



AUDIT & GOVERNANCE COMMITTEE

Monday 14 December 2020

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
Supporting Officer:	Hilary Slater Head of Legal & Democratic Services 01394 444336 Hilary.slater@eastsoffolk.gov.uk

1. BACKGROUND

- 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).

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

- 2.1 The Council has an aim in its Strategic Plan to deliver the highest quality of life possible for everyone who lives in, works in and visits East Suffolk. To achieve this, the Council uses its Strategic Plan as a compass to guide all its decision making. In the compass, there are five key themes which show the direction that the Council will take. All themes are interconnected and complement each other. They are “Growing Our Economy”, “Enabling Our Communities”, “Maintaining Financial Sustainability”, “Delivering Digital Transformation” and “Caring for Our Environment”.
- 2.2 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.

3. COMPLAINTS MADE UNDER THE CODE

- 3.1 The former Councils of Suffolk Coastal and Waveney adopted the Code in July 2012. The 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 Code.
- 3.2 Since the East Suffolk Council (ESC) came into being, on 1 April 2019, and up until the end of December 2019, 21 complaints under the Code were received. All of the complaints related to town or parish councillors. 10 related to councillors from one particular Council and 4 to another. None related to district councillors.
- 3.3 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 from the subject Member 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 that an apology be 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.
- 3.4 None of the 21 complaints received between April and December 2019 were investigated. They were dealt with by either no further action, or, in several cases,

training was recommended for the whole Council, or an apology requested from the subject Member.

- 3.5 In 2020, to date, 19 complaints have been received. With the exception of 2, they all relate to town or parish councillors. All have been resolved either by no further action, or some form of local resolution, such as training, or an apology being required. None have been referred for investigation, although it is likely that one will be, shortly.

4. REGISTER OF GIFTS AND HOSPITALITY AND DECLARATIONS OF INTEREST

- 4.1 The 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 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 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.
- 4.3 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, on 29 July 2019 (Report ES/0087 refers) are set out in the table at Appendix A of this report.
- 4.4 Please note that on the advice of the Council's internal Audit team, any personal or sensitive data has been removed 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 DPIs. DPIs 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 Code. 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 DPis 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 DPis.
- 5.8 It was reported in July of last year (Report ES/0087 refers) that all Members of the district council had completed their register of interests form.
- 5.9 There were 1209 seats on town and parish councils in the district. Of these, 157 were unfilled. Therefore, we had 1052 (1209-157) elected town and parish councillors in the East Suffolk district area. Out of the 1052, 928 had returned their register of interest forms. by the end of last July. 124 had not. This represented a return rate of 88% and a non-return rate of 12%.
- 5.10 A further up-date on the return rate was provided at Agenda Item 4 of the meeting of this Committee held on 18 November 2019. At that point in time, there were 1077 Councillors on town and parish councillors in the East Suffolk district area. The number varies according to resignations, elections and co-options throughout the four-year period of any administration. Out of the 1077, 1061 had returned their register of interest forms. 16 had not. This represented a return rate of 99% and a non-return rate of 1%.
- 5.11 As of this month, we have 12 register forms that have not been completed as yet, and we are contacting the various Parish Clerks and Members to receive their forms.

RECOMMENDATION

Members are asked to comment on the contents of this report.

APPENDICES

Appendix A

List of gifts and hospitality declared by Officers since 1.8.19 to end November 2020

BACKGROUND PAPERS: None

Appendix A

Date	Job Title	Declared	Hospitality/Gift to declare	Interested Parties	Value (£)	Additional Info	Declined/ Accepted?
30/12/20	Delivery Manager	Gift	2 x bottles of wine	Pearce and Kemp Ltd, IP16 8QJ	£15	Officer never dealt with the electrical contractor directly. Donated to charity for a raffle.	Accepted
07/02/20	Planning Services Support Manager	Gift	2 x Hotel Chocolat gift boxes	Unknown	£100	Could not be declined due to not knowing who the sender was. Donated to charity for a raffle.	Accepted
13/02/20	Active Communities Officer	Gift	2019 Women's tour jacket	Sweetspot (organisers of Women's tour)	Unknown	Unknown value as these cannot be purchased.	Accepted
17/03/20	Customer Contact Advisor	Gift	Bunch of flowers	Customer, Felixstowe	£20		Accepted
03/08/20	Environmental Health Technical Officer	Gift	Avon products - anti-wrinkle skin cream, lip oil and an eye illuminator.	Customer, Leiston	£15	Officer refused profusely but customer became very emotional. Officer was not able to assist with enquiry so passed details to another team.	Accepted