

West Suffolk

Joint

Standards

Committee

Title:	Agenda												
Date:	Monday 26 June 2017												
Time:	5.00 pm												
Venue:	Room GFR13 West Suffolk House Western Way Bury St Edmunds												
Full Members:	<p style="text-align: center;">Chairman: To be elected Vice-Chairman: To be elected</p> <table style="width: 100%; border: none;"> <tr> <td style="width: 33%;"></td> <td style="width: 33%; text-align: center;"><u>St Edmundsbury</u> <u>Borough Council</u></td> <td style="width: 33%; text-align: center;"><u>Forest Heath</u> <u>District Council</u></td> </tr> <tr> <td style="vertical-align: top;"><u>Conservative</u> <u>Members (4)</u></td> <td style="vertical-align: top;">Jim Thorndyke</td> <td style="vertical-align: top;">Chris Barker David Bowman Rona Burt</td> </tr> <tr> <td style="vertical-align: top;"><u>Charter Member (1)</u></td> <td style="vertical-align: top;">Bob Cockle</td> <td></td> </tr> <tr> <td style="vertical-align: top;"><u>UKIP Member (1)</u></td> <td style="vertical-align: top;">John Burns</td> <td></td> </tr> </table>		<u>St Edmundsbury</u> <u>Borough Council</u>	<u>Forest Heath</u> <u>District Council</u>	<u>Conservative</u> <u>Members (4)</u>	Jim Thorndyke	Chris Barker David Bowman Rona Burt	<u>Charter Member (1)</u>	Bob Cockle		<u>UKIP Member (1)</u>	John Burns	
	<u>St Edmundsbury</u> <u>Borough Council</u>	<u>Forest Heath</u> <u>District Council</u>											
<u>Conservative</u> <u>Members (4)</u>	Jim Thorndyke	Chris Barker David Bowman Rona Burt											
<u>Charter Member (1)</u>	Bob Cockle												
<u>UKIP Member (1)</u>	John Burns												
Substitutes:	<u>Conservative</u> <u>Members (2)</u> Vacancy Brian Harvey												
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:	Three Members												
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk												

Agenda

Page No

Procedural Matters

Part 1 - Public

1. Election of Chairman for 2017/2018

2. Election of Vice-Chairman for 2017/2018

3. Apologies for Absence

4. Substitutes

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

5. Public Participation

Members of the public who live or work in the District are invited to put one question or statement of not more than three minutes duration relating to items in Part 1 of the agenda only. If a question is asked and answered within three minutes the person who asked the question may ask a supplementary question that arises from the reply. A person wishing to speak must register to speak at least 15 minutes before the time the meeting is scheduled to start. There is an overall time limit of 15 minutes for public speaking which may be extended at the Chairman's discretion.

6. Minutes

1 - 4

To confirm the minutes of the meeting held on 13 April 2017 (copy attached).

7. Update on Standards Activity

5 - 12

Report No: **JST/JT/17/002**

8. Exclusion of the Press and Public

To consider whether the press and public should be excluded during the consideration of the following items 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

- 9. Report No. JST/JT/17/002 Appendices A and C - List of Standards Cases 2015-2017 and Report on a Standards Case (Paragraphs 1 and 2) 13 - 18**

(These Appendices A and C to Report No: JST/JT/17/002 'Update on Standards Activity' are to be considered under Paragraphs 1 and 2 of Schedule 12A of the Local Government Act 1972, as they contain information relating to an individual(s) and information which is likely to reveal the identity of an individual)

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West Suffolk Joint Standards Committee



Minutes of a meeting of the **West Suffolk Joint Standards Committee** held on **Thursday 13 April 2017** at **6.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

St Edmundsbury Borough Council

Forest Heath District Council

John Burns
Jim Thorndyke

Chris Barker
David Bowman

Substitutes attending:

Angela Rushen

Brian Harvey

24. **Election of Chairman for 2016/2017**

This being the first meeting of the West Suffolk Joint Standards Committee since both Authority's Annual Meetings in May 2016, the Monitoring Officer opened the meeting and asked for nominations for the Chairman of the Committee for 2016/2017.

Members were advised that whilst nothing was stipulated in the Terms of Reference, it had been practice since the Joint Committee was formed for the chairmanship to be annually rotated between the two authorities. The chairmanship for 2015/2016 had been held by St Edmundsbury Borough Council.

Councillor Jim Thorndyke nominated Councillor David Bowman as Chairman and this was seconded by Councillor Chris Barker.

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor David Bowman be elected Chairman for 2016/2017.

Councillor Bowman then took the Chair for the remainder of the meeting.

25. **Election of Vice-Chairman for 2016/2017**

The Chairman requested nominations for the election of the Vice-Chairman of the Joint Committee.

Councillor Brian Harvey nominated Councillor John Burns as Vice-Chairman and this was seconded by Councillor Chris Barker.

There being no other nominations, the motion was put to the vote and with the vote being unanimous, it was

RESOLVED:

That Councillor John Burns be elected Vice-Chairman for 2016/2017.

26. **Apologies for Absence**

Apologies for absence were received from Councillors Rona Burt (FHDC) and Bob Cockle (SEBC).

27. **Substitutes**

Councillor Brian Harvey attended the meeting as substitute for Councillor Rona Burt and Councillor Angela Rushen attended the meeting as substitute for Councillor Bob Cockle.

28. **Public Participation**

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

29. **Minutes**

On consideration of the minutes of the meeting held on 19 August 2015 Councillor John Burns raised a question with regard to Minute Number 23. (Code of Conduct Investigation) and asked if the Councillor in question had received the necessary training.

The Monitoring Officer explained that as she was new to the role and had not been employed by the West Suffolk Councils in 2015 she was unaware if the training had been undertaken. Accordingly, she would look into this matter and would send a response to all Members of the Joint Committee by email.

The minutes of the meeting held on 19 August 2015 were then unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

30. **Appointment of Independent Person(s) (Report No: STD/JT/17/001)**

The Monitoring Officer reminded the Committee that in June 2014 the West Suffolk Councils had jointly appointed two Independent Persons (Mr Arnold Barrow and Mrs Joy Inameti) under the Localism Act 2011; in order for their views to be sought and taken into account before a decision was made on an

allegation that a District, Borough, Parish or Town Councillor had breached the Code of Conduct.

These two appointments were now due to expire and the purpose of the report was to seek the endorsement of the Joint Committee for the necessary recruitment process.

Members were advised that Mrs Inameti had decided to stand down from the role due to work commitments. However, Mr Barrow had indicated that he would be happy to continue for a further term, and it was for Members to decide if they wished to agree this.

The Joint Committee was asked to give consideration to the recruitment process in respect of the proposed timetable (as set out in Paragraph 1.1.8 of the report) and to advise of their preference for a payment structure for the Independent Persons.

In response to questions posed by Members, the Monitoring Officer advised that there was the option to use a national company to assist with the recruitment and any subsequent training of candidates. And it would be made clear within the advert that candidates were being sought who were locally based to West Suffolk.

It was proposed by Councillor Jim Thorndyke, duly seconded by Councillor David Bowman and it was unanimously

RESOLVED:

That:-

1. The process to appoint the Independent Person, as outlined in Paragraph 1.1.8, be agreed subject to:
 - I. The Vice-Chairman also being involved in the interview process; and
 - II. The West Suffolk Joint Standards Committee being advised of the recommendations for appointment by way of email, therefore negating the need to convene a meeting of the Joint Committee in w/c 29 May 2017.
2. The payment scheme be amended to a set annual rate of £25.00 per hour, with a maximum 4 hour (£100) cap; able to be extended at the discretion of the Service Manager (Democratic Services)/Monitoring Officer.
3. Mr Arnold Barrow be re-appointed as an Independent Person for a further term, under the new payment scheme (Recommendation 2 above).

31. **Standards Regime and the Joint Committee (Verbal)**

In light of the West Suffolk Joint Standards Committee not having met since August 2015 the Chairman permitted this verbal item to be discussed at the meeting.

Members raised concern that the Joint Committee had not met for nearly 2 years, as a result of which they felt they had a distinct lack of awareness of standards complaints within West Suffolk.

The Monitoring Officer reminded the Joint Committee that they had very little sanctions at their disposal under the new Standards Regime. And, as agreed by the Joint Committee in 2012 when it was formed, the process was for the Monitoring Officer to try to resolve most cases locally via the Independent Person.

Members were informed that the majority of complaints related to Town/Parish Councillors and not District/Borough. The Monitoring Officer advised the Joint Committee of an ongoing matter concerning Brandon Town Council (which was in the public domain) and agreed to update Members on this at their next meeting in June, together with a summary report of all other ongoing cases.

The Monitoring Officer also explained that she was in the process of reviewing the two West Suffolk Authorities' Constitutions in order to align elements such as the Members' Code of Conduct. This would be the subject of future reports.

Councillor Jim Thorndyke raised concern at some of the Declarations of Interest from Parish/Town Councillors which he believed were missing information. The Monitoring Officer explained that she intended to raise this at the next meetings of the Forest Heath and St Edmundsbury Parish Forums, and she would also raise it with SALC.

RESOLVED:

The verbal update/discussion was noted.

The meeting concluded at 6.46 pm

Signed by:

Chairman

West Suffolk Joint Standards Committee



Title of Report:	Review of Standards Activity	
Report No:	JST/JT/15/002	
Report to and date/s:	West Suffolk Joint Standards Committee	26 June 2017
Lead officer:	Leah Mickleborough Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	Following a request by the members of the Joint Standards Committee, this report has been prepared to update the Committee on current Standards Activity	
Recommendation:	It is <u>RECOMMENDED</u> that the West Suffolk Joint Standards Committee notes the contents of the review of activity, identifying any suggested further action that should be taken in respect of the matters raised.	
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:	n/a	
Alternative option(s):	n/a	
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? <i>If yes, please give details</i>	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)
Poor standards of governance leads to inappropriate behaviour and ineffective decision making	Low	Undertaking review of standards activity helps the Council understand where lessons can be learned for future improvement	Low
Ward(s) affected:		n/a	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		n/a	
Documents attached:		Appendix A: Standards Cases, March 2015 – April 2017 (Exempt) Appendix B: Procedure for handling standards complaints Appendix C: Monitoring Officer Report in respect of a Parish / Town Councillor (Exempt)	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 As District Councils, we have responsibility for considering complaints that Borough, District, Town and Parish Councillors have breached the Code of Conduct, and then determining what action should be taken where a breach has arisen. Any decision we make has to be subject to consultation with an Independent Person appointed for this purpose.

1.1.2 Since 2013, a Joint Standards Committee has operated at West Suffolk, which – when formed – agreed to adopt the practices of the former St Edmundsbury Standards Committee in handling complaints. This envisages that once a complaint has been received, the Monitoring Officer will seek the views of the subject of the complaint, then the Independent Person, and if possible will seek to resolve the matter locally. Complaints which have a significant public interest may be referred for further investigation, and subsequently be referred to the Standards Committee.

1.2 Standards Activity

1.2.1 Analysis of complaints raised over the past 2 years (ending 31 March) has identified the following:

Year	Complaints About:	Outcome – no breach	Outcome – breach	Total
2016/17	Parish	12	4	16
	District	0	0	0
	Borough	5	0	5
2015/16	Parish	5	1	6
	District	2	0	2
	Borough	6	2	8

More details in respect of the cases are included in Appendix A which has been anonymised and made exempt to enable the Committee to review.

1.2.3 Positively, standards appear to remain high within the Councils’ area. Only 3% of all District Councillors were subject to complaints during the past year, and complaints were upheld against only 0.6% of all Councillors.

1.2.4 A concerning trend is the growing number of complaints that are made within Town and Parish Councils – i.e. from employees or Councillors against other Councillors. In 2016/17, this accounted for 10 of the Parish and Town complaints as opposed to two of the complaints in 2015/16. Nearly all such complaints related to 3 Councils –although no new issues have been raised relating to one of these since August 2016.

1.2.5 It is disappointing that it seems in the majority of such complaints, the complainants had not sought to raise or discuss their issues with the subjects of the complaints to resolve them, and instead directly used the formal complaints procedure. Seeking to discuss and resolve issues at an early stage often leads to far better outcomes in the long term. The Monitoring Officer’s response to these complaints has been focused on these

constructive approaches, including recommending independent mediation in one instance.

General Procedures

- 1.2.6 A recent Judicial Review of a Standards Case has emphasised that it is for the District or Borough Council to consider allegations against Parish and Town Councillors, and to reach decisions on such breaches, including sanctions that should be employed. It is not for Parish Councils to change the sanctions suggested by the District or Borough Council.
- 1.2.7 There are limited grounds in which District or Borough Councils can intervene more generally in sovereign Parish Councils. This can cause frustration when the breakdown of relationships can impair the body from achieving strong, positive outcomes for their communities, which is what we would all want to achieve. A judgement call therefore has to be made on the level of engagement the District / Borough Council should undertake where Parish and Town Councils are experiencing challenging situations.
- 1.2.7 The current procedures are attached at Appendix B. There has been a small number of cases where concerns have been raised about standards procedures, as follows:
- The Monitoring Officer, following a recommendation from the Independent Person, has to make a judgement call on whether or not to pursue complaints for investigation, or whether to try to resolve matters locally. Investigations can be lengthy and challenging for all concerned. The Monitoring Officer will usually only refer matters for full investigation where there is no ability to resolve the matter locally; or the matter is particularly high profile; or they consider there is a strong public interest in doing so. Some complainants and subjects remain dissatisfied a more detailed investigation is not undertaken.
 - The details of complaints, and complainants (where they consent) are usually referred to the subject in the first instance to provide their views. It has been Council policy that the views of the subject will not be provided to the complainant (unless the complainant consents) on the grounds that these are personal views, which are subject to the data protection act. However, subjects could be asked in future whether they give consent to their views being shared.
 - Frustration continues to be expressed as to the range of sanctions available to the Monitoring Officer and the Standards Committee – particularly from those who want Councillors to be “thrown out” for what they see as poor behaviour. There has been no official indication that this position will be changing in the near future. However, the concern that this may lead to a significant increase in poor behaviour has not materialised – in fact, as above, standards remain high – and it also encourages all parties to work together to resolve issues for the longer term.

2 Registering Interests and Pecuniary Interests

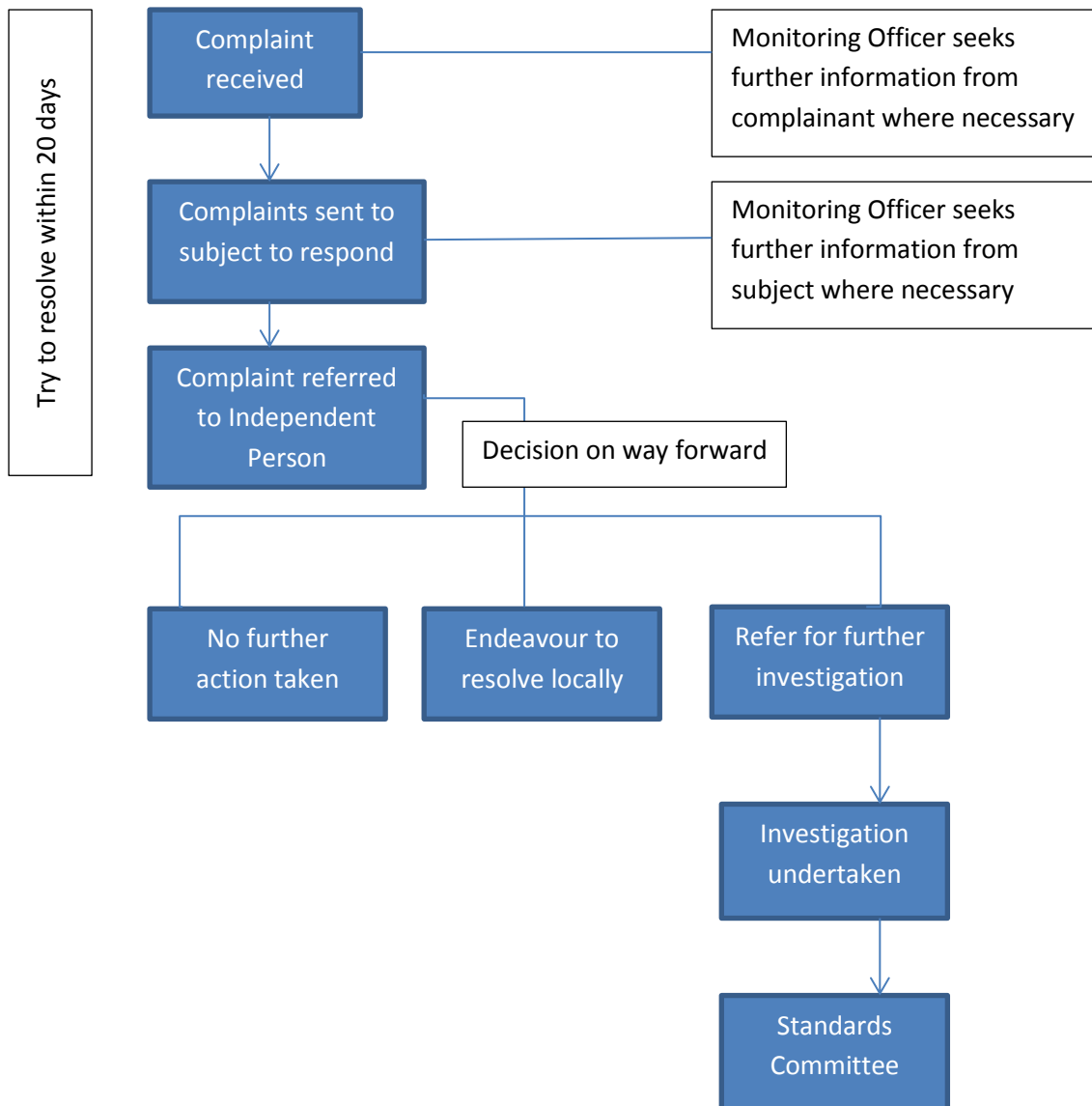
- 2.1 As members will be aware, it is a prosecutable offence to either fail to complete a register of interests within 28 days of election, or to fail to declare a pecuniary interest at a meeting where it is under discussion.
- 2.2 There has been a very small number of such cases arising across Suffolk since the Localism Act, however when matters arise, they are potentially very serious. With this in mind, the Suffolk Monitoring Officers Group are working on a protocol with Suffolk Police for handling such cases.
- 2.3 Responsibility for ensuring that Parish and Town Councillors maintain up to date registers of interests ultimately falls to the Councillors themselves. Democratic Services keep up to date records of all Councillor interest forms, which are published on the website. At present, 7.5% (11) of the 148 current Forest Heath Parish and Town Councillors, and 1.7% (7) of the current 427 St Edmundsbury Parish and Town Councillors have not completed an interest form.
- 2.4 Concern has also been raised regarding the accuracy shown when completing such forms, in that some (Parish and Town) Councillors have failed to list, for example, their own residential property which then raises concern as to other omissions on the relevant forms. However, again, this is the responsibility of the Councillor and Democratic Services have reminded clerks of the need to ensure the forms are completed accurately, and provided guidance to them.

3 Independent Person

- 3.1 At its previous meeting, the Standards Committee agreed a process for recruitment of an Independent Person.
- 3.2 We were fortunate in attracting an extraordinarily high calibre of candidate to the post, and interviews took place on 24th and 31st May 2017. As a result, Councils on 13 and 14 June agreed to appoint Mrs Zoe Finn.
- 3.3 The Monitoring Officer is working with colleagues across Suffolk to organise an Independent Persons training and networking day, to refresh Independent Persons on the latest developments in Standards Cases.

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Procedure for handling standards complaints



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of the Local Government Act 1972.

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