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Standards Committee

24 April 2024

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 24TH APRIL, 2024 AT 10.00 AM
IN THE ESSEX HALL, AT THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA,
CO15 1SE**

Present:	Councillors Wiggins (Vice-Chairman, in the Chair), Alexander, J Henderson, Land, Newton and Oxley
In Attendance:	Lisa Hastings (Assistant Director (Governance) & Monitoring Officer), Ian Ford (Committee Services Manager), Karen Hayes (Executive Projects Manager (Governance)), Debbie Bunce (Legal and Governance Officer) and Bethany Jones (Committee Services Officer)
Also in Attendance:	Clarissa Gosling and David Irvine (two of the Council's Independent Persons)

16. CHAIR

In the absence of the Chairman of the Committee (Councillor Michael Talbot), the Chair was occupied by the Vice-Chairman (Councillor Ann Wiggins).

17. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Michael Talbot (with no substitute), Councillor Tanya Ferguson (with Councillor Maurice Alexander substituting), Sue Gallone (one of the Council's Independent Persons) and Jane Watts (one of the Council's Independent Persons).

18. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Wednesday 20 March 2024 be approved as a correct record and be signed by the Chairman.

19. DECLARATIONS OF INTEREST

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

20. 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.

21. REPORT OF THE MONITORING OFFICER - A.1 - ANNUAL REPORT ON DECLARATIONS OF INTEREST AND ASSOCIATED MATTERS

Members recalled that it had been agreed at the meeting of the Standards Committee held on 29 June 2016 that, as part of its annual work programme, the Committee would receive an annual report on declarations of interest and associated matters. The report

now before the Committee covered the period from 1 January 2023 to 31 March 2024 and provided statistics on:-

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

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

Register of Members' Disclosable Pecuniary Interests

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

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

The Committee was informed that there had been two requests for dispensation during this period. Additionally, 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 considered at the meeting of the Human Resources and Council Tax Committee on 26 February 2024.

Declarations of interest at meetings

Members were required to declare Personal and 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 1 January 2023 to 31 March 2024, were set out in the Appendix to the Monitoring Officer's report. Minutes of the meetings also recorded the declarations.

The Committee noted that the Appendix only referred to Personal Interests (which were in place prior to May 2023) and not 'Other Registerable Interests', which were set out in the current adopted Members' Code of Conduct. This was because Members were still referring to Personal Interests when making such declarations at meetings. That being so, the Monitoring Officer suggested that the Committee might wish to request that all Members be issued with a reminder.

The Monitoring Officer informed the meeting that, following questions as to interests that had been asked of her at the recent meeting of the Planning Policy & Local Plan Committee, she had agreed with the Chairman of the Planning Policy & Local Plan

Committee that she would issue some guidance as to interests to the members of that Committee.

Use of Blanket dispensations

The Committee was reminded that this Council's former Members' Code of Conduct at paragraph 7.3, as agreed by full Council in January 2018, had contained blanket dispensations for any business of the Authority where that business related to the Council's functions in respect of:

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

Since their introduction, only category iv and vi dispensations had been called upon at meetings of the Cabinet and full Council.

Members recalled that this Council's current Code of Conduct which had taken effect in May 2023 did not include blanket dispensations and so, consequently, the Monitoring Officer had given a blanket dispensation for the purposes of setting the Council Tax under the Local Government Finance Act 1992, at the District Council's budget meeting held on 13 February 2024 (minute 115 referred).

Declarations of offers/receipt of gifts and hospitality

Following the Standards Committee's review of the Council's Gift and Hospitality Policy for Members, new guidance and a notification form had been produced for all District Councillors in May 2016. Reference to declarations of offers/receipt of gifts and hospitality had been included within the mandatory Members' Code of Conduct training delivered by the Monitoring Officer in June and July 2023. There had been one recorded declaration of offers/receipt of gifts and hospitality made by a District Councillor in the time period covered by this report.

Members' Register of Interests

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

It was reported that, at the conclusion of the May 2023 District, Town and Parish Council elections, all Members had 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 DPs, Other Registerable Interests and Non-Registerable Interests and the effect on participation had been covered within the mandatory Members' Code of Conduct training delivered by the Monitoring Officer in June and July 2023.

The Monitoring Officer responded to Members' questions on her report which touched on the following matters:-

- (1) the advisability of expanding on the reasons for a declaration of interest made at a meeting in order to help promote being open and transparent; and
- (2) the sometimes fine line between declaring an interest and leaving a meeting inquorate and unable to vote and the criteria for dispensations.

Having duly considered and discussed the contents of the report and in order to provide a timely update to the Committee as part of its agreed work programme:-

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

RESOLVED that -

- (a) the contents of this report be noted; and
- (b) the Committee requests that the Monitoring Officer issue a reminder to all Members that, when declaring Interests at Committee et cetera meetings, they should use the correct terminology for such Interests, as detailed in Appendix B of the adopted Members' Code of Conduct.

22. REPORT OF THE MONITORING OFFICER - A.2 - MEMBERS' CODE OF CONDUCT COMPLAINTS PROCEDURE - HEARING PROCEDURE

The Committee 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.

It was reported that the Council had approved the Standards Framework with effect from November 2013, which had included a Complaints Procedure. The Complaints Procedure made reference 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.

The Committee was informed that the current 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 pending, it was felt important by the Monitoring Officer to ensure that the Council's procedures reflected best practice and were up to date.

Members were made aware that the proposed amendments covered the expectation that the purpose of the Hearing was to consider the Investigator's Report, the evidence in support and representations from the Parties. The process of the hearing was inquisitorial, and not adversarial. The purpose of the hearing was to establish the facts. Cross-examination of the Investigating Officer, the Councillor and witnesses was not permitted, and all questions should be made through the Chairman.

Members were advised that evidence before the Committee might be given orally or by written statement. At any stage during the proceedings the Committee could request the attendance, in person or by joining remotely, of any person making a written statement or any other person they consider would be able to assist them, but the Committee had no power to require the attendance of any person. Local Authorities' committees were legally permitted to join third parties remotely so long as the decision makers were present in person.

The Committee was reminded that the Standards Committee would make its decision on the balance of probability, based on the evidence before it during the hearing.

Members were aware that all Hearings would be held in public unless the relevant paragraph of Schedule 12A of the Local Government Act 1972 applied, however the public interest test must be considered and therefore it would only be in exceptional circumstances that the hearing would be held in private. The Council's Monitoring Officer would provide the relevant advice.

Members noted that the Standards Committee was required to take into account the views of an Independent Person before it made its decision on an allegation, which had been investigated (Section 28(7) of the Localism Act 2011). Those views should be given in the formal meeting, prior to the Committee retiring to deliberate, therefore small amendments were required to the Hearing Procedure to ensure that an Independent Person did not retire with the Committee (following best practice and supported by case law).

It was also pointed out that where District Councillors were required to make a decision in respect of a hearing held by the Town and Parish Sub-Committee, they would have due regard to, and take into account any views expressed by, the Town and Parish Councillor members of that Sub-Committee in reaching their decision.

Having duly considered the proposed amended Hearing Procedure and in order to ensure that the Council's Hearings Procedure followed best practice and case law:-

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

RESOLVED that the Committee –

- (a) notes the contents of this report; and
- (b) approves the amended Hearing Procedure, as set out in the Appendix to the Monitoring Officer's report (A.2), for immediate adoption for both the Standards Committee and the Town & Parish Councils' Standards Sub-Committee.

23. DRAFT COMMITTEE WORK PLAN FOR 2024/2025

The Committee considered the following draft Work Plan for 2024/2025:-

10th July 2024

- Review of the Planning Probity Protocol
- Update on Mandatory Training for Members
- Regular Complaints update by Monitoring Officer

9th October 2024

- Review of the Independent Person recruitment preparations for 2025
- Licensing and Registration Committee and sub-committees Probity Protocol
- Town and Parish Councils Code of Conduct and Interests review
- Regular Complaints update by Monitoring Officer

5th February 2025

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

9th April 2025

- Update on Mandatory Training for Members
- Annual Report on declarations of interest (meetings, gifts and hospitality)
- Regular Complaints update by Monitoring Officer
- Annual Work Programme for 2025/26

Members were made aware that the above meeting dates were provisional pending ratification at the Annual Meeting of the Council on 30 April 2024 and that, in addition, individual matters might be referred to those 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.

Having duly considered and discussed the contents of the draft work plan:-

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

RESOLVED that the Work Plan for the Standards Committee for 2024/2025 be approved and adopted.

24. 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 APRIL 2024				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPOLITAN BOROUGH COUNCILLOR	ONGOING		Matter relates to behaviour whilst acting in an official capacity
DISTRICT	PUBLIC	ONGOING		Matter relates to behaviour whilst acting in an official capacity and misuse of Council resources
TOWN	PUBLIC	CLOSED	NO FURTHER ACTION	Matter relates to behaviour whilst acting in an official capacity
New Cases since last update - NIL				
<u>General Notes – 2023/24 and 2024/25 Summary:</u>				
<p>Overall 8 cases had been received in 2023/24 and none so far in 2024/25. Six 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 did not constitute a non-declaration of interest, one which did not relate to acting in an official capacity and one where an apology had already been offered to achieve resolution. The other two 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>				
Requests for dispensations:				
There had not been any requests for dispensations during this period.				

The Committee **NOTED** the foregoing.

The meeting was declared closed at 10.35 am

Chairman

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