

# West Suffolk Joint Standards Committee

**Minutes** of a meeting of the **West Suffolk Joint Standards Committee** held on **Monday 10 December 2018** at **3.00 pm** at the **Council Chamber, District Offices**, College Heath Road, Mildenhall, IP28 7EY

Present: **Councillors**

**Chairman** John Burns

**Vice Chairman** David Bowman

Forest Heath District Council

Chris Barker

Brian Harvey

St Edmundsbury Borough Council

Jim Thorndyke

Julia Wakelam

*This was the last meeting of the West Suffolk Joint Standards Committee before it's dissolution on 6 May 2019. As a result, the minutes of the meeting remain as drafted following the meeting and cannot be confirmed by the Committee and signed by the Chair. This is consistent with all other dissolved Committees and bodies.*

## 65. **Apologies for Absence**

Apologies for absence were received from Councillor Rona Burt (Forest Heath District Council).

## 66. **Substitutes**

Councillor Brian Harvey attended the meeting as substitute for Councillor Rona Burt (Forest Heath District Council).

## 67. **Public Participation**

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

## 68. **Minutes**

The minutes of the meeting held on 16 July 2018 were unanimously accepted as an accurate record and were signed by the Chairman.

*(Councillor Julia Wakelam joined the meeting at 3.07pm on conclusion of this item.)*

## 69. **Update on Standards Activity (Report No: JST/JT/18/004)**

This report updated Members on the work of the Monitoring Officer since the last update was provided to the Joint Committee in July 2018.

The Monitoring Officer explained that following a request made at the last meeting, additional detail had been included on each of the complaints received, as set out in the exempt Appendix A.

The Joint Committee was advised that whilst a very low number of complaints had been received between April and October 2018; the four weeks immediately prior to the meeting had seen eight complaints submitted. It was also noted that pending elections tended to generate an increase in complaints so there was potential for the total number for 2018/2019 to significantly exceed the previous year.

Attention was drawn to Section 2 of the report and the reference therein to the Committee for Standards in Public Life's review of Local Government Standards. Members were advised that the findings of the review were yet to have been published, but the Monitoring Officer would ensure that they were circulated to the Joint Committee once available.

**70. 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.

*(The Councillor in attendance in respect of Report No JST/JT/18/005 left the meeting following this resolution.)*

**71. Report No: JST/JT/18/004 Exempt Appendices A & B (Paragraphs 1 & 2)**

Discussion then took place within the exempt part of the meeting on Appendices A and B to Report No JST/JT/18/004 which set out detail in respect of the standards cases referred to the Monitoring Officer.

Considerable discussion took place in respect of Appendix B. The Joint Committee were in agreement with the Monitoring Officer commissioning an external investigator to review the matter.

In response to questions, the Monitoring Officer confirmed that the Parish Council in question could not be charged for the cost of the investigation. However, there was scope to make the findings public if Members were minded to.

With the vote being unanimous, it was

**RESOLVED:**

That the West Suffolk Joint Standards Committee noted the activity report.

72. **Report on Complaints (Exempt: Paragraphs 1 & 2) (Report No: JST/JT/18/005)**

The Monitoring Officer advised the Joint Committee that the Complainant had stated that they would not be attending the meeting, the Officer also outlined the options available to the Chairman with regard to the process in respect of the consideration and deliberation of the report.

Members were advised that the Complainant had been made the subject of a counter complaint, however, the Joint Committee were not being asked to consider this matter and should not give any regard to it in their deliberations.

Furthermore, the Monitoring Officer expressed her concern that 'tit for tat' complaints were increasing, in light of which the intention was to include specific guidance on dealing with these type of complaints as part of the review of standards procedures for the West Suffolk Council.

Lastly, the Joint Committee were advised of two corrections to the report before them:

Paragraph 1.3 – should have read “after” [the meeting] and not ‘at’; and  
Paragraph 2.1 – the word ‘emails’ should be replaced with “tweets”.

The Councillor who was the subject of the complaint was then invited to re-join the meeting and was permitted to address Members directly in response to the complaint.

Considerable debate then ensued with the Joint Committee posing a number of questions to the Councillor in attendance.

Whilst the complaint related to a topic discussed within a formal meeting and the incident took place within the venue of said meeting, the Joint Committee had some reservations that the Councillor in question was still acting ‘in capacity’ as an elected Member as the formal meeting had closed.

Accordingly, Members concluded that the Councillor who was the subject of the complaint was not bound by the Code of Conduct at the time of the incident, and had therefore not breached the Code. However, given the subject had already expressed willingness to do so, they did consider that it would be helpful for the Councillor to apologise to the Complainant, with the Monitoring Officer acting as conduit.

The Joint Committee also requested that, in light of the Monitoring Officer’s comments earlier in the meeting with regard to the volume of complaints and the 2019 local elections, an email be sent to all West Suffolk Councillors on behalf of the Joint Committee reminding them of the Code of Conduct and the need to comply when acting in their official capacity.

With the vote being unanimous, it was

**RESOLVED:**

That:-

1. The West Suffolk Joint Standards Committee resolved that the Councillor who was the subject of the complaint was not acting in the capacity of an Elected Member at the time of the incident and was, therefore, not in breach of the Code of Conduct;
2. An apology be issued to the Complainant from the Councillor with the Monitoring Officer acting as conduit;
3. Specific guidance on dealing with 'tit for tat' complaints be included as part of the review of standards procedures for the West Suffolk Council; and
4. An email be sent on behalf of the Joint Committee to all West Suffolk Councillors reminding them of the Code of Conduct and the need to comply when acting in their official capacity.

The meeting concluded at 4.19pm