

West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title of Report:	Review of Standards Activity	
Report No:	JST/JT/15/002	
Report to and date/s:	West Suffolk Joint Standards Committee	26 June 2017
Lead officer:	Leah Mickleborough Monitoring Officer Tel: 01284 757162 Email: leah.mickleborough@westsuffolk.gov.uk	
Purpose of report:	Following a request by the members of the Joint Standards Committee, this report has been prepared to update the Committee on current Standards Activity	
Recommendation:	It is <u>RECOMMENDED</u> that the West Suffolk Joint Standards Committee notes the contents of the review of activity, identifying any suggested further action that should be taken in respect of the matters raised.	
Key Decision: <i>(Check the appropriate box and delete all those that do not apply.)</i>	<i>Is this a Key Decision and, if so, under which definition?</i> Yes, it is a Key Decision - <input type="checkbox"/> No, it is not a Key Decision - <input checked="" type="checkbox"/>	
Consultation:	n/a	
Alternative option(s):	n/a	
Implications:		
Are there any financial implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any staffing implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any ICT implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any legal and/or policy implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Are there any equality implications? <i>If yes, please give details</i>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
Risk/opportunity assessment:	<i>(potential hazards or opportunities affecting corporate, service or project objectives)</i>	

Risk area	Inherent level of risk (before controls)	Controls	Residual risk (after controls)
Poor standards of governance leads to inappropriate behaviour and ineffective decision making	Low	Undertaking review of standards activity helps the Council understand where lessons can be learned for future improvement	Low
Ward(s) affected:		n/a	
Background papers: <i>(all background papers are to be published on the website and a link included)</i>		n/a	
Documents attached:		Appendix A: Standards Cases, March 2015 – April 2017 (Exempt) Appendix B: Procedure for handling standards complaints Appendix C: Monitoring Officer Report in respect of a Parish / Town Councillor (Exempt)	

1. Key issues and reasons for recommendation(s)

1.1 Background

1.1.1 As District Councils, we have responsibility for considering complaints that Borough, District, Town and Parish Councillors have breached the Code of Conduct, and then determining what action should be taken where a breach has arisen. Any decision we make has to be subject to consultation with an Independent Person appointed for this purpose.

1.1.2 Since 2013, a Joint Standards Committee has operated at West Suffolk, which – when formed – agreed to adopt the practices of the former St Edmundsbury Standards Committee in handling complaints. This envisages that once a complaint has been received, the Monitoring Officer will seek the views of the subject of the complaint, then the Independent Person, and if possible will seek to resolve the matter locally. Complaints which have a significant public interest may be referred for further investigation, and subsequently be referred to the Standards Committee.

1.2 Standards Activity

1.2.1 Analysis of complaints raised over the past 2 years (ending 31 March) has identified the following:

Year	Complaints About:	Outcome – no breach	Outcome – breach	Total
2016/17	Parish	12	4	16
	District	0	0	0
	Borough	5	0	5
2015/16	Parish	5	1	6
	District	2	0	2
	Borough	6	2	8

More details in respect of the cases are included in Appendix A which has been anonymised and made exempt to enable the Committee to review.

1.2.3 Positively, standards appear to remain high within the Councils' area. Only 3% of all District Councillors were subject to complaints during the past year, and complaints were upheld against only 0.6% of all Councillors.

1.2.4 A concerning trend is the growing number of complaints that are made within Town and Parish Councils – i.e. from employees or Councillors against other Councillors. In 2016/17, this accounted for 10 of the Parish and Town complaints as opposed to two of the complaints in 2015/16. Nearly all such complaints related to 3 Councils – although no new issues have been raised relating to one of these since August 2016.

1.2.5 It is disappointing that it seems in the majority of such complaints, the complainants had not sought to raise or discuss their issues with the subjects of the complaints to resolve them, and instead directly used the formal complaints procedure. Seeking to discuss and resolve issues at an early stage often leads to far better outcomes in the long term. The Monitoring Officer's response to these complaints has been focused on these

constructive approaches, including recommending independent mediation in one instance.

General Procedures

- 1.2.6 A recent Judicial Review of a Standards Case has emphasised that it is for the District or Borough Council to consider allegations against Parish and Town Councillors, and to reach decisions on such breaches, including sanctions that should be employed. It is not for Parish Councils to change the sanctions suggested by the District or Borough Council.
- 1.2.7 There are limited grounds in which District or Borough Councils can intervene more generally in sovereign Parish Councils. This can cause frustration when the breakdown of relationships can impair the body from achieving strong, positive outcomes for their communities, which is what we would all want to achieve. A judgement call therefore has to be made on the level of engagement the District / Borough Council should undertake where Parish and Town Councils are experiencing challenging situations.
- 1.2.7 The current procedures are attached at Appendix B. There has been a small number of cases where concerns have been raised about standards procedures, as follows:
- The Monitoring Officer, following a recommendation from the Independent Person, has to make a judgement call on whether or not to pursue complaints for investigation, or whether to try to resolve matters locally. Investigations can be lengthy and challenging for all concerned. The Monitoring Officer will usually only refer matters for full investigation where there is no ability to resolve the matter locally; or the matter is particularly high profile; or they consider there is a strong public interest in doing so. Some complainants and subjects remain dissatisfied a more detailed investigation is not undertaken.
 - The details of complaints, and complainants (where they consent) are usually referred to the subject in the first instance to provide their views. It has been Council policy that the views of the subject will not be provided to the complainant (unless the complainant consents) on the grounds that these are personal views, which are subject to the data protection act. However, subjects could be asked in future whether they give consent to their views being shared.
 - Frustration continues to be expressed as to the range of sanctions available to the Monitoring Officer and the Standards Committee – particularly from those who want Councillors to be “thrown out” for what they see as poor behaviour. There has been no official indication that this position will be changing in the near future. However, the concern that this may lead to a significant increase in poor behaviour has not materialised – in fact, as above, standards remain high – and it also encourages all parties to work together to resolve issues for the longer term.

2 Registering Interests and Pecuniary Interests

- 2.1 As members will be aware, it is a prosecutable offence to either fail to complete a register of interests within 28 days of election, or to fail to declare a pecuniary interest at a meeting where it is under discussion.
- 2.2 There has been a very small number of such cases arising across Suffolk since the Localism Act, however when matters arise, they are potentially very serious. With this in mind, the Suffolk Monitoring Officers Group are working on a protocol with Suffolk Police for handling such cases.
- 2.3 Responsibility for ensuring that Parish and Town Councillors maintain up to date registers of interests ultimately falls to the Councillors themselves. Democratic Services keep up to date records of all Councillor interest forms, which are published on the website. At present, 7.5% (11) of the 148 current Forest Heath Parish and Town Councillors, and 1.7% (7) of the current 427 St Edmundsbury Parish and Town Councillors have not completed an interest form.
- 2.4 Concern has also been raised regarding the accuracy shown when completing such forms, in that some (Parish and Town) Councillors have failed to list, for example, their own residential property which then raises concern as to other omissions on the relevant forms. However, again, this is the responsibility of the Councillor and Democratic Services have reminded clerks of the need to ensure the forms are completed accurately, and provided guidance to them.

3 Independent Person

- 3.1 At its previous meeting, the Standards Committee agreed a process for recruitment of an Independent Person.
- 3.2 We were fortunate in attracting an extraordinarily high calibre of candidate to the post, and interviews took place on 24th and 31st May 2017. As a result, Councils on 13 and 14 June agreed to appoint Mrs Zoe Finn.
- 3.3 The Monitoring Officer is working with colleagues across Suffolk to organise an Independent Persons training and networking day, to refresh Independent Persons on the latest developments in Standards Cases.