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Standards Committee

5 February 2025

**MINUTES OF THE MEETING OF THE STANDARDS COMMITTEE,
HELD ON WEDNESDAY, 5TH FEBRUARY, 2025 AT 10.00 AM
IN THE TOWN HALL, STATION ROAD, CLACTON-ON-SEA, CO15 1SE**

Present:	Councillors Wiggins (Chairman), Oxley (Vice-Chairman), Alexander, J Henderson and Talbot
In Attendance:	Lisa Hastings (Director (Governance) & Monitoring Officer), Keith Simmons (Head of Democratic Services and Elections & Deputy Monitoring Officer), Karen Hayes (Executive Projects Manager (Governance)), Bethany Jones (Committee Services Officer) and Katie Koppenaal (Committee Services Officer)
Also in Attendance:	David Irvine and Jane Watts (two of the Council's four appointed Independent Persons)

30. APOLOGIES FOR ABSENCE AND SUBSTITUTIONS

Apologies for absence were submitted on behalf of Councillor Newton (with no substitute), Sue Gallone (one of the Council's Independent Persons) and Clarissa Gosling (one of the Council's Independent Persons).

31. MINUTES OF THE LAST MEETING

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

RESOLVED that the Minutes of the meeting of the Committee held on Thursday 24 October 2024 be approved as a correct record and be signed by the Chairman.

32. DECLARATIONS OF INTEREST

In relation to report A.1 (Planning Probity Protocol – Results of Consultation and Revised Planning Probity 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.

33. 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.

34. REPORT OF THE MONITORING OFFICER - A.1 - PLANNING PROBITY PROTOCOL - RESULTS OF CONSULTATION AND REVISED PLANNING PROBITY PROTOCOL

The Committee considered the report that presented the updated revised version of the Planning Probity Protocol, following consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons.

It was reported that some themes emerging from the consultation were:

- the concept of Bias needed to be stronger.
- stronger links to the Members' Code of Conduct, declarations of interest and the impact of participation at meetings.

- importance of seeking advice earlier.
- a determination should be made as to which Planning Applications submitted by Officers of the Council in their personal capacity should be submitted to the Planning Committee for determination i.e. Senior Officers above a certain grade and all Officers employed within Planning Services and Legal Services.
- the importance of Member Training needed to be stressed within the Planning Probity Protocol.
- stronger details needed around Planning Committee Members attending public meetings with applicants, developers and objectors, and
- site visits section needed to be stronger relating to the exceptional circumstances.

Members were made aware that the outcome of the consultation was set out in detail in Appendix B of the Officer report. In addition, it was considered necessary to include some text around the Protocol on Member and Officer Relations, as that had been omitted in the first review and was relevant.

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

RESOLVED that the Standards Committee –

- (a) notes the outcome of the consultation with the members of the Planning Committee, the Portfolio Holder for Housing and Planning, Planning Officers and the Independent Persons;
- (b) endorses the revised Planning Probity Protocol (subject to tracked changes being accepted as well as the typing errors being amended) and recommends to Full Council that it be adopted and incorporated into the Council's Constitution;
- (c) subject to (b) includes an additional recommendation to Full Council that the Planning Committee's Terms of Reference be amended to reflect the proposed seniority of Officers and all Officers within Planning and Legal Services personal planning applications to be referred to the Planning Committee; and
- (d) subject to Full Council's approval of the Planning Probity Protocol, that training on the Protocol forms part of the Mandatory Training as required by Council Procedure Rule 33.3 for Members of the Planning Committee.

35. REPORT OF THE MONITORING OFFICER - A.2 - GOVERNMENT CONSULTATION ON STRENGTHENING THE STANDARDS AND CONDUCT FRAMEWORK

Members were told that the Government had launched a consultation regarding the application of standards and conduct in local authorities. The consultation had opened on 18 December 2024 and ran for 10 weeks, closing on 26 February 2025. It stated: *"This consultation seeks views on introducing a mandatory minimum code of conduct for local authorities in England, and measures to strengthen the standards and conduct regime in England to ensure consistency of approach amongst councils' investigation of serious breaches of their member codes of conduct, including the introduction of the power of suspension."*

Appendix A of the Officer report was a set of proposed answers to the specific questions which had been posed, together with supporting text where appropriate.

Members were also made aware that back in 2019, there had been a national review of the standards framework, and a number of recommendations had come out. Some of the recommendations required changes to legislation, especially in relation to sanctions. The previous Government had responded to that review and had said that they had no intention of amending the legislation at that current time, but that a model code had been produced by the Local Government Association (LGA) and Tendring District Council had adopted that model code.

The Committee was informed that the consultation sought views on introducing measures to strengthen the standards and conduct regime in England and ensure consistency of approach amongst councils' investigation of serious breaches of their Members' codes of conduct, including the introduction of the power of suspension.

Specific proposals being consulted upon for legislative change included:

- the introduction of a mandatory minimum code of conduct for local authorities in England
- a requirement that all principal authorities convened formal standards committees to make decisions on code of conduct breaches, and publish the outcomes of all formal investigations
- the introduction of the power for all local authorities (including combined authorities) to suspend councillors or mayors found in serious breach of their code of conduct and, as appropriate, interim suspension for the most serious and complex cases that might involve police investigations
- a new category of disqualification for gross misconduct and those subject to a sanction of suspension more than once in a 5-year period
- a role for a national body to deal with appeals.

Officers told Members that in addition, the consultation sought views on how to empower victims affected by councillor misconduct to come forward and what additional support would be appropriate to consider.

The consultation suggested that the Government was in favour of introducing those sanctions, but the consultation was seeking input from the sector and any other interested parties.

Members were updated on an amendment to the wording of the response to Question 19 in Appendix A of the Officer report which now stated: *"Although we feel that it should remain with the Standards Committee but in the event that the national consultation supports suspension being referred to an independent body, it is unclear how a referral to an independent body would work in practice, could create a delay and increase Council resources to manage the process?"*

Officers also updated Members on the figures relating to Question 13a in Appendix A of the Officer report which were for 2021/22, 2022/23, 2023/24 and 2024/25 up until the present time, those were as follows:

Complaints received from Elected Members: 10

Complaints received from Co-opted Members: 5

Complaints received from the public: 22
Complaints received from Officers: 0

Officers told Members that some of the complaints received from the public were from ex co-opted members.

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

RESOLVED that the Standards Committee:-

- (a) agrees a formal response should be provided on behalf of Tendring District Council to the Government's consultation exercise,
- (b) agrees to submit the proposed response, as set out in Appendix A and as amended through the debate at the meeting; and
- (c) agrees that the power of suspension should be returned to Local Authorities to re-enforce the importance of upholding breaches of the Code of Conduct but it should not be used for political purposes and with the ability for an appeal.

36. REPORT OF THE MONITORING OFFICER - A.3 - STANDARDS COMMITTEE - REVIEW OF STANDARDS HEARING PROCEDURE

It was reported that the Standards Committee framework was responsible for the function of Standards Hearings, be it whether held by the Standards Committee for District Councillor complaints or a Sub-Committee for Town and Parish Councillor complaints.

Members heard that matters reaching the Standards Hearing Procedure arose from complaints received under the Council's Members' Code of Conduct complaints procedure and followed a finding of a breach of the Members' Code of Conduct.

The Committee was reminded that in April 2024 the Committee had 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. Full Council had previously approved the Standards Framework with effect from November 2013, which had included a Complaints Procedure. The Complaints Procedure referred 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.

Members were told that at its April 2024 meeting the Committee had been also informed that the 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 that was due to be held in May 2024, it was felt important by the Monitoring Officer to ensure that the Council's procedures reflected best practice and were up to date. The Standards Committee had subsequently approved the amended Hearing Procedure for

immediate adoption for both the Standards Committee and the Town and Parish Councils' Sub-Committee.

Officers also told Members that the opportunity for a further review of the Standards Hearing Procedure came after a Standards Hearing was conducted in May 2024 where the procedure was utilised and had been put through a 'stress test', having been infrequently used as the necessity had not arisen. The Hearing Procedure had not failed and was robust in its application, however there were some operational matters prior to the Hearing which would be addressed in the process, once a matter was referred for a hearing by the Monitoring Officer. Subsequently, informal discussion sessions had taken place with Members of the Standards Committee and Independent Persons, with their views and subsequent amendments reflected within the Officer report and within the Standards Hearing Procedure as appropriate; whilst still reflecting the Standards Framework and Terms of Reference of the Standards Committee.

Finally, Members heard that once the proposals had been considered by the Standards Committee through a formal decision, further work could be undertaken on the documentation for approval.

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

RESOLVED that the Standards Committee:-

- a) notes the contents of the Officer report and endorses the proposals as set out therein;
- b) requests that Officers further review the Council's Complaints Procedure, proposes amendments as necessary and produces a flowchart detailing the process following an investigation being concluded to referral for a hearing, where evidence of a breach has been found; and
- c) requests that Officers then present a revised Council's Complaints Procedure, Standards Hearing Procedure and flowchart to a future meeting of the Committee.

37. **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 FEBRUARY 2025				
Council	Complainant	Current status	Final outcome	Comments
Existing Cases from last update:				
Council	Complainant	Current status	Final outcome	Comments
DISTRICT	METROPLITAN BOROUGH COUNCILLOR –	Hearing held on 16 May 2024	Standards Hearing – determined	Matter relates to behaviour whilst acting in an official

	received 18 August 2023	Sanctions not fully complied with	breach of Code of Conduct – Committee sanctions published on Council's website	capacity. Following the meeting of the Standards Committee in October 2024, the Chairman as requested by the Committee wrote to the Subject Member to which no response has been received. In presenting this item, options available will be covered by the Monitoring Officer during the meeting.
PARISH	PARISH COUNCILLOR – received 08 May 2024	CLOSED – 18 Oct 2024	Informal resolution	Matter relates to behaviours within the Parish Council between multiple Councillors. Code of Conduct training conducted, however there may be a need to provide further support.
TOWN	PUBLIC - received 05 Jun 2024	ONGOING - INVESTIGATION	Investigation – externally appointed Investigator	Matter relates to behaviour whilst acting in an official capacity. A draft report has been received and submitted to parties for comment.
PARISH	PUBLIC – received 23 Sep 2024	CLOSED – 21 Oct 2024	No further action	Matter relates to behaviour whilst acting in a non-official capacity, therefore the Code of Conduct was not engaged.
DISTRICT	PUBLIC – received 30 Sep 2024	CLOSED – 28 Oct 2024	No further action – decision by former Deputy Monitoring Officer	Matter related to behaviour whilst acting in an official capacity and behaviours between District Councillors. It was considered there was a lack of evidence to support

				the complaint proceeding.
DISTRICT	PUBLIC – received 02 Oct 2024	CLOSED – 29 Nov 2024	No further action	Matter related to acting within a Ward Member's responsibility and in accordance with the Council's Procedures.
PARISH	PARISH COUNCILLOR – received 21 Oct 2024	CLOSED – 18 Dec 2024	Informal resolution was offered to both parties, but only accepted by one	Matter relates to behaviour whilst acting in an official capacity and behaviours between Parish Councillors. The Subject Member attended a reflective session with the Monitoring Officer. The Complainant did not wish to proceed any further.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Investigation to be commenced	Matter relates to use of social media.
TOWN	PUBLIC – received 05 Dec 2024	ONGOING	Pending	Matter relates to public statements on the Town Council's website.
PARISH	PARISH COUNCILLOR – received 18 Dec 2024	CLOSED – 07 Jan 2025	No further action	Subject Member resigned from Parish Council.
New Cases since last update - four				
<u>General Notes – 2024/25 Summary:</u>				
Overall, nine cases had been received so far in 2024/25. Since the last update, one case had resulted in Code of Conduct training being conducted, one remained being investigated by an externally appointed investigator, one had been appointed to an internal investigator, five had been closed with no further action as there had not been a breach of the Code of Conduct and one remained ongoing.				
<u>Requests for dispensations:</u>				
There had been eight requests for dispensations during this period.				

The Monitoring Officer further reported to the Committee an update following, the outcome of the hearing on 16th May 2024, where the Standards Committee made a decision on sanctions as a result of the Code of Conduct being breached by Councillor

Turner. Two of these sanctions have not been complied with, being issuing an apology to Members of the Local Government Association's Coastal Special Interest Group and undertaking training organised by the Monitoring Officer.

No response had been forthcoming from Councillor Turner to communication from the Monitoring Officer since the meeting in May. The Chairman of the Standards Committee had written to Councillor Turner following the Committee's resolution in October 2024, requesting him to comply with the sanctions and decisions of the Standards Committee made on 16 May 2024. The letter had also expressed disappointment that it had not been followed up despite communications to that effect. The letter had also included an opportunity to speak to an Independent Persons who had not been involved in the hearing process.

Failure to comply with sanctions recommended by the Standards Committee following a finding of a breach of the Members' Code of Conduct continues to be a breach in accordance with paragraph 8. However, the Standards Committee did not believe that further Council resources should be engaged in this matter, due to the on-going lack of alternative sanctions available, but remained disappointed that the breaches continue.

The Committee expressed its ongoing support to its previous decision which it considered reasonable in all the circumstances and to the Council's Monitoring Officer in upholding high standards of conduct.

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

RESOLVED that:-

- (a) the contents of the Monitoring Officer's Complaints Update be noted; and
- (b) the Standards Committee recommends to Full Council that it formally agree with the decision of the Standards Committee on 16 May 2024, that whilst the 2 sanctions remained outstanding being issuing an apology and undertaking training, Councillor Turner should not be allocated Committee membership or represent the Council on any Outside Bodies as his behaviour continues to undermine the high standards of conduct that the Council expects from its elected Members.

The meeting was declared closed at 11.46 am

Chairman