

Standards Activity Update

Report number:	STC/WS/20/002	
Report to and date(s):	West Suffolk Standards Committee	7 December 2020
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Decisions Plan: N/A

Wards impacted: None

Recommendation: It is recommended that the West Suffolk Standards Committee note the report.

1. Context to this report

- 1.1 At each standing meeting of the Standards Committee, the Monitoring Officer provides an update on activity, including complaints received and considered in relation to parish, town and district councillors, as well as local and national developments related to the Committee's remit.
- 1.2 Due to the national coronavirus pandemic, and the need to focus Council resources on the most critical activities, the Standards Committee meeting originally scheduled for July 2020 did not take place (albeit an additional meeting was scheduled in August 2020 to consider the LGA's consultation on a new model Code of Conduct). Members of the Committee have been informally briefed on standards activity.

2. Proposals within this report

Standards Complaints

- 2.1 The number of complaints considered in 2020/21 to date (at 12 November), and prior years, is set out below in **Table 1:**

Year	Complaints About:	Outcome – no breach	Outcome – breach	Open case	Total
2020/21	Parish	8	2	4	14
	District	3	0	0	3
		11	2	3	17
2019/20	Parish	9	2	0	11
	District	5	2	0	7
		14	4	0	18
2018/19	Parish	3	1	3	7
	District	1	1	0	2
	Borough	4	0	0	4
		8	2	3	13
2017/18	Parish	11	3	0	14
	District	1	1	0	2
	Borough	4	1	0	5
Total		16	5	0	21

2.2 It is a matter of public knowledge that in June 2020 the Council received a significant number of complaints in relation to the social media posts of former Councillor Frank Warby. In total, 85 complaints were received. In order to provide proper comparatives this has been included in table 1 as a single complaint, as the issues raised in each complaint were substantively the same. As Councillor Warby resigned before a conclusion could be reached, this is included as “no breach”. The figures for “no breach” also include a second case where a Parish Councillor resigned before a conclusion can be reached. Where this arises, in line with our retention for standards complaints, the details are retained on file for three years.

2.3 The Standards Committee would usually receive an exempt appendix detailing cases considered. Some of the complaints considered during the year are now a matter of public record, and therefore it is not legitimate to uphold the exemption. We have therefore provided two appendices: **Appendix A** provides details of those cases which are in the public domain, and **Exempt Appendix B** provides details of those cases which are not in the public domain.

Trends in Standards Cases

2.4 Since the Monitoring Officer commenced in post in February 2017, there has been a strong trend that complaints have related to a small number of organisations. This position has changed during the current year, as Table 2 below shows:

	Proportion of complaints February 2017-March 2020	Proportion of complaints April 2020 to 6 November 2020
West Suffolk or its predecessor Councils	32%	18%
4 town councils	61%	29%
Other town councils and all parish councils	7%	53%

In essence, more than half of the complaints received have been in relation to councillors of parish or town councils who have not been subject of complaints before. Whilst it is pleasing the proportion of complaints in relation to the other organisations has reduced, it can also be challenging for those parishes who have not experienced this process before, or for some time. Whilst most of these cases are isolated, we are aware of one parish which has experienced particular challenges, as is set out in **Exempt Appendix B**

- 2.5 Complaints can be submitted by members of the public; councillors, and public officials such as members of staff. During 2018/19, we noted that there was a significant trend for complaints to be raised by Councillors against their fellow Councillors; this accounted for 83% of complaints received during that year. Whilst there was a variety of reasons for this, we were particularly concerned that this may in part be due to Councillors believing that the Standards process was the “correct” way in which to address such concerns rather than seeking to work with their colleagues to resolve their issues.
- 2.6 In practice, the Standards process is the route through which people can raise the most serious concerns about the conduct of Councillors. Where there are disagreements of opinion between Councillors, in most cases it is more effective to resolve these through discussion and conciliation between the parties concerned rather than using the Standards process. In some cases, the standards process was actually contributing to an escalation of issues with a number of counter-complaints being submitted.
- 2.7 With this in mind, in January 2020 we made revisions to our procedures to formalise an initial assessment phase. Now, on receipt of a complaint, the Monitoring Officer reviews to assess the merits of the complaint. Where there are disputes between Councillors, in the first instance they will be encouraged to resolve these, potentially using the support of their groups (for District Councillors) or their Chair and Clerk (Parish and Town Councils). In addition, the Monitoring Officer may also filter complaints at this stage where, for example, there is a lack of evidence to support the Councillor being in capacity at the time of the incident.
- 2.8 Of the 13 complaints resolved during 2019/20, two were closed as the Councillor resigned. Seven were closed following the initial assessment, and four were formally assessed. Of the seven closed at initial assessment, two were referred back to the parish/town council to take action to resolve the issues involved; two were closed as the Councillor was clearly not in capacity at the time the incident occurred and in the other three cases it was unlikely there would be further evidence to substantiate the complaint. Further details are set out in **Exempt Appendix B** for each case.
- 2.9 One complaint (which had been concluded at the initial assessment stage) was referred by the complainant to the Local Government and Social Care Ombudsman as they were dissatisfied with the outcome. The Ombudsman declined to investigate the complaint.

National standards developments

- 2.10 In January 2019, the Committee for Standards in Public Life (CfSPL) issued a report on Ethical Standards in Local Government. At that time, the Standards Committee considered the report’s findings and how the Council’s procedures correlated to the best practice recommendations

made by the CfSPL. It was identified that the most important recommendations of the CfSPL would require changes to the law in order to be brought into effective, such as the suggestion that authorities should have power to suspend Councillors for the most serious breaches of the Code of Conduct.

- 2.11 At this stage, the Government is yet to respond to the CfSPL's report. In July, the Chair of the CfSPL wrote to the Secretary of State, Rt Hon Robert Jenrick MP, to understand when a response may be received. It is not known whether a response was received to that letter.
- 2.12 Meanwhile, the CfSPL wrote to all local authorities to understand their response to the best practice recommendations. The response from West Suffolk Council, which is consistent with the responses previously provided to the Standards Committee, is attached at **Appendix C**.
- 2.13 At its last meeting, the Committee considered the Local Government Association's (LGA) consultation on a proposed draft national model code of conduct. In early November, the LGA wrote to local authorities to confirm that over 1600 responses had been received to their consultation; a revised draft had been produced and considered at the LGA Councillor Forum on 22 October. It is expected a final draft will be submitted to the LGA Board for approval on 3 December and accompanying guidance on the Code will follow.
- 2.14 Once the final document has been received, we will need to consider whether West Suffolk wishes to adopt this code. At present, all local government bodies within Suffolk have adopted the same code as it helps ensure councillors and the public can expect a consistent set of behaviours from elected representatives.
- 2.15 In August, Transparency International published a review into planning practices throughout England. This highlighted a range of concerns regarding practices operating and potential improvements, particularly with regards to codes of practice for members of planning committees. Whilst we are largely compliant with best practice as highlighted in the review there are some potential improvements that could be made to our Code in light of the report, and recent caselaw, which will be considered by the constitution review group on 9 November.

Local standards developments

- 2.16 During August, the Monitoring Officer provided several virtual briefings to Councillors on matters including IT security, Conflicts of Interest and social media. Each briefing had strong links to the code of conduct and were recorded, so those members unable to attend could watch afterwards.

- 2.17 In addition, we have recently launched guidance to support Councillors in understanding their obligations under the Code of Conduct. Whilst some elements of the Code of Conduct can seem self-explanatory, there can be complexities around when a Councillor is acting in capacity, or what is meant by bullying and harassment. This guidance has been produced on Microsoft Sway and is available to Councillors via the intranet.
- 2.18 As highlighted above, we have also considered complaints relating to a broader number of parish councils. The current legal position relating to what role parish and town councils can have within the complaints process is complicated, and we are aware there is a lack of guidance available to parish and town councils nationally as to their role and what they are able to do. With this in mind, we have been seeking to develop guidance for parishes and will be looking to launch this in due course.

3. Appendices referenced in this report

- 7.1 **Appendix A:** details of standards cases considered 1 April to present
- 7.2 **Appendix B:** EXEMPT details of standards considered 1 April to present
- 7.3 **Appendix C:** West Suffolk response to the Committee for Standards in Public Life's best practice recommendations

4. Background documents associated with this report

- 8.1 None