

West Suffolk Standards Committee



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| Title | Agenda | | |
| Date | Monday 28 November 2022 | | |
| Time | 5.00 pm | | |
| Venue | Conference Chamber West Suffolk House Western Way Bury St Edmunds, IP33 3YU□ | | |
| Full Members | Chair Vice Chair | To be appointed by the West Suffolk Standards Committee on 28 November 2022 | |
| | Conservative Group (4) The Independent Group (2) Labour Group (1) | John Augustine Robert Everitt Roger Dicker Cliff Waterman | Margaret Marks Jim Thorndyke Andy Neal |
| Substitutes | Conservative Group (2) The Independent Group (2) | Stephen Frost John Burns | Vacancy Vacancy |
| 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 Telephone 01638 719363 Email helen.hardinge@westsuffolk.gov.uk | | |

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| Venue | Conference Chamber West Suffolk House Western Way, Bury St Edmunds, IP33 3YU |
| Contact information | Telephone: 01284 763233 Email: democratic.services@westsuffolk.gov.uk Website: www.westsuffolk.gov.uk |
| Access to agenda and reports before the meeting | The agenda and reports will be available to view at least five clear days before the meeting on our website. |
| Attendance at meetings | This meeting is being held in person in order to comply with the Local Government Act 1972. For further information about the venue, please visit https://www.westsuffolk.gov.uk/contact-us.cfm |
| Public participation | Members of the public have the right to speak at the West Suffolk Standards Committee, subject to certain restrictions. Further information is available by contacting Democratic Services as set out above. |
| Accessibility | If you have any difficulties in accessing the meeting, the agenda and accompanying reports, including for reasons of a disability or a protected characteristic, please contact Democratic Services at the earliest opportunity using the contact details provided above in order that we may assist you. |
| 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 Committee Administrator who will instruct that they are not included in the filming. |
| Personal information | 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: https://www.westsuffolk.gov.uk/Council/Data_and_information/howweuseinformation.cfm 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 2022/2023

2. Election of Vice Chair for 2022/2023

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. Minutes

1 - 6

To confirm the minutes of the meeting held on 31 January 2022 (copy attached.)

6. Declarations of interest

Members are reminded of their responsibility to declare any pecuniary or local non pecuniary interest which they have in any item of business on the agenda, **no later than when that item is reached** and, when appropriate, to leave the meeting prior to discussion and voting on the item.

7. 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 by 9am the last working day before the day of the meeting. This can be done by sending the request to democratic.services@westsuffolk.gov.uk or telephoning 01638 719363.

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

8. West Suffolk Standards Committee Update Report

7 - 14

Report No: **STC/WS/22/002**

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West Suffolk Standards Committee



Minutes of a meeting of the **West Suffolk Standards Committee** held on **Monday 31 January 2022 at 5.00 pm** in the **Conference Chamber West, West Suffolk House, Western Way, Bury St Edmunds IP33 3YU**

Present: **Councillors**

Chair Jim Thorndyke
Vice Chair Cliff Waterman

John Augustine
Roger Dicker
Robert Everitt

Margaret Marks
Andy Neal

In attendance:

Carol Bull

(Portfolio Holder for Governance)

15. **Election of Chair for 2021 to 2022**

This being the first meeting of the West Suffolk Standards Committee since the Annual Meeting of Council in May 2021, the Monitoring Officer opened the meeting and sought nominations for the Chair of the Committee for 2021 to 2022.

Councillor Margaret Marks nominated Councillor Jim Thorndyke as Chair, which was duly seconded by Councillor Robert Everitt.

There being no other nominations and no objections, it was

Resolved:

That Councillor Jim Thorndyke be elected Chair for 2021 to 2022.

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

16. **Election of Vice Chair for 2021 to 2022**

The Chair sought nominations for the election of Vice-Chair of the West Suffolk Standards Committee for 2021 to 2022.

Councillor Robert Everitt nominated Councillor Cliff Waterman as Vice-Chair, which was duly seconded by Councillor Margaret Marks.

There being no other nominations and no objections, it was

Resolved:

That Councillor Cliff Waterman be elected Vice-Chair for 2021 to 2022.

17. Apologies for absence

No apologies for absence were received.

Under this item, the Democratic Services Officer reported that contrary to that printed on the agenda, Councillor Andy Neal was now appointed as a full member on the Committee, thus filling the vacant seat allocated to the Independent Group. As Councillor Neal had previously been appointed as a substitute, this had resulted in a vacancy for a substitute member for the Independent Group.

Members noted that a vacancy for a substitute member from the Conservative Group also remained on the Committee.

(Councillor Roger Dicker joined the meeting during the consideration of this item at 5.04pm.)

18. Substitutes

No substitutions were declared.

19. Minutes

Matters arising from the minutes included:

- That in respect of the fifth paragraph of minute 14. 'Standards Activity Update (Report number: STC/WS/20/002)', it was reiterated that the Committee was seeking to retain the present level of monetary value by which gifts and hospitality should be declared as stated in the current Suffolk Local Code of Conduct. Presently, members should declare gifts or hospitality received with an estimated value of at least £25. The new model Code produced by the Local Government Association had indicated that gifts and hospitality received should be declared with an estimated value of at least £50.
- In respect of the tenth paragraph under this same minute, it was reiterated that if an additional column was added to the data table highlighting those cases where a councillor resigned from office following a complaint, that the reasons for the resignation should also be included as well.

The minutes of the meeting held on 7 December 2020 were confirmed as a correct record and signed by the Chair.

20. Declarations of interest

Members' declarations of interest are recorded under the item to which the declaration relates.

21. **Public participation**

There were no members of the public in attendance on this occasion.

22. **New Suffolk Model Code of Conduct (Report number: STC/WS/22/001)**

The Committee considered this report, which sought to recommend to Council, adoption of the Local Government Association (LGA) Model Code of Conduct as its new local Code of Conduct for councillors.

The Localism Act 2011 placed a duty on every council to promote and maintain high standards of conduct by councillors and co-opted members of the authority and, in discharging that duty, adopt a code dealing with the conduct that was expected of those members when they were acting in that capacity. A Suffolk-wide local code of conduct was adopted by the Councils in 2012.

In January 2019, the Committee on Standards in Public Life (CSPL) published a report following their review of local authority standards. This review had concluded that a model code of conduct would create consistency across England and reflected the common expectations of the public, regardless of geography or tier. It would also reduce the potential for confusion amongst dual-hatted or triple-hatted councillors. The CSPL also considered that matters such as gifts and hospitality, social media use and bullying and harassment had also increased in salience and where, perhaps, not regularly reflected in local authority codes of conduct and a model code would help to ensure that they did so.

The report directed a series of recommendations to the Government and to the local government sector. A key recommendation was directed to the LGA to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. Consequently, the LGA approved a Model Councillor Code of Conduct in December 2020, which provided a template for councils to adopt in whole and/or with local amendments.

The Code (attached at Appendix A) contained much of the existing Suffolk Local Code of Conduct and provided welcome guidance to explain the rationale for the obligations and how councillors should follow them. The LGA had also published more extensive guidance that would assist councillors and the public in understanding the Code and what was included. This guidance was attached at Appendix B. Moving forward, the LGA had committed to undertake an annual review of the Code to ensure it continued to be fit-for-purpose, incorporating advances in technology, social media and changes in legislation.

The Suffolk Monitoring Officers Group strongly recommended that there continued to be a Suffolk-wide code of conduct to enable clarity and consistency across the county and particularly across the tiers of local government where councillors represented more than one authority. The district council Monitoring Officer was responsible for investigating breaches

of the code of conduct by town and parish councillors across the whole district and the ability to apply a single code to all complaints was desirable. The Suffolk Association of Local Councils (SALC) was also supportive of a Suffolk-wide code.

Therefore, the purpose of this report was to outline the key differences in the new model Code, before seeking endorsement of the LGA's model code of conduct and to resolve to recommend that the Model Code of Conduct be adopted by the Council.

Councillor Carol Bull, Portfolio Holder for Governance was in attendance and drew relevant issues to the attention of the Committee, including that the LGA would be offering support, training and mediation to councils and councillors on the application of the Code. Advice and support to town and parish councils would also be provided by the National Association of Local Councils (NALC) together with local associations of local councils, which in Suffolk's case was SALC. A training package in Suffolk was expected to commence from March 2022, starting with offering support and guidance to county, then district through to town and parish councillors.

The following points arose from the discussion:

- The matter was on the agenda for the forthcoming West Suffolk Town and Parish Forum arranged for Thursday 10 February 2022.
- Following specific consideration on proposed 'best practices' 2, 9 and 11, as contained in Appendix C of the Model Code of Conduct, the Committee was informed that each of the 15 'best practices' were guidelines. Although the recommendation was to adopt the same code on a Suffolk-wide basis, there remained an opportunity for interpretation of the 'best practices' to ensure appropriate compliance with West Suffolk Council's own councillor complaints policy and guidance. The Monitoring Officer would come back to a future meeting on this.
- The imposition of 'mediation' was a potential sanction if a town/parish councillor was found to have breached the Code of Conduct. If felt to be an appropriate sanction, this would be for the relevant town or parish council to arrange themselves, not the district council.
- The opportunity to amend the proposed Model Code of Conduct was available during the period of consultation. So that each Suffolk authority was taking a consistent, aligned approach and therefore being presented with the same code, Council's decision would be to adopt or not adopt. If the decision was taken not to adopt, West Suffolk Council would be out of step with the rest of the county, which may cause some difficulties for twin or triple-hatters if they were required to abide by different codes.
- It was not known to hand regarding the number of authorities across the country that had decided to adopt their own code of conduct rather than a county-wide code. All councils were guided by the seven Nolan Principles of Public Life for instilling good ethical standards within their authority in order for public trust and confidence to be maintained. These principles

would, therefore, be enshrined in all codes of conduct, including bespoke codes.

It was proposed by Councillor Robert Everitt, seconded by Councillor Margaret Marks, and with the vote being unanimous, it was

Recommended to Council (22 March 2022):

That the Local Government Association Model Code of Conduct be adopted as its new Local Code of Conduct for Councillors.

The meeting concluded at 5.29 pm

Signed by:

Chair

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West Suffolk Standards Committee Update Report

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|-------------------------------|---|
| Report number: | STC/WS/22/002 |
| Report to and date(s): | West Suffolk Standards Committee 28 November 2022 |
| Cabinet Member: | Carol Bull Portfolio Holder for Governance Tel: 01953 681513 Email: carol.bull@westsuffolk.gov.uk |
| Lead Officer: | Teresa Halliday Monitoring Officer Tel: 01284 757144 Email: teresa.halliday@westsuffolk.gov.uk |

Wards impacted: **All Wards**

Recommendation: **It is recommended that the Standards Committee reviews the report and notes the contents.**

1. Context to this report

- 1.1 This report updates the Committee in relation to complaints and other matters.
- 1.2 This report also provides information on the new Independent Persons appointed by Council on the 27 September 2022.

2. Proposals within this report

- 2.1 The number of complaints considered in 2021/22 and 2022/23 to date compared to prior years is as follows:

| Year | Complaints About: | Outcome – no breach | Outcome – breach | Cllr Resigned | Open case | Total |
|----------------------|-------------------|---------------------|------------------|---------------|-----------|-----------|
| 2022/23 (Nov) | Parish | 4 | 0 | 0 | 2 | 6 |
| | District | 2 | 1 | 0 | 1 | 4 |
| | | 6 | 1 | 0 | 3 | 10 |
| 2021/22 | Parish | 3 | 1 | 0 | 0 | 4 |
| | District | 3 | 0 | 0 | 0 | 3 |
| | | 6 | 1 | 0 | 0 | 7 |
| 2020/21 | Parish | 14 | 4 | 1 | 4 | 14 |
| | District | 3 | 0 | 1 | 0 | 4 |
| | | 17 | 4 | 2 | 0 | 23 |
| Total | | 16 | 5 | 1 | 0 | 21 |

- 2.2 Of the seven complaints received in 2021/22 three did not pass the initial assessment stage and one Member was found not to be acting in capacity as a Member of the council at the time of the alleged complaint. Of the 6 complaints received to date in 2022/23, three did not pass the initial assessment stage and one Member was found not to have been acting in capacity as a Member of the council at the time of the alleged complaint.

3. Independent Persons

- 3.1 Section 28.7 of the Localism Act 2011 (the Act) places a duty on local authorities to appoint at least one Independent Person. The Council has, historically, appointed two Independent Persons but this arrangement expired at the end of September 2022 and they both declined an invitation to continue.
- 3.2 Since 2012, Suffolk County Council, Babergh District Council, Mid Suffolk District Council and Ipswich Borough Council have formed a consortium and jointly recruited and appointed a pool of Independent Persons. The intention of the pool is so that each of the four authorities involved could then call on a number of different people to carry out the role, providing resilience, flexibility and a timely response. Further, there has been less scope for any conflict of interest and the individuals have been able to maintain their independence should there be repeated complaints involving the same individual or around a similar subject.
- 3.3 This consortium arrangement also ended at the end of September 2022 so it seemed an appropriate time for this Council to join the consortium and then select from the pool when considering a complaint.
- 3.4 The Monitoring Officer was involved in the recruitment process throughout and five Independent Persons were appointed. A short introductory biography of each Independent Person is attached to this report at Appendix A.
- 3.5 Each Independent Person will receive an annual allowance of £300 which is split equally between the five recruiting Councils. The Council may also pay a discretionary fee of £50 to an Independent Person dealing with a particularly complex or lengthy complaint.
- 3.6 The Independent Person will be selected from the pool at random but the Monitoring Officer will take steps to ensure to use a different person to that previously engaged to consider a complaint. The subject of a complaint will be offered the contact details of an Independent Person if they wish to discuss any affect the complaint is having on their wellbeing. They will be offered the details of a different Independent Person to the one who will be asked to provide a view on the complaint.
- 3.7 The appointed Independent Persons received training on the new Model Code of Conduct on the 26 October 2022 and the Monitoring Officer will work closely with them over the next few months to ensure they are confident with the application of the new Code when considering complaints.

3.8 It is intended for the Monitoring Officers for the consortium to meet with the Independent Persons throughout the year to discuss any matters of interest (such matters to be anonymised) and to identify any ongoing training needs.

4. Appendices referenced in this report

7.1 Appendix A: Biography for each Independent Person within the pool

For internal use only

All report authors must complete the template below, indicating which meetings are considering the report (including dates of internal sign off meetings such as LT, JCP and any working groups) and which people have been consulted on the content of the report as appropriate.

| Meeting | Date |
|---|-----------------------------|
| | |
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| | |
| Authorisation level or impacted services | Name of relevant individual |
| Has the portfolio holder signed off the report? | |
| Has the assistant director signed off the report? | |
| Is the communications team aware of and signed off the report? | |
| Is the democratic services team aware of and signed off the report? | |
| If the report has financial implications, has the finance team signed off the report? | |
| If the report has policy, equality or public consultation implications, has the policy team signed off the report? | |
| If the report relates to a project , has the project sponsor signed off the report? | |
| If the report has legal implications, has the legal team signed off the report? | |
| If the report has crime and disorder implications, has the families and communities team signed off the report? | |
| If the report will entail changes to the way we process personal data , has the data protection officer signed off the report? | |
| If the report has environmental or sustainability implications, has the | |

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| environmental health team signed off the report? | |
| If the report has staffing implications has the HR team signed off the report? | |
| If the report will require additional IT resources or system changes, has the ICT team signed off the report? | |
| Are there others who have been consulted on the report – for example, if the report impacts on local businesses, has the growth team reviewed? If it impacts on community groups, has the families and communities team reviewed it? | |

Tracy Colman

Tracy is currently self-employed as an Independent Person for Norfolk County Council, and an administration and finance partner for her husband's business. In addition, Tracy is Chair of Governors at one of her local Academy schools and is a Governor at another. Tracy has extensive experience of governance and misconduct practices and procedures from her long career within business and finance, primarily as an educational leader. Throughout her career Tracy has demonstrated high levels of integrity and impartiality. Tracy enjoys a wide range of outdoor pursuits in her spare time and currently resides in Norfolk.

Josie Finch

Josie currently works for New Anglia Local Enterprise Partnership, supporting schools and businesses to create links, improve careers education and increase students understanding and awareness of the fast-changing world of work. Josie has a passion for young people, community, and equality, diversity and inclusion which can be seen as a theme through their career and volunteering. Josie sits as the Chair for Stone Lodge Academy, a special school in Ipswich for students with complex moderate learning difficulties and on the local board for the charity Career Ready. In any free time, Josie can be found either drumming, board gaming or spending time with their chickens or cats in her back garden overlooking allotments in Ipswich.

Rebecca Preedy

Rebecca retired from a thirty-year policing career within Suffolk Constabulary in September 2021. During her varied career her roles included response policing, community policing and C.I.D. The majority of Rebecca's career was spent as a police inspector, working closely with Local Authorities across Suffolk within the community safety environment. She recognises the need for high standards within public sector roles and has experience of dealing with grievances and complaints procedures both within the police service and within a previous role as a school governor. Rebecca lives in Hadleigh.

Susan Putters

Susan is a self-employed management consultant specialising in Human Resources, Mergers & Acquisitions and Governance issues. Her career has largely been at senior executive level within listed companies in the Scientific and Engineering sectors with several years as a Trustee for Health related charities. Susan has completed a B.Bus in Strategic Human Resources Management, a Masters in Occupational Health & Safety and the Company Directors Course. As an HR practitioner and Manager, she has extensive experience of dealing with grievances and disciplinary procedures at all levels of an organisation, and recognises the need for high ethical standards for persons working in a leadership or public facing role. Susan lives in Capel St. Mary.

Suzanne Williams

Suzanne is currently appointed as a Non Legal Member to the Employment Tribunal Service. Her career has largely been within Local Government, both in England and Wales. She has also held the position of Treasurer/Trustee in a local charity and currently volunteers with another. Suzanne has experience of dealing with grievances and disciplinary procedures and policy development and interpretation, she recognises the need for high standards of propriety, integrity and fairness. Suzanne lives in Bramford.

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