



AUDIT & GOVERNANCE COMMITTEE

Monday, 28 June 2021

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| Subject | Standards Matters, Declarations of Gifts and Hospitality received by Members and Officers and Review of Complaints |
| Report by | Councillor Steve Gallant, Leader of the Council |
| Supporting Officer | Chris Bing Interim Head of Legal & Democratic Services & Monitoring Officer chris.bing@eastsoffolk.gov.uk 01394 444408 |

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| Is the report Open or Exempt? | OPEN |
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| Category of Exempt Information and reason why it is NOT in the public interest to disclose the exempt information. | Not applicable |
| Wards Affected: | All Wards |

Purpose and high-level overview

Purpose of Report:

This report updates the Committee on declarations of gifts/hospitality received by Members and Officers, and on the number of complaints received under the Suffolk Code of Conduct (the Code) since the last report to the Committee in December 2020.

Options:

Not applicable.

Recommendation/s:

That Members are asked to note the report and the contents of Appendix A.

Corporate Impact Assessment

Governance:

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, and transparency associated with this, helps to maintain the standard of the Council's decision-making. If sound decisions are made, good governance is supported. This leads to public confidence in the Council's decision making, and in the Council, itself. Sound decision making underpins how the Council operates and sits behind all of the decisions made to achieve the themes of the Council's Strategic Plan.

ESC policies and strategies that directly apply to the proposal:

Not applicable

Environmental:

Not applicable

Equalities and Diversity:

The Council is required to maintain the highest ethical standards and 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, and transparency associated with this, helps to maintain the standard of the Council's decision-making. If sound decisions are made, good governance is supported. This leads to public confidence in the Council's decision making, and in the Council, itself. Sound decision making underpins how the Council operates and sits behind all of the decisions made to achieve the themes of the Council's Strategic Plan.

Financial:

Not applicable

Human Resources:

Not applicable

ICT:

Not applicable

Legal:

Not applicable

Risk:

Not applicable

External Consultees: None

Strategic Plan Priorities

| Select the priorities of the Strategic Plan which are supported by this proposal: <i>(Select only one primary and as many secondary as appropriate)</i> | | Primary priority | Secondary priorities |
|--|--|-------------------------------------|-------------------------------------|
| T01 | Growing our Economy | | |
| P01 | Build the right environment for East Suffolk | <input type="checkbox"/> | <input type="checkbox"/> |
| P02 | Attract and stimulate inward investment | <input type="checkbox"/> | <input type="checkbox"/> |
| P03 | Maximise and grow the unique selling points of East Suffolk | <input type="checkbox"/> | <input type="checkbox"/> |
| P04 | Business partnerships | <input type="checkbox"/> | <input type="checkbox"/> |
| P05 | Support and deliver infrastructure | <input type="checkbox"/> | <input type="checkbox"/> |
| T02 | Enabling our Communities | | |
| P06 | Community Partnerships | <input type="checkbox"/> | <input type="checkbox"/> |
| P07 | Taking positive action on what matters most | <input type="checkbox"/> | <input type="checkbox"/> |
| P08 | Maximising health, well-being and safety in our District | <input type="checkbox"/> | <input type="checkbox"/> |
| P09 | Community Pride | <input type="checkbox"/> | <input type="checkbox"/> |
| T03 | Maintaining Financial Sustainability | | |
| P10 | Organisational design and streamlining services | <input type="checkbox"/> | <input type="checkbox"/> |
| P11 | Making best use of and investing in our assets | <input type="checkbox"/> | <input type="checkbox"/> |
| P12 | Being commercially astute | <input type="checkbox"/> | <input type="checkbox"/> |
| P13 | Optimising our financial investments and grant opportunities | <input type="checkbox"/> | <input type="checkbox"/> |
| P14 | Review service delivery with partners | <input type="checkbox"/> | <input type="checkbox"/> |
| T04 | Delivering Digital Transformation | | |
| P15 | Digital by default | <input type="checkbox"/> | <input type="checkbox"/> |
| P16 | Lean and efficient streamlined services | <input type="checkbox"/> | <input type="checkbox"/> |
| P17 | Effective use of data | <input type="checkbox"/> | <input checked="" type="checkbox"/> |
| P18 | Skills and training | <input type="checkbox"/> | <input type="checkbox"/> |
| P19 | District-wide digital infrastructure | <input type="checkbox"/> | <input type="checkbox"/> |
| T05 | Caring for our Environment | | |
| P20 | Lead by example | <input type="checkbox"/> | <input type="checkbox"/> |
| P21 | Minimise waste, reuse materials, increase recycling | <input type="checkbox"/> | <input type="checkbox"/> |
| P22 | Renewable energy | <input type="checkbox"/> | <input type="checkbox"/> |
| P23 | Protection, education and influence | <input type="checkbox"/> | <input type="checkbox"/> |
| XXX | Governance | | |
| XXX | How ESC governs itself as an authority | <input checked="" type="checkbox"/> | <input type="checkbox"/> |

How does this proposal support the priorities selected?

Click or tap here to enter text.

Background and Justification for Recommendation

1 Background facts

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| 1.1 | This report updates the Committee on declarations of gifts/hospitality received by Members and Officers, and on the number of complaints received under the Suffolk Code of Conduct (the Code), since the last update in December 2020. Written complaints may be made to the Monitoring Officer (MO) of this Council that a Parish, Town or District Councillor has breached the Code. |
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2 Current position

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| 2.1 | The process for dealing with the complaints is that each complaint is copied to the subject Member, and they are asked to comment on it. The complaint and the comments are then considered by the MO, in consultation with one of the Council's Independent Persons (IPs). An initial assessment of the complaint is made. At the initial assessment, no further action may be taken in response to the complaint. Or it may be recommended that some form of local resolution is undertaken, such as training, mediation or an apology given. In some cases, it may be decided to refer the complaint for a full investigation. This involves the appointment by the MO of an independent investigator who will look at the facts, interview the subject Member and the complainant, together with any witnesses, and make findings. Relevant documents will be examined as part of the investigation and a report written as a result, setting out those findings. If it is found that the Code has been breached, the investigatory report will be referred to the IP, and if he agrees with the findings, further referred to this Committee for determination. |
| 2.2 | Between 1 January 2021 to 16 June 2021, 27 code of conduct complaints were received and have been determined ,or are in the process of being determined. 16 of the 27 complaints concerned the conduct of Councillors at 1 Planning Committee meeting , all of which were later withdrawn by the complainants or dismissed by the Monitoring Officer. 4 district Councillors have been the subject of complaints during this period. |
| 2.3 | The Code requires that Councillors declare gifts and hospitality which they have received that are worth at least £25. In order to make such receipts of gifts and hospitality transparent, the Code 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). The declarations of gifts and hospitality received are set out in each Councillor's online Register of Interests. Members are asked to up-date their Register of Interests on an annual basis, and any changes to it that occur should be made to the form, within 28 days of the change taking place. |
| 2.4 | For officers, all offers of gifts and / or hospitality must be recorded on a form which can be found on the Council's intranet. The form requires that the date of any offers of gifts/hospitality must be included, together with the financial value of it, and the name of the donor. Gifts above £10 should be refused by officers. |

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| | Please see Appendix A for officer declarations since the last committee meeting. |
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3 How to address current situation

3.1 Continue to promote and apply the Councillor and Officer codes of conduct.

4 Reason/s for recommendation

4.1 To update Councillors on standards matters.

Appendices

Appendices:

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| Appendix A | List of gifts and hospitality declared by Officers from 30.12.2020 to 09.06.21 |
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Background reference papers:

None.