

West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

| | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|--|--|---------------|---------------|---------------------|-----------------------|--|-------------------------|------------------------|--|---------------------|-------------|---------------|--------------------|---------------|--|--------------------|--------------|--|-------------------|--|--|--------------------------|--|---------------|-------------------|--|--|---------------------|--|------------|-------------------|--|--|
| Title: | Agenda | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Date: | Monday 15 December 2014 | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Time: | 6.00 pm | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Venue: | Council Chamber District Offices College Heath Road Mildenhall | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Full Members: | <p style="text-align: center;">Chairman Eddie Stewart</p> <p style="text-align: center;">Vice Chairman Jim Thorndyke</p> <table style="width: 100%; border: none;"> <tr> <td style="text-align: center;"><u>Forest Heath</u></td> <td style="text-align: center;"><u>St Edmundsbury</u></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>District Council</u></td> <td style="text-align: center;"><u>Borough Council</u></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>Conservative</u></td> <td style="text-align: center;">Carol Lynch</td> <td style="text-align: center;">Jim Thorndyke</td> </tr> <tr> <td style="text-align: center;"><u>Members (3)</u></td> <td style="text-align: center;">Eddie Stewart</td> <td></td> </tr> <tr> <td style="text-align: center;"><u>Independent</u></td> <td style="text-align: center;">Roger Dicker</td> <td></td> </tr> <tr> <td style="text-align: center;"><u>Member (1)</u></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>Independent Group</u></td> <td></td> <td style="text-align: center;">Derek Redhead</td> </tr> <tr> <td style="text-align: center;"><u>Member (1)</u></td> <td></td> <td></td> </tr> <tr> <td style="text-align: center;"><u>Labour Group</u></td> <td></td> <td style="text-align: center;">Bob Cockle</td> </tr> <tr> <td style="text-align: center;"><u>Member (1)</u></td> <td></td> <td></td> </tr> </table> | | | <u>Forest Heath</u> | <u>St Edmundsbury</u> | | <u>District Council</u> | <u>Borough Council</u> | | <u>Conservative</u> | Carol Lynch | Jim Thorndyke | <u>Members (3)</u> | Eddie Stewart | | <u>Independent</u> | Roger Dicker | | <u>Member (1)</u> | | | <u>Independent Group</u> | | Derek Redhead | <u>Member (1)</u> | | | <u>Labour Group</u> | | Bob Cockle | <u>Member (1)</u> | | |
| <u>Forest Heath</u> | <u>St Edmundsbury</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>District Council</u> | <u>Borough Council</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Conservative</u> | Carol Lynch | Jim Thorndyke | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Members (3)</u> | Eddie Stewart | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Independent</u> | Roger Dicker | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Member (1)</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Independent Group</u> | | Derek Redhead | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Member (1)</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Labour Group</u> | | Bob Cockle | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| <u>Member (1)</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Substitutes: | <u>Conservative</u> | Rachel Hood | Angela Rushen | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| | <u>Members (2)</u> | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Interests – Declaration and Restriction on Participation: | Members are reminded of their responsibility to declare any disclosable pecuniary interest not entered in the Authority's register or local non pecuniary interest which they have in any item of business on the agenda (subject to the exception for sensitive information) and to leave the meeting prior to discussion and voting on an item in which they have a disclosable pecuniary interest. | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Quorum: | One Member from each Authority | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Committee administrator: | Helen Hardinge Committee Administrator & FHDC Scrutiny Support Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

Agenda

Page No

Procedural Matters

Part 1 - Public

1. Apologies for Absence

2. Substitutes

The Member who is substituting for another Member should so indicate together with the name of the relevant absent Member.

3. Public Participation

Members of the public are invited to put questions/statements of not more than 3 minutes duration relating to items to be discussed in Part 1 of the agenda only.

4. Minutes

1 - 4

To confirm the minutes of the meeting held on 16 June 2014 (copy attached).

5. Summary of Complaints Received for 2014

5 - 8

Report No: **JST/JT/14/001**
Lead Officers: Joy Bowes and Peter Heard

6. Urgent Business

Such other business which, in the opinion of the Chairman, should be considered as a matter of urgency to be specified in the minutes.

7. Exclusion of the Press and Public

To consider whether the press and public should be excluded during the consideration of the following items of business because it is likely, in view of the nature of the business to be transacted or the nature of the proceedings, that if members of the public were present during the items there would be disclosure to them of exempt categories of information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item and, in all circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

Part 2 - Exempt

8. Report of Code of Conduct Investigation (para 1)

9 - 22

Report No: **JST/JT/14/002**

Lead Officers: Joy Bowes and Peter Heard

(This item is to be considered under paragraph 1 of Schedule 12A of the Local Government Act 1972, as it contains information relating to an individual(s) and information which is likely to reveal the identity of an individual)

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MINUTES of the **WEST SUFFOLK JOINT STANDARDS COMMITTEE** held at West Suffolk House, Western Way, Bury St Edmunds on Monday 16 June 2014 at 6.00pm.

PRESENT:

Councillors:

Forest Heath District Council

R Dicker
Mrs C F J Lynch
E Stewart

St Edmundsbury Borough Council

B Cockle
D Redhead
J Thorndyke

Also in attendance:

J Bowes, Head of Legal and Democratic Services/Monitoring Officer
H Hardinge, Committee Administrator & FHDC Scrutiny Support

APOLOGIES

There were no apologies for absence.

SUBSTITUTES

There were no substitutes at the meeting.

031. **ELECTION OF CHAIRMAN FOR 2014/2015**

The Head of Legal and Democratic Services reminded Members that in the Joint Committee's Terms of Reference it stated that the chairmanship should be annually rotated between the two authorities.

Accordingly, Councillor B Cockle nominated Councillor E Stewart as Chairman and this was seconded by Councillor D Redhead, and with the vote being unanimous, it was

RESOLVED:

That Councillor E Stewart be elected Chairman for 2014/2015.

Councillor Stewart then took the Chair for the remainder of the meeting and requested nominations for the appointment of the Vice-Chairman.

032. **APPOINTMENT OF VICE-CHAIRMAN 2014/2015**

Councillor B Cockle nominated Councillor J Thorndyke as Vice-Chairman and this was duly seconded, and with the vote being unanimous, it was

RESOLVED:

That Councillor J Thorndyke be appointed Vice-Chairman for 2014/2015.

Councillor R Dicker joined the meeting at 6.03pm following consideration of the above item.

033. **PUBLIC PARTICIPATION**

There were no questions/statements from members of the public.

034. **CONFIRMATION OF MINUTES**

The minutes of the meeting held on 3 March 2014 were unanimously accepted by the Committee as an accurate record and signed by the Chairman.

035. **EXCLUSION OF THE PRESS AND PUBLIC**

So that the Joint Committee could make reference to and pose questions with regard to the application forms as set out in the exempt appendices attached to the agenda it was necessary to exclude the press and public from the meeting.

Therefore, with the vote being unanimous, it was

RESOLVED:

That, under Section 100(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as prescribed in Part 1 of Schedule 12A of the Local Government Act 1972, and indicated against each item.

036. **APPOINTMENT OF INDEPENDENT PERSONS (REPORT NO JST14/006)**

Prior to the consideration of this item Councillor B Cockle advised that he knew the two references used by Candidate 2. The Head of Legal and Democratic Services thanked the Councillor for his disclosure but explained that this did not constitute any form of interest.

This report reminded Members that as part of the recruitment of two Independent Persons (IPs) for West Suffolk it was agreed at the meeting of the Joint Committee on 3 March 2014 for a short-list of candidates for interview to be brought before the Committee in order to allow Members to make comment.

Accordingly the application forms of the three candidates that had been selected for interview were attached to the agenda as exempt appendices 1, 2 and 3.

Interviews had been undertaken by the Head of Legal and Democratic Services together with the outgoing Chairman and Vice-Chairman of the Joint Committee (Councillors D Redhead and E Stewart) on 11 June 2014. Unfortunately Candidate 1 had been unable to attend due to being away on holiday so the panel interviewed just Candidates 2 and 3.

The Chairman and the Head of Legal and Democratic Services explained that both candidates interviewed well and were, in their opinion, entirely capable of acting as an IP. Both of the candidates resided within West Suffolk and the panel considered them to be representative of the diversity of the region. Accordingly, Candidates 2 and 3 were recommended by the panel for appointment.

The Head of Legal and Democratic Services explained that the appointments recommended by the Joint Committee would be confirmed by both authorities' full Councils on 30 June 2014 (St Edmundsbury Borough Council) and 16 July 2014 (Forest Heath District Council).

Members raised questions with regard to the term of office of the IPs. The Head of Legal and Democratic Services explained that the term was not prescribed; however, she would recommend two-years.

Therefore, with the vote being unanimous, it was

RESOLVED:

That Candidates 2 and 3 be appointed as the West Suffolk Independent Persons (IPs) for two-years, subject to confirmation by both authorities' full Councils on 30 June 2014 (St Edmundsbury Borough Council) and 16 July 2014 (Forest Heath District Council).

Prior to close of the meeting the Chairman requested that, on behalf of all Members present, thanks be formally recorded to Councillor D Redhead for his work as Chairman of the Joint Committee during the previous year.

The meeting closed at 6.14pm.

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West Suffolk Joint Standards Committee



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|---|---|---|
| Title of Report: | Summary of Complaints Received for 2014 | |
| Report No: | JST/JT/14/001 | |
| Decisions plan reference: | Not Applicable | |
| Report to and date: | West Suffolk Joint Standards Committee | 15 December 2014 |
| Lead officer: | Joy Bowes Monitoring Officer Tel: 01284 757141 Email: joy.bowes@westsuffolk.gov.uk | Peter Heard Deputy Monitoring Officer Tel: 01638 719309 Email: peter.heard@westsuffolk.gov.uk |
| Purpose of report: | To provide Members with a summary of the complaints received under the Code of Conduct in 2014. | |
| Recommendation: | It is <u>RECOMMENDED</u> that the Committee notes the report. | |
| Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i> | <i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/> | |
| Consultation: | <ul style="list-style-type: none"> Consultation is not appropriate for this report | |
| Alternative option(s): | <ul style="list-style-type: none"> None | |
| Implications: | | |
| Are there any financial implications? <i>If yes, please give details</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Are there any staffing implications? <i>If yes, please give details</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Are there any ICT implications? <i>If yes, please give details</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |
| Are there any legal and/or policy implications? <i>If yes, please give details</i> | Yes <input type="checkbox"/> | No <input checked="" type="checkbox"/> |

| | | | |
|--|---|--|---------------------------------------|
| Are there any equality implications? If yes, please give details | | Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> | |
| Risk/opportunity assessment: | | <i>(potential hazards or opportunities affecting corporate, service or project objectives)</i> | |
| Risk area | Inherent level of risk (before controls) | Controls | Residual risk (after controls) |
| Not applicable | Low/Medium/ High* | | Low/Medium/ High* |
| Ward(s) affected: | | All Wards | |
| Background papers: <i>(all background papers are to be published on the website and a link included)</i> | | None | |
| Documents attached: | | None | |

1. Key issues and reasons for recommendation(s)

1.1 **Complaints**

- 1.1.1 In the calendar year 2014 to date 12 complaints against councillors have been received.

| FHDC | SEBC | PARISH/TOWN |
|-------------|-------------|--------------------|
| 3 | 1 | 8 (2 FHDC, 6 SEBC) |

The number of complaints over the year amount to an average of about one complaint per month. The level of complaints does not appear to be showing significant change since the new regime was introduced, nor is there any pattern emerging that would give cause for concern. Members are therefore asked simply to note this response as no action is required.

1.2 **Outcomes**

- 1.2.1 One complaint concerned three members of the same parish council and arose out of the conduct of council meetings. Training on Bias and Predetermination was recommended and the Monitoring Officer offered to give the training at no cost. Nothing further has been heard from the parish council and, while we have no power to impose the training, or sanction them for not taking it up, we have written to the clerk to find out if they acted on the recommendation.

After the initial consideration, no further action was required in nine cases.

One case went to an investigation and is the subject of a report to this committee.

An apology was proposed as further action in two cases.

2. **Matters Alleged**

- 2.1 The matters alleged mainly concerned possible breaches of Paragraph 1 of the Code concerning treating others with respect – both in what was said, what was written and the councillor's behaviour.

In one case the complaint was not pursued because at the time of the conduct complained of the Councillor was not carrying out the role of councillor.

There were two allegations around alleged failure to make a declaration of interests, but these were not found to be substantiated.

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