

# COUNCIL

21 JANUARY 2025

## JOINT REPORT OF THE DIRECTOR (GOVERNANCE) & MONITORING OFFICER AND THE CABINET

### **A.5 PROPOSED AMENDMENT TO ARTICLE 9 OF THE COUNCIL'S CONSTITUTION**

(Report prepared by Ian Ford, Committee Services Manager)

#### **PURPOSE OF THE REPORT**

To enable full Council to consider the recommendation made to it by the Standards Committee, and further recommended by the Cabinet, in relation to a proposed amendment to Article 9 of the Council's Constitution.

#### **EXECUTIVE SUMMARY**

The Standards Committee, at its meeting held on 24 October 2024 (Minute 27 refers), the Committee decided, inter alia, to recommend to full Council that Article 9.05(2) of the Council's Constitution be amended to state that Tendring District Council would prefer that the Tendring District Association of Local Councils (TDALC)'s three nominated members on the Town & Parish Councils' Standards Sub-Committee should represent different parish/town councils.

The Cabinet, at its meeting held on 20 December 2024 (Minute 95 refers), considered that recommendation, supported it and also recommended the specific wording of an amendment to Article 9.

Council is now requested to consider the recommendation submitted to it by the Standards Committee and further recommended by the Cabinet.

#### **RECOMMENDATION**

**That Article 9.05(2) of the Council's Constitution be amended to read as follows:-**

**“(2) Composition:**

- **Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;**
- **The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;**
- **Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and**
- **A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the**

**complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training.”**

## **BACKGROUND**

### Standards Committee

The Standards Committee (“the Committee”), at its meeting held on 24 October 2024 (Minute 27 refers), considered the appointment of this Council’s members to serve on the Town & Parish Councils’ Standards Sub-Committee for the remainder of the 2024/2025 Municipal Year

The Committee had been 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 that Sub-Committee to consist of three members of the Standards Committee and three non-voting co-opted Town & Parish Council members nominated by 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.

The Committee had been 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.

During the consideration of this matter members of the Standards Committee had expressed their concern that two of the three non-voting co-opted Town & Parish Council members nominated by TDALC represented the same parish council.

Following the discussion of this matter, the Committee had:-

*“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.***

#### Monitoring Officer's Suggestion

The Council's Monitoring Officer considered the matter and, in particular, the resolution (c) of the Standards Committee and suggested the following amendment to Article 9.05(2) for Cabinet's consideration. The text of the amendment is shown in **RED**.

#### **"(2) Composition:**

- Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;
- The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination; ~~and~~
- **Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and**
- A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training."

#### Cabinet

The Cabinet, at its meeting held on 20 December 2024 (Minute 95 refers), considered the Standards Committee's recommendation together with the suggested wording put forward by the Monitoring Officer and:-

***"RESOLVED*** that Cabinet recommends to Full Council that Article 9.05(2) of the Council's Constitution be amended to read as follows:-

#### **"(2) Composition:**

- *Three Members of the Standards Committee and three non-voting co-opted Town and Parish Council members to be nominated by the Tendring District Association of Local Councils;*
- *The nominated Town and Parish Council members will be of independent standing and will not have served as District or County Councillors for a period of four years prior to their nomination;*
- *Tendring District Council would also prefer that the nominated Town and Parish Council members represented different parish/town councils; and*
- *A member (or non-voting co-opted member) of the Town and Parish Councils' Standards Sub-Committee will not be permitted to sit in that capacity for a hearing if that Member is the subject of the complaint or the complainant. A substitute will be permitted, if they have undertaken specific Standards Committee training."*

**BACKGROUND PAPERS**

None. However, the published Minutes of the meeting of the Standards Committee held on 24 October 2024 and of the meeting of the Cabinet held on 20 December 2024 have been referred to in the preparation of this report.

**APPENDICES**

None