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DIRECTOR OF STRATEGY,  
PERFORMANCE AND  
GOVERNANCE'S OFFICE  
DIRECTOR OF STRATEGY, PERFORMANCE  
AND GOVERNANCE  
Paul Dodson

18 January 2021

Dear Councillor

You are summoned to attend the meeting of the:

## **JOINT STANDARDS COMMITTEE**

on **TUESDAY 26 JANUARY 2021** at **2.00 pm**.

Please note that this will be a **remote meeting** – Members to access the meeting via Microsoft Teams. Members of the press and public may listen to the live stream via the [Council's YouTube channel](#).

A copy of the agenda is attached.

Yours faithfully



Director of Strategy, Performance and Governance

### COMMITTEE MEMBERSHIP:

CHAIRMAN	Councillor M G Bassenger
VICE-CHAIRMAN	Councillor Mrs J L Fleming
COUNCILLORS	R G Boyce MBE A L Hull C Mayes S P Nunn R H Siddall Mrs M E Thompson
TOWN COUNCILLOR (non-voting)	Councillor P Stilts
INDEPENDENT PERSON (non-voting)	Mr N Hodson

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**AGENDA**  
**JOINT STANDARDS COMMITTEE**

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**TUESDAY 26 JANUARY 2021**

1. **Chairman's notices**

2. **Apologies for Absence**

3. **Minutes of the last meeting** (Pages 5 - 10)

To confirm the Minutes of the meeting of the Committee held on 27 October 2020, (copy enclosed).

4. **Disclosure of Interest**

To disclose the existence and nature of any Disclosable Pecuniary Interests, other Pecuniary Interests or Non-Pecuniary Interests relating to items of business on the agenda having regard to paragraphs 6-8 inclusive of the Code of Conduct for Members.

(Members are reminded that they are also required to disclose any such interests as soon as they become aware should the need arise throughout the meeting).

5. **Committee on Standards in Public Life - Best Practice Recommendations** (Pages 11 - 16)

To consider the report of the Monitoring Officer, (copy enclosed).

6. **Exclusion of the Public and Press**

To resolve that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraph 1 of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

7. **Appointment of a New Independent Person and a Reserve** (Pages 17 - 34)

To consider the report of the Monitoring Officer, (copy enclosed).

**NOTICES**

**Sound Recording of Meeting**

Please note that the Council will be recording and publishing on the Council's website any part of this meeting held in open session. At the start of the meeting an announcement will be made about the recording.

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**MINUTES of  
JOINT STANDARDS COMMITTEE  
27 OCTOBER 2020**

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**PRESENT**

Chairman	Councillor M W Helm
Vice-Chairman	Apologies
Councillors	M G Bassenger, Mrs P A Channer CC, K W Jarvis, C Mayes, S P Nunn and Mrs M E Thomson
Town Councillor	P Stilts
Substitute Councillor	R H Siddall
Independent Person	Mr N Hodson

**1281. CHAIRMAN'S NOTICES**

The Chairman welcomed everyone to the remote meeting, held under new regulations which came into effect on 4 April 2020 in response to the COVID-19 pandemic. He took Members through some general housekeeping issues together with the etiquette for the meeting and then asked Officers present to introduce themselves.

This was followed by a roll call of Committee Members present and any Councillors in attendance

**1282. APOLOGIES FOR ABSENCE**

An apology for absence was received from Councillor W Stamp.

In accordance with notice duly given Councillor R H Siddall was attending as a substitute for Councillor W Stamp.

**1283. MINUTES OF THE LAST TWO MEETINGS HELD ON 3 SEPTEMBER 2020**

**RESOLVED** that the Minutes of the meeting of the Committee held in the afternoon of 3 September 2020 be approved and confirmed.

**RESOLVED**

- (i) that the Minutes of the meeting of the Committee held on the morning of 3 September 2020 be received.

### **Minute No. 1178**

That the reference to the 'Equality Act 2020' found in paragraph three on page 8 of the meeting pack be amended to read 'Equality Act 2010'.

### **RESOLVED**

- (ii) that subject to the above amendment the Minutes of the meeting of the Committee held on the morning of 3 September 2020 be confirmed.

### **1284. DISCLOSURE OF INTEREST**

Councillor Mrs M E Thompson declared a conflict of interest in respect of Item 8 on the agenda and advised the Committee that she would not be partaking in the discussion or vote on that item.

Councillor R H Siddall declared a non-pecuniary interest in Agenda Item 8 as he felt some of the issues were directed at him. However, he had no conflict of interest in taking part in the discussion.

### **1285. COMMITTEE ON STANDARDS IN PUBLIC LIFE- BEST PRACTICE RECOMMENDATIONS**

The Committee considered the report and associated appendices of the Monitoring Officer that set out the Council's position in relation to the Committee on Standards in Public Life - Best Practice Recommendations.

The Chairman introduced the report and deferred to the Lead Legal Specialist and Monitoring Officer to present the detail.

He took the Committee through the report and drew Members' attention to Appendix 1 that contained the letter issued to all authorities from the Committee on Standards in Public Life (CSPL), setting out fifteen best practice recommendations. The CSPL had asked that authorities reply confirming adoption or otherwise. He explained that there was no legal requirement to adopt the recommendations but that it was good practice to benchmark the Council's standards against the CSPL. He then took Members through Appendix 2 that contained the CSPL recommendations together with the suggested response from the Lead Legal Specialist and Monitoring Officer displayed in italics.

Councillor Nunn, referring to the recommendations as a whole felt that the Council should adopt the principles and that he was pleased to note that the Council already covered most of the practices in the existing code. However, he said he was concerned regarding the application of the policy, given the recent volume and nature of complaints and hoped to move to more harmonious and stable times in the future.

At this point Councillor Mrs P A Channer, CC declared a non-pecuniary interest as she had recently gone through this exercise at Essex County Council.

A debate ensued where issues were raised around bullying, the complaints process and the Members Code of Conduct. It was agreed that examples of bullying could be a 'one-

off' or a 'continuous pattern' of behaviour and that a definition of bullying must be included to inform the work of the Standards Committee. It was further agreed that it be clarified that these best practice recommendations related to the Code of Conduct for Members not employees.

Councillor Nunn proposed that the Committee adopt the recommendations and suggested changes outlined in Appendix 2 subject to the Monitoring Officer circulating the appendix to committee members for further comment, re-submitting the revised draft to the next Standards Committee for final approval and recommendation to Council. This was seconded by Councillor Mayes.

Further discussion then took place about the application of the Complaints Procedure, difficulties with interpreting the procedure and the importance of the Independent Person in the process. Councillor Mrs P A Channer acknowledged the importance of the issues raised. However, she reminded Members that the agenda item today was about the CPSL best practice recommendations and the Council's intended response to it and she suggested that the other important issues be dealt with separately.

The Committee agreed that the other issues raised around the Complaints Procedure and the Code of Conduct were extremely important and should therefore come back as a separate agenda item to a future committee meeting.

The Chairman moved Councillor Nunn's proposal and upon a duly seconded recorded vote being taken it was agreed as follows:

For the proposal

Councillors M L Bassenger, Mrs P A Channer, M W Helm, K V Jarvis, C Mayes, S P Nunn, R H Siddall and Mrs M Thompson.

Against the proposal

None

Abstentions

None

**RESOLVED** that the Committee adopt the recommendations and suggested changes outlined in Appendix 2 subject to the Monitoring Officer circulating the appendix to committee members for further comment, re-submitting the revised draft to the next Standards Committee for final approval and recommendation to Council.

**1286. ANY OTHER ITEMS OF BUSINESS THAT THE CHAIRMAN DECIDES ARE URGENT**

The Chairman advised the Committee that there was a further item of urgent business to be dealt with. It related to a complaint by a councillor against himself and a complaint against another councillor. The two complaints were connected, and he said all members had sight of these in advance as the complainant had emailed both the Monitoring Officer and Members. He said these would be dealt with as private and

confidential matters following consideration of the existing report at Item 8 in the private and confidential section of the meeting.

#### **1287. EXCLUSION OF THE PUBLIC AND PRESS**

**RESOLVED** that under Section 100A (4) of the Local Government Act 1972 the public be excluded from the meeting for the following item(s) of business on the grounds that they involve the likely disclosure of exempt information as defined in Paragraphs 1 and 6b of Part 1 of Schedule 12A to the Act, and that this satisfies the public interest test.

#### **1288. COMPLAINTS AGAINST A COUNCILLOR - FUTURE STEPS**

The Committee considered the report of the Monitoring Officer that sought a decision from the Committee on the future handling of three complaints together with the two further complaints raised under Item 6. Any Other Items of Business that the Chairman decides are urgent.

Councillor Mrs P A Channer proposed that the first three complaints be investigated utilising the services of both an external Monitoring Officer and an external Investigator. This was duly seconded. A recorded vote was requested and seconded. The chairman put the proposal to the Committee and the result of the recorded vote was as follows:-

For the proposal

Councillors M G Bassenger, Mrs P A Channer, M W Helm, K W Jarvis and S P Nunn.

Against the proposal

Councillor C Mayes and R H Siddall

Abstentions

None

On the Item of Business raised under Agenda Item 6 detailing two further complaints the Independent person advised that if this was an informal meeting then the Code of Conduct had not been engaged, and they could be disregarded. Councillor Mrs P A Channer proposed that neither complaints be investigated. This was seconded by Councillor Helm

Further discussion took place around the nature of the meeting and given the fact that it was convened, minuted and called by the Leader of the Council, Members concluded it was a formal Council meeting.

The Chairman put Councillor Channer's proposal to the Committee and upon a duly seconded recorded vote being taken the results were as follows:-

For the proposal

Councillors Mrs P A Channer and M W Helm.

Against the proposal

Councillors M G Bassenger, K W Jarvis, C Mayes, S P Nunn and R H Siddall.

Abstentions

None

Councillor C Mayes then requested that both complaints be dealt with separately. She proposed that the Committee not investigate the self-referral complaint, and this was seconded by Councillor Bassenger. The Chairman put the proposal to the Committee and upon a duly seconded recorded vote being taken the results were as follows:-

For the proposal

Councillors M G Bassenger, K W Jarvis, C Mayes, S P Nunn and R H Siddall

Against the proposal

None

Abstentions

Councillors Mrs P A Channer and M W Helm.

Councillor C Mayes then proposed that the second complaint be investigated in relation to integrity and honesty contained in section 3.1 Rules on public Life that form part of the Members' Code of Conduct. This was seconded by Councillor Siddall. The Chairman put the proposal to the Committee and upon a duly seconded recorded vote being taken the results were as follows:-

For the proposal

Councillors M G Bassenger, K W Jarvis, C Mayes, S P Nunn and R H Siddall

Against the proposal

None

Abstentions

Councillor Mrs P A Channer and M W Helm.  
Helm

Councillor Mrs P A Channer asked that her abstention from both the above votes be minuted as she felt they were one item, both issues were intrinsically linked and therefore should not be dealt with separately.

As with the previous three complaints it was agreed this be investigated by an external Monitoring Officer and an external Investigator.

**RESOLVED** that with the exception of the self-complaint all four other complaints be investigated, utilising the services of both an external Monitoring Officer and Investigator.

There being no further items of business the Chairman closed the meeting at 3.48 pm.

M W HELM  
CHAIRMAN

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## REPORT of MONITORING OFFICER

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to  
**JOINT STANDARDS COMMITTEE**  
**26 JANUARY 2021**

### **COMMITTEE ON STANDARDS IN PUBLIC LIFE – BEST PRACTICE RECOMMENDATIONS**

#### **1. PURPOSE OF THE REPORT**

- 1.1 To set out the Council’s position in relation to the Committee on Standards in Public Life Best Practice Recommendations attached at **APPENDIX 1**.

#### **2. RECOMMENDATIONS**

- (i) To consider the Committee on Standards in Public Life Best Practice Recommendations at **APPENDIX 1** and make any necessary changes to standards procedures.

#### **3. SUMMARY OF KEY ISSUES**

- 3.1 In July 2020 the Council received a letter from the Committee on Standards in Public Life that was sent to all Councils requesting a review of the Council’s practices as compared to the best practice recommendations. Members considered an initial report on the matter on 27 October 2020 and resolved that a further report be presented to the Joint Standards Committee. Since then a new model Code of Conduct has been published by the Local Government Association. This will be the subject of a report to the Committee at a future date.
- 3.2 The Council’s present and proposed practices are set out in **APPENDIX 1** in relation to each of the 15 best practice recommendations.

#### **4. IMPACT ON STRATEGIC THEMES**

- 4.1 Any improvements in best practice will increase public confidence in the conduct of members.

#### **5. IMPLICATIONS**

- (ii) **Impact on Customers** – Public confidence in the decision-making process should be increased.

- (i) **Impact on Equalities** – None
- (ii) **Impact on Risk** – None
- (iii) **Impact on Resources (financial)** – None
- (iv) **Impact on Resources (human)** – Increase in workload of Monitoring Officer
- (v) **Impact on the Environment** – None
- (vi) **Impact on Strengthening Communities** - None

Background Papers: None

Enquiries to: Simon Quelch – Monitoring Officer – 01621 854477

## COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT - BEST PRACTICE RECOMMENDATIONS

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

*Definitions of bullying and harassment will appear in the new Model Code of Conduct for future consideration by members*

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.

*3.4 and 3.5 of the Code states;*

*“You must comply with any request of the authority's Monitoring Officer or Section 151 Officer, in connection with an investigation conducted in accordance with their respective statutory powers”*

*“You must not make vexatious, malicious or frivolous complaints against other members or anyone who works for, or on behalf of, the Authority.”*

*In the new Code there will be a provision requiring cooperation with any investigation*

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

*The Code was last revised in 2016.*

*The Local Government Association has published a new Code which is the subject of a report to Joint Standards Committee. The Association have committed to review the new Code every year. This will act as a prompt to consider any revision on an annual basis. The Association will go through a consultation process for any revisions as it has for the new Code*

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

*There is a link to the Code on the Council's website home page under the section for councillors. Prominence in the Council's offices would mean placing it in reception. There are more topical and pressing issue that should occupy the more prominent positions, and in any event this has not been open to the general public since March.*

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

*The Register held by Freshservice and is updated by the MO as soon as a matter is declared; in effect this becomes a daily update. The public can request access to the Register and it would normally be provided in a form that is convenient to the member of the public*

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

*The Council does not have a published public interest test although when the MO and IP decide what is the next step with a complaint considering the public interest.. In other words, a trivial complaint will not be investigated.*

*It would be helpful to have a published public interest test. The Ombudsman for Wales when deciding whether to investigate complaints against members has the following comment and criteria which it is RECOMMENDED should be added to the complaints procedure:*

*“ When considering future steps of a complaint a public interest test should be considered. There is no widely accepted definition of public interest, but it has been described as “something which is of serious concern and benefit to the public”. The public interest therefore relates to something which has an impact on the public and is not merely a matter the public finds to be of interest or a matter that impacts solely on an individual (although an individual may be more directly impacted by the matter than the wider public).*

*The public interest factors to be taken into account are:*

- *the seriousness of the breach*
- *whether the member deliberately sought personal gain for themselves or another person at the public expense*
- *whether the circumstances of the breach are such that a member has misused a position of trust or authority and caused harm to another*
- *whether the breach was motivated by any form of discrimination against the victim’s ethnic or national origin, gender, disability, age, religion or belief, sexual orientation or gender identity*

*RECOMMENDED that this definition of public interest should be included to the complaints procedure information*

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

*The Council has an Independent Person and a Reserve*

**Best practice 8:** An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

*The IP is always consulted, as required by the complaints proposal, on what direction to take on all complaints that are considered by the MO to potentially be within the scope of the Code, including those that might be seen as without merit, vexatious or trivial*

**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

*This is done for breaches and it is not considered proper that decisions of non -breach should be included on the website due to adverse criticism a member may receive on the grounds of the commonly held view “ that there is no smoke without fire”. At the moment decisions of non- breach are not included on the website*

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

*A link is provided that gives this information on the home page under the section for councillors.*

**Best practice 11:** Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

*This is a matter for the Parishes themselves and it is not for the District Council to dictate how complaints should be made in these circumstances*

**Best practice 12:** Monitoring Officers’ roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

*The MO provides advice and support on Code of Conduct issues and receives complaints about parish councillors as part of his normal contractual duties. Two non-voting nominees of the Parish Councils sit in advisory capacity on the committee.*

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

*Each case is assessed to see if there is a conflict. This was found to be the case in a complaint recently. The Council engaged the MO from Castlepoint BC and has recently engaged the MO from Essex County Council*

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.

*The MO is not aware of any body that the Council has established that would fall into this best practice rule.*

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

*No such arrangement exists. It is not appropriate to discuss individual cases as part of a general meeting. There is little benefit in regular meetings. Ad hoc conversations are held as issues arise. There is a danger that regular meetings become artificial when there are no issues of substance to discuss.*

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