

West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title:	Agenda														
Date:	Monday 10 December 2018														
Time:	3.00 pm														
Venue:	Council Chamber District Offices College Heath Road Mildenhall														
Full Members:	<div>Chairman John Burns</div> <div>Vice Chairman David Bowman</div> <table><tr><td></td><td>Forest Heath District Council</td><td>St Edmundsbury Borough Council</td></tr><tr><td>Conservative Members (4)</td><td>Chris Barker David Bowman Rona Burt</td><td>Jim Thorndyke</td></tr><tr><td>Charter Member (1)</td><td></td><td>Julia Wakelam</td></tr><tr><td>Haverhill Indys Member (1)</td><td></td><td>John Burns</td></tr></table>				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
	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														

Public Information



Forest Heath
District Council

Venue:	District Offices College Heath Road Mildenhall Suffolk, IP28 7EY	Tel: 01638 719000 Email: democratic.services@westsuffolk.gov.uk Web: www.westsuffolk.gov.uk
Access to agenda and reports before the meeting:	Copies of the agenda and reports are open for public inspection at the above address at least five clear days before the meeting. They are also available to view on the website listed above.	
Attendance at meetings:	The West Suffolk Councils actively welcome members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
Public speaking:	Members of the public who live or work in West Suffolk 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. A person who wishes to speak must register at least fifteen minutes before the time the meeting is scheduled to start. This can be done by sending the request to: democratic.services@westsuffolk.gov.uk or by telephoning 01638 719363 or in person by telling the Democratic Services Officer present at the meeting.	
Disabled access:	The public gallery is on the first floor and is accessible via stairs. There is not a lift but disabled seating is available at the back of the Council Chamber on the ground floor. Please see the Democratic Services Officer who will be able to help you.	
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Recording of meetings:	The Council may record this meeting and permits members of the public and media to record or broadcast it as well (when the media and public are not lawfully excluded). Any member of the public who attends a meeting and objects to being filmed should advise the Democratic Services Officer who will instruct that they are not included in the filming.	
Personal Information:	Any personal information processed by Forest Heath District Council or St Edmundsbury Borough Council arising from a request to speak at a public meeting under the Localism Act 2011, will be protected in accordance with the Data Protection Act 2018. For more information on how we do this and your rights in regards to your personal information and how to access it, visit our website: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm or call Customer Services: 01284 763233 and ask to speak to the Data Protection Officer.	

Agenda

Page No

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 West Suffolk 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 - 6

To confirm the minutes of the meeting held on 16 July 2018 (copy attached).

5. Update on Standards Activity

7 - 12

Report No: **JST/JT/18/004**

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

The following items 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(s)

- | | | |
|-----------|---|----------------|
| 7. | Report No: JST/JT/18/004 Exempt Appendices A & B (Paragraphs 1 & 2) | 13 - 18 |
| 8. | Report on Complaints (Exempt: Paragraphs 1 & 2)
Report No: JST/JT/18/005 | 19 - 38 |

West Suffolk Joint Standards Committee



Minutes of a meeting of the **West Suffolk Joint Standards Committee** held on **Monday 16 July 2018** at **3.00 pm** at the **Conference Chamber, West Suffolk House**, Western Way, Bury St Edmunds IP33 3YU

Present: **Councillors**

Forest Heath District Council

Chris Barker

David Bowman

Rona Burt

St Edmundsbury Borough Council

John Burns

Jim Thorndyke

Julia Wakelam

55. **Election of Chairman for 2018/2019**

This being the first meeting of the West Suffolk Joint Standards Committee since the Authority's Annual Meeting in May 2018, the Monitoring Officer opened the meeting and asked for nominations for the Chairman of the Committee for 2018/2019.

Councillor Rona Burt nominated Councillor John Burns as Chairman and this was seconded by Councillor David Bowman.

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 Chairman for 2018/2019.

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

56. **Election of Vice-Chairman for 2018/2019**

Councillor Rona Burt nominated Councillor David Bowman 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 David Bowman be elected Vice Chairman for 2018/2019.

57. Apologies for Absence

There were no apologies for absence.

58. Substitutes

There were no substitutes present at the meeting.

59. Public Participation

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

60. Minutes

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

(Councillor Julia Wakelam joined the meeting at 3.05pm on conclusion of this item.)

61. Discussion with Suffolk Association of Local Councils (SALC) (verbal)

The Chairman welcomed Sally Longmate, CEO of Suffolk Association of Local Councils (SALC), to the meeting.

Sally informed the Joint Committee that she was still relatively new to the post; having joined SALC a little over four months ago. In that time she had commenced the undertaking of a wholesale review of the organisation with the aim of applying her business background to the operation and developing a strategic, innovative vision for the way forward.

Members were advised that SALC was fortunate to have a high level of membership across the county and the Association wanted to ensure that it was offering the best possible service it could to its members.

SALC was conscious that Parish Clerks were often a solitary role in need of support and advice and that the internet was a key resource for them. Accordingly, a number of projects were planned which would significantly increase the online offer that SALC provided such as the 'model council' tool.

Sally also spoke upon the importance of SALC's engagement with all tiers of local government, Monitoring Officers and the community/voluntary sector. She advised the Joint Committee that for the first time SALC had recently undertaken work regionally alongside the other Eastern region counties (Norfolk, Cambridgeshire, Essex, Herts and Beds) which enabled them to have a greater 'voice' nationally.

Members then posed a number of questions to Sally which she responded to, these concerned; SALC's relationship with the National Association of Local Councils (NALC), how SALC was structured and the timeline for identified projects/services.

The Joint Committee also asked if Sally was aware of what percentage of Suffolk Parish Clerks had undertaken the professional CiLCA qualification. Sally agreed to source this information and would provide a response directly to the West Suffolk Councils.

Members thanked Sally for her attendance and valued input and welcomed future engagement. Sally then left the meeting.

62. Update on Standards Activity (Report No: JST/JT/18/003)

This report updated Members on the work of the Monitoring Officer since the last update was provided to the Joint Committee in December 2017.

Attention was drawn to Paragraph 1.2 of Report No JST/JT/18/003 which showed that the total number of complaints for 2017/2018 was exactly the same as the total for 2016/2017 (21).

Members were advised that there were over 700 Parish/Town/District/Borough Councillors within West Suffolk meaning the total number of complaints only accounted for around 3% and only 1% of these were upheld. This demonstrated that standards were overall very high.

The Joint Committee was also asked to consider the section of the report which related to Councillors who were landlords. The Monitoring Officer explained that there had been interest nationally on the topic of Councillors as landlords and whether they should be able to take part in voting and discussion on policies related to private sector housing.

To offer clarity to those West Suffolk Councillors who were also landlords it was suggested that the Joint Committee consider a dispensation based on the principals set out in Paragraph 4.6 of the report.

Considerable discussion took place on this matter with the Joint Committee wishing to strengthen the wording proposed in the report.

As such, it was proposed and duly seconded and with the vote being unanimous, it was

RESOLVED:

That, in light of the items due for consideration at the Shadow Council meeting on 17 July 2018, an email be sent to all West Suffolk Councillors from the Monitoring Officer on conclusion of the Joint Standards Committee meeting to advise that:

Councillors must declare if they are a landlord in West Suffolk when any private sector housing matters are considered by the Council.

If any Councillor believes that their judgement would be impaired by their own personal situation, then they should not take part in a decision.

Any Councillor who has concerns as to their own personal situation and ability to take part in a discussion or vote should seek and follow the advice of the Monitoring Officer.

In particular:

- 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 be able to discuss, participate or take part in voting 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 be able to discuss, participate or take part in voting 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

Councillors may take part in a decision where:

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

63. 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.

64. Report No: JST/JT/18/003 Exempt Appendix 1: Standards Cases (Paragraphs 1 & 2)

Discussion then took place within the exempt part of the meeting on Appendix 1 to Report No JST/JT/18/003 which set out the detail of the standards cases referred to the Monitoring Officer over the past year.

The Monitoring Officer advised that it continued to be the case that 2-3 Parish Councils generated the majority of complaints.

A number of Members questioned whether there would be value in bringing complaints of this nature before the Joint Committee. However, the Monitoring Officer explained that the majority of these types of complaints usually related to disputes between individuals with no demonstrable evidence that the Code of Conduct had been breached, hence, they were rarely upheld and thus would not normally be referred to the Committee in line with the agreed approach to complaints.

In relation to the one specific Parish Council which was the source of a large proportion of complaints, it was suggested that the Monitoring Officer raise this with SALC to see if they were able to assist and provide mediation.

With the vote being unanimous, it was

RESOLVED:

That the report be noted and the Monitoring Officer raise the above matter with SALC to ascertain if they were able to offer assistance with the Parish Council concerned.

Prior to closing the meeting the Chairman asked that all Members noted the next scheduled date of the Joint Committee on 10 December 2018.

The meeting concluded at 5.02pm

Signed by:

Chairman

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West Suffolk Joint Standards Committee



Title of Report:	Update on Standards Activity	
Report No:	JST/JT/18/004	
Report to and date/s:	West Suffolk Joint Standards Committee – 10 December 2018	
Lead officer:	Leah Mickleborough Service Manager – Democratic Services / Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	To update the Joint Standards Committee on the work of the Monitoring Officer since the previous report produced in June 2018.	
Recommendation:	It is recommended that the West Suffolk Joint Standards Committee note the activity report.	
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	
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"/>	

Background papers: <i>(all background papers are to be published on the website and a link included)</i>	None
Documents attached:	(Exempt) Appendix A – list of Standards Cases (Exempt) Appendix B – Position report regarding one organisation

1. Standards Activity

- 1.1 At the previous Standards Committee, the Committee requested further details in relation to individual standards cases. In this regard, exempt Appendix A has been provided which gives additional information in comparison to previous reports on all complaints received during the 2018/19 year.
- 1.2 As this shows, there is no clear consistency in the type or nature of standards complaints raised. Whilst social media complaints were on the increase, we have only received 2 such complaints in this period.
- 1.3 Only 5 complaints had been received between April and the end of October 2018. However, in the 4 weeks prior to this report, 8 complaints were received. Clearly, when complaints are received, all parties want to reach a conclusion, but this is challenging given the sudden increase in complaints. This also means that there are presently 9 open cases, but as the appendix demonstrates, all are being progressed.
- 1.4 As is mentioned below, particular details relating to one series of complaints are included in Appendix B, and the Committee are also requested to consider a specific complaint as a separate item on this agenda.
- 1.5 Comparative volumes of complaints are as follows:

Year	Complaints About:	Outcome – no breach	Outcome – breach	Open case	Total
2018/19 To date	Parish	0	0	7	7
	District	1	1	0	2
	Borough	2	0	2	4
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

2. Update on Consultations

- 2.1 Over the past year, the Standards Committee has supported responses to two consultations – firstly, the disqualification criteria for Councillors, and secondly the Committee for Standards in Public Life consultation on standards in Local Government.
- 2.2 In October, the Government published its response to the consultation on disqualification criteria for Councillors. The response is available here: https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/749152/Disqualification_criteria_for_councillors_consultation_response.pdf .
- 2.3 The response indicates that the Government intends to disqualify Councillors who met any of the criteria that was subject to the consultation – including banning those subject to sexual risk orders and anti-social behaviour orders. This is consistent with the response put forward by West Suffolk Councils.
- 2.4 The Government hasn't yet indicated when they will bring this into effect, and as such it is unlikely to have effect before the 2019 local government elections. It is also unlikely that these new rules will be applied retrospectively.
- 2.5 The Committee for Standards in Public Life last updated their review on Local Government Standards in August 2018, indicating that 317 responses had been received and they still intended to publish their findings by the end of 2018. The minutes of the Committee for September 2018 indicate that draft findings were considered but it is unclear when the outcomes of this can be expected.

3. Interesting Cases

- 3.1 There have been two interesting cases nationally that are worth bringing to Members' attention.
- 3.2 The First Tier Tribunal recently considered a case where a complainant had requested all details of a complaint under the Freedom of Information Act. In this case, the complaint had been considered by the Monitoring Officer to be unsubstantiated. The Monitoring Officer had refused to provide some information associated with the complaint under FOI; the Monitoring Officer's decision was upheld by the Information Commissioner but the complainant went to Tribunal.
- 3.3 The First Tier Tribunal upheld the Monitoring Officer's view. Notably, the Tribunal stated that "we agree with the Council that details of unsubstantiated complaints against Councillors ought not generally to be disclosed to the world at large under the provisions of FOIA". Clearly, a case by case approach would still need to be taken but this does give weight to the view that such cases should not be publicly discussed until such time that a decision is made.
- 3.4 Secondly, the High Court considered a case at Ledbury Town Council. The Town Clerk had raised a grievance against her Council; the Town Council considered the grievance, and found that the Clerk had been bullied by a Councillor who had breached the code of conduct and sanctions were imposed.

- 3.5 It is unclear how the Monitoring Officer at Herefordshire County Council became aware, but nonetheless they raised concern that the standard process for considering code of conduct breaches under the Localism Act had not been followed. As a result, Ledbury Town Council subsequently submitted a complaint to the Monitoring Officer, who determined that the Councillor had not breached the Code of Conduct. This was considered by a Grievance Panel at Ledbury Town Council, who disagreed with the Monitoring Officer and imposed additional sanctions on the Councillor.
- 3.6 The Councillor appealed to the High Court, who decided that the decisions of Ledbury Town Council should be quashed, as they did not follow the requirements of the Localism Act for considering complaints against Councillors. Further, the case highlighted procedural concerns – the Councillor had not been given the right opportunity to put forward their views on the concerns raised against themselves.
- 3.7 The primary concern regarding this case becomes how Councils should deal with complaints where they stem from a grievance case. In the past, it would have been considered appropriate to follow the grievance procedure and, if that highlighted concerns about a Councillor, then the matter would have been referred to the Monitoring Officer to follow the Council's standard procedure. Now, the National Association of Local Councils is recommending that all grievances where there are concerns about Councillor grievances should, in the first instance, be referred to the Monitoring Officer.
- 3.8 This is of significant concern, given that ultimately the Parish / Town Council is the employer, and even though it may be the case that poor Councillor behaviour has been an issue, the Parish / Town Council has a duty to protect its employees. Ledbury raises concern as to the legal ability of Parish / Town Councillors to attempt to put in place ordinary measures to manage such situations (such as limiting an individual Councillor's behaviour). Further, it places a duty on the Borough / District Council who, due to the potential serious consequences of a grievance, is almost duty bound to formally investigate the matter rather than seeking local resolution. Further detail is provided in exempt appendix B.

4. West Suffolk Council

- 4.1 This is the final, scheduled meeting of the West Suffolk Joint Standards Committee. As Members will appreciate, work is well progressed to handover functions and responsibilities to West Suffolk Council on 1 April 2019.
- 4.2 With respect to matters that may interest or affect the Standards Committee, the Constitution Review Group have considered the terms of reference for the future Standards Committee and will be recommending that these remain unaltered, when the Constitution is put to the West Suffolk Shadow Authority in February 2019.
- 4.3 The Code of Conduct is also recommended to remain unaltered. This is a Suffolk wide code of conduct and to change this document would require all Parish / Town Councils, District Councils and County Councils to agree, unless it was felt that we should have our own Code in future. The work of the Committee for Standards in Public Life may necessitate a wider review of the

Code of Conduct, or changes in the Standards regime generally, and thus it is suggested that this topic should be returned to by West Suffolk when the implications of the Committee's work is understood.

- 4.4 In addition, the Constitution Review Group has been assessing Codes and Protocols for the new Constitution. At present, Forest Heath have a Code of Practice on Licensing and Planning, whereas this is not included in the current St Edmundsbury constitution. The Constitution Review Group have assessed new versions for inclusion in the West Suffolk Constitution, which has been circulated to Members of the Licensing and Planning Committees.
- 4.5 In addition to the Planning and Licensing Code, the constitution will also include a new Member / Officer protocol, confirming the relationship between Members and Officers.
- 4.6 As we approach West Suffolk, attention also turns to the induction plan for Councillors. Clearly, it is important that Members understand from the outset the expected behaviours placed on them and the induction pack given on the day of the election count will include items such as the Code of Conduct. The training programme includes a specific session on Council meeting protocol, to help Councillors understand Council meeting practice and custom, which will also cover the Code of Conduct and behaviour of Councillors more generally. Further sessions are also planned in areas such as using social media effectively.

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