

West Suffolk

Joint

Standards

Committee

Forest Heath & St Edmundsbury councils

West Suffolk
 working together

Title:	Agenda
Date:	Monday 16 April 2018
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> Julia Wakelam</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 11 December 2017 (copy attached).

5. Local Government Ethical Standards: Consultation

5 - 12

Report No: **JST/JT/18/001**

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 on Complaint (Exempt: Para 1)

13 - 36

Report No: **JST/JT/18/002**

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West Suffolk Joint Standards Committee



Minutes of a meeting of the **West Suffolk Joint Standards Committee** held on **Monday 11 December 2017** at **3.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall IP28 7EY

Present: **Councillors**

Chairman David Bowman
Vice Chairman John Burns

St Edmundsbury Borough Council

Forest Heath District Council

Bob Cockle
Jim Thorndyke

Chris Barker

41. **Apologies for Absence**

Apologies for absence were received from Councillor Rona Burt.

42. **Substitutes**

There were no substitutes present at the meeting.

43. **Public Participation**

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

44. **Minutes**

The minutes of the meeting held on 26 June 2017 were unanimously accepted by the Committee as an accurate record and were signed by the Chairman.

45. **Update on Standards Activity (Report No: JST/JT/17/003)**

The Monitoring Officer updated the Committee on current Standards activity across West Suffolk.

It was brought to the Committee's attention that there had been a rise in the amount of complaints received in relation to the use of social media. The Monitoring Officer explained that one of the key factors in the rise was that the relevant individuals were not fully distinguishing their personal profiles

from their professional profiles. Member training and drop-in sessions on standards and social media had recently been offered to all Councillors as an opportunity for them to seek advice on how to use social media effectively.

The Chairman brought to the Committee's attention information that had previously been circulated by the Monitoring Officer in relation to a Government Consultation on the disqualification criteria for Councillors. A response to the consultation was being prepared, however on review, Officers had concerns that one aspect of the proposal, related to the subject of Sexual Risk Orders (SRO), had been understated in the consultation. It was felt that further discussion was required on the subject to provide an adequate response.

The Monitoring Officer explained how an individual might be subject to an SRO and how organisations such as the Council or Political Parties would be able to access such information about an individual.

A discussion was held by the Committee as to how the Council could enhance the nomination process for prospective candidates to ensure they fully understood the qualification criteria they had to meet to stand as a District, Borough or Parish Councillor. It was agreed that the Monitoring Officer would engage with the Elections Manager to find out more information on the nomination process.

The Monitoring Officer also updated the Committee on a recent training event that had been scheduled for Independent Persons. 12 people from various Local Authorities had attended and the feedback had been positive.

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

46. **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.

47. **Update on Standards Activity (Report No: JST/JT/17/003) (Exempt: Paras 1 and 2)**

The Monitoring Officer updated the Committee on the progress of particular Town and Parish Councils in relation to the number and nature of complaints that had been received throughout the year, as well as some recent staff changes.

Members discussed in detail possible actions that the Council could take in an attempt to reduce the amount of Parish and Town Councillor complaints that the Monitoring Officer received. The importance of having an effective Clerk who could assist in resolving minor internal disputes was highlighted, as well as a suggestion that all Parish and Town Councillors should undergo some form of compulsory Standards training during their term of office.

With the vote being unanimous, it was

RESOLVED:

That:-

1. The West Suffolk Joint Standards Committee noted the contents of Report No: JST/JT/17/003;
2. The West Suffolk Joint Standards Committee endorse the proposal to respond to the Department for Communities and Local Government (DCLG) consultation indicating that individuals subject to a Sexual Risk Order should be restricted from being a Councillor in future. The Monitoring Officer would explore ways to enhance the Council's nomination process to ensure individuals were aware of the disqualification criteria and report back to the Joint Committee at their next meeting.

The Meeting concluded at 4.01 pm

Signed by:

Chairman

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West Suffolk Joint Standards Committee



Title of Report:	Local Government Ethical Standards: Consultation	
Report No:	JST/JT/18/001	
Report to and date/s:	West Suffolk Joint Standards Committee – 16 April 2018	
Lead officer:	Leah Mickleborough Service Manager, Democratic Services / Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	The Committee for Standards in Public Life has recently launched a consultation into Local Government Ethical Standards. This report seeks the views of the Joint Standards Committee on the response from the West Suffolk Councils.	
Recommendation:	It is recommended that the West Suffolk Joint Standards Committee agrees the Council's response to the consultation, as attached at Appendix A.	
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	None	
Alternative option(s):	None proposed	
Implications:		
<i>Are there any financial implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any staffing implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any ICT implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any legal and/or policy implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	
<i>Are there any equality implications? If yes, please give details</i>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>	

Ward(s) affected:	No specific wards affected
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	Consultation available at: https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation
Documents attached:	Appendix A: Proposed response to consultation

1. Background

- 1.1 In February, the Committee for Standards in Public Life announced a consultation on ethical standards in local government. This follows a long-confirmed intention of the Committee to review local government standards, following the removal of the former Standards Board for England regime as a result of the Localism Act.
- 1.2 The terms of reference of the review are:
 - 1.2.1 Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
 - 1.2.2 Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 - 1.2.3 Make any recommendations for how they can be improved; and
 - 1.2.4 Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

2. West Suffolk Council Response

- 2.1 The Commission have provided a number of questions for respondents to consider, but have also requested that submissions total less than 2,000 words.
- 2.2 A proposed submission is attached at Appendix A for the Standards Committee to consider. Given the number of questions, the proposed response has been focussed on those matters which have initiated most debate amongst committee members, and been highlighted with the Monitoring Officer, rather than answering the specific questions, to enable the Council's response to most effectively reflect its own concerns.

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**Committee on Standards in Public Life
Consultation on Ethical Standards in Local Government**

**Proposed response from Forest Heath District Council and St Edmundsbury
Borough Council**

Forest Heath District Council and St Edmundsbury Borough Council work together as West Suffolk Councils. Together, the Councils are represented by 72 members, and serve an area including a further 85 Parish and Town Councils and in 2019, it is expected they will be part of one of the first District-tier reorganisations to create West Suffolk Council.

The Councils have agreed to operate a Joint Standards Committee, who have oversight of ethical governance, receiving reports on standards and governance activity, and periodically reports where significant or complex breaches of the Code of Conduct arise. We recognise that providing the right levels of support and training to enable Councillors to understand the expectations placed on them is the most effective way to support strong standards of governance.

We wish to highlight that on a general basis, Councillor behaviour is very good. Of several hundred Councillors in our area, in the past financial year, complaints were raised against 17 Councillors. Whilst some complaints are still in resolution, just 4 have been upheld which is consistent with prior years.

Structures and Processes for handling complaints and the Code

We appreciate the flexibility given to authorities to develop their own, localised regimes. We are aware that many authorities adopt similar practices to our own, with the Monitoring Officer addressing the vast majority of matters, and the more complex or significant matters being considered by the Standards Committee.

Whilst some were concerned that the new approach removed independence, in general, it is now quicker to resolve matters, especially as the expectation is that people are able to provide their views at an early stage, rather than a series of committees which could leave the affected Councillor feeling the last to know about complaints raised against them, and the complainant frustrated by the length of time to resolve issues. Now, more straightforward issues can be resolved in days, rather than weeks.

Similarly, there were concerns that Councillors would not be able to rise above local politics and make judgements against peers, or members of the same group. This has not materialised within our councils.

Sanctions

We remain concerned that the current regime does not present sufficient sanctions for local authorities where the most serious of conduct issues arise.

The failure to declare a pecuniary interest, or take part in discussion / debate with a pecuniary interest, carries a high penalty, reflecting the seriousness of the matter.

However, all other offences at the most could result in a press notice, a public apology or a recommendation of training for the Councillor. There is no requirement on them to comply.

Whilst this can carry a positive aspiration that there should be a robust training programme to help Councillors understand expectations, and to then work together to resolve problems where they do go wrong rather than issue punitive "punishments", there are a small number of cases where there is insufficient powers to deal with genuine poor behaviour. Sometimes, the fact that stronger sanctions can exist can encourage such individuals to comply with lesser sanctions or work with their peers to resolve issues.

In cases where a statutory officer is subject to disciplinary action, there are specific procedures in place to deal with this involving an independent panel and a vote of the full Council. Similar procedures could be implemented where the Monitoring Officer or Standards Committee considers it is warranted due to repeated poor behaviour, or significant concerns.

Parish and Town Councils

We are also particularly concerned about the arrangements for handling complaints related to Town and Parish Councillors. Approximately 2/3 of the complaints that the Council considers are made against Town and Parish Councillors, rather than District or Borough Councillors. In addition, the majority of complaints related to a small number of Parish or Town Councils.

Unfortunately, from time to time, there will be disagreements within Parish or Town Councils. Whilst there are generally systems within a District or Borough Council to address this, in Parishes many sides choose to resort to using the standards regime to resolve issues, rather than working together to resolve their differences.

This can become particularly endemic in Parishes where factions form, and either the Chairman or the Clerk is not empowered, or capable to be able to resolve problems. Whilst some complaints can be considered "tit-for-tat", this can mask poor behaviour which can then escalate.

The net result is that Parishes and Towns quickly become dysfunctional, with no party having any powers or duties to resolve these. Potential resolution – mediation, professional support can be difficult for a smaller Parish to justify. We suggest it would be helpful for the Committee to explore potential options for Parishes who encounter such situations; we have several such examples and would happily discuss these with the Committee.

Conflicts of Interest

There are inevitably some "grey areas" within Codes of Conduct where a Councillor does not have a pecuniary interest, but otherwise may be assessed as having a conflict of interest.

This position is not new; under the pre-2012 regime, there was still a judgement be made on what constituted a prejudicial interest (which prohibited participation) and a personal interest. However, some perceive that the new regime only prohibits participation where there is a pecuniary interest.

Clearly, such participation may be perceived as breaching the principle of "selflessness" or predetermination. We suggest it may be helpful for the Committee to consider whether there could be a clearer legislative process or statutory / non-statutory guidance for Councillors in such matters.

Intimidation of Councillors

We support the Committee in recognising this as a growing area of concern for Councillors.

We have experienced this on two fronts:

- Intimidation of election candidates, witnessing even at Parish Council level victimisation and personal attacks on candidates
- Personal attacks on widely-used social media groups against individual Councillors

It is extremely challenging to address many of the social media attacks. Whilst social media can have a degree of self-policing, if Councillors respond to concerns, this can often lead to further instigation against them. We have experienced

Councillors who have been subject to unwarranted personal campaigns against them.

There is legislation under which the police can take action, however this is also balanced against the expectation that Councillors are public figures and need to be accountable. This can, at times, mean there may be less willingness to take action, especially where those undertaking the abusive behaviour can have more complex challenges.

As highlighted above, we would be happy to discuss any of the matters we raise in more detail with the Committee should they wish.

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

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