



AUDIT AND GOVERNANCE COMMITTEE

Monday 29 July 2019

STANDARDS MATTERS, DECLARATIONS OF GIFTS/HOSPITALITY RECEIVED BY MEMBERS AND OFFICERS AND REVIEW OF COMPLAINTS

EXECUTIVE SUMMARY

To consider an update report on standards related matters and offers of gifts/hospitality received by Members and officers.

Is the report Open or Exempt?	Open
Wards Affected:	All
Cabinet Member:	Councillor Steve Gallant Leader of the Council and Cabinet Member with responsibility for Resources
Supporting Officer:	Hilary Slater Head of Legal & Democratic Services 01394 444336 Hilary.slater@eastsuffolk.gov.uk

1. BACKGROUND

- 1.1 This report updates the Committee on declarations of gifts/hospitality received by Members and Officers, and includes a review and update on Register of Interests for Town and Parish Councillors.

2. HOW DOES THIS RELATE TO EAST SUFFOLK BUSINESS PLAN?

- 2.1 The Council has a Vision set out in its East Suffolk Business Plan to maintain and sustainably improve the quality of life for everyone growing up in, living in, working in and visiting East Suffolk. Enabling Communities, Economic Growth and Financial Self-Sufficiency are the three prongs of the strategy used to achieve this Vision. The Council has a duty to promote and maintain high standards of behaviour, under the Localism Act 2011. The declaration of interests is an element of this duty. It is key to effective governance and compliance. Therefore, the declaration of these interests, and the openness, transparency associated with this, helps to achieve all of the three prongs of the Council's strategy and business planning.

3. COMPLAINTS MADE UNDER THE SUFFOLK CODE

- 3.1 The former Councils of Suffolk Coastal and Waveney adopted the Suffolk Code of Conduct in July 2012. The Suffolk Code was adopted district and county wide. Written complaints may be made to the Monitoring Officer (MO) of this Council that a Parish, Town or District Councillor has breached the Suffolk Code.
- 3.2 Since the East Suffolk Council (ESC) came into being, on 1 April 2019, one complaint has been received, but this related not to the behaviour of individual parish councillors, but to acts of the council, as a whole. Therefore, it fell outside the scope of the Suffolk Code of Conduct and no action was taken in respect of it, save to contact the person who complained, and explain this.
- 3.3 Complaints to do with the declaration of Disclosable Pecuniary Interests (DPIs), or taking part in a meeting when one has a DPI, without first having obtained a dispensation, are potentially criminal offences under s34 of the Act. If I receive complaints of this nature, I have to refer them to the police, under a protocol which the MOs have with Suffolk Police. I have dealt with one matter where I have had to make such a referral and the police are considering their response to the file which I have sent them, now. The matter relates to parish council business.
- 3.4 If the report makes findings that the Code of Conduct has been breached, the MO will need to discuss the report/breaches with the Independent Person. The MO will then need to refer the report/breaches to this Committee, for its consideration. The other recent complaint has been made against a town or parish councillor. It has been considered, and discussed with the Independent Person. No further action is being taken in respect of it.

4. REGISTER OF GIFTS AND HOSPITALITY AND DECLARATIONS OF INTEREST

- 4.1 The Suffolk Code requires that Councillors declare gifts and hospitality which they have received that are worth at least £25. Under the previous regime, such declarations formed part of the Members' Register of Interests forms and were, therefore, available for public inspection. In order to make such receipts of gifts and hospitality transparent, the Suffolk Code also requires that the person from whom the Councillor receives the gift or hospitality worth at least £25 be declared as a Local Non-Pecuniary Interest (LNPI).

- 4.2 The declarations of gifts and hospitality received are set out in each Councillor's online Register of Interest. In addition, officers are required by the Joint Officer Code of Conduct to declare all gifts and hospitality that they have been offered, declined or accepted which are worth £10 or more. Those relevant to the East Suffolk Council which have been declared since the last report on this subject, to the Audit and Governance Committee at the former Suffolk Coastal District Council on 11 December 2018 (Paper AG23/18 refers) and Waveney District Council on 7 March 2019 (Paper REP1900 refers), are set out in the table contained within Appendix A of this report. They do not cause any concern to the MO.
- 4.3 Please note that on the advice of the Council's internal Audit team, we have removed any personal or sensitive data from the information contained in Appendix A to this report.

5. REGISTER OF INTERESTS

- 5.1 Under s29 of the Localism Act 2011 (the Act), the MO of a relevant authority must establish and maintain a register of interests of members and co-opted members of the authority. It is for a relevant authority to determine what is to be entered in the authority's register. The Register of Interests for Members across Suffolk requires them to declare, in Part 1 of the form, certain DPs. DPs are prescribed in the Local Authorities (Disclosable Pecuniary Interests) (England) Regulations which were made in 2012. Also, in Part 2 of the form, to declare LNPIs which are required by the Suffolk Code of Conduct. These are such things as membership of outside bodies, charities and groups established to influence policy etc.
- 5.2 In the case of a parish council, references to the MO are to the MO of the district council for the authority's area.
- 5.3 The MO must ensure that a copy of the district council's register is available for inspection at a place in the authority's area at all reasonable hours, and that the register is published on the authority's website.
- 5.4 The MO must also ensure that a copy of the parish council's register is available for inspection at a place in the district council's area at all reasonable hours, and secure that the register is published on the district council's website. A parish council must, if it has a website, secure that its register is published on its website.
- 5.5 Under s30(1) of the Act, Members of the ESC, and newly elected Members of town and parish councils, have 28 days from the day of taking office in which to notify the MO of any DPs and to complete a register of interests form.
- 5.6 Members were elected on 2 May 2019 and took up office on the fourth day after that, which, because of the Bank Holiday, was on Tuesday 7 May 2019. Therefore, they had until midnight on 3 June in which to complete their register form. As part of the new CMIS system introduced by the East Suffolk Council, the software provider developed an online, electronic form, similar to the one which the Council previously had developed, in 2012. The previous form and the electronic system used by each of the East Suffolk Council's predecessors was no longer available. Therefore, we were very pleased to have had this electronic system developed by CMIS, as it is more modern, efficient and saves on storage, to have an electronic, rather than paper, system.
- 5.7 Under s34 of the Act, it is a criminal offence if a member, without reasonable excuse, fails to comply with the requirement in s30(1) to notify the MO of their DPs.
- 5.8 All Members of the district council have completed their register of interests form.

- 5.9 There are 1209 seats on town and parish councils in the district. Of these, 157 are unfilled. Therefore, we have 1052 (1209-157) elected town and parish councillors in the East Suffolk district area. Out of the 1052, 928 have returned their register of interest forms. 124 have not. This represents a return rate of 88% and a non-return rate of 12%.
- 5.10 In order to assist town and parish councillors to fill out their forms, the Clerks to the various town and parish councils were all contacted initially by email on 30th April 2019 to advise them that a new online ROI system was going to be available, following the elections. We then emailed them again on 1st May 2019 with more detailed information about the system and sent them a PDF User Guide.
- 5.11 The Clerks were asked to set up their new councillors on the system, from the 7th May onwards. We chased the Clerks for several weeks until all of them had set up their councillors (the last one being done around the middle of June).
- 5.12 As soon as the Clerks set up their councillors' records, each councillor was sent a registration email from the ROI system. Many of the councillors responded to this straight away, but we had to chase the outstanding ones from the beginning of June through to the 2nd July. All councillors who have forms outstanding have now had at least 2 emails from us, chasing them to complete their form. The emails were sent by a named officer, and were personalised, rather than automated, standard emails.
- 5.13 In terms of feedback on the implementation of the system, we did have an issue with some parish/town councillors not receiving their registration email. Fortunately, this did not affect too many people and will not be an issue shortly, because we are implementing a software fix whereby the email notification will come from an @eastsoffolk email address, which will stop the emails being treated as junk mail.
- 5.14 It is fair to say that some parish/town councillors have found it difficult to use the system, but from our assessment and interactions with members, in assisting them, the issues have arisen mainly because of a lack of confidence in using electronic forms, and in some cases, a lack of computer literacy, because some have not found it easy to understand how to set their password/access the site etc.
- 5.15 The Elections Team are now helping the remaining parish/town councillors to complete their forms, and are available to provide assistance by email/phone, in order to ensure completion. As MO, I am pleased with the initial return rate of 88%, and I will be chasing the Clerks who have councillors who have not returned their forms, and asking them to remind their councillors of the obligations upon them to fill out the forms.

RECOMMENDATION

That the contents of the report be noted.

APPENDICES

Appendix A – List of gifts and hospitality declared by officers since 02.10.18 report to Suffolk Coastal's Audit and Governance Committee and 20.12.18 to Waveney's and a list of declarations of interest

BACKGROUND PAPERS: None

Appendix A
DECLARATIONS OF GIFTS & HOSPITALITY

Date	Job Title	Hospitality/Gift Declared	Interested Parties	Value	Additional Information	Declined/ Accepted
03/12/18	Principal Planner (Policy & Delivery)	Evening meal at the Kings Head pub, Woodbridge	Local 41 Club (ex-Round Tablers)	£15	Presentation given at the request of a Councillor	Accepted
24/12/18	Port Health Technical Manager	Christmas lunch at the Orwell Hotel, Felixstowe	Freight company	£50	Employee took a days holiday to attend	Accepted
23/04/19	Head of Coastal Partnership East	Representing the client at the New Civil Engineer Annual Dinner	Engineering, Design & Project Management Company	£450	Representing client for a project which had been shortlisted for an award	Accepted
13/05/19	Active Communities Officer – Leisure	Invitation to a boxing tournament	Local Rotary Club	£50	Networking opportunity	Accepted
20/05/19	Housing Needs Officer	Chocolates & orchid plant	Housing Needs Client	£10		Accepted
06/06/19	Environmental Health Technical Officer	Card & bunch of flowers	Grant Applicant	£10		Accepted

DECLARATIONS OF INTEREST

Date	Job Title	Declared	Interest to Declare	Interested Parties	Additional Info/Action taken
03/07/19	Principal Environmental Health Officer	Interest	Director of husband's consulting company	Address in Bramfield	In the past the company has been appointed to deliver projects for SCC, but is not currently contracted in any Council related work for the foreseeable future.
03/08/19	HAZ Project Support Officer	Interest	Principal Environmental Health Officer is this officer's mother		
03/06/19	Port Health Officer	Interest	Owner/Director of Cambridge Commodities	Address in Ely	Imports large amounts of vitamins etc through the Port. Officer does not process paper-work from this company.
03/06/19	Junior Surveyor	Interest	Riduna Park holdings Is owned by a long standing family friend	Riduna Park Holdings, Riduna Park, Station Road, Melton	Officer will not undertake any asset management tasks in relation to East Suffolk House or any other Emmerson owned company.
31/05/19	Port Health Officer	Interest	Personal friend works at Import Operations at Felixstowe Port	Import Operations - Ocean Freight Services, GAC Services (UK) Ltd, Unit 4, Summit Business Park, Langer Road, Felixstowe, IP11 2JB	
28/05/19	Port Health Officer	Interest	<ol style="list-style-type: none"> 1. Sitting Magistrate attached to the Suffolk Bench sitting in Criminal & Family Courts in Ipswich & Bury St Edmunds 2. NSPCC volunteer for the Schools Service delivering the speak out stay safe campaign in Primary Schools 		As a magistrate, the officer will not sit on any case brought by East Suffolk Council and by the Environmental Health Dept of Ipswich BC and the Trading Standards Dept of Suffolk County Council. Currently "on hold" in volunteer role, as resignation has not been accepted so still listed as a volunteer.

28/05/19	Port Health Officer	Interest	Occasional point of entry consultant/trainer in various aspects of Port Health work for the companies listed	<ul style="list-style-type: none"> -World Health Organization - WHO Eastern Mediterranean Region (EMRO) - Association of Port Health Authorities (APHA) -Food Standards Agency (FSA) - One Resolution - Chartered Institute of Environmental Health (CIEH) 	
17/05/19	Area Planning & Enforcement Officer	Interest	Member of 1 st Debenham Scout Group.		Officer will not be given applications relating to scouting applications to avoid conflict of interest.
16/05/19	Port Health Officer	Interest	Close personal relationship with an individual working for a local shipping agent	Far Logistics, Unit 7, Summit Business Park, Langer Road, Felixstowe, IP11 2JB	Where possible, to avoid direct communication with the individual concerned in relation to work.
16/05/19	Import Control Assistant	Interest	In a relationship with the Import Manager at George Baker Shipping	George Baker Shipping, 4 Parker Ave, Felixstowe, IP11 4HF	
16/05/19	Import Control Assistant	Interest	Aunt works for World Transport Agency Ltd	World Transport Agency Ltd Unit 5, Suite 17 Orwell House, Ferry Lane, Felixstowe, IP11 3QP	
16/05/19	Port Health Support Officer	Interest	Relative works for Grange Shipping	Grange Shipping, Ordnance House, 1 Garrison Lane, Felixstowe, IP11 7SH	
16/04/19	Litigation Lawyer	Interest	Partner owns a digital marketing business. Officer currently assist assists with finances but is not remunerated for this	Box Maverick Digital Marketing	

11/04/19	Area Planning & Enforcement Officer	Interest	Former employee (Planner) of Permission Homes Suffolk		Permission Homes Suffolk currently have active/pending sites across the district. Officer was only involved as the lead planner on Leiston. Officer not to work on the 3 projects ongoing during her employment with the company.
27/03/19	Supervisor (Building Maintenance)	Interest	Partner is Planning & Quality Outcomes Manager		
27/03/19	HR Business Partner	Interest	Brother in law commences work in Customer Services 01.04.19		Officer not involved in recruitment process.
27/03/19	HR Business Partner	Interest	Brother in law sub-contracts for a company that carries out work on behalf of the Housing Needs Team in relation to gas plumbing	A1 Property Maintenance	
21/03/19	Environmental Health Technical Officer	Interest	Allocated a case to license a caravan site which belongs to fathers employer	Address in Sutton	Site visit carried out, but with an accompanying colleague.
11/03/19	Planning Policy & Delivery Manager	Interest	On the management committee for Lowestoft Ladies Hockey Club and Lowestoft Town Tennis Club		No financial interest, only active promotion. If future discussions come up around provision of tennis or hockey on site, officer will detach from future conversations.
25/02/19	Area Building Control Officer	Interest	Re elected on to the committee for 2019 Season of 'Woodbridge & District Motorcycle Club'	'Woodbridge & District Motorcycle Club.' - General Committee Member Blaxhall Pits, Blaxhall, IP17 1LG	Voluntary role
23/01/19	Customer Services Team Leader	Interest	Relationship with another officer (Customer Contact Assistant)		

23/01/19	Customer Services Advanced Apprentice	Interest	Relationship with another officer (Customer Services Team Leader).		
23/01/19	Housing Support Officer	Interest	Director in Building Design Business. Has a few houses that are rented out privately.		
07/01/19	HR Apprentice	Interest	Relative works in Tenant Services (Support Services Manager).		
05/12/18	Litigation Lead	Interest	Previously a director and shareholder at a company run by the officer's partner. Company dissolved 9.01.19. Now a shareholder in two other IT related companies.	IT by Andy Tillmana Group Ltd	Should either of these companies do any work for the council, or bid for any contracts, officer recognises they should not be involved in that work.
29/11/18	Head of Planning & Coastal Management	Interest	Resident of the district living in the Parish of Purdis farm. Member of Ipswich Golf Club.		Not to be involved in any planning applications or associated work, that will have, or be perceived to have any direct impact on the officer's home or the Ipswich Golf Club.
06/11/18	Assistant Planning & Enforcement Officer	Interest	Close family relationship with an individual working as admin staff for a Planning Agent that deals with the Council.	Peter Wells Architects 73 Barton Road, Woodbridge, IP12 1JH	
06/11/18	Area Planning & Enforcement Officer	Interest	Uncle is an agent for an architectural company.	Mr John Denny (Agent) John Denny Associates Ltd 43 Oulton Road, IP3 0QD	