



Essex County Council



ECC & Essex Fire Authority Joint Standards Committee

10:00	Wednesday, 25 January 2017	Committee Room 2, County Hall, Chelmsford, Essex
--------------	---------------------------------------	---

Quorum: 3

Membership

Essex County Council

Councillor T Cutmore

Councillor S Barker

Councillor A Bayley

Councillor A Durcan

Councillor C Guglielmi

Councillor T Higgins

Councillor M McEwen

Councillor A Wood

Councillor C Pond

Chairman

Essex Fire Authority

Councillor A Erskine

Councillor A Watkins

Councillor R Woodley

**For information about the meeting please ask for:
Andy Gribben, Council and Member Support Officer
03330134565 andy.gribben@essex.gov.uk**

Essex County Council and Committees Information

All Council and Committee Meetings are held in public unless the business is exempt in accordance with the requirements of the Local Government Act 1972.

Most meetings are held at County Hall, Chelmsford, CM1 1LX. A map and directions to County Hall can be found at the following address on the Council's website:
<http://www.essex.gov.uk/Your-Council/Local-Government-Essex/Pages/Visit-County-Hall.aspx>

There is ramped access to the building for wheelchair users and people with mobility disabilities.

The Council Chamber and Committee Rooms are accessible by lift and are located on the first and second floors of County Hall.

If you have a need for documents in the following formats, large print, Braille, on disk or in alternative languages and easy read please contact the Secretary to the Cabinet before the meeting takes place. If you have specific access requirements such as access to induction loops, a signer, level access or information in Braille please inform the Secretary to the Cabinet before the meeting takes place. For any further information contact the Secretary to the Cabinet.

Induction loop facilities are available in most Meeting Rooms. Specialist head sets are available from Duke Street and E Block Receptions.

The agenda is also available on the Essex County Council website, www.essex.gov.uk. From the Home Page, click on 'Your Council', then on 'Meetings and Agendas'. Finally, select the relevant committee from the calendar of meetings.

Please note that an audio recording may be made of the meeting – at the start of the meeting the Chairman will confirm if all or part of the meeting is being recorded.

Part 1

(During consideration of these items the meeting is likely to be open to the press and public)

		Pages
1	Apologies for Absence	
2	Declarations of Interest To note any declarations of interest to be made by Members in accordance with the Members' Code of Conduct	
3	To confirm the minutes of the meeting held on 14 March 2016	5 - 8
4	Updated Social Media Protocol To consider a report (SC/01/17) by Paul Turner, Corporate Lawyer and Interim Monitoring Officer, Essex County Council.	9 - 16
5	Declarations of interest guidance To consider a report (SC/02/17) by Paul Turner, Corporate Lawyer and Interim Monitoring Officer, Essex County Council.	17 - 24
6	Annual review for 2016 To consider a report (SC/03/17) by Paul Turner, Corporate Lawyer and Interim Monitoring Officer, Essex County Council.	25 - 28
7	Date of Next Meeting To note that the next meeting of the committee will be scheduled to be in approximately six months time or when business is identified. Members will be advised.	
8	Urgent Business To consider any matter which in the opinion of the Chairman should be considered in public by reason of special circumstances (to be specified) as a matter of urgency.	

Exempt Items

(During consideration of these items the meeting is not likely to be open to the press and public)

To consider whether the press and public should be excluded from the meeting during consideration of an agenda item on the grounds that it involves the likely

disclosure of exempt information as specified in Part I of Schedule 12A of the Local Government Act 1972 or it being confidential for the purposes of Section 100A(2) of that Act.

In each case, Members are asked to decide whether, in all the circumstances, the public interest in maintaining the exemption (and discussing the matter in private) outweighs the public interest in disclosing the information.

9

Urgent Exempt Business

To consider in private any other matter which in the opinion of the Chairman should be considered by reason of special circumstances (to be specified) as a matter of urgency.

**MINUTES OF A MEETING OF THE ESSEX COUNTY COUNCIL AND ESSEX FIRE
AUTHORITY JOINT STANDARDS COMMITTEE HELD AT COUNTY HALL,
CHELMSFORD, ON 14 MARCH 2016 AT 2:00 pm**

1. Present

Cllr T Cutmore (Chairman)
Cllr S Barker
Cllr A J Bayley
Cllr T Durcan

Cllr C Guglielmi
Cllr T Higgins
Cllr M McEwen
Cllr C C Pond

The following officers were present in support throughout the meeting:
Paul Turner (Deputy Monitoring Officer) and Andy Gribben (Council and
Member Support Officer);

2. Apologies and Substitution Notices

Apologies for absence were received from Essex County Councillor J Pike and
Essex Fire Authority representatives Councillors J Moyies and Lady Newton.

Apologies were also received from the Council's two Independent Persons Mr
N Hodson and Mr J Swan.

3. Chairman of the Committee

It was noted that Councillor Cutmore had been appointed as Chairman of the
Essex County Council and Essex Fire Authority Joint Standards Committee.
Members congratulated him on his appointment.

4. Declarations of Interest

Councillor T Higgins wished to declare an interest as she had noted that the
appendix to the report SC/01/16, erroneously, did not list her husband Peter
Higgins as being a Councillor. It was also noted by the Members of the
Committee present that there appeared to be another omission, that of the wife
of Councillor Ivan Henderson, Councillor Jo Henderson. Councillor Henderson
not being a member of the committee or present to confirm the fact, and as
there may be other omissions or corrections to be made, the Deputy Monitoring
Officer undertook, after the meeting, to re-examine the appendix and compare
it to the Registers of Interest submitted by Members.

5. Minutes

The minutes of the meeting held on 21 December 2015 were approved and
signed as a correct record subject to a correction to show that Councillor
Durcan had been present.

It was also noted that the minutes Essex County Council and Essex Fire
Authority Hearing Sub-Committee that had been held on 12 February 2016 had
been published online.

6. Dispensations for County Councillors who are also District Councillors or Members of the Essex Fire Authority

The Committee considered a report (SC/01/16 and appendix) by Paul Turner - Corporate Lawyer and Deputy Monitoring Officer, Essex County Council regarding applications for a dispensation from members of the County Council as a result of membership of a district council or the Essex Fire Authority or other authorities.

The Deputy Monitoring Officer explained that the recommendations in the report arose because of the possible need for Members to disclose pecuniary interests arising from their membership of other authorities.

In response to questions from Members it was clarified that declarations should include any position held by Members on another authority including City, District, Borough, Parish or Town Councils if that position resulted in any allowance or remuneration. Additionally, declarations should include any external body (ie not an outside body that was a jointly managed by ECC and another) in which the Member had a position of management or control.

It was also noted that it had been recommended by the Joint ECC and EFA Standards Hearing Sub-Committee in February that all Members should be contacted twice a year in order that they should review their declarations of interest and update or amend accordingly. It was further proposed by the Deputy Monitoring Officer that the first of these twice-yearly reminders to update should be in May following the District elections.

The Deputy Monitoring Officer informed Members that he was preparing detailed guidance that he would be sharing with Members and Monitoring Officers from other Authorities in Essex.

Amendments to the resolutions, to take account of the various circumstances that had arisen in discussion, were agreed and it was

Resolved:

That:

1. The committee grant a Dispensation to County Councillors named in the appendix to the report (subject to any corrections to be made after the meeting and other than those Members present) to allow them to participate in decision-making and scrutiny at Essex County Council notwithstanding the fact that they or their spouse or partner is a member of a District Council or any other Authority including City, District, Borough, Parish or Town Councils or the Essex Fire Authority other than as set out in paragraph 2.
2. The Dispensation does not apply to:
 - (a) the consideration of any approval, consent, licence, permission or registration in relation to that authority; or
 - (b) the award of a contract to that authority following a competitive procurement.

3. The Dispensation should last for a period of 4 years.
4. The Monitoring Officer and Deputy Monitoring Officer each be authorised to grant dispensations to members in similar terms and/or relating to membership of any public body.

7. Review of the Member Code of Conduct

The Committee considered a report (SC/02/16 and appendix) by Paul Turner - Corporate Lawyer and Deputy Monitoring Officer - Essex County Council that revised the Code of Conduct for Members as shown as an appendix to the report.

The Deputy Monitoring Officer drew Members' attention to the redefinition of Interests such that they should be entitled and defined as Personal Interests and Disclosable Pecuniary Interests. Members also noted his remarks concerning clarifications of and anomalies in the Essex Code and that it was his intention that these matters should be resolved, as detailed in the report, in the revised draft code.

Members also particularly took note of the two issues identified in paragraph 3.8 of the report specifically to

- a) reintroduce the breach of 'Bringing the office of Councillor into disrepute' and
- b) the introduction of the requirement of Members to register contracts between Councillor and a company owned by the Council

Members requested that a list be sent to all Members bringing to their attention those companies owned by the Council so they could consider if they needed to declare an interest. It was noted that at the time of the meeting there were only four, but the numbers would be likely to increase as commissioning increased. It was also requested that the revised code have an appendix that listed these companies.

It was further agreed, after discussion, that under the general obligations of Members to treat others with respect the draft code be amended to make specific reference to the abuse of Social Media as well as in other forms of communications.

The Monitoring Officer would ensure that all Members were consulted and then the revised code would be brought to the Annual Meetings of both the Council and the Essex Fire Authority or, if that were not possible, to a meeting of those Authorities at the earliest opportunity.

Resolved:

1. That the draft code is the subject of consultation with all members of the County Council and the Fire Authority and with the Independent Persons
2. That the Joint Committee recommends to Essex County Council and the Essex Fire Authority that the revised draft code is adopted subject to any

changes agreed by the ECC Deputy Monitoring Officer in consultation with the Chairman of the Joint Committee as a result of the consultation.

8. Dates of next meetings

Members agreed that, to enable Members to manage their diaries, meetings of the committee should be scheduled to occur at six-monthly intervals, subject to cancellation if no business should arise.

There being no further business the meeting closed at 3:15pm.

Chairman

(SC/01/17)	
Report title: Updated Social Media Protocol	
Report to: Essex CC and Essex FA Joint Standards Committee	
Report author: Paul Turner – ECC Monitoring Officer	
Date: 25 January 2017	For: Decision
Enquiries to: Joanna Boaler - 03330 134578 Joanna.boaler@essex.gov.uk or Paul Turner – paul.turner@essex.gov.uk 03330 134591	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 To ask the Committee to adopted the revised Social Media Protocol.

2. Recommendations

- 2.1 That the Committee adopts the revised social media protocol in the form appended to this report and agrees that it should be circulated to all members of the County Council and Essex Fire Authority.

3. Social Media Protocol

- 3.1 In January 2013 the Joint Committee adopted the current social media protocol.
- 3.2 The protocol provides guidance to members of Essex County Council and the Essex Fire Authority based upon their Codes of Member Conduct. It has been drafted to assist members as they explore and develop their use of social media. Officers continue to support County Councillors wishing to use social media, which is can be a very useful and effective way for members to communicate with their constituents. This support will not be provided in the run up to the election given the statutory code of practice on local authority publicity and the rules in the Local Government Act 1986.
- 3.3 The protocol helps members to understand how the code of conduct would apply to the use of social media, although it does not change the Code itself or create any new restrictions.
- 3.4 Although the basic principles of the protocol are unchanged, social media is a fast developing area and it was felt that the protocol should be refreshed to reflect the fact that use of social media is now more familiar to many members and also to reflect changes in the code of conduct.
- 3.5 The revised protocol is appended to this report.

4. List of Appendices

Social Media Protocol

5. List of Background Papers

None

ESSEX COUNTY COUNCIL

ESSEX FIRE AUTHORITY

Social Media Protocol for Members

1. Introduction

- 1.1 Social Media is an important way for Essex County Council (ECC) and Essex Fire Authority (EFA) members it is an efficient and cost-effective way of keeping in touch with residents and businesses and discussing issues with communities.
- 1.2 This protocol provides guidance to members and co-opted members of ECC and EFA based upon the Code of Conduct for Members (the Code).

2. What is Social Media?

- 2.1 Social Media is a term used to describe technologies that allow the creating and sharing of [information](#), ideas, career interests and other forms of expression via [virtual communities](#) and [networks](#) and invite the posting of comments, contributions or facilitate conversations. .
- 2.2 There are a number of ways in which social media is used, these can be found as Appendix A.

3. How can Members use social media?

- 3.1 You can use social media in a number of ways:
 - sponsored by either ECC or EFA, for example by way of a [Chairman's](#) or [Leader's](#) blog (ECC uses both);
 - as an individual through a private account; or
 - anonymously through a private account
- 3.2 When using social media you are bound by ECC's and EFA's Code if you are conducting ECC or EFA business or representing ECC or EFA.

4. Using Social Media as an Individual.

- 4.1 You can make private and personal non-political social media contributions, unconnected to ECC or EFA business, where you are making that contribution in your personal capacity. In these circumstances the Code is unlikely to apply.
- 4.2 In considering whether you are acting as a member, the Standards Committee would have regard to the following factors:
 - *The privacy settings on your social media site.* Where you have a private, personal blog or social media site, which is used in your personal capacity as a private individual and not as a member, there should be appropriate privacy settings in place

on those accounts. This will enable you to control who is able to see, review and comment on your posts. **If your account is open to all readers, it may be reasonable for residents, and the Standards Committee, to assume that you are acting in your capacity as a member.**

- *Your profile on the social media site.* Where this is intended to be private, you should not describe yourself as a member or refer to ECC or EFA business or contacts. If you refer to yourself as a member to discuss official business it would be difficult to argue that you were not subject to the Code.

- 4.3 A disclaimer in a private blog to the effect that comments are not made as a member will not necessarily avoid the application of the Code.

5. Anonymous postings on social media

- 5.1 ECC and EFA do not support or encourage anonymous postings by members.
- 5.2 An anonymous post by you conducting ECC or EFA business will be subject to the Code. The issue of whether there was sufficient evidence to attribute the post to you will be a matter to be decided by the Standards Committee.

6. How does the Code apply to social media?

- 6.1 You must comply with the Code whenever you ‘...conduct the business of ECC or EFA...or if you are acting as a representative of ECC or EFA’
- 6.2 The following paragraphs of the Code will apply to online behaviour just as they would to any other form of communication.
- **Paragraph 24.2.1 – Treating others with respect:** The aim of the Code is not to stifle political opinions and arguments. As such, political comments and comments about ideas are less likely to be seen as disrespectful and result in a breach of the Code. However, personal jibes or remarks aimed at an individual may well be seen as disrespectful and could lead to a breach of the Code and possible sanctions being imposed;
 - **Paragraph 24.2.2 – Upholding the law:** Commenting on, or criticising, the law in a responsible manner is not an issue but encouraging others to break the law may well amount to a breach of the Code;
 - **Paragraph 24.2.3 – Bullying.** You should be cautious when making personal comments about individuals and social media should never be used to review the performance of ECC or EFA staff;
 - **Paragraph 24.2.4 – Disrepute.** You must not behave in a way which would be likely to bring your office as a member of ECC or EFA into disrepute;

- **Paragraph 24.3 – Disclosing confidential information:** Before releasing any information on your blog or networking site, you should check to see if it is confidential and if you have the right to release it.

6.3 You should also consider other online activities where the Code may apply;

- **Forum Posts.** If you identify yourself as a member the Code will likely apply. If you put content on the site which could only have been obtained by you as a member, the Code is also likely to apply. You should also consider that information you post on a forum could be reposted in part or full by others.
- **Comments made by others.** It is also important for you to regularly check your blog or networking site to ensure there are no defamatory or obscene comments posted by others. It is good practice for blogs to include a statement making clear how inappropriate or offensive comments will be dealt with. Any offensive posts should be removed immediately.
- **Contacts on social media sites.** Various terms are used to define contacts on social media sites. These include ‘friends’ (Facebook) and ‘followers’ (Twitter). You should be aware that anyone you include as a contact on a social media site could be regarded as a “close associate” within the meaning of paragraph 24.13.2 (vi) of the Code – personal interests. Simply including someone on a site as a friend does not establish a close association but it is one factor that would be taken into account in deciding whether such an association exists.

7 Other important issues to consider

- 7.1 There are also considerations apart from the Code that you should take into account when using online media. The following is a brief guide to some of the legal pitfalls in establishing personal social media sites such as blogs. These can be avoided if your online content is objective, balanced, informative and accurate.
- 7.2 In the main, you have the same legal duties online as anyone else, but failures to comply with the law may have more serious consequences.
- 7.3 *Libel:* If you publish an untrue statement about a person which is damaging to their reputation they may bring proceedings for libel against you. This will also apply if you allow someone to publish something libellous on your website or social media page and do not take prompt action to remove it.
- 7.4 *Bias and Predetermination:* You should avoid publishing anything that might suggest you have already made up your mind about a matter that you may be involved in determining. Otherwise, the decision runs the risk of being invalidated.
- 7.5 *Copyright:* Placing images or text on a site from a copyrighted source (e.g. extracts from publications, photos etc.) without permission is likely to breach copyright legislation. You should avoid publishing anything you are unsure about or seek permission from the Head of Democratic Services in advance. Breach of copyrights may result in prosecution or an award of damages. This risk may be avoided by providing a link to the material.

- 7.6 *Data Protection:* Never publish the personal data of individuals in your capacity of member. You should not publish/upload any photographs of others unless you have expressly sought permission from them to take the picture and to post it to your social media. You should avoid taking pictures of children or vulnerable people altogether.
- 7.7 *Obscene Material:* Never publish anything that people might consider obscene. Publication of obscene materials is a criminal offence.
- 7.8 *Pre-Election Period:* The Electoral Commission requires that candidates provide a return of expenditure on any form of advertising or campaign literature and that includes web advertising. There are additional requirements such as imprint standards for materials which can be downloaded from a website. Full guidance for candidates can be found at www.electoralcommission.org.uk. ECC will not support councillors to use social media and will not publish blogs when the blog author is involved in an election.
- 7.9 *Repetition:* It is important to note that you cannot avoid liability by saying you are repeating what others have said. Anyone who repeats a libellous statement is liable for it. This is particularly important if you 'like' something on Facebook or re-tweet something. Think carefully before re-tweeting or 'liking' a post. If in doubt, please don't. Liking, sharing or retweeting content from others can appear as agreement or recommendation.

8 Getting started

- 8.1 Should you require help getting started with social media or have specific questions relating to using it, please speak to a member of Democratic Services or the Communications Team. We cannot, however, provide assistance during the pre-election period or if you intend to use social media for party political purposes.

Appendix A

Social Networks

These are sites which allow people to build a personal web page and then connect with other individuals, organisations or groups to share content, ideas and updates and allows for conversations to take place. The biggest social network is *Facebook*.

Professional Networks

These are sites which allow people to build a professional web page and connect with other individuals, organisations and groups. Professional networks are also used to search for employment opportunities and share innovative ideas, or industry developments. *LinkedIn* is the most popular professional network.

Blogs

These are online journals, used to discuss a range of subjects from personal topics and issues to political opinion. Two of the largest blogs are *WordPress* and *Blogger*.

Wikis

These are websites which allow people to add content to or edit the information on them, acting as a communal document or database. The best-known wiki is *Wikipedia*, an online encyclopaedia.

Forums

These are areas for online discussion, often around specific topics and interests, and are a powerful and popular element of online communities.

Content Communities

This occurs where communities organise and share particular types of content such as photos or videos, with popular sites including *Flickr* and *YouTube*.

Microblogging/Vlogging

These are bite-sized blogging sites, where content or updates are available, but they are restricted to the number of characters that can be used in any one tweet. *Twitter* is the most popular microblogging site.

Mobile Messaging Applications

There are several mobile messaging applications that allow photos, video, text and drawings to be sent. Some of these such as *Snapchat* delete messages from the recipient's phone after a few seconds. *WhatsApp* is another popular one.

Mobile photo-sharing

Instagram is another sharing service for video and photos that can be shared privately or publicly and through other social media platforms such as *Facebook* and *Twitter*.

(SC/02/17)	
Report title: Essex County Council – Guidance on Declaration of Interests	
Report to: Essex CC and Essex FA Joint Standards Committee	
Report author: Paul Turner – ECC Monitoring Officer	
Date: 25 January 2017	For: Decision
Enquiries to: Paul Turner – paul.turner@essex.gov.uk 03330 134591	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 To ask the Committee to consider draft guidance on declarations of interest to be sent to all members of the County Council.

2. Recommendations

- 2.1 That the Committee make any comments they have about the draft guidance and endorse it being issued by the monitoring officer.

3. Guidance on Declarations of Interest

- 3.1 Councillors can sometimes be unsure about when and how they declare interests at meetings. This can be because the national rules have changed a number of times and because different councils have different rules about declaring interests.
- 3.2 Failure to declare an interest can be a breach of the code of conduct. If there is a failure to declare a 'disclosable pecuniary interest', the member concerned could be commit a criminal offence, although any prosecution could only be brought by the Crown Prosecution Service following a report from the Police.
- 3.3 Although Members are repeatedly advised that they are responsible for declaring interests, we do try and assist with declarations of interest and anticipate issues which may arise. At full council we try to encourage people to think about interests in advance and seek advice at an early stage. However, it is felt that some members may find written guidance useful. Guidance is only likely to be helpful if it is clear and straightforward.
- 3.4 Draft guidance is appended to this report. The guidance is divided into sections:
 - Explanation of the types of interest and when they have to be declared.
 - Explanation of common circumstances where member are not required to declare interests.
 - Good practice guidance on how to declare interests.
 - Frequently Asked Questions.

- 3.5 It is intended that the guidance will be reviewed by the monitoring officer and reissued as and when required. The Committee are asked to review the document and suggest any changes or improvements that they would like to see.

4. List of background papers

None

Essex County Council

Guide to Declaring Interests

Introduction

This guide is intended to help Essex County Councillors declare interests. Since the abolition of the mandatory national code of conduct, every local authority has had slightly different rules. In Essex the Councils have kept the rules similar across the authorities, but for local reasons the rules are not exactly the same. The rules at ECC were simplified in 2016 and are the same as those which apply at the Fire Authority.

We recognise that many members are also members of other local authorities. Since the rules at other councils are different, please be careful about applying this guide to any role on a district or parish council– and seek advice locally.

Types of interest

Disclosable Pecuniary Interests (DPI) - These are national rules. It is a criminal offence to fail to declare a DPI or to vote on something if you have a DPI in it – although you can vote at a meeting of ECC if you have a dispensation from ECC.

The important thing about a DPI is that you **either** have ‘nothing to declare’ – you don’t have to say anything and you can stay in the room **or** you have to declare and leave the room (unless you have a dispensation, when you can declare and stay in the room).

Do not declare that you have a DPI and stay in the room - unless your participation is covered by a dispensation.

Disclosable pecuniary interests are the ones you are required to list in boxes 1-7 of your registration of interest form. The definition is set out in full later in this document but in summary these are:

- Things you or your spouse or partner get paid for doing (including being a paid councillor at another local authority)
- Sponsorships
- Land you or your spouse own or rent (for example your home)
- ECC land which you or your spouse or partner or businesses occupy as a result of an agreement with ECC
- Significant share holdings of you or your spouse or partner
- Contracts between you and others with ECC.

If an item of business particularly affects anything listed in the above then you need to declare **and**, unless you have a dispensation, you **must** leave the room when the business is considered.

Code Interests

If you have a DPI in a matter then you don’t need to consider code interests.

Code interests are defined by the ECC Code of Conduct. There is a two stage test:

Stage 1: You have a Code Interest – which must be declared - if either

- (a) it affects the well-being or financial position of someone or something listed anywhere in the registration of interests form;
- (b) it affects your well-being or financial position (or that of a friend or close associate) more than it affects residents of the affected division generally.

Stage 2: If you have a code interest then, as well as declaring it, you must leave the room when the item is being considered if a member of the public who knew all the facts would believe that the interest would affect your consideration of the public interest. You can of course stay if you have a dispensation.

These are the only types of interest that have to be declared.

Things which do not give rise to an interest:

(1) Matters that mainly relate to your Division

The fact that you represent a division does **not** automatically mean you have an interest in it. You would have an interest if an item particularly affected your home or your employer, but the fact that you are the local member does not give rise to an interest. By all means mention that you are a local member, if you wish to - but you are not required to do this and this is not declaring an interest. See later on for guidance about how to do this.

(2) Membership of ECC Cabinet or an ECC committee

The fact that you are a member of the Corporate Parenting Panel or a Scrutiny Committee or Audit Committee does not give rise to an interest. Again, you may mention this if you so wish, but you are not required to.

Good Practice examples of what to say

You must say:

The type of interest

What the interest is

It is good practice to say whether or not you will remain in the room during the consideration of the item.

DPI: 'I have a disclosable pecuniary interest in item 5 as the road affected runs past my home, and I will therefore be withdrawing from the room when that item is being considered'

DPI (covered by a dispensation): 'I have a disclosable pecuniary interest in item 5 as the proposal is to support a project by Xtown District Council and I am a member of that Council. However, I have a dispensation which allows me to speak and vote.'

Code Interest (withdrawing): 'I have a Code interest in item 5 as this item involves the demolition of a house owned by a good friend of mine and I will therefore be withdrawing from the room when that item is being considered'.

Code interest (remaining): "I have a code interest in item 5 which is a planning application submitted by Tesco. I am aware that a distant relative has a Saturday job in a branch of Tesco but I have been advised that I can participate in this item of business.

Mention (no interest): NB You do not need to mention anything which is not a formal interest, but some members at ECC feel more comfortable doing this.

'I wish to mention that this item particularly affects my Division, although I don't have a formal interest to declare and I will participate in the debate.'

FAQ

Can the same interest give rise to a Code Interest and a DPI?

No. If you have a DPI, then you don't need to consider the Code further. However, if you do not have a DPI then you should consider whether you have a code interest.

When should I declare an interest?

Declare at the start of the meeting if possible, but if you forget, or don't realise that you have an interest, then declare it at the start of the item of business – or as soon as you realise.

What's a dispensation?

A dispensation is a document issued by the Council which says that a member can stay in the room even if they have an interest. ECC will usually issue a dispensation where the interest arises from membership of another public authority, but the dispensation doesn't apply to granting a planning permission, licence or awarding a contract to another body.

What advice is available about declaring interests?

The rules about declaring interests can be complicated. It is wise to obtain advice before a meeting starts – preferably a few days beforehand. The monitoring officer or deputy are very happy to help. You can request advice by email or phone. Please help us to help you by asking for advice as early as possible. Some advice will always be available at the meeting.

When should I declare a 'non-pecuniary interest'?

The term 'non pecuniary interest' has had no relevance at ECC since 2001 and you should not declare such an interest. If you do declare a 'non pecuniary interest' in error then this will be recorded in the minutes as a 'code interest'.

How can membership of another local authority be a 'pecuniary interest'?

The law defines DPI as including an office 'carried on for profit'. If you receive payment other than out of pocket expenses then you are regarded as making a profit – members are motivated by the desire to serve the public but the fact remains that they are still receiving payment for the hours spent in the role.

What about decisions taken by officers or by the Cabinet Member?

If you are consulted and have an interest then you should mention this in your response. The declaration should be recorded in the record of decision.

Do I have to declare interests relating to my previous employer who pays me a pension?

Almost certainly not. You would only have to declare an interest in a decision which has such a significant impact on your employer's pension fund that it affects your

own financial position. Unless the decision is very big or your former employer is very small then this will not apply.

What is a full list of DPIs?

A member has a Disclosable Pecuniary Interest if they or their partner have an interest of a description set out in paragraphs (1) to (7) below.

(1) Any employment, office, trade, profession or vocation carried on for profit or gain;

(2) Any payment or provision of any other financial benefit (other than from the Council) made or provided within the previous twelve months in respect of any expenses incurred by the member in carrying out duties as a Member, or towards election expenses. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992;

(3) Any contract for goods, services or works which has not been fully discharged between the relevant person (or a body in which the relevant person has a beneficial interest) and the Council;

(4) Any beneficial interest in any land in the Council's area;

(5) Any licence of any land in the Council's area (alone or jointly with others) to occupy land for a month or longer;

(6) Any tenancy where to the Member's knowledge (a) the landlord is the Council and (b) the tenant is a body in which a relevant person has a beneficial interest;

(7) Any beneficial interest in securities of a body where:

1. that body (to the Member's knowledge) has a place of business or land in the area of the Council; and

2. either:

(a) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or

(b) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.

What is the full definition of a Code interest?

You have a '**Code interest**' in matters falling within any of the descriptions which are not a **disclosable pecuniary interest**:

*(i) Any contract for goods, services or works which has not been fully discharged between you, your spouse or partner or a body in which the relevant person has a beneficial interest and a **body controlled by the Authority**;*

(ii) Any contract with the Authority which has expired within the last 2 years and which was, when it was in force, a **disclosable pecuniary interest**.

(iii) Any tender, bid or quotation submitted within the last 2 years to the Authority which would, if accepted, have amounted to a **disclosable pecuniary interest**. Tenders, bids or quotations are not required to be registered until 28 days after the last date for the submission of tenders, bids or quotations.

(iv) Any body of which you are a member or in which you hold a position of general control or management and to which you have been appointed or nominated by the Authority;

(v) Any other body of which you are a member or in which you hold a position of general control or management -

a. which exercises functions of a public nature;

b. which is directed to charitable purposes; or

c. one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union);

(vi) Any matter which might reasonably be regarded as affecting the well-being or financial position of:

1. yourself

2. a body in which you have a **Disclosable Pecuniary Interest** or a **Code interest**,

3. a friend, relative or close associate

to a greater extent than the majority of other council tax payers or inhabitants of the electoral division affected by the decision.

An interest which is a **Disclosable Pecuniary Interest** is not a **Code interest**.

Version 0 – Draft January 2017

(SC/03/17)	
Report title: Essex County Council - Standards Review of 2016”	
Report to: Essex CC and Essex FA Joint Standards Committee	
Report author: Paul Turner – ECC Monitoring Officer	
Date: 25 January 2017	For: Decision
Enquiries to: Paul Turner – paul.turner@essex.gov.uk 03330 134591	
County Divisions affected: All Essex	

1. Purpose of Report

- 1.1 To present an overview of standards issues and developments at Essex County Council over the last year.

2. Recommendations

- 2.1 That the report be noted.
- 2.2 That the Committee decide who they think should undertake training following the 2017 ordinary elections to the County Council.

3. Review

- 3.1 The Joint Standards Committee is charged with the development and maintenance of high standards of conduct by members and co-opted members of the Council and the Fire Authority. This report sets out issues and developments of note relating to calendar year 2016. It is intended that a similar report should be made annually.

Registration of interests

- 3.2 In recent years the Council has not sent regular reminders to Members asking them to review their entry on the code of conduct. In February 2016 the Standards Committee asked the Monitoring Officer to send reminders at six monthly intervals. Mailings were sent in March, May and November 2016. The March mailing was undertaken at the request of the Committee and the May mailing was needed as a result of the adoption of a new code of conduct at the annual meeting of the Council in May 2015 which changed the rules about what was registrable.
- 3.3 An automated system has been created so that all members can be sent a personal link to their register of interest page in a few moments. Each reminder to Members has resulted in a significant number of changes to the register. The view of the monitoring officer is that reminders sent at six month intervals continue to be appropriate, but this should be kept under review.

- 3.4 Work has also been done in an effort to improve Members' experience in registering interests. For the first time, comprehensive guidance on registration of interests has been sent to all members of the Council. In addition, the form has been redesigned to emphasise the importance of registering the interests of the Member's spouse or partner as well as their own interests. To date, we have not required all members to respond to the reminder or use the new form, but we but intend to require all members to complete a new form following the May 2017 elections to the County Council.
- 3.5 From the public perspective, the publication of the register of interests has been improved so that the register is now shown as printed text on the website. This is a significant improvement over the previous register, which was a series of scanned forms, some of which had been amended numerous times and were becoming difficult to follow. We are working with the external supplier of the web based database to further improve to how the register is displayed. At present the interests of members and their spouses/partners are not displayed separately.

Declaration of Interests at meetings

- 3.6 Guidance on declaring interests has been provided on a proactive and reactive basis by the Monitoring Officer and his deputy. A guidance note has been produced for consideration by the Joint Standards Committee.

New Code of Conduct

- 3.7 In May the Council adopted a new code of conduct. The new code simplifies the rules on declaring interests and clarifies a number of provisions of the code. The Essex Fire Authority adopted an identical code of conduct at its annual meeting in June 2016.

Training

- 3.8 A 1 hour training session was offered to all ECC members around the time of the annual meeting in 2016. Approximately 20 members attended the training session.
- 3.9 A two of training sessions will be arranged following the May 2017 elections to the County Council, to ensure that all members have the opportunity to attend. If this proves insufficient, further events will be provided.
- 3.10 The training is expressed to be mandatory and attendance records are kept but those records have not been more widely considered.
- 3.11 The Committee is asked whether it wishes to receive a report on attendance and who should attend. The options are:
- All members
 - All members other than those re-elected to ECC in 2017.

- All members who have not previously received standards training at another Essex local authority since 2012.

3.12 At present around 75% of ECC members are members of another local authority. It could be seen as duplication to ask all councillors to attend ECC training if they have recently attended training provided by an Essex District Council. However, whilst the ECC code is similar to that used by Essex districts, in practice each authority has customised a standard code and the rules are not exactly the same between any two councils.

Dispensations

3.13 This year, following uncertainty over whether remunerated membership of another public body is a 'disclosable pecuniary interest', Standards Committee agreed that dispensations could be granted to twin hatted members. Dispensations are now routinely granted. This aligns the current position at ECC with that under the old code and minimises the risk that a member could be accused of participating with a DPI arising from a member of another local authority.

Webpage

3.14 A brief webpage has been added to the ECC website to explain how members of the public can make complaints against Councillors.

Complaints received

3.15 A total of 9 complaints were received in 2016, including one self-referral. The outcome of those complaints was:

Complaint formally withdrawn: 1

Not proceeded with by complainant: 3

This commonly arises where the complaint has been submitted in a letter which gives insufficient information and the complainant has been asked to complete the ECC complaint form but has not done. Sometimes we have received informal information from the complainant or otherwise which suggests that the issue has been resolved.

Decision not to investigate: 3

Investigated but not referred to committee following consultation with independent person: 1

Investigated and referred to committee: 1

Categories of complaint:

3.16 The complaints can broadly be categorised as follows:

Non-response to correspondence: 2

Registration/Declaration of interests: 1

Failure to treat with respect: 5

Service complaint: 1

Commentary on complaints received.

- 3.17 This is the first full year that comprehensive statistics have been maintained for complaints against Members. It is not possible to give any information about trends. Seven complaints were received in the first half of 2016 compared to two in the second half of the year. The complaints do not appear to give rise to any general concerns about standards at Essex County Council.

Elections

- 3.18 In readiness for the elections the social media protocol has been updated and guidance is being sent to members about particular issues relating to standards and communications.

4. List of background papers

None