

**Committee on Standards in Public Life  
Consultation on Ethical Standards in Local Government**

**Proposed response from Forest Heath District Council and St Edmundsbury  
Borough Council**

Forest Heath District Council and St Edmundsbury Borough Council work together as West Suffolk Councils. Together, the Councils are represented by 72 members, and serve an area including a further 85 Parish and Town Councils and in 2019, it is expected they will be part of one of the first District-tier reorganisations to create West Suffolk Council.

The Councils have agreed to operate a Joint Standards Committee, who have oversight of ethical governance, receiving reports on standards and governance activity, and periodically reports where significant or complex breaches of the Code of Conduct arise. We recognise that providing the right levels of support and training to enable Councillors to understand the expectations placed on them is the most effective way to support strong standards of governance.

We wish to highlight that on a general basis, Councillor behaviour is very good. Of several hundred Councillors in our area, in the past financial year, complaints were raised against 17 Councillors. Whilst some complaints are still in resolution, just 4 have been upheld which is consistent with prior years.

**Structures and Processes for handling complaints and the Code**

We appreciate the flexibility given to authorities to develop their own, localised regimes. We are aware that many authorities adopt similar practices to our own, with the Monitoring Officer addressing the vast majority of matters, and the more complex or significant matters being considered by the Standards Committee.

Whilst some were concerned that the new approach removed independence, in general, it is now quicker to resolve matters, especially as the expectation is that people are able to provide their views at an early stage, rather than a series of committees which could leave the affected Councillor feeling the last to know about complaints raised against them, and the complainant frustrated by the length of time to resolve issues. Now, more straightforward issues can be resolved in days, rather than weeks.

Similarly, there were concerns that Councillors would not be able to rise above local politics and make judgements against peers, or members of the same group. This has not materialised within our councils.

## **Sanctions**

We remain concerned that the current regime does not present sufficient sanctions for local authorities where the most serious of conduct issues arise.

The failure to declare a pecuniary interest, or take part in discussion / debate with a pecuniary interest, carries a high penalty, reflecting the seriousness of the matter.

However, all other offences at the most could result in a press notice, a public apology or a recommendation of training for the Councillor. There is no requirement on them to comply.

Whilst this can carry a positive aspiration that there should be a robust training programme to help Councillors understand expectations, and to then work together to resolve problems where they do go wrong rather than issue punitive "punishments", there are a small number of cases where there is insufficient powers to deal with genuine poor behaviour. Sometimes, the fact that stronger sanctions can exist can encourage such individuals to comply with lesser sanctions or work with their peers to resolve issues.

In cases where a statutory officer is subject to disciplinary action, there are specific procedures in place to deal with this involving an independent panel and a vote of the full Council. Similar procedures could be implemented where the Monitoring Officer or Standards Committee considers it is warranted due to repeated poor behaviour, or significant concerns.

## **Parish and Town Councils**

We are also particularly concerned about the arrangements for handling complaints related to Town and Parish Councillors. Approximately 2/3 of the complaints that the Council considers are made against Town and Parish Councillors, rather than District or Borough Councillors. In addition, the majority of complaints related to a small number of Parish or Town Councils.

Unfortunately, from time to time, there will be disagreements within Parish or Town Councils. Whilst there are generally systems within a District or Borough Council to address this, in Parishes many sides choose to resort to using the standards regime to resolve issues, rather than working together to resolve their differences.

This can become particularly endemic in Parishes where factions form, and either the Chairman or the Clerk is not empowered, or capable to be able to resolve problems. Whilst some complaints can be considered "tit-for-tat", this can mask poor behaviour which can then escalate.

The net result is that Parishes and Towns quickly become dysfunctional, with no party having any powers or duties to resolve these. Potential resolution – mediation, professional support can be difficult for a smaller Parish to justify. We suggest it would be helpful for the Committee to explore potential options for Parishes who encounter such situations; we have several such examples and would happily discuss these with the Committee.

### **Conflicts of Interest**

There are inevitably some "grey areas" within Codes of Conduct where a Councillor does not have a pecuniary interest, but otherwise may be assessed as having a conflict of interest.

This position is not new; under the pre-2012 regime, there was still a judgement be made on what constituted a prejudicial interest (which prohibited participation) and a personal interest. However, some perceive that the new regime only prohibits participation where there is a pecuniary interest.

Clearly, such participation may be perceived as breaching the principle of "selflessness" or predetermination. We suggest it may be helpful for the Committee to consider whether there could be a clearer legislative process or statutory / non-statutory guidance for Councillors in such matters.

### **Intimidation of Councillors**

We support the Committee in recognising this as a growing area of concern for Councillors.

We have experienced this on two fronts:

- Intimidation of election candidates, witnessing even at Parish Council level victimisation and personal attacks on candidates
- Personal attacks on widely-used social media groups against individual Councillors

It is extremely challenging to address many of the social media attacks. Whilst social media can have a degree of self-policing, if Councillors respond to concerns, this can often lead to further instigation against them. We have experienced

Councillors who have been subject to unwarranted personal campaigns against them.

There is legislation under which the police can take action, however this is also balanced against the expectation that Councillors are public figures and need to be accountable. This can, at times, mean there may be less willingness to take action, especially where those undertaking the abusive behaviour can have more complex challenges.

As highlighted above, we would be happy to discuss any of the matters we raise in more detail with the Committee should they wish.