

Case, Policy & Guidance Review 24-25

TENDRING DISTRICT COUNCIL
STANDARDS COMMITTEE - APRIL 2025

Welsh Community Councils: non-compliant registers of interests – April 24

- An investigation by Newport City Council found that all 14 of its town and community councils were failing to publish a compliant Register of Interests (RoI) on their websites. The report, considered by the city council's Standards Committee also revealed that some community councils confused RoIs with Declarations of Interest.
- Maintaining a register of interests of their members is a statutory obligation of community councils in Wales, as set out in different legislation to England, but the principles are very similar.
- An RoI is a public document that records any personal or financial interests that could potentially influence or affect a member's decision-making or conduct in their role as a councillor. However, the city council's analysis found that only four out of 14 community councils had "some registers of interests" published on their websites.
- Among the four councils, some were still missing RoIs for individual councillors and some of the RoIs published were more than two years old. In addition, some of the published RoIs were not dated or signed by the community councillor who had filled them out.

Auditors call for improved member-officer relations at council 2nd year running – April 24

- The Auditor's report discussed during a full council meeting, warned that "member behaviour continues, at times, to be poor" and added that member-officer relations "still need to improve". "This area continues to be one of significant weakness and our previous key recommendation is carried forward," it said.
- The previous year's report noted that a revised member and officer protocol had been drafted to tackle the issue. However, as of December 2023, the protocol had still not been agreed upon. The council is now seeking external support to resolve the issue.
- The report said: "Senior Members need to work with Officers, particularly statutory Officers, in a more collaborative, respectful and supportive manner. "This includes tackling Member behaviour which falls short of the high standards expected of those in public office."
- The report later stated that the discord is "impacting on the ability of Officers to do their work as effectively as possible" and that "too much time is taken up managing relationships and responding to last minute requests or changes of plan".

Statutory Guidance on best value standards and interventions – May 2024

- The former Department for Levelling Up, Housing and Communities (DLUHC) issued guidance on best value standards and interventions, following a consultation, providing more detailed and descriptive standards expected of local authorities to comply with the Best Value (BV) Duty.
- The BV Duty arises from s.3 of the Local Government Act 1999, which requires ‘best value authorities’ (most local authorities, and other prescribed authorities) to “*make arrangements to secure continuous improvement in the way in which [their] functions are exercised, having regard to a combination of economy, efficiency and effectiveness.*”

Seven themes to define best value

- At the heart of the new guidance are the seven themes by which compliance with the BV Duty will be assessed. Although the guidance stresses there is no single version of 'good', which might look different in different areas, the themes represent areas in which all authorities should be able to show continuous improvement.
- Each theme is illustrated with a number of example positive features as characteristics of a well-functioning authority, contrasted with a list of example negative indicators of potential failure.

Theme 4. Culture

- The culture of a local authority is determined by an agreed set of shared values, ethics and beliefs, how decisions are made, as well as how elected members and officers behave, interact and carry out their roles.
- Closely aligned to leadership and governance, the authority's culture arises from how these themes are exercised in practice. Members and officers promoting and demonstrating the highest ethical standards, a culture of compliance, and the existence of a proactive and welcoming attitude to external challenge and scrutiny are all characteristics of a functioning authority.
- High numbers of standards complaints by members against members are upheld are indications of potential failure.

Mooney v Information Commissioner (18 June 2024)

- An appeal to the First Tier Tribunal under section 57 of the Freedom of Information Act 2000 ("FOIA"), against the Information Commissioner's Decision Notice. This concerned his FOIA request to a Council for information relating to a Code of Conduct review panel hearing.
- The Council disclosed some information and refused the remainder of the request under section 40 (Personal information) of FOIA. The Commissioner upheld the Council's reliance on the exemption applied.

- 21. The withheld information in question is; Two complaint letters; the councillor's apologies; the initial assessment of the complaints; the councillor's response to the complaints; five interview notes; the councillor's response to the draft investigation report; the final investigation report; Email correspondence (in whole and in part), and covering emails regarding the complaints and the hearing.*
- 22. The Council said it had applied section 40(2) of FOIA to refuse to disclose this information and the Commissioner has viewed all the withheld information.*

The Appellant was not the Complainant

29. *The Commissioner has acknowledged that the councillor is named in the request, and the complaint and hearing were about their alleged conduct. As the withheld information identifies and relates to the councillor, it is clearly their personal data.*
30. *However, the Council says that it has recently received the councillor's consent to disclose their personal data in response to this request. It says it has disclosed as much of their personal data as it is able to, without breaching the privacy rights of the third parties who made the complaint.*
31. *The Council says the councillor's remaining personal data cannot be disclosed because it is inextricably intertwined with the personal data of the third parties who made the complaint against the councillor; it says that the remaining information is therefore exempt from disclosure under section 40(2) of FOIA.*
32. *The third parties who made the complaint are not identified in the information the Council has published on its website, but they are repeatedly named in the withheld information, and they are frequently referred to by their position within the Council and their relationship to the councillor. For the same rationale set out in paragraph 35, the Commissioner is satisfied that the withheld information comprises their personal data. However, unlike the councillor, the Council does not have the consent of the third parties to disclose their personal data in response to the request.*

The balancing test in respect of the third-party complainants' personal data.

- *There is some public interest in how public officials behave and carry out their elected roles, and in how the Council deals with complaints against them, which the requested information may shed a little light on. However, a summary of the issues considered by the hearing, and the outcome, have been placed in the public domain; the Commissioner considers the general interest in transparency to be served by this to a considerable degree. Furthermore, the councillor who was the subject of the complaints is free to pursue appeals mechanisms if they consider they were dealt with unfairly or unreasonably by the Council. To the Commissioner's knowledge, they have not done so.*

Legitimate Interests in Withholding:

73. The Council have identified several legitimate interests in support of withholding the requested information ... they say: "*There is the possibility that disclosure could lead to damage to the individuals [sic] reputation and would certainly lead to a level of distress as the information a [sic] was provided with a view of it being confidential to the extent that the individuals would not be identified.*"

74. They go on to say at para.10 of the same page: "*...the release of the information is likely to lead to a level of distress and may deter individuals from making complaints against Councillors in future.*"

Whether disclosure is necessary:

75. Having considered these factors, we have gone on to consider whether disclosure is necessary for the purposes of the legitimate interests identified. We note in particular that the Council have now disclosed a considerable amount of information regarding the allegations against Councillor Baxter, including the outcome of the investigation. This is described, in part, ... as follows:

"...the decision and minutes of this meeting have been published on our website.

76. The Tribunal find that the decision that was published is sufficient for people to understand the nature of the complaint against Cllr. Baxter and the outcome of the investigation.

...

78. In light of this and the fact that the Council have placed information into the public domain about the investigation and outcome of the complaint against Councillor Baxter, we find that disclosure is not necessary for the identified legitimate interests.

Spelthorne Borough Council – Oct & Dec '24

- The Borough Council's Standards Committee (Dec 24) had found that the Council's leader failed to comply with a sanction (decided by the Sub-Committee in Oct 24) which called on her to apologise to a staff member.
- The officer involved in the Code of Conduct complaint had not received an apology from Cllr Joanne Sexton (the Leader) despite the Council Leader issuing a statement to the press to say she had apologised.
- Cllr Sexton said she believed a written apology she made (to the Sub-Committee) was enough to address the sanction.

SBC Standards Committee Minutes – Dec 24

“The Committee noted the minutes of the Standards Sub-Committee meeting held on 17 October 2024.

The Interim Monitoring Officer sought guidance from the Committee on next steps following the hearing as the sanction recommended by the sub-committee had not been appropriately undertaken by the councillor. The Committee felt that this could also be considered a breach of the Member’s Code of Conduct and should be investigated. The Committee also suggested the Council issue a correction in response to a recent BBC news article which incorrectly stated the councillor had issued an apology”.

English Devolution White Paper - Dec 2024

- The Government plans to deliver an "ambitious first wave" of local government reorganisation in this Parliament that will focus on two-tier areas and small or poorly performing unitary councils, according to the English Devolution White Paper published on 16 December 2024.
- The document also revealed plans to consult on reforms to the standards regime, including the introduction of a national body to deal with the most serious code of conduct complaints cases and appeals, as was the case under the former system with the Standards Board for England.

Consultation following the White Paper - December 24

The Government launched a consultation on wide-ranging reforms to the local government standards system, including reintroducing powers of suspension and widening circumstances in which members can be disqualified.

The consultation, 'Strengthening the standards and conduct framework for local authorities in England', also asked for views on implementing sanctions such as premises bans for councillors, setting up a national body for handling appeals, and requiring councils to have standards committees.

The Standards Committee considered a draft response to the consultation at its meeting on 5th February 2025 and updates on progress against the outcome will be notified to the Committee throughout the year, as they occur.

The Committee for Standards in Public Life backs stricter standards regime – March 25

- The CSPL has backed proposals, including a mandatory minimum prescribed code of conduct as well as new powers to suspend and even disqualify councillors in extreme cases.
- In its [response](#) to the Government's consultation on changes to the standards regime, the committee said the implementation and enforcement of robust local government standards is "crucial for fostering a culture of integrity, accountability, and transparency".
- The CSPL said it welcomed the Government's consultation, which it said was "based largely on the recommendations contained within CSPL's 2019 report" on standards in England.
- To inform its consultation response, the committee held a seminar with a range of local government experts and practitioners.

£20,000 in damages to Parish Clerk over defamatory Facebook posts by Councillor – Feb 25

- A parish clerk has been awarded £20,000 in damages after defamatory social media posts by a parish councillor, who was “consumed with a very strong personal dislike” of the clerk, were found to have caused serious harm to their reputation.
- In [*Miller v Peake*](#) [2025] EWHC 453 (KB) (28 February 2025), HHJ Parkes KC described the case as one of "local animosities in rural Norfolk, stoked by the ill-advised use of social media".

Back to Spelthorne Borough Council - Damning best value report – March 25

- The Government is minded to send commissioners into Spelthorne BC after a best value report found the council in a "critical financial position, burdened by unsustainable debt levels, significant investment risks, and systemic governance weaknesses".
- The Local Government Minister's letter to the council's chief executive, said he was satisfied that SBC is failing to comply with its Best Value Duty, "specifically the themes of Continuous Improvement, Leadership, Governance, Culture and Use of Resources, as described in the statutory guidance".

All about the money or culture of mistrust and broken relationships?

- Inspectors said that even though the Council was told its member-officer relationships needed improvement by the Local Government Association in a corporate peer challenge and follow-up review, the situation "*has deteriorated throughout our Inspection*".
- It said: "Both members and officers describe a culture of mistrust and broken relationships. There is a culture of insularity and over-optimism within the senior management team, particularly regarding the council's investment strategy".
- Meanwhile councillors who attempt to challenge officers are met with resistance, with some perceiving them as difficult, the report said.