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Standards Committee

24 October 2024

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

Present:	Councillors Wiggins (Chairman), Oxley (Vice-Chairman), Alexander, Newton and Talbot
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Linda Trembath (Head of Legal Services & Deputy Monitoring Officer), Ian Ford (Committee Services Manager), Karen Hayes (Executive Projects Manager (Governance)), Bethany Jones (Committee Services Officer), Emma Haward (Leadership Support Assistant) and Christopher Bailey (Elections and Leadership Support Officer)
Also in Attendance:	Sue Gallone, Clarissa Gosling, David Irvine and Jane Watts (the Council's four appointed Independent Persons)

21. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

An apology for absence was submitted on behalf of Councillor J Henderson (with no substitute).

22. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Thursday 16 May 2024 be approved as a correct record and be signed by the Chairman.

23. DECLARATIONS OF INTEREST

In relation to report A.2 (Review of Tendring District Council's Members' Planning Code and 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.

Sue Gallone, one of the Council's Independent Persons, declared that she could potentially have an interest in report A.1 (Independent Persons Recruitment).

24. 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.

25. REPORT OF THE MONITORING OFFICER - A.1 - INDEPENDENT PERSONS RECRUITMENT

It was reported that, 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 Persons for the purposes of standards arrangements.

Those appointments as Independent Persons (IPs) had subsequently been extended for a year from May 2023, at the Full Council meeting held on 22 November 2022 (Minute 52 referred).

More recently, at the Annual Meeting of the Council held on 30 April 2024, Members had approved (Minute 14 referred) that –

- 1. The previous local arrangements for joint appointments to both roles, being the Independent Remuneration Panel and Independent Persons ceases;**
- 2. 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;*
- 3. For the purposes of (b) above 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 for 2026/27 and into the net term of office for District Councillors; and*
- 4. The term of office for those Independent Persons who express and 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.**

Recruitment and Alternative Options

The Committee was advised that, 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 the 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 recruiting and appointing its own Independent Persons whilst retaining the flexibility of a wider pool to call upon if necessary.

Members were made aware that since the recruitment last undertaken in 2018, the Committee on Standards in Public Life (CSPL) had published its report in January 2019, which had included recommendations with regards to the role of the Independent Persons. The then Government had then responded to them in March 2022. Therefore, it was timely for Tendring District Council to review its own approach and give consideration to different options and to determine the best one for its own governance arrangements. The Government supported such choices to be determined at a local level.

Term of Office

It was highlighted that whilst the term of office would be determined by Full Council upon appointment, the practice which had been adopted since 2018 had been to appoint Independent Persons for a term of 4 years, which aligned with the term for elected Members. However, it was also felt essential to provide continuity, as developing the relationship between the Independent Persons and the Monitoring Officer was important

to ensure the robustness in the delivery of, and confidence in, the arrangements and building upon the expectations of the Nolan Principles.

Eligibility

The Committee was informed that the CSPL had recommended in its review in 2019 that the role of the Independent Person should be fixed to a term of office for 2 years and renewed once. Whilst it was understood how this approach could demonstrate a perception of independence, the competencies required for the Independent Persons to demonstrate confidence in the arrangements and the training necessary required dedicated resources being committed by the Council, to ensure the role was sufficiently performed. In addition, experience obtained depended upon the number of Member Code of Conduct complaints received and this could not be predicted in advance; a longer term of office and renewals being permitted, would allow previous experienced Independent Persons to reapply and would assist with the opportunity for experience to be gained. However, previous local appointments should not detract other members of the public interested in the role from applying and the Council would always encourage individuals to express an interest in the role.

In relation to the “Independent Persons Information and Application Pack”, it was moved by Councillor Talbot, seconded by Councillor Alexander and:-

RESOLVED that the “Independent Persons Information and Application Pack” include a message from the Chairman of the Standards Committee in addition to the usual message from the Chief Executive.

It was further moved by Councillor Alexander, seconded by Councillor Oxley and:-

RESOLVED that -

- a) the contents of the Monitoring Officer’s report (A.1) be noted;
- b) the proposal to recruit four Independent Persons, for a term of office for four years at the suggested allowance of £600 per annum plus expenses be supported (subject to Full Council approval on appointment);
- c) the Committee endorses previously appointed Independent Persons being permitted to reapply for this role;
- d) the recruitment pack for the role of the Independent Persons, as amended by the Committee’s earlier resolution detailed above, be supported; and
- e) the Chairman of the Committee, the Vice-Chairman of the Committee and Councillor Alexander (with Councillor Newton as the designated substitute Member) be authorised to form part of the Interview Panel for Independent Persons.

26. REPORT OF THE MONITORING OFFICER - A.2 - REVIEW OF TENDRING DISTRICT COUNCIL'S MEMBERS' PLANNING CODE & PROTOCOL

The Committee considered a report of the Monitoring Officer (A.2) that set out the results of the review of the Planning Protocol carried out by the Monitoring Officer and her team. That report also sought the Committee’s approval that members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons be consulted on the draft revised Planning Probity Protocol.

It was reported that in December 2019, the Local Government Association (LGA) had issued its Probity in Planning Guidance – Advice for Councillors and Officers making planning decisions. The Standards Committee had subsequently agreed through its work programme to review the Council's Planning Code & Protocol.

Following a review carried out in 2020/21 no changes had been suggested as a result of the LGA's Guidance though additional wording had been recommended to cover situations when it was not possible to undertake Site Visits and to clarify this did not impact upon the Planning Committee's ability to determine planning applications.

Members were reminded that, at its meeting held on 19 July 2023, the Committee had decided, amongst other things, that a further review of the Council's Planning Code and Protocol be carried out in order to ensure it still adhered to best practice and was easy to follow. That review conducted had researched the various examples suggested by Planning Advisory Service (PAS) as best practice and the outcome had resulted in a revised approach with the first step being to refer to the document as the 'Planning Probity Protocol'. This also aligned with the Planning Probity Protocol adopted for the Tendring Colchester Borders Garden Community Joint Committee.

This report therefore set out initial proposals following the review by the Monitoring Officer and her team and following consideration by the Committee, sought its approval to consult with relevant parties.

The following alterations were put forward at the meeting:-

- (1) to highlight the vital necessity of the Committee membership staying together as one group whilst attending a site visit and not to allow itself to be split up into smaller groups thereby leaving Members vulnerable to acts of lobbying, physical or verbal intimidation et cetera;
- (2) to highlight that Planning Committee members should refrain from expressing their personal views, opinions, emotions at meetings but should instead restrict themselves to matters of planning policy (whether national or local);
- (3) to acknowledge that being a member of the Planning Committee can be a difficult role to carry out; and
- (4) to reflect within paragraph 9.21 that if Members are in doubt as to whether they have an Interest in a particular matter then they should discuss it with Officers and to also cross-reference that paragraph to the information provided by the Monitoring Officer to Members in respect of the Declaration of Interests.

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

RESOLVED that –

- (a) the outcome of the review of the Planning Protocol carried out by the Monitoring Officer and her team be noted;
- (b) approves that consultation be undertaken on the draft revised Planning Probity Protocol, as amended at the meeting; and
- (c) the outcome of the consultation be submitted to the Standards Committee for its consideration prior to recommendation on to Full Council for adoption.

27. **REPORT OF THE HEAD OF DEMOCRATIC SERVICES & ELECTIONS - A.3 - TOWN & PARISH COUNCILS' STANDARDS SUB-COMMITTEE - APPOINTMENT OF TENDRING DISTRICT COUNCIL MEMBERS**

Members were reminded that Article 9 (Standards Committee and Town & Parish Councils' Standards Sub-Committee) of the Council's Constitution stated that the Council would have, in place, a Town & Parish Councils' Standards Sub-Committee with the following terms of reference:-

"To advise and assist Town and Parish Councils and Councillors to maintain high standards of conduct and to make recommendations to Parish and Town Councils on improving standards or actions following a finding of a failure by a Parish Councillor to comply with its Code of Conduct." [Article 9.05]

Article 9.05 also required the Sub-Committee to consist of three members of the Standards Committee and three non-voting co-opted Town & Parish Council members nominated by the Tendring District Association of Local Councils (TDALC). In addition, the nominated Town & Parish Council members would be of an independent standing and they would not have served as a District Councillor or as a County Councillor for a period of four years prior to their nomination.

It was reported that the Standards Committee, at its meeting held on 19 July 2023 (Minute 7 referred), had appointed Councillors Ann Oxley, Michael Talbot and Ann Wiggins to serve on the Town and Parish Councils' Standards Sub-Committee. The Committee had also been informed at that meeting of TDALC's nominated members.

The Committee was informed that Frank Belgrove, Alresford Parish Councillor and the Chairman of TDALC, had emailed the Committee Services Manager on 23 September 2024 and had confirmed that TDALC's three appointments to the Town & Parish Councils' Standards Sub-Committee remained as listed below:-

1. Cllr Frank Belgrove (Chairman TDALC) Alresford PC;
2. Cllr Danny Botterell (Vice Chairman TDALC) Little Clacton PC; and
3. Cllr Linda Belgrove (Member TDALC) - Alresford PC.

Following the discussion of this matter, it was moved by Councillor Talbot, seconded by Councillor Oxley and:-

RESOLVED that –

- (a) Councillors Oxley, Talbot and Wiggins plus Councillor Newton as the designated substitute Member be appointed to serve on the Town & Parish Councils' Standards Sub-Committee for the remainder of the 2024/2025 Municipal Year;
- (b) notes that the Tendring District Association of Local Councils (TDALC) has previously appointed Parish Councillors Frank Belgrove, Linda Belgrove and Danny Botterell as their three non-voting, co-opted members of that Sub-Committee; and
- (c) the Committee recommends to full Council that Article 9.05(2) of the Council's Constitution be amended to state that Tendring District Council would prefer that TDALC's three nominated members on the Town & Parish Councils' Standards Sub-Committee represent different parish/town councils.

28. REVISED WORK PLAN 2024/25

The Committee gave further consideration to its Work Plan for the 2024/25 Municipal Year. The work plan had been revised to reflect the impact of the cancellation (due to the Parliamentary General Election) of the meeting of the Committee that should have taken place in July 2024.

The revised Work Plan for 2024/2025 was as follows:-

24th October 2024

- Review of the Independent Person recruitment preparations for 2025
- Review of the Planning Probity Protocol – Initial Draft for Consultation Purposes
- Regular Complaints update by Monitoring Officer (including Town and Parish Councils Code of Conduct and Interests matters)
- Appointment of the TDC Members of the Town & Parish Councils' Standards Sub-Committee for 2024/25

5th February 2025

- Case review and guidance update for the Committee on decisions and actions taken nationally
- Licensing and Registration Committee Probity Protocol – Initial Draft for Consultation Purposes
- Review of the Planning Probity Protocol – Final Draft for Submission to Full Council
- Review of the Hearings Procedure
- Regular Complaints update by Monitoring Officer

9th April 2025

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

Members were made aware that 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 revised work plan:-

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

RESOLVED that the revised Work Plan for the Standards Committee for the remainder of the 2024/2025 Municipal Year be approved and adopted.

29. **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 OCTOBER 2024				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPOLITAN BOROUGH COUNCILLOR	CLOSED	Standards Hearing – determined breach of Code of Conduct – Committee sanctions published on Council's website	Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	CLOSED	Investigation – no further action	Matter related to behaviour whilst acting in an official capacity and misuse of Council resources.
PARISH	PARISH COUNCILLOR	ONGOING – INFORMAL RESOLUTION AND TRAINING		Matter related to behaviours within the Parish Council between multiple Councillors. Informal resolution and Code of Conduct training arranged.

TOWN	PUBLIC	ONGOING - INVESTIGATION	Investigation – externally appointed Investigator	Matter related to behaviour whilst acting in an official capacity.
DISTRICT	PUBLIC	CLOSED	No further action	Matter related to behaviour whilst acting in an official capacity.
PARISH	PUBLIC	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 behaviours between District Councillors.
DISTRICT	PUBLIC	ONGOING		Matter related to behaviour whilst acting in an official capacity.

New Cases since last update – Seven.

General Notes – 2023/24 and 2024/25 Summary:

Overall eight cases had been received in 2023/24 and seven so far in 2024/25. Since the last update, one case had been heard at a Standards Hearing, one had been referred for investigation resulting in no further action as there had not been a breach of the Code of Conduct and another had been closed with no further action, again with there not being a breach of the Code of Conduct.

The other cases remained ongoing, with one being referred for investigation with an externally appointed investigator and one being referred for informal resolution and Code of Conduct training.

Since the last update, two Code of Conduct sessions had been conducted at Harwich Town Council and at St. Osyth Parish Council, which had been open to all Town and Parish Councillors across the District. Those sessions had been well attended with good engagement which had led to useful discussions. A dedicated session had also been held at Brightlingsea Town Council.

Requests for dispensations:

There had been five requests for dispensations during this period.

In response to a question previously raised by Councillor Oxley, and following the Standards Hearing in May 2024 at which Councillor Turner had been found to have breached the Members' Code of Conduct and sanctions had been imposed upon Councillor Turner, the Monitoring Officer informed the Committee that she had written on two occasions to Councillor Turner to follow up on those sanctions i.e. to arrange a reflective 1.1 session around learning from the complaint and also that Councillor Turner was required to issue an apology both to this Council and the Coastal SIG.

The Monitoring Officer further reported that, to date, no response had been forthcoming from Councillor Turner. Whilst Councillor Turner had not yet been re-appointed either to membership of a Committee (by Full Council) or to an Outside Body (by the Leader of the Council), it was the case that, by not complying with the sanction(s) imposed on him following the Committee's finding that he had breached the Code of Conduct, Councillor Turner was now in breach of paragraph 8.4 of the Members' Code of Conduct.

In discussing the above members of the Committee felt that:-

- (i) this was a test of the effectiveness of the Council's Code of Conduct and its ability to sanction breaches;
- (ii) it was defying and undermining the Committee's role to:-
 - Promote and maintain high standards of conduct;
 - Develop culture of openness, transparency, trust and confidence;
 - Embed a culture of strong ethical and corporate governance;
- (iii) this was a further breach of the Code of Conduct; and that
- (iv) the Committee's original sanctions imposed on Councillor Turner had been reasonable and proportionate.

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

RESOLVED that –

- (a) the contents of the Monitoring Officer's Complaints Update be noted; and
- (b) the Chairman of the Committee writes to Councillor Turner to inform him that his non-compliance with the two sanctions imposed upon him by Members has been discussed by the Committee who find this position to be unacceptable. That letter will further inform Councillor Turner that Officers have been requested to take steps to fix firm a date/deadline for Councillor Turner to now comply and that if he fails to do so, the Council would find itself considering a further complaint as to Councillor Turner's non-compliance which is in itself a continuing breach of paragraph 8.4 of the Council's adopted Members' Code of Conduct.

The meeting was declared closed at 11.34 am

Chairman