

West Suffolk

Joint

Standards

Committee

Forest Heath & St Edmundsbury councils



West Suffolk
working together

Title:	Agenda
Date:	Monday 11 December 2017
Time:	3.00 pm
Venue:	Council Chamber District Offices College Heath Road Mildenhall
Full Members:	<p style="text-align: center;">Chairman David Bowman</p> <p style="text-align: center;">Vice Chairman John Burns</p> <p style="text-align: center;"><u>St Edmundsbury</u> <u>Forest Heath</u> <u>Borough Council</u> <u>District Council</u></p> <p><u>Conservative</u> Jim Thorndyke Chris Barker <u>Members (4)</u> David Bowman Rona Burt</p> <p><u>Charter Member (1)</u> Bob Cockle</p> <p><u>Haverhill Indys</u> John Burns <u>Member (1)</u></p>
Substitutes:	<u>Conservative</u> Andrew Smith Brian Harvey <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:	Three Members
Committee administrator:	Helen Hardinge Democratic Services Officer Tel: 01638 719363 Email: helen.hardinge@westsuffolk.gov.uk

Agenda

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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 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.

4. Minutes

1 - 4

To confirm the minutes of the meeting held on 26 June 2017 (copy attached).

5. Update on Standards Activity

5 - 8

Report No: **JST/JT/17/003**

6. 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

- 7. Report No. JST/JT/17/003 Exempt Appendix 1: Standards Cases and Appendix 2: Challenging Cases (Paragraphs 1 & 2)** **9 - 12**

(These Appendices 1 and 2 to Report No: JST/JT/17/003 '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 **Monday 26 June 2017** at **5.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

St Edmundsbury Borough Council

Forest Heath District Council

John Burns
Jim Thorndyke

Rona Burt
Chris Barker
David Bowman

By Invitation:

Brian Harvey

32. **Election of Chairman for 2017/2018**

This being the first meeting of the West Suffolk Joint Standards Committee since both Authority's Annual Meetings in May 2017, the Monitoring Officer opened the meeting and asked for nominations for the Chairman of the Committee for 2017/2018.

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 2016/2017 had been held by Forest Heath District Council.

Some Members of the Joint Committee questioned the value of changing the chairmanship in light of the Joint Committee only having elected their Chairman and Vice-Chairman for 2016/2017 in April, just two months prior.

Accordingly, recognising the exceptional nature of the circumstances, Councillor Rona Burt proposed that Councillor David Bowman (FHDC) be elected as Chairman for 2017/2018, therefore enabling him to continue in the role, and this was duly seconded by Councillor Chris Barker.

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

RESOLVED:

That Councillor David Bowman be elected Chairman for 2017/2018.

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

33. **Election of Vice-Chairman for 2017/2018**

The Chairman nominated Councillor John Burns (SEBC) as Vice-Chairman for 2017/2018 and this was seconded by Councillor Chris Barker.

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

RESOLVED:

That Councillor John Burns be elected Vice-Chairman for 2017/2018.

34. **Apologies for Absence**

There were no apologies for absence.

Councillor Bob Cockle (SEBC) was unable to attend the meeting.

35. **Substitutes**

There were no substitutes present at the meeting.

36. **Public Participation**

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

37. **Minutes**

The minutes of the meeting held on 13 April 2017 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

38. **Review of Standards Activity (Report No: JST/JT/17/002)**

The Monitoring Officer presented this item which updated Members on current Standards activity for West Suffolk.

The report was produced following a request made at the last meeting of the Joint Committee on 13 April 2017.

Attention was drawn to the two exempt Appendices A and C, which were attached to the agenda. In order to facilitate discussion on these documents the Joint Committee resolved to move into Part 2 of the agenda.

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

With the vote being unanimous, it was

RESOLVED:

That, under Section 100(A) 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 Section 12A of the Local Government Act 1972 and indicated against each item.

40. **Review of Standards Activity (Report No: JST/JT/17/002) (Exempt: Paras 1 & 2)**

Considerable discussion took place within the exempt part of the meeting primarily on the concerning trend of the growing number of complaints made from within Town and Parish Councils.

Suggested ways of addressing this were proposed by Members as follows:

- Members of the Joint Standards Committee visit the Parish/Town Councils in question to provide assistance/guidance on standards;
- Facilitate, in conjunction with SALC, some form of peer-to-peer/engagement exercise for Parish/Town Council Clerks;
- Provide a training event on the standards regime to District and Borough Councillors alongside Parish Councillors; and
- Use the West Suffolk Parish Forums as a platform for communication to the Parish/Town Councils.

Discussion also took place with regard to elected Members' Declaration of Interest forms. Concern was raised that some Parish and Town Councillors' forms appeared to be missing from the website (presumably not having been received by the Borough or District Council).

The need to ensure that the regular review of the forms by Members was recorded/evidenced in some way was also discussed and the Monitoring Officer agreed to look into an appropriate way of facilitating this electronically. She would also arrange for a reminder to be sent to all District/Borough and Parish/Town Councillors in this respect.

Lastly, attention was drawn to Appendix C which outlined an ongoing case in respect of a Town Council and the Joint Committee's views were sought on the options for the next appropriate step. Members supported sending a letter to the Councillor to advise them that if they did not offer an apology to the complainant then the matter would be referred back to the Joint Committee, which could entail further sanctions being employed, including the potential for a press notice.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The West Suffolk Joint Standards Committee noted the contents of the review activity, as presented in Report No: JST/JT/17/002, and the Monitoring Officer be authorised to take the necessary appropriate action, as suggested by the Joint Committee, in respect of Parish/Town Council complaints;
2. With regard to the case set out in Appendix C of the report, a letter be sent to the Councillor to advise them that if they did not offer an apology to the complainant then the matter would be referred back to

the Joint Committee, with the potential for a notice in the local press being issued;

3. Officers issue a reminder to all West Suffolk elected Members (District/Borough/Town/Parish) to remind them to ensure that their Declarations of Interest were completed and accurate; and
4. Officers to explore ways in which Declarations of Interest could be reviewed and evidenced electronically.

The meeting concluded at 6.21 pm

Signed by:

Chairman

West Suffolk Joint Standards Committee



Title of Report:	Update on Standards Activity	
Report No:	JST/JT/17/003	
Lead officer:	Leah Mickleborough Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	To inform Members of the Joint Standards Committee on the work undertaken by the Monitoring Officer since the previous Committee in June 2017 and to seek additional views in relation to the consultation on Councillor Disqualification Criteria.	
Recommendation:	<p>It is recommended that the Joint Standards Committee:</p> <p>(1) Provides their views in relation to the Disqualification Criteria for Councillors as outlined in Section 1 of the report; and</p> <p>(2) Review the report, and make any recommendations they consider necessary to support the ongoing development of the Council’s ethical framework.</p>	
Key Decision:	<p><i>Is this a Key Decision and, if so, under which definition?</i></p> <p>No, it is not a Key Decision - <input checked="" type="checkbox"/></p>	
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"/>
Ward(s) affected:	None specifically
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Government Consultation on Disqualification Criteria for Councillors: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/645454/Disqualification_criteria_for_councillors_and_mayors.pdf
Documents attached:	Appendix 1: Standards Cases (Exempt) Appendix 2: Challenging Cases (Exempt)

1. Government Consultation on Disqualification Criteria for Councillors

1.1 In October, the Monitoring Officer circulated information to Councillors on a consultation the Government are undertaking on the disqualification criteria for Councillors. Councillors were generally in agreement regarding the proposals and a response is being prepared accordingly.

1.2 On review, Officers were concerned that one aspect, the proposals regarding individuals who are subject to a Sexual Risk Order (SRO), may have been understated in the consultation and, whilst the formal consultation closed on 8 December 2017, we have requested DCLG permission to use the meeting today to resolve our response and provide our views to them.

1.3 Initial views on sexual risk orders were provided by members before the recent controversies regarding sexual offences potentially committed by those in the public eye. Whilst the consultation made clear that someone subject to a SRO had not been convicted of an offence, what it did not indicate was that those subject to a SRO would have been assessed by the Police, who would have had to successfully apply to a magistrates court to be granted the Order.

1.4 There is limited information available as to what exactly an SRO is used for, although it is primarily where there is insufficient grounds to obtain a criminal conviction, or a conviction sought and there was insufficient evidence to secure a conviction, but ultimately the individual is deemed to present a risk. This could include cases of grooming of children and vulnerable adults; in one particularly high profile case, an individual could not be successfully prosecuted of rape on the grounds charged but significant evidence existed regarding the ongoing potential danger the individual presented to the public.

1.5 With this in mind, officers are concerned that some of those who have been given an SRO could present a risk of harm; and, given our safeguarding responsibilities, and the high profile nature of cases such as in Rotherham, there should be restrictions on those who are subject to SRO's from being Councillors.

Training and Support to Councillors

2.

2.1 At the last meeting, the Committee supported the proposal of refresher training for Councillors in standards and ethics. A session was held for all Councillors in October, which unfortunately did not attract a high turnout. Due to the growing number of complaints related to social media activities of Councillors (see below), the session's scope was increased to cover good practice in using social media. Two further drop-in sessions were arranged in November which gave Councillors the opportunity to speak to officers on a 1-2-1 basis on how to use social media most effectively. Sadly, again, few Councillors were able to attend but some have since asked for separate 1:1 sessions.

1.2 The Committee were also supportive to progressing training for Parish Councils on standards. The Monitoring Officer liaised with Suffolk Association of Local Councils, who identified this is part of their training packages offered (which a number of our Parish Councils and Councillors have participated in), however

they did not have any specific “West Suffolk” events which would provide the opportunity to roll-out such training. As a result, it is proposed to look to host two specific sessions for Parishes within West Suffolk in the new year.

- 1.3 Several members of the Standards Committee are also involved in the Joint Constitution Review Group. This group have now been reconvened to work towards a single constitution, and are starting by reviewing the Codes and Protocols of the Constitution. It is not proposed to amend the Code of Conduct for Councillors, which is adopted on a Suffolk-wide basis to encourage consistency, but they will be undertaking work to develop a new Protocol for Councillor / Officer working relations, Codes of Practice for Planning and Licensing, and re-develop non-constitutional guidance in areas such as Councillor use of social media, use of IT and management of records. All such documents provide significant support to Councillors in undertaking their roles effectively, demonstrating the high standards of conduct we expect.

3. Complaints

- 3.1 Exempt Appendix 1 contains records of all standards cases that have been dealt with since the last report in June 2017. The table below collates the cases received during the period July – November in comparison to previous “full year” statistics – overall, we have received more complaints than would have been expected at this stage.

Year	Complaints About:	Outcome – no breach	Outcome – breach	Open case	Total
July – Nov 2017	Parish	3	0	6	9
	District	1	1	0	2
	Borough	3	0	1	4
2016/17	Parish	12	4	0	16
	District	0	0	0	0
	Borough	5	0	0	5
2015/16	Parish	5	1	0	6
	District	2	0	0	2
	Borough	6	2	0	8

4. Independent Persons

- 4.1 In November, the Monitoring Officer arranged for Hoey Ainscough (the leading provider of training for Independent Persons) to provide a training session for local Independent Persons – the session was opened to all Independent Persons in Norfolk, Suffolk and Cambridgeshire to enable networking and sharing of experiences. The Monitoring Officer will verbally update the Joint Committee on the training session at the meeting.

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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