Braintree District Council (BDC) had expressed an interest in joint working on the role of the IRP (not IP) and had recently advertised to recruit to their IRP role and had included reference to working with other Essex Councils (although Tendring District Council had not been specifically named).

The Assistant Director (Governance) & Monitoring Officer had participated in the BDC interview process and each candidate had confirmed that they would be interested in joint working with TDC, if this was approved locally as an approach going forward.

Following the aforementioned decision of Full Council in November 2022, the Monitoring Officer reported there was interest in a joint working arrangement whereby a pool of IRPs could be appointed to undertake reviews of Members' Allowance Schemes for different Councils and the successful candidates through the BDC process could be recommended for appointment by Tendring District Council.

The advertisement of vacancies for the position of Independent Person(s) and the Independent Remuneration Panel, the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed was delegated to the Chief Executive under the Council's Constitution. It was recommended that this delegation be amended to include the Monitoring Officer together with the Chief Executive, so that the administrative process for Tendring could be undertaken and recommendations made to Full Council in July 2024. Currently, there was no requirement for a review of Tendring's Members' Allowances Scheme during that interim period.

It was recommended that, in light of the proposed joint working arrangements for IRPs, the automatic appointment to both roles at Tendring ceased in order to allow different arrangements to be implemented.

It was further recommended that the existing appointments to IPs were extended, to those who expressed a wish to continue, to ensure this Council complied with the requirements of the Localism Act 2011. The current appointments were working well and there were a few ongoing standards cases whereby consistency and continuity would be beneficial.

The available recruitment and other alternative options were reported as follows:-

- (1) With regard to the roles of Independent Persons for the Ethical Standard arrangements, a pool of Independent Persons was available through the Public Law Partnership (covering Essex, Hertfordshire and Suffolk) that could be called on by any authority, subject to the necessary approvals through formal appointments. Those arrangements were considered appropriate to use where capacity or conflicts of interest were an issue. Whilst this Council had previously approved and adopted this flexibility, using the pool had not been required due to this Council having four Independent Persons. Therefore, it was still considered prudent for Tendring District Council to continue appointing its own Independent Persons whilst retaining the flexibility of a wider pool to call upon if necessary.
- (2) The IP and the IRP could continue as joint appointments or be separated.
- (3) The term of office for IRP and IPs were currently aligned to the term of office for District Councillors and consideration should be given to alternative approaches such as staggering and overlapping of terms, providing consistency and effective use of resources, preventing regular recruitments.
- (4) Since the last recruitment undertaken in 2018, the Committee on Standards in Public Life had published its report in January 2019 which, with regards to the role of the Independent Persons and their recommendations, had been responded to by Government in March 2022. Therefore, it was timely for Tendring District Council to review its own approach and give consideration to different options.

The Committee was reminded of the statutory and constitutional requirements as follows:-

Section 28(6) and (7) of the Localism Act 2011 required the Council to appoint at least one Independent Person to work with the Monitoring Officer within the Standards Framework.

Section 20 of The Local Authorities (Members' Allowances) England Regulations 2003 required that an Independent Remuneration Panel shall be established in respect of each authority and that the Panel shall consist of at least three people.

In this Council's Constitution, the advertisement of vacancies of Independent Person(s) and the Independent Remuneration Panel, the review of applications received, the interview of suitable candidates and the making of recommendations to Council as to who should be appointed, were delegated to the Chief Executive. However, as both of those independent roles required strong engagement with Councillors it was considered appropriate that the views of this Committee were sought. It was recommended that the existing Independent Persons term of office be extended for a year in order to allow the joint working opportunities for the Independent Remuneration Panel to be implemented.

A Member queried whether this Council could be comfortable with having IPs from Braintree District given the distance that they would have to travel to get to meetings et cetera in Tendring District. The Monitoring Officer responded by stating that all candidates that she had interviewed jointly at Braintree had confirmed that they were happy to participate in joint working and, by implication, travelling. There would be

opportunities for hybrid working. In addition, two of this Council's IPs currently travelled to meetings in the Tendring District from Suffolk.

A Member queried the seven year appointment period as potentially being too long. The Monitoring Officer replied that the appointment period would be up to seven years in order to overlap into the next Council term; there would be a need to carry out a fundamental review of Members' Allowances in early 2027; this approach would also allow a rolling process of recruitment rather than an "all at once" process.

At the invitation of the Chairman, the Council's Independent Persons present gave their views on this matter which were summarised as follows:-

- the roles of the IRP and the IP were quite different and involved differing skill sets so it could be a good approach to separate the two roles going forward;
- believed that IRP and IP involvement should be 'in person' rather than online; and
- different Councils work in different ways so forming a 'pool' might be difficult.

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

RESOLVED that the Standards Committee -

- (a) notes the contents of this report (A.1);
- (b) recommends to Full Council that:
 - (i) the previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;
 - (ii) future arrangements continue to be explored for a joint Independent Remuneration Panel with other Councils, and the delegation for recruitment be extended to the Chief Executive and Monitoring Officer for recommendations to be made to a future meeting of Full Council;
 - (iii) for the purposes of (b)(ii) the term of office of future Independent Remuneration Panel members be for a period of up to 7 years, being staggered if appropriate, to cover the Review of the Members' Allowances Scheme required for 2026/27 and into the next term of office for District Councillors; and
 - (iv) the term of office for those Independent Persons who express an interest in doing so, be extended for a further year without an application process, in order to allow a separate recruitment exercise to be undertaken for the sole role of Independent Person.

14. REPORT OF THE MONITORING OFFICER - A.2 - PRE-ELECTION GUIDANCE FOR TENDRING DISTRICT COUNCIL MEMBERS AND OFFICERS

The Committee was requested to note the Pre-Election Publicity Guidance produced for elections within the Tendring District ensuring that its contents were clear for Members and Officers in readiness for the Police, Fire and Crime Commissioner election due in May 2024.

Members were reminded that a Guidance Note concerning publicity and resources had been routinely issued, to all District Council Members and Officers, in the run up to elections since 2014, in the format as shown in Appendix A to the Monitoring Officer's report (A.2). In readiness for the Police, Fire and Crime Commissioner election in May 2024, the Standards Committee was requested to provide any comments or seek clarification on the content of the guidance to ensure that it was clear, concise and easily understood. The Standards Committee's feedback would be considered by the Chief Executive (who was also the Local Returning Officer for the aforementioned election in the District of Tendring) when issuing the revised guidance later on in March 2024.

It was reported that, in preparing the guidance now presented, due regard had been given to the LGA's published advice about the applicability of pre-election restrictions and the need for caution to avoid doing anything which offered undue influence or advantage that might affect the forthcoming election.

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

RESOLVED that the Standards Committee -

- a) notes the contents of the Monitoring Officer's report (A.2);
- b) endorses the Guidance being circulated to all Tendring District Councillors together with a reminder of paragraph 7 of the Members' Code of Conduct; and
- c) supports the Guidance being circulated to all Town and Parish Councils in the District.

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 general matters.

TENDRING DISTRICT COUNCIL MONITORING OFFICER UPDATE MARCH 2024				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
PARISH	PUBLIC	CLOSED	NO FURTHER ACTION	Matter did not constitute a non-declaration of interest.
DISTRICT	PUBLIC	CLOSED	NO FURTHER ACTION	Matter did not relate to acting in an official

				capacity.
PARISH	PARISH COUNCILLOR	CLOSED		Member resigned.
DISTRICT	METROPOLITAN BOROUGH COUNCILLOR	ONGOING		Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity and misuse of Council resources.
New Cases since last update				
TOWN	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity.
<u>General Notes – 2023/24 Summary:</u>				
<p>Overall 8 cases had been received in 2023/24. Five of the cases had merited no further action, one due to the Member not being re-elected at the May 2023 elections, two due to the Member resigning from their position, one which had not constituted a non-declaration of interest and one which had not related to acting in an official capacity.</p> <p>The other three cases remained ongoing.</p> <p>Code of Conduct training session for Town and Parish Members were required at suitable venues across the District. Dates would be determined taking into consideration Officer and venue availability.</p> <p>The Monitoring Officer reported verbally at the meeting that, though the number of complaint cases remained stable, they were increasing in their complexity and time consumption. In addition, an email had been sent to all Members as part of an annual review of their register of interests. This was a requirement of the Council's External Auditors.</p>				
Requests for dispensations:				
A dispensation for all District Members had been granted by the Monitoring Officer for the purpose of the report of the Assistant Director (Finance & IT) – Formal Confirmation of Council Tax Amounts for 2024/25 following the Notification of the				

Precepts from the Major Precepting Authorities, which had been determined at the meeting of the Human Resources and Council Tax Committee on 26 February 2024.

The Monitoring Officer verbally reported at the meeting that, at the meeting of the Cabinet held on 12 March 2024, a Portfolio Holder had declared a Disclosable Pecuniary Interest in relation to a draft Strategy that he was presenting and in respect of his position as a Trustee of a property that was referred to in that Strategy. The Monitoring Officer had decided to grant a Dispensation for that meeting on the basis that she considered it appropriate to do so as this was a draft Strategy which was being presented to Cabinet to then go out for consultation and that there were no decisions within the report being considered at that meeting which would impact directly on the property in question.

The Committee **NOTED** the foregoing.

The meeting was declared closed at 10.33 am

Chairman

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