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West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils
West Suffolk
working together

Title:	**Agenda**
Date:	**Monday 16 July 2018**
Time:	**3.00 pm**
Venue:	**Conference Chamber East** **West Suffolk House** Western Way Bury St Edmunds
Full Members:	***Chairman*** To be elected ***Vice Chairman*** To be elected *Forest Heath District Council* / *St Edmundsbury Borough Council* *Conservative Members (4)*: Chris Barker, David Bowman, Rona Burt; Jim Thorndyke *Charter Member (1)*: Julia Wakelam *Haverhill Indys Member (1)*: John Burns
Substitutes:	*Conservative Members (2)*: Brian Harvey; Andrew Smith
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

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Procedural Matters

Part 1 - Public

1. Election of Chairman for 2018/2019

2. Election of Vice-Chairman for 2018/2019

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 16 April 2018 (copy attached).

7. Discussion with Suffolk Association of Local Councils (SALC)

Sally Longmate, CEO of SALC, will be in attendance for this item.

8. Update on Standards Activity **5 - 10**

Report No: **JST/JT/18/003**

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9. 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

10. Report No: JST/JT/18/003 Exempt Appendix 1: Standards Cases (Paragraphs 1 & 2) **11 - 14**

(This Appendix 1 to Report No: JST/JT/18/003 'Update on Standards Activity' is to be considered under Paragraphs 1 and 2 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 a meeting of the **West Suffolk Joint Standards Committee** held on **Monday 16 April 2018** 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

Forest Heath District Council	St Edmundsbury Borough Council
Chris Barker	Jim Thorndyke
Rona Burt	Julia Wakelam

48. **Apologies for Absence**

There were no apologies for absence.

49. **Substitutes**

There were no substitutes present at the meeting.

50. **Public Participation**

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

51. **Minutes**

The minutes of the meeting held on 11 December 2017 were unanimously accepted as an accurate record and were signed by the Chairman.

52. **Local Government Ethical Standards: Consultation (Report No: JST/JT/18/002)**

The Joint Committee was advised that the Committee for Standards in Public Life had undertaken a consultation on Ethical Standards in Local Government, with the deadline for responses being 18 May 2018.

Accordingly, the Monitoring Officer had produced a proposed response to the consultation on behalf of the West Suffolk Councils, which was attached as Appendix A to Report No JST/JT/18/001, and sought the views of the Joint Committee on this.

Whilst Members appreciated the need to comply with the specified word limit for the response, the Joint Committee asked that it be reworked to directly make reference and respond to the questions posed in the consultation document.

It was agreed that the Monitoring Officer would carry out the amendments as requested and would email the amended response to all Members of the Joint Committee together with the consultation document for reference.

If agreement from all Members was able to be received via email then the response could be submitted, following authorisation from the Joint Committee Chairman. However, if Members still had concerns an additional meeting of the Joint Committee would need to be held prior to 18 May 2018.

With the vote being unanimous, it was

RESOLVED:

That the proposed response to the consultation be reworked as requested. Following which it be circulated to all Joint Committee Members for their views and subsequent relevant next step.

53. **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.

54. **Report on Complaint (Report No: JST/JT/18/002) (Exempt: Para 1)**

The Joint Committee was requested to consider the findings of the Monitoring Officer in relation to a complaint against a Councillor and to determine whether they wished to support the recommendations proposed.

All parties had been advised of the report before the Joint Committee, however, neither the complainant or the Councillor were present at the meeting.

In response to the report before Members the Councillor concerned had submitted further correspondence to the Monitoring Officer which was tabled to the meeting.

Whilst the Joint Committee was largely in agreement that the Councillor was not acting in the capacity of an Elected Member at the time of the incident it was, however, acknowledged that the individual was very widely known as a Councillor.

Accordingly, it was agreed that a strongly worded letter would be sent to the Councillor from the Chairman of the Joint Committee explaining that the Joint Committee considered the posts in question to have been highly inappropriate and had the potential to have brought their office into disrepute. Therefore, the Councillor was advised to act with more care on social media and to undertake training on this aspect.

With the vote being annimous, it was

RESOLVED:

That:-

1. The findings of the Monitoring Officer be supported in that the Councillor was not acting in the capacity of an Elected Member at the time of the incident; whilst noting, however, that the individual was very widely known as a Councillor;

2. A strongly worded letter be drafted by the Monitoring Officer and to be sent to the Councillor from the Chairman of the Joint Committee explaining that the Joint Committee considered the posts in question to have been highly inappropriate and had the potential to have brought their office into disrepute; and

3. The Councillor be advised to act with more care on social media and to undertake training on this topic.

The meeting concluded at 3.52 pm

Signed by:

Chairman

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West Suffolk Joint Standards Committee

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Title of Report:	**Update on Standards Activity**
Report No:	**JST/JT/18/003**
Report to and date/s:	West Suffolk Joint Standards Committee – 16 July 2018
Lead officer:	Leah Mickleborough Service Manager – Democratic Services / Monitoring Officer **Tel:** 01284757162 **Email:** leah.mickleborough@westsuffolk.gov.uk
Purpose of report:	To update the Joint Standards Committee on the work of the Monitoring Officer since the last update in December 2017, and to seek views of the Committee regarding related matters.
Recommendation:	**It is recommended that the West Suffolk Joint Standards Committee:** **(1) Make any recommendations they consider appropriate in respect of the issues raised within this report; and** **(2) Agree the principles of the dispensation approach for Councillors who are also landlords as set out in Paragraph 4.6.**
Key Decision:	*Is this a Key Decision and, if so, under which definition?* No, it is not a Key Decision - ☒
Consultation:	None
Alternative option(s):	None

Implications:	
*Are there any **financial** implications? If yes, please give details*	Yes ☐ No ☒
*Are there any **staffing** implications? If yes, please give details*	Yes ☐ No ☒
*Are there any **ICT** implications? If yes, please give details*	Yes ☐ No ☒
*Are there any **legal and/or policy** implications? If yes, please give details*	Yes ☐ No ☒
*Are there any **equality** implications? If yes, please give details*	Yes ☐ No ☒
Ward(s) affected:	None Specific
Background papers: *(all background papers are to be published on the website and a link included)*	None
Documents attached:	Appendix 1 – List of Standards Complaints (Exempt)

1. Standards Activity

1.1 At the time of the last report (in December 2017), 7 standards cases were "open" – yet to be concluded. All of these have now been resolved; 7 further complaints were raised between January and June 2018, of which 6 have now been concluded. The outcomes of these cases are detailed in Appendix A to this report.

1.2 The table below summarises the volume of complaints received over the past year in comparison to previous years. Exactly the same number of complaints were received overall, although there was proportionately a slight decrease in Parish Council complaints.

Year	Complaints About:	Outcome – no breach	Outcome – breach	Open case	Total
2017/18	Parish	11	3	0	14
	District	1	1	0	2
	Borough	4	1	0	5
Total		**16**	**5**	**0**	**21**
2016/17	Parish	12	4	0	16
	District	0	0	0	0
	Borough	5	0	0	5
Total		**17**	**4**		**21**
2015/16	Parish	5	1	0	6
	District	2	0	0	2
	Borough	6	2	0	8
Total		**13**	**3**	**0**	**16**

Overall, this continues to demonstrate the relatively small number of complaints that are raised and even fewer are upheld. There are, at any point in time, some 700 Councillors in West Suffolk and as such, complaints are raised against just 3% of Councillors, and upheld against less than 1%.

2. Challenging Parish and Town Councils

2.1 In terms of Parish and Town Council complaints, it continued to be the case that the vast majority of complaints were raised against a small number of Councils. In line with previous suggestions to the Committee, the Monitoring Officer is more actively encouraging Parish Councillors to work to resolve "internal" issues harmoniously rather than using the Standards process as a recourse to resolve differences in opinion.

2.2 This issue is not uncommon to West Suffolk. Across the Country, Monitoring Officers find that a small number of Councils can occupy a significant proportion of complaints; as previously highlighted to the committee, breakdown in relationships can mean that the standards committee is used as a tool to highlight wrongdoing, when often the matters at hand relate to an inability to work within a community to resolve differences in opinion.

2.3 With this in mind, and the previous interest expressed by the Committee, the Chairman has invited SALC to attend today's meeting and talk about ways in

which more positive, proactive action could be taken to capture issues at an early stage before they escalate.

2.4 The Monitoring Officer as also discussed this with other Councils and those with experience of "turning round" Councils to identify what can be effective in helping in such difficulties. Answers given included:

a) Having a strong, effective Parish / Town Clerk who developed positive relationships with Councillors and supported them in resolving their differences;
b) Clear, positive leadership from the Parish / Town Chairman;
c) Focusing on important issues for the Community rather than on detailed points of dispute;
d) Developing a strong governance / decision making structure to offer clarity and set expected standards of behaviour;
e) Use of external support – companies can offer services including financial support / review, mediation, governance support

2.5 Whilst many of these answers may be clear, they are only deliverable where people are willing to seek solutions. In some cases experienced more locally and nationally, both sides of the debate can often consider they are "in the right" and unwilling to work with each other to resolve challenges.

3. West Suffolk Activity

3.1 Members of the Standards Committee will now be members of West Suffolk Council. It is possible that standards complaints could be raised in respect of Councillors acting for West Suffolk Council, and the Joint Standards Committee is responsible for oversight of these.

3.2 Councillors have been reminded to ensure they update their declaration of interests, and to include any interests for the whole of West Suffolk, and not just Forest Heath and St Edmundsbury Councils. Declaration of Interest forms are being updated accordingly online. West Suffolk Council has adopted the Suffolk-wide Code of Conduct within its constitution.

4. Councillors as Landlords

4.1 There has been interest nationally on the topic of Councillors as landlords, and whether they should also be able to take part in voting and discussion on policies related to private sector housing.

4.2 At present, the Localism Act prevents a Councillor taking part in a discussion / voting where a Councillor *has* a pecuniary interest in a matter – this is a narrow definition, whereby it would need to be the Councillor's own property under discussion to meet the threshold.

4.3 The Suffolk Code of Conduct has a slightly wider definition – you cannot discuss / vote on a matter which *relates to…* your pecuniary interest. In addition, Councillors have to be mindful of the risk of perception that they could be biased in making a decision. This requires a judgement on the part of the Councillor themselves on what perception might be.

4.4 Many decisions the Council makes related to private sector housing would impact on a Councillor, who is also a landlord, in exactly the same way as any other landlord – such as a general decision on setting up the Council's guaranteed rent scheme for landlords; any Councillor can sign-up to the scheme in the same way as any private individual could.

4.5 However, there are some schemes that may have a disproportionate effect on a Councillor, or directly impact them financially. For example, if a Councillor had empty properties at the time the Council was making decisions on empty property relief, they could gain or lose from the decision.

4.6 The standards committee has the power to award "dispensations" which allow a councillor to take part in a discussion / vote where they have a disclosable pecuniary interest. To offer clarity, it is suggested that the Standards Committee consider a dispensation for Councillors, who are also landlords, to take part in discussion / voting on such decisions based on the following principals:

a) No Councillor should be able to discuss, participate or take part in voting at any meeting of the Council which is considering a specific decision / determination about a property they own, or a tenant of such property;
b) No Councillors should take part in a decision at a council meeting assessing a matter related to the private sector housing rental market where, at the time the decision is made, they financially gain or lose as a landlord as a result of the decision;
c) No Councillor should take part in a decision where it specifically requires them to do something as a landlord, that the majority of landlords in the Council's area would not be required to do

However, Councillors may take part in a decision where:

a) It is a general policy relating to the Council's approach towards housing and homelessness;
b) It does not impact on them, or their properties;
c) Any action required as a result of the decision is no different to the majority of landlords in West Suffolk

Note – any references to a Councillor above would include interests held by them personally, their spouse, or a company in which they have a disclosable pecuniary interest

4.7 As an example, the Council recently agreed a civil sanctions policy to be able to take action against the small minority of "rogue" landlords. Councillors, who are also landlords, would be able to take part in the decision as it is a general policy and didn't impact on them. However, if a Councillor had fallen in the category of "rogue" landlords, then they would not have been able to take part in the decision.

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

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