

West Suffolk Joint Standards Committee

Forest Heath & St Edmundsbury councils

West Suffolk
working together

Title of Report:	Update on Standards Activity
Report No:	JST/JT/18/003
Report to and date/s:	West Suffolk Joint Standards Committee – 16 July 2018
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Purpose of report:	To update the Joint Standards Committee on the work of the Monitoring Officer since the last update in December 2017, and to seek views of the Committee regarding related matters.
Recommendation:	It is recommended that the West Suffolk Joint Standards Committee: (1) Make any recommendations they consider appropriate in respect of the issues raised within this report; and (2) Agree the principles of the dispensation approach for Councillors who are also landlords as set out in Paragraph 4.6.
Key Decision:	<i>Is this a Key Decision and, if so, under which definition?</i> No, it is not a Key Decision - <input checked="" type="checkbox"/>
Consultation:	None
Alternative option(s):	None

Implications:	
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"/>
Ward(s) affected:	None Specific
Background papers: <i>(all background papers are to be published on the website and a link included)</i>	None
Documents attached:	Appendix 1 – List of Standards Complaints (Exempt)

1. Standards Activity

- 1.1 At the time of the last report (in December 2017), 7 standards cases were “open” – yet to be concluded. All of these have now been resolved; 7 further complaints were raised between January and June 2018, of which 6 have now been concluded. The outcomes of these cases are detailed in Appendix A to this report.
- 1.2 The table below summarises the volume of complaints received over the past year in comparison to previous years. Exactly the same number of complaints were received overall, although there was proportionately a slight decrease in Parish Council complaints.

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

Overall, this continues to demonstrate the relatively small number of complaints that are raised and even fewer are upheld. There are, at any point in time, some 700 Councillors in West Suffolk and as such, complaints are raised against just 3% of Councillors, and upheld against less than 1%.

2. Challenging Parish and Town Councils

- 2.1 In terms of Parish and Town Council complaints, it continued to be the case that the vast majority of complaints were raised against a small number of Councils. In line with previous suggestions to the Committee, the Monitoring Officer is more actively encouraging Parish Councillors to work to resolve “internal” issues harmoniously rather than using the Standards process as a recourse to resolve differences in opinion.
- 2.2 This issue is not uncommon to West Suffolk. Across the Country, Monitoring Officers find that a small number of Councils can occupy a significant proportion of complaints; as previously highlighted to the committee, breakdown in relationships can mean that the standards committee is used as a tool to highlight wrongdoing, when often the matters at hand relate to an inability to work within a community to resolve differences in opinion.
- 2.3 With this in mind, and the previous interest expressed by the Committee, the Chairman has invited SALC to attend today’s meeting and talk about ways in

which more positive, proactive action could be taken to capture issues at an early stage before they escalate.

2.4 The Monitoring Officer as also discussed this with other Councils and those with experience of “turning round” Councils to identify what can be effective in helping in such difficulties. Answers given included:

- a) Having a strong, effective Parish / Town Clerk who developed positive relationships with Councillors and supported them in resolving their differences;
- b) Clear, positive leadership from the Parish / Town Chairman;
- c) Focusing on important issues for the Community rather than on detailed points of dispute;
- d) Developing a strong governance / decision making structure to offer clarity and set expected standards of behaviour;
- e) Use of external support – companies can offer services including financial support / review, mediation, governance support

2.5 Whilst many of these answers may be clear, they are only deliverable where people are willing to seek solutions. In some cases experienced more locally and nationally, both sides of the debate can often consider they are “in the right” and unwilling to work with each other to resolve challenges.

3. West Suffolk Activity

3.1 Members of the Standards Committee will now be members of West Suffolk Council. It is possible that standards complaints could be raised in respect of Councillors acting for West Suffolk Council, and the Joint Standards Committee is responsible for oversight of these.

3.2 Councillors have been reminded to ensure they update their declaration of interests, and to include any interests for the whole of West Suffolk, and not just Forest Heath and St Edmundsbury Councils. Declaration of Interest forms are being updated accordingly online. West Suffolk Council has adopted the Suffolk-wide Code of Conduct within its constitution.

4. Councillors as Landlords

4.1 There has been interest nationally on the topic of Councillors as landlords, and whether they should also be able to take part in voting and discussion on policies related to private sector housing.

4.2 At present, the Localism Act prevents a Councillor taking part in a discussion / voting where a Councillor *has* a pecuniary interest in a matter – this is a narrow definition, whereby it would need to be the Councillor’s own property under discussion to meet the threshold.

4.3 The Suffolk Code of Conduct has a slightly wider definition – you cannot discuss / vote on a matter which *relates to...* your pecuniary interest. In addition, Councillors have to be mindful of the risk of perception that they could be biased in making a decision. This requires a judgement on the part of the Councillor themselves on what perception might be.

- 4.4 Many decisions the Council makes related to private sector housing would impact on a Councillor, who is also a landlord, in exactly the same way as any other landlord – such as a general decision on setting up the Council's guaranteed rent scheme for landlords; any Councillor can sign-up to the scheme in the same way as any private individual could.
- 4.5 However, there are some schemes that may have a disproportionate effect on a Councillor, or directly impact them financially. For example, if a Councillor had empty properties at the time the Council was making decisions on empty property relief, they could gain or lose from the decision.
- 4.6 The standards committee has the power to award "dispensations" which allow a councillor to take part in a discussion / vote where they have a disclosable pecuniary interest. To offer clarity, it is suggested that the Standards Committee consider a dispensation for Councillors, who are also landlords, to take part in discussion / voting on such decisions based on the following principals:
- a) No Councillor should be able to discuss, participate or take part in voting at any meeting of the Council which is considering a specific decision / determination about a property they own, or a tenant of such property;
 - b) No Councillors should take part in a decision at a council meeting assessing a matter related to the private sector housing rental market where, at the time the decision is made, they financially gain or lose as a landlord as a result of the decision;
 - c) No Councillor should take part in a decision where it specifically requires them to do something as a landlord, that the majority of landlords in the Council's area would not be required to do

However, Councillors may take part in a decision where:

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

Note – any references to a Councillor above would include interests held by them personally, their spouse, or a company in which they have a disclosable pecuniary interest

- 4.7 As an example, the Council recently agreed a civil sanctions policy to be able to take action against the small minority of "rogue" landlords. Councillors, who are also landlords, would be able to take part in the decision as it is a general policy and didn't impact on them. However, if a Councillor had fallen in the category of "rogue" landlords, then they would not have been able to take part in the decision.