

# West Suffolk Standards Committee



<b>Title:</b>	<b>Agenda</b>												
<b>Date:</b>	<b>Monday 15 July 2019</b>												
<b>Time:</b>	<b><u>2.00pm</u> – Briefing for Committee Members on the Standards Regime</b> <b><u>3.00pm</u> – Meeting Commences</b>												
<b>Venue:</b>	<b>Room GFR-14</b> <b>West Suffolk House</b> Western Way Bury St Edmunds												
<b>Full Members:</b>	<p><b>Chair</b> To be appointed by the West Suffolk Standards Committee on 15 July 2019</p> <p><b>Vice Chair</b></p> <table> <tr> <td><i>Conservative Group(4)</i></td> <td>John Augustine Robert Everitt</td> <td>Margaret Marks Jim Thorndyke</td> </tr> <tr> <td><i>Spectrum Group(1)</i></td> <td>Jim Meikle</td> <td></td> </tr> <tr> <td><i>The Independent Group(1)</i></td> <td>Roger Dicker</td> <td></td> </tr> <tr> <td><i>Labour Group (1)</i></td> <td>Max Clarke</td> <td></td> </tr> </table>	<i>Conservative Group(4)</i>	John Augustine Robert Everitt	Margaret Marks Jim Thorndyke	<i>Spectrum Group(1)</i>	Jim Meikle		<i>The Independent Group(1)</i>	Roger Dicker		<i>Labour Group (1)</i>	Max Clarke	
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<b>Substitutes:</b>	<table> <tr> <td><i>Conservative Group(1)</i></td> <td>Stephen Frost</td> </tr> <tr> <td><i>Spectrum Group(1)</i></td> <td>John Burns</td> </tr> <tr> <td><i>The Independent Group(1)</i></td> <td>TBC</td> </tr> </table>	<i>Conservative Group(1)</i>	Stephen Frost	<i>Spectrum Group(1)</i>	John Burns	<i>The Independent Group(1)</i>	TBC						
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<b>Interests – Declaration and Restriction on Participation:</b>	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.												
<b>Quorum:</b>	Three Members												
<b>Committee administrator:</b>	<b>Helen Hardinge</b> Democratic Services Officer <b>Tel:</b> 01638 719363 <b>Email:</b> <a href="mailto:helen.hardinge@westsuffolk.gov.uk">helen.hardinge@westsuffolk.gov.uk</a>												

<b>Venue:</b>	<b>West Suffolk House</b> Western Way Bury St Edmunds Suffolk IP33 3YU	T: 01638 719729 E: <a href="mailto:democratic.services@westsuffolk.gov.uk">democratic.services@westsuffolk.gov.uk</a> W: <a href="http://www.westsuffolk.gov.uk">www.westsuffolk.gov.uk</a>
<b>Access to agenda and reports before the meeting:</b>	Copies of the agenda and reports are open for public inspection at the above and following address: <b>West Suffolk Council</b> <b>College Heath Road</b> Mildenhall Bury St Edmunds Suffolk IP28 7EY at least five clear days before the meeting. They are also available to view on our website.	
<b>Attendance at meetings:</b>	The Council actively welcomes members of the public and the press to attend its meetings and holds as many of its meetings as possible in public.	
<b>Public participation:</b>	Members of the public who live or work in the District are welcome to speak and may ask one question or make a statement of not more than three minutes duration relating to items to be discussed 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 who wishes to speak must register 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 Chair's discretion.	
<b>Disabled access:</b>	West Suffolk House has facilities for people with mobility impairments including a lift and wheelchair accessible WCs. However in the event of an emergency use of the lift is restricted for health and safety reasons. Visitor parking is at the car park at the front of the building and there are a number of accessible spaces.	
<b>Recording of meetings:</b>	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 Committee Administrator who will instruct that they are not included in the filming.	
<b>Personal Information</b>	Any personal information processed by West Suffolk 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: <a href="https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm">https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm</a> or call Customer Services: 01284 763233 and ask to speak to the Information Governance Officer.	

# **Agenda**

## **Procedural Matters**

### **Part 1 – Public**

**1. Election of Chair for 2019/2020**

**2. Election of Vice Chair 2019/2020**

**3. Apologies for Absence**

**4. Substitutes**

Any 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 welcome to speak and may ask one question or make a statement of not more than three minutes duration relating to items to be discussed 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 who wishes to speak must register at least 15 minutes before the time the meeting is scheduled to start.

There is an overall limit of 15 minutes for public speaking, which may be extended at the Chair's discretion.

**6. Standards: Procedures for Handling Concerns**

**1 - 18**

Report No: **STC/WS/19/001**

**7. Standards Activity Report**

**19 - 32**

Report No: **STC/WS/19/002**

**8. Exclusion of 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**

- 9. Report No: STC/WS/19/002 Exempt Appendix A: Standards Activity Report (Paragraphs 1 & 2) 33 - 36**

*(This Appendix A to Report No: STC/WS/19/002 'Standards Activity Report' 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.)*



# Standards: Procedures for Handling Concerns

<b>Report No:</b>	<b>STC/WS/19/001</b>
<b>Report to and date/s:</b>	West Suffolk Standards Committee – 15 July 2019
<b>Cabinet Member:</b>	Councillor Carol Bull Portfolio Holder for Governance <b>Tel:</b> 01953 681513 <b>Email:</b> <a href="mailto:carol.bull@westsuffolk.gov.uk">carol.bull@westsuffolk.gov.uk</a>
<b>Lead officer:</b>	Leah Mickleborough Service Manager, Democratic Services and Monitoring Officer <b>Tel:</b> 01284 757162 <b>Email:</b> <a href="mailto:leah.mickleborough@westsuffolk.gov.uk">leah.mickleborough@westsuffolk.gov.uk</a>

**Decisions Plan:** N/A

**Wards impacted:** All (not directly)

**Recommendation:** It is recommended that the Standards Committee agrees the procedures for handling concerns as set out in Appendix A, and a procedure for considering complaints at Committee, as set out in Appendix B.

## **1. Background / Context**

- 1.1 The Standards Committee is delegated by Council to consider reports from the Monitoring Officer that a West Suffolk Councillor, or a Parish / Town Councillor, has breached the Code of Conduct.
- 1.2 The terms of reference do not specifically state how the Standards Committee should review such complaints, and therefore it would, by default, be assumed that the Committee would consider the report in line with the Committee procedure rules.
- 1.3 In December, the former West Suffolk Joint Standards Committee considered a report from the Monitoring Officer and, following concerns raised after the meeting, the Monitoring Officer committed to undertaking a review of the process used to evaluate complaints, and how they should be considered by the Committee.
- 1.4 It is worth highlighting that the Committee for Standards in Public Life review (as set out elsewhere in this agenda) references a potential revised national framework for dealing with Code of Conduct complaints. This review has been set in that context, learning from good practice without seeking to comprehensively re-establish the Council's current approach before the outcomes of the review are known.

## **2. Proposals**

### Procedures for handling complaints

- 2.1 Previous procedures were adopted by St Edmundsbury Borough Council Standards Committee in 2012, and, when the West Suffolk Joint Standards Committee was formed, it was agreed to adopt the St Edmundsbury procedures. These procedures have been reviewed and in practice, operate in a similar way to that used by other Councils in Suffolk (and many across the Country). This is helpful, as it ensures members of the public can expect a consistent approach wherever possible. As such, these have not been fundamentally rewritten but additional clarity provided in a number of areas.
- 2.2 To simplify the approach:
  - The Monitoring Officer would receive a complaint, and immediately seek the views of the subject on the complaint. Further evidence would be sought and an Independent Person's views obtained. The matter would then either be dismissed; resolved, or referred for further investigation or to the Standards Committee
  - If referred for further investigation, an investigator would be commissioned. Once their report is produced, the Independent Person will provide their views, and the matter either resolved or referred to the Standards Committee to review.
  - Where a breach of the Code of Conduct has arisen, a recommendation would be made on sanctions that should be employed to resolve the matter or avoid it re-occurring.

- 2.3 Whilst the proposed procedures have been developed afresh, there has been particular focus on the following areas:
- Providing clarity where complaints will be dismissed as being politically motivated / vexatious / tit for tat / too long ago to be considered, to ensure complaints are only taken forwards where it is in the public interest to do so
  - Providing clarity on the type of matters that help to determine whether a Councillor is “in capacity” and therefore the Code of Conduct applies to the Councillor at that time;
  - Ensuring the procedures can sufficiently deal with complaints related to social media activity
  - The role of the Parish / Town Council in considering complaints, light of established caselaw
  - Clarity on situations where Councillors fail to comply with sanctions
  - Processes for archiving and disposing of standards files, and links to the Data Protection Act and Human Rights Act
- 2.4 Whilst the Standards Committee does not need to formally sign off these procedures, it is helpful to seek the views of the Committee members. Members may wish to consider whether the procedures feel fair and balanced to both subject and complainant; whether members are satisfied with the guidance to the Monitoring Officer on the judgements they may make; and the balance between what type of complaints they would wish to consider versus complaints the Monitoring Officer resolves.
- 2.5 Considering complaints at committee is a more challenging judgement. There are essentially two core approaches that could be used:
- 2.5.1 The Committee considers a report, which incorporates the Independent Person’s views, associated evidence, and the subject / complainant have a chance to comment in writing on the report. The Committee makes a view on the report alone
- 2.5.2 The Committee undertakes a hearing, which offers the subject the opportunity of formal representation and witnesses. Committee members can cross-examine the subject, witnesses etc before adjourning to determine whether the code has been breached.
- 2.6 Comparisons of other Councils indicate that there are a variety of practices in place, but they generally fit to either the first or second approach outlined above. In principle, the first approach is more straightforward; the committee makes a judgement based on the written evidence before them and reaches a conclusion. The second approach may be seen as more thorough but can also be more challenging for those involved in the process, including the committee members. It is worth bearing in mind that even if Councillors have been deemed to have breached the Code of Conduct, there are limited sanctions for Councillors which has led some Councils to consider that a more formal hearing process is disproportionate to the outcome.
- 2.7 With this in mind, two different approaches are included in Appendix B, reflecting the more straightforward procedure and the hearing procedure. The Standards Committee is asked to indicate which option they would prefer to operate to.

- 2.8 In bringing forward this paper, the Monitoring Officer is conscious that several members are new to the Committee and will be aiming to bring this back before the Committee in 12-18 months to ensure they remain satisfied with the proposals

### **3. Alternative Options**

- 3.1 Whilst the proposed procedures have been developed with regard to other practices adopted at Councils in the area and around the country, there are various different models in operation – for example, there are some Councils that have sub-committees for considering complaints whilst others have delegated all decision making on complaints to the Monitoring Officer.

### **4. Consultation and engagement**

- 4.1 No specific consultation / engagement has been undertaken on this report.

### **5. Risks**

- 5.1 Failure to deal with a standards issue appropriately could lead to the risks of legal challenge to decision making; loss of public confidence, and potential poor behaviour going unaddressed.

### **6. Implications arising from the proposal**

- 6.1 This report has been written bearing in mind the Council's relevant legal obligations in handling such complaints, and other associated legal obligations arising from, for example, the Equalities Act; the Human Rights Act and the Data Protection Act.
- 6.2 This report does not have a direct impact on resources, however should the committee be minded to change the way in which complaints are reviewed, then there may be resource implications which would need to be considered.

### **7. Appendices**

- 7.1 **Appendix A:** Proposed Procedures for Handling Standards Complaints  
**Appendices B1 & B2:** Proposed Committee Procedure for Considering Complaints

## **Standards Procedures**

### **1. Written Complaints**

Complaints must be made in written form – they cannot be accepted over the telephone or in person. Complaints should be submitted on the complaint form, (available via the website) and may also be accepted in writing, via e-mail or post.

If someone is unable to submit a written form due to a disability or other protected characteristic the Monitoring Officer may assist with transcribing the complaint.

### **2. Complainants**

Complaints may be submitted by individuals, or made by a body corporate (such as a Parish or Town Council). In cases where it is an organisation, the individual submitting the complaint must be able to demonstrate they had authority to submit the complaint on behalf of the organisation. Each complaint must have a nominated individual lead person for the Monitoring Officer to liaise with.

The Monitoring Officer will not accept anonymous complaints.

A complainant may request that their details remain confidential, in that they will not be disclosed to the subject of the complaint. The complainant will be expected to justify this. If the Monitoring Officer believes that it would not be possible to comply with such requests (for example, the subject would assume they had made the complaint or would need to know who the complainant was in order to respond) then they will inform the complainant who will have the right to withdraw the complaint, or continue with the knowledge that their information may be disclosed to the complainant.

### **3. Complaints of failure to declare a pecuniary interest or other breaches of the law**

Complaints that a Councillor has failed to declare a pecuniary interest, or a Councillor has committed another form of potentially criminal offence (for example, misconduct in public office, assault) will be referred immediately to the police. The Monitoring Officer shall take no further action except as advised by the Police and shall not refer the complaint to the subject for response. The rest of this procedure will not apply unless the Police decide that the complaint does not meet their prosecution threshold. When it is appropriate to do so, the Monitoring Officer will report the outcomes of such complaints to the Standards Committee.

### **4. Initial Assessment**

The Monitoring Officer will initially review the complaint to assess its merits. The Monitoring Officer may:

- a) Request further information from the complainant including evidence to support claims made or background to concerns raised;
- b) Inform the complainant that the matter cannot be taken forward as it does not fall under the scope of the Code of Conduct, for example, because it is a complaint against a decision made by a District / Parish / Town Council and not against a Councillor
- c) Following consultation with the Independent Person, inform the complainant that their complaint will not be considered on the grounds that:
  - a. The incident took place some time ago
  - b. The incident was clearly in a personal capacity, not an official capacity as a Councillor
  - c. The complaint is clearly tit for tat, vexatious, politically motivated or exercising a personal vendetta
  - d. The matter is so trivial that there is no public interest in pursuing the matter further
  - e. The complainant is unnecessarily abusive

The following criteria may be used to judge the matters a. to e. above:

The incident took place some time ago	The complainant has not provided legitimate justification for the delay in raising the matter. The evidence to support the complaint may be limited or impaired as a result of the delay, for example if the complaint was based on a conversation that took place some time ago and therefore recollection of the conversation may be limited. Generally, complaints that are about events that took place more than 3 months before will not be considered.
The incident was clearly in a personal capacity, not an official capacity	The incident took place before the individual was a Councillor The incident related to purely personal matters where there is no relation to action taken by the Council (such as a disagreement between neighbours)
The complaint is clearly tit for tat, vexatious, politically motivated or exercising a personal vendetta	The complaint was received after a complaint being made against the complainant, and has little / no merit The complainant has made a number of complaints, often against the same person which have little / no merit The complainant is using the complaints system as another avenue for raising matters already considered elsewhere The complainant is primarily disagreeing with a decision or actions of a political group / party, not the actions / behaviour of the Councillor

The matter is so trivial that there is no public interest in pursuing it further	The matter was an isolated incident There are no consequences as a result of the matter (for example, it would not impact on the validity of a decision made) The making of a complaint is disproportionate to the issue There is little / no evidence to support the complaint and it is unlikely such evidence could be found
The complainant is unnecessarily abusive	The complainant is overtly hostile or excessively abusive in their language and complaint, and clearly shows they have no regard for the Standards Process.

## **5. Capacity**

The Code of Conduct only applies to Councillors when acting “in capacity”. Whilst, as above, there are cases where Councillors are clearly not in capacity, there are other situations where a finer judgement may be required. The Monitoring Officer shall use the following matters as guidance for determining whether a Councillor was acting in capacity at the time the incident occurred:

- Whether the Councillor had done or said something which would indicate they were acting in capacity (for example, having called themselves Councillor)
- Whether the Councillor had, or had not, been appointed to act on behalf of the Council in dealing with the matter
- Whether the Councillor was using Council resources to deal with the matter
- In relation to social media, whether the Councillor regularly uses the account to post about Council functions and activities, or identifies themselves as a Councillor in their profile

## **6. Referral of complaint**

Following receipt of a legitimate complaint, or further information having been received from the complainant, the Monitoring Officer will then refer the complaint to the subject to provide their views. The subject should be provided 10 working days in which to respond to requests for information, in order for them to be able to collate any evidence they wish. The Monitoring Officer may agree an extension of time with a subject where, for example, they are unable to provide a response due to sickness or holiday absence. The subject will be notified of their right to speak to the Independent Person if they wish to do so.

The Monitoring Officer will provide guidance to the subject on the standards process, and inform them of their right to speak to the Independent Person if they wish. The Monitoring Officer must not compromise their impartiality to make a decision, however may request the complainant when responding, to explain particular aspects of the complaint.

## **7. Receipt of Parish / Town Council complaints**

If the complaint relates to a Parish / Town Councillor, the Parish Clerk shall be informed that a complaint has been received and that the matter is being reviewed. The complainant will be notified that is the case. The Parish / Town Council should not discuss the complaint as part of their meeting.

## **8. Initial Assessment**

Upon receipt of the response from the subject, the Monitoring Officer may then seek to clarify any further matters with either subject or complainant.

Having received this information, the information will be provided to an Independent Person who will give their views on the complaint.

Once the Monitoring Officer has received the views of the Independent Person, they may either:

- a) Conclude that no breach of the Code of Conduct has arisen;
- b) Conclude that no breach of the Code of Conduct has arisen but provide any advisory thoughts to the parties concerned;
- c) Conclude that the Code of Conduct has been breached, and recommend sanctions to the Councillor; (local resolution)
- d) Refer the matter to the Standards Committee
- e) Conclude that the matters are of such complexity that further investigation is required
- f) Where the matter is a dispute between members of political groups of the District Council or a Parish / Town Council, refer the matter to the relevant group leader(s) to consider

## **9. No Breach of the Code of Conduct or advisory recommendations**

The subject and complainant will be informed of the outcome. No further action shall be taken. If the complainant is a Parish or Town Councillor, the Clerk will be informed. The decision should not be publicised in any form.

If there are advisory recommendations, the Parish / Town Council should seek to note these without reference to the subject of the complaint.

## **10. Breach of the Code of Conduct (local resolution)**

The subject and complainant will be informed of the outcome of the complaint. If the complainant is a Parish or Town Councillor, the Clerk will be informed.

The Monitoring Officer may make recommendations of action as a result of the breach. These would usually be expected to take one of the following forms, although other action may be suggested where it is appropriate and proportionate to the issue raised:

- a) Recommend the subject apologises
- b) Recommend the subject undertakes training
- c) Recommend the subject and complainant take action to restore their relationship, such as mediation
- d) Recommend the subject is removed from appointments to committees

Cases where the Monitoring Officer considers it appropriate to issue a press notice due to the nature of the matters raised should usually be referred to the Standards Committee.

In cases where the Councillor is a Parish / Town Council, the Monitoring Officer will notify the Clerk of the recommendations. The Parish / Town Council may consider whether they support the recommendations suggested and whether they wish to take any action that is necessary to support the recommendations, however may not add additional sanctions to those suggested by the Monitoring Officer.

### **11. Referral to the Standards Committee**

The Monitoring Officer, after consulting with the Independent Person, Chair and Vice-Chair of the Standards Committee, may elect to refer the complaint immediately to the Standards Committee. Situations where this may apply are likely to include:

- a) Where there is a high degree of public interest in the matter, as it has been subject to significant local media / social media publicity
- b) Where the nature of the offence is of significant concern (such as physically or verbally threatening behaviour, discrimination against protected groups)
- c) Where the Monitoring Officer believes that their power, or the Council's powers to issue sanctions are not adequate to reflect the gravity of the offence
- d) Where the Monitoring Officer, following consultation with the Chair and Vice-Chair of the Standards Committee, otherwise believes the matter should be referred to the committee.

See supplemental paper for how the Standards Committee should undertake consideration of such complaints.

### **12. Referral for Further Investigation**

Following discussion with the Independent Person, the Monitoring Officer may elect to refer the complaint for further investigation where the matter is particularly complex or requires significant supporting evidence to be gathered.

In such cases, the Monitoring Officer will commission a suitably qualified investigator, who may either be an internal officer or an external party. They

shall be entitled to conduct the investigation as they wish, and seek the views from the Monitoring Officer where they believe appropriate.

The Monitoring Officer shall review the draft report and determine whether there is sufficient evidence on which they may draw a conclusion, or whether further work is undertaken.

Once the investigation has concluded, the Monitoring Officer will share the outcome with the Independent Person for their views and then either (in accordance with the above):

- a) Conclude that no breach of the Code of Conduct has arisen;
- b) Conclude that no breach of the Code of Conduct has arisen but provide any advisory thoughts to the parties concerned;
- c) Conclude that the Code of Conduct has been breached, and recommend sanctions to the Councillor; (local resolution)
- d) Refer the matter to the Standards Committee

### **13. Referral to Group Leaders**

Where the matter relates to a difference in personalities or poor behaviour between group members, or between members of two groups, then the Group Leaders will be informed and given the opportunity to seek to resolve. Should the Councillors and group leaders be unwilling to seek to resolve the issue, then the Monitoring Officer will close the matter.

### **14. Confirmation of Decision**

Once the Monitoring Officer has determined the outcome of a complaint, they shall write a report outlining the nature of the complaint; the alleged part of the Code that has been breached; the determination of whether or not the Councillor was acting in capacity; their conclusions on the matters raised; the views of the Independent Person, and the outcome of the complaint. If the Councillor has breached the Code, the Monitoring Officer shall identify any recommended sanctions.

A copy of the decision shall be sent to the subject, complainant and (if relevant) Parish Clerk.

With regards decisions of the Standards Committee, the Monitoring Officer shall write to the subject, complainant and (if relevant) the Parish Clerk, setting out the decision of the Committee.

### **15. Failure to comply with sanctions or recommendations**

Where a subject of a complaint has been deemed to have breached the code of conduct and fails to comply with a sanction recommended by the Monitoring Officer, then the Monitoring Officer should first contact the subject and understand why they had failed to support the action proposed and, if

necessary, emphasise the need to undertake the sanction proposed. If they still fail to do so, the Monitoring Officer will consult with the Independent Person, and then refer the matter to the Chair and Vice-Chair of the Standards Committee for their views. They may agree on appropriate action to undertake which would normally be either:

- A) Referring the matter to the standards committee to consider; or
- B) Raising the matter at a formal meeting (for example, if a Town / Parish Councillor had failed to apologise, writing to the Clerk requesting that this failure be noted at the next Town / Parish meeting);

If the subject of a complaint fails to comply with a sanction issued by the Standards Committee then the matter will be referred back to the Standards Committee to consider.

## **16. Appeal**

There is no right of appeal to a decision made by the Monitoring Officer or the Standards Committee.

A subject or complainant does have the right to complain if they consider that there was procedural fault in the way the Council handled the complaint. In such cases, the subject or complainant should contact the Monitoring Officer who can initiate the Council's complaints process. They must demonstrate what part of the Council's processes were considered to be at fault.

## **17. Confidentiality**

Whilst a complaint is subject to review, then parties to the complaint should seek to keep the matters concerned confidential. It is appreciated this can be challenging where, for example, the matters are in the public domain, and parties are entitled to seek advice from the Monitoring Officer on potential responses in such situations.

If a complainant shows a blatant disregard for the need to keep such matters confidential, then the Monitoring Officer may close the matter.

If a subject shows a blatant disregard for the need to keep such matters confidential, then the Monitoring Officer may take this into account as part of the complaint review.

## **18. Data Protection**

The Localism Act requires the Council to put in place procedures to process standards complaints. As this constitutes a lawful obligation, then the Monitoring Officer is entitled to process personal data in dealing with such

complaints, under the Data Protection Act 2018, as long as it is processed in a way that is compatible with the rights of the data subjects.

The Monitoring Officer must take steps to ensure that all data processed during the course of Standards investigations is done so in a manner that is consistent with these rights, and with the principles outlined in the Data Protection Act 2018.

Complainants are required to identify whether they would like for their personal data to be treated confidentially by the Monitoring Officer and not be disclosed to the subject or other parties involved. The Monitoring Officer will consider the request and if they consider this cannot be complied with effectively (for example, the subject is highly likely to expect they will have made the complaint) then the Monitoring Officer will inform the complainant and ask if they wish to withdraw or continue.

The need to ensure fairness of the handling of such personal data may particularly apply in decisions on whether or not information relating to such complaints should be put in the public domain – for example, whether a press notice should be issued, and whether the Standards Committee should meet in public or in private session.

Factors that should be taken into account in making such a decision are:

- a) Whether all parties have consented to their information being placed in the public domain;
- b) That in general, Councillors are held to a “higher regard” by the general public, who have the right to expect high standards of behaviour. Therefore, the test on whether it is fair to put such information in the public domain may have a higher bar than putting information relating to ordinary residents in the public domain;
- c) Whether the matters are already widely known in the public domain;
- d) Whether, through putting the information in the public domain, may give the opportunity to clear misunderstandings or reputations

## **19. Human Rights**

In undertaking reviews of Standards complaints, due consideration should be given to the rights given under the Human Rights Act 1998.

In particular, all complaints should be processed with a view to securing that the process is fair to all parties.

Depending on the nature of the complaint, consideration should continue to be given as to whether specific rights may apply to individuals, such as the right of freedom of expression.

## **20. Retention**

There are no specific legal obligations with regards to the retention of standards complaints.

The Monitoring Officer shall retain information related to complaints which resulted in no breach of the Code of Conduct being identified, or the complaint was not progressed to a formal decision, for a total of 3 years following the conclusion of the case.

The Monitoring Officer shall retain information related to complaints which resulted in the breach of the Code of Conduct being identified for a total of 6 years, in line with the Limitations Act 1980.

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**Committee Procedure**

This paper sets out a potential "light touch" procedure for the Committee in considering Standards Complaints.

1. The Monitoring Officer shall produce a report, which provides the view of the Independent Person on the complaint, and the evidence considered by the Independent Person.
2. The Monitoring Officer shall circulate their report to the complainant, and the subject of the complaint, and provide them at least 5 clear days in which to provide an additional "submission" to the Standards Committee, and to identify any matters that they believe to be factually inaccurate within the report. They shall not have the right to modify the finding of the independent person.
3. The Monitoring Officer shall provide the report, and any additional information provided by the subject and complainant, to the Standards Committee at the next meeting of the Committee, or with the permission of the Chair, an additional Standards Committee may be convened in order to consider the matter.
4. It would usually be expected that such reports would be treated as confidential, and not available to the press and public, in advance of the Committee meeting.
5. The Committee will meet at the date, time and venue stated. They will first consider whether the press and public should be excluded from the room.
6. The Monitoring Officer will summarise the report for the Committee.
7. The Chair shall ask members for their thoughts on the report
8. The Chair shall be responsible for drawing together the debate and seeking a proposer and seconder to any findings or recommendations the Committee has.
9. The Committee should seek to draw a clear conclusion on whether or not the Code of Conduct has been breached, and, if a breach is identified, any sanctions that are recommended.

Sanctions that the Committee may recommend:

- a) No sanctions
- b) The Councillor apologises
- c) The Councillor receives training
- d) The Councillor is removed from appointments
- e) The Councillor should seek to restore relationships with other parties (e.g. through mediation)
- f) A press notice is given

- g) Any other form of sanctions that does not prevent the Councillor from undertaking their duty to attend Council meetings nor impede on their human rights

**HEARING PROCEDURE**

This sets out a formal hearing procedure the Standards Committee could adopt

**Pre-Hearing Matters**

1. Declaration of Interests
2. Chair will introduce members of the Committee
3. Chair will ask those present to introduce themselves in the following order, if present:
  - Subject of complaint and any person representing or assisting them (Confirmation also should be given that copies of the report were received);
  - The Independent Person
  - The Monitoring Officer, the Committee Administrator and any other Advisors or Senior Officers present
  - Any other parties present at the hearing
4. The Chair will ask the Monitoring Officer to report:
  - Any requests from the subject for permission for a witness to appear in support of their representation. Any such requests will be determined by the Committee.
  - Any documentary or other information that the subject wishes to present. If there is any such material, the Chair will ask all the other parties to the Hearing whether they consent to it being presented. If they agree, the material will be distributed. If not, the said material may not be distributed unless there are exceptional circumstances which in the Chair's opinion render it necessary and appropriate for the said material to be presented to the Committee. In this regard the Chair's decision will be final.
5. The Chair will invite the subject or their representative to estimate the time required to present their case and ask questions of other parties to the Hearing. They will then ask the complainant, if present, whether they will require a longer period to present their representation. The Committee will determine the maximum period of time allowed for each party to put their case. This decision will be final.

## **THE HEARING**

Immediately the pre-Hearing matters have been dealt with the Hearing will commence.

1. The Chair will ask the Monitoring Officer to summarise the matter under consideration.
2. The members of the Committee and the subject may ask questions of the Monitoring Officer.
3. Starting with the applicant and, in the event of a review, concluding with the respondent, each party will exercise their rights within the identified maximum time, as follows:
  - The subject and complainant to present their case, including responding to any points of which the Council has previously given notice, and call any approved witness or witnesses in support of their case.
  - If given permission by the Chair, and only through the Chair of the Hearing, each member of the Committee, the Monitoring Officer and any party may raise questions of any other party or witness/witnesses.
4. The subject will be given opportunity to sum up their case
5. The Independent Person will provide their views on the complaint and matters raised during the course of debate
6. All those present, other than the members of the Committee, any advisors and the Committee Administrator, will be asked to leave the meeting to allow Members to determine the application.
7. All parties will be recalled. The Chair will advise those present of any advice that has been provided during the determination. They will then announce their decision on whether or not the Code of Conduct has been breached, and any sanctions that they advise.
8. The Chair shall confirm that the ruling of the Standards Committee cannot be appealed.



# Standards Activity Report

<b>Report No:</b>	<b>STC/WS/19/002</b>
<b>Report to and date/s:</b>	West Suffolk Standards Committee - 15 July 2019
<b>Cabinet Member:</b>	Councillor Carol Bull Portfolio Holder for Governance <b>Tel:</b> 01953 681513 <b>Email:</b> <a href="mailto:carol.bull@westsuffolk.gov.uk">carol.bull@westsuffolk.gov.uk</a>
<b>Lead officer:</b>	Leah Mickleborough Service Manager, Democratic Services and Monitoring Officer <b>Tel:</b> 01842 757162 <b>Email:</b> <a href="mailto:leah.mickleborough@westsuffolk.gov.uk">leah.mickleborough@westsuffolk.gov.uk</a>

**Decisions Plan:** N/A

**Wards impacted:** All

**Recommendation:** **It is recommended that the West Suffolk Standards Committee note the content of this report, and in doing so identify any areas of concern or development to be taken forwards by the Monitoring Officer.**

## 1. Background / Context

- 1.1 At each regular meeting of the Standards Committee (excluding those convened just to consider specific complaints), the Monitoring Officer provides an update on standards activity since the previous report. This would include the levels of activity within West Suffolk and any national and local developments.

## 2. Standards Activity within West Suffolk

- 2.1 The numbers of standards complaints received for each financial year (April – March) is as per the table in 2.2 below. Please note that “parish” includes all complaints raised against all Parish and Town Councillors. In the exempt Appendix A to this report, further information is given in relation to all cases the Monitoring Officer has been considering since the previous report in December 2018.

2.2

Year	Complaints About:	Outcome – no breach	Outcome – breach	Open case	Total
2019/20	Parish	0	0	1	1
	District	0	0	1	1
					<b>2</b>
2018/19	Parish	3	1	3	7
	District	1	1	0	2
	Borough	4	0	0	4
		<b>8</b>	<b>2</b>	<b>3</b>	<b>13</b>
2017/18	Parish	11	3	0	14
	District	1	1	0	2
	Borough	4	1	0	5
<b>Total</b>		<b>16</b>	<b>5</b>	<b>0</b>	<b>21</b>
2016/17	Parish	12	4	0	16
	District	0	0	0	0
	Borough	5	0	0	5
<b>Total</b>		<b>17</b>	<b>4</b>	<b>0</b>	<b>21</b>
2015/16	Parish	5	1	0	6
	District	2	0	0	2
	Borough	6	2	0	8
<b>Total</b>		<b>13</b>	<b>3</b>	<b>0</b>	<b>16</b>

- 2.3 In December, it was reported that there had been a sudden upturn in the volume of complaints received; in the first 7 months of 2018/19, only 5 complaints had been received, and then 8 complaints were received in the month of November 2018. This raised concern that there may be a rise in complaints approaching the election, and a note was sent to all Councillors on behalf of the Chair and Vice-Chair of the Standards Committee to highlight this point.
- 2.4 It is pleasing to be able to confirm that no further complaints were received during 2018/19 which actually resulted in the lowest number of formal complaints for some time.

- 2.5 This emphasises the fact that, amongst the hundreds of Parish, Town and District Councillors in West Suffolk, standards of conduct are perceived to be very high. The Monitoring Officer does receive concerns raised by members of the public about Councillors, but will only formally record the matter as a Code of Conduct complaint if it relates to the Code of Conduct and is made in writing, as is required by law.
- 2.6 Historically, a significant proportion of the complaints has arisen in relation to a small number of Parish or Town Councils. In particular, over the past 2 years, 30% of complaints dealt with have related to one Council and a report into current complaints relating to this Council is in the process of completion.
- 2.7 Details would also be provided to the standards committee where patterns of behaviour are arising which may require specific training needs to address across the Council / West Suffolk. No such concerns have been noted to report at this time.

### **3. Committee for Standards in Public Life**

- 3.1 The Committee for Standards in Public Life (CfSPL) is an independent body appointed by Government to oversee conduct and behaviour across the public sector.
- 3.2 In 2018, CfSPL undertook a review of ethical standards in local government. Their report was issued on 21 January, and is available [here](#) or from the Committee for Standards in Public Life directly. A summary of the key findings and recommendations, and how West Suffolk is currently positioned against these recommendations, is included at Appendix B.
- 3.3 The next stage in this review is for the Government to formally respond to the recommendations of the CfSPL, and determine what action should be taken. As the report and Appendix B highlight, in order to progress many of the recommendations, changes are required to the relevant legislation governing Standards, most notably the Localism Act, which only the Government can initiate.
- 3.4 In addition, the CfSPL has been working with both Government and the Jo Cox Foundation to address intimidation in public life. As in national government, this can be a real issue for local government; as a Council we have seen instances of social media 'trolling' and threats being made in relation to contentious local planning applications.
- 3.5 We will continue to monitor the situation and work with partners such as the police to help advise Councillors, and take action where able to do so in relation to such events; for example, we have worked to highlight that Councillors can have their home addresses withdrawn from public disclosure if they wish to do so.

#### **4. Elections and Induction**

- 4.1 Although a number of reminders were issued, during the election period there were again several instances where existing Councillors were using Council resources for electoral purposes including photos and e-mail addresses. This is not an offence under electoral law, but is not in keeping with the Code of Conduct. Whilst reminders were issued, further publicity will be undertaken ahead of the next local government elections to emphasise this point and help Councillors avoid potential problems.
- 4.2 Following the election, each Councillor was provided with an induction pack which included a specific section on Conduct and Governance, including a copy of the Code of Conduct, guidance on declaring interests, and forms to register any gifts / hospitality that should arise. In addition, guidance was provided for working to support residents, using social media and dealing with press enquiries.
- 4.3 The expected behaviours and guidance on complying was reinforced in the Committee training provided to Councillors on 20 May, and in regulatory training sessions held at the end of May and early June.
- 4.4 Parish / Town Councils were provided with guidance (via Clerks) in March on deadlines for completing declarations of interest, and a refreshed guidance document explaining what information needed to be provided. All Parish / Town Councillor declarations of interests also have to be retained by the District Council and included on our website. Of the 562 Parish / Town Councillors elected in May, 53 (9%) declaration of interest forms remain outstanding. We have been in contact with Clerks directly in each case where the form is outstanding.

#### **5. Consultation and engagement**

- 5.1 No specific consultation / engagement has been undertaken in relation to this report.

#### **6. Risks**

- 6.1 This report supports the Standards Committee in discharging the duties in the terms of reference, namely to monitor the operation of the Code of Conduct; advise the Council / Councillors on training required, and promoting high standards of conduct. Failure to undertake these roles could lead to a loss of public confidence in the Council.

#### **7. Implications arising from the proposal**

- 7.1 No specific implications arise from this report

#### **8. Appendices**

- 8.1 **Appendix A (Exempt):** Report on individual standards cases, December 2018 – June 2019  
**Appendix B:** Review of Committee for Standards in Public Life report on Ethical Standards in Local Government

## **Review of Ethical Standards in Local Government**

The Committee for Standards in Public Life has recently published their review on Local Government Standards.

Overall, the Committee recognises that standards remain high in local government, but this is in spite of processes and legislation that are not working effectively. The Committee are proposing to remove the regime created by the Localism Act, and bring back much of the previous (pre 2012) requirements, the main exception being that they propose to maintain local accountability at a County / District level rather than reintroduce the national Standards Board.

Their main concerns relate to:

- a) A small proportion of Councillors who cause persistent issues and the lack of ability to address this;
- b) The lack of sanctions available to redress very poor behaviour by Councillors;
- c) Rules around declaring interests and addressing potential conflicts are unclear and ineffective;
- d) The increasing complexity of local government is a risk to good governance

In consequence, the Committee have made 26 formal recommendations, the majority of which require changes to the primary legislation (The Localism Act 2011) and secondary legislation. It will be interesting to see how the Government respond to these and whether they agree that changes are required. In addition, the Committee have recognised 15 "Best Practice" examples; each of the recommendations and best practice areas have been assessed in the table at the end of this summary to identify whether the Council may wish to take further action at this stage.

The Committee recognised the importance of a strong ethical culture within the organisation, both at a political and officer level. They assessed cases of significant corporate failure that had arisen within local government, which highlighted the need to ensure effective member / officer relations and the importance of openness and transparency in the way that decisions are made.

The Committee have touched upon growing concerns regarding the personal safety of Councillors. Whilst levels of concern are lower in local government than central government, there is a pattern emerging that abuse is particularly targeted at Female Councillors and so are suggesting that the need to disclose the home address of Councillors is removed – this requires changes to legislation.

The Committee have raised concern about the lack of clarity in codes of conduct on what is meant by a Councillor being "in capacity as a Councillor" – i.e. the

time when they are bound by a code of conduct, and the time when they are considered to be in a private capacity. The proposals by the Committee may significantly widen the scope of capacity, in particular suggesting that all public social media activity would be "in capacity"

A particularly interesting area explored by the Committee is the accountability of Parish Councils. They recognised that for the majority of Parishes, the current oversight regime worked well, but there are some where it does not. The Committee propose that the Monitoring Officer would have a broader role in supporting Parishes / Towns who were experiencing difficulties with behaviour; however, this may raise concerns that Parishes / Towns, who are autonomous bodies, could try to absolve responsibility for trying to work to resolve issues. It also brings into potential conflict the role of the Monitoring Officer, and the role of bodies such as SALC, as well as raising potential resource implications for District Councils.

This is only a report, and will require a response from the Government before any potential changes to legislation could be introduced. However, as the table below identifies, there are opportunities to work across Suffolk to see how some of the more local best practice suggestions could be implemented.

## CfSPL Recommendations and Best Practice

Recommendation	Views / Where West Suffolk is
The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	This is a matter for the LGA; depending on their response, there is scope for West Suffolk to work with Suffolk MO's to look to update the existing Code of Conduct
The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests	This would require a change in primary legislation. However, we have informed District Councillors that we are willing to withhold this information if they have concerns.
Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches	This would require a change in primary legislation. At present, the expectation is that Councillors are acting in capacity where they do or say something that would give the impression they are acting in capacity.
Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	This would require a change in primary legislation. Our Code of Conduct already includes such a statement.
The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	This would require a change in secondary legislation. Our Code of Conduct expects Councillors to declare these as local non-pecuniary interests.

<p>Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.</p>	<p>This would require a change in primary legislation. We do maintain records of donations received over £25 when a Councillor is acting in capacity</p>
<p>Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".</p>	<p>This would require a change in primary legislation. Our Code expects Councillors to also declare non-pecuniary interests and should comply with the Nolan principles to act objectively and selflessly, but this still creates a grey area for Councillors which such a change to legislation may help to resolve.</p>
<p>The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.</p>	<p>This would require a change in primary legislation. Our current Independent Persons have been appointed for 7 years and 2 years respectively.</p>
<p>The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.</p>	<p>This would require a change to the Transparency Code, although we already include the Independent Person's views as part of decision notices.</p>
<p>A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.</p>	<p>This would require a change in primary legislation.</p>
<p>Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.</p>	<p>This would require new secondary legislation.</p>
<p>Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from</p>	<p>This would require a change in primary legislation. We have a Standards Committee, comprised of District Councillors.</p>

dependent parishes, to decide on allegations and impose sanctions.	At present, we could not appoint voting independent / parish council members.
Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	This would require a change in primary legislation.
The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	This would require a change in primary legislation
The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied	Whilst this would require a change in the Code, this is something we could opt to produce (we present this information to Standards Committee, although some information is treated as exempt due to the level of details relating to individuals)
Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	This would require a change in primary legislation
The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	This would require a change in primary legislation
The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished	This would require a change in primary legislation
Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks	This is a matter for Parish Councils
Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	This would require a change in primary legislation, however this already happens across West Suffolk

Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	This would require a change in primary legislation. At present, the District Council would make recommendations and the Parish would then determine whether to agree / adopt those recommendations. Caselaw has demonstrated the wording in the Localism Act at present is unclear and needs clarifying
The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	This would require a change in secondary legislation.
The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Whilst this requires a change in the Transparency Code, our policy already includes this.
Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	This would require a change in primary legislation to the Public Interest Disclosure Act (for reference, employees of businesses and organisations can raise concerns to "prescribed persons" such as MP's or ombudsman services if they are worried about the activities of their employer and they believe there is a public interest in raising the concern. Employees would then be protected from disciplinary action as a result)
Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	This is a matter for the political groups
Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	This is a matter for the LGA
<b>Best Practice Suggestions</b>	<b>Views / Where West Suffolk is</b>
Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a	Our Code does include that Councillors must not bully anyone, but does not define bullying nor give examples.

definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition	Suggest consideration by Suffolk Monitoring Officers following any views expressed by the LGA regarding a new model code.
Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.	Suggest consideration by Suffolk Monitoring Officers following any views expressed by the LGA regarding a new model code. The second point – on trivial or malicious allegations – this is considered as part of the procedure review
Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities	This is difficult in practice. The Suffolk wide Code of Conduct is agreed by Suffolk County Council, District Councils and Parish / Town Councils across the County. It is a challenging exercise to get all parties to agree and so an annual review / modification process could involve considerable resources and risk a divergent approach. It would clearly be preferable to seek views from parties when the Code of Conduct is reviewed.
An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises	The Code is available on the website and in Council premises
Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV	All declared gifts and hospitality are always available on the website for each Councillor, as such this is a live document rather than a quarterly publication.
Councils should publish a clear and straightforward public interest test against which allegations are filtered	The procedures for complaints are subject to review by the Standards Committee today; this can be published publicly.
Local authorities should have access to at least two Independent Persons.	We have appointed two independent persons
An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial	This is our current practice
Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision	This may not be consistent with recent case law that suggested that where a Councillor has not breached the

<p>notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied</p>	<p>Code of Conduct, it is not in the public interest to disclose details relating to it. As such, it would not be our intention to do this unless there is a clear change in the case law position or legislation.</p>
<p>A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.</p>	<p>We have a specific page on our website to cover this</p>
<p>Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</p>	<p>This may not always be practical (for example where the Clerk has concerns about the Chair or a group of Councillors), as such the current approach – where it can be made by the chair, or the council, or the clerk, is considered more appropriate</p>
<p>Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	<p>This raises concern regarding the potential capacity to do so, and autonomy of Parishes in resolving issues. Suffolk MO's meet every 2-3 months with representatives of SALC to discuss Parish Council challenges and how to resolve these</p>
<p>A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p>West Suffolk has a highly experienced Deputy MO who can operate when the MO has a conflict of interest, and has access to external investigators.</p>
<p>Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place</p>	<p>This would be included as part of the AGS. There is some concern regarding the second aspect of this proposal – for companies to publicly report their board agendas and minutes, as this would need necessary caveats relating to confidential information (as apply already to local authorities) to be considered appropriate.</p>

Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Senior Officers do meet with political group leaders where there are concerns regarding councillor behaviour. The Chief Executive offers briefings to all group leaders.

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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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