

## AUDIT AND GOVERNANCE COMMITTEE

Tuesday, 24 July 2018

### STANDARDS MATTERS, DECLARATIONS OF GIFTS/HOSPITALITY RECEIVED BY MEMBERS AND OFFICERS AND REVIEW OF COMPLAINTS (AG 08/18)

#### 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 Ray Herring  
Leader of the Council

**Supporting Officer:**

Mrs Hilary Slater  
Head of Legal and Democratic Services  
(01394) 444336  
[Hilary.slater@eastsoffolk.gov.uk](mailto: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 includes a review of complaints received under the Suffolk Code of Conduct.

## **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.

## **3. REVIEW OF COMPLAINTS MADE UNDER THE SUFFOLK CODE**

- 3.1 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.
- 3.2 The Council adopted the Suffolk Code of Conduct on 26 July 2012. The Suffolk Code was adopted district and county wide. Written complaints may be made to the Monitoring Officer of this Council ('MO') that a Parish, Town or District Councillor has breached the Suffolk Code.
- 3.3 By December 2014, I had received nine complaints in total. Of the nine, seven were against town or parish councillors and two were against district councillors. None of the cases were investigated and save for one case, where the subject member was asked to make an apology, no further action was taken in respect of any of the cases.
- 3.4 From December 2014, I received six further complaints, four against town or parish councillors and two relating to a district councillor. Two of the complaints against town and parish councillors related to one particular parish council, and because I had given advice to that parish council on various issues, I could not deal with the complaints. I appointed a person to deal with them, on my behalf. None of the cases were referred for investigation, until two were received in 2016. These two complaints related to a district councillor. They were investigated by an independent person, acting on my behalf, Mrs Barritt. She found that there had been breaches of the Suffolk Code, and both of her reports, about each complaint, were considered by this Committee in April 2016. (Papers AG 05/16 and AG 06/16 refer).
- 3.5 Following these two cases, and as a result of the lack of sanctions which can be applied when there is a breach of the Suffolk Code, the Committee asked that I carry out a review of it. This review was set out in Paper AG 17/16 which was presented to Committee in September 2016. The Committee did not recommend that any changes to the Suffolk Code be made, on the basis that the inability to apply formal

sanctions was a result of national legislation, and not anything over which the Committee, or the Council, could exert any direct influence.

- 3.6 In 2017, some elements of a complaint against all of the members of one particular parish council were investigated on my behalf, by the Deputy Monitoring Officer. His report concluded that there were no breaches of the Code, but certain recommendations were made to the Parish Council concerned, including one to make a public apology to the complainant, via the parish newsletter. This has now been done.
- 3.7 A number of other complaints have been dealt with throughout the year, after an initial assessment, either by no further action, or local resolution. I will have up-to-date figures to present at the meeting, in relation to these.
- 3.8 In looking at standards and conduct issues, generally, Members may be aware of the Committee on Standards in Public Life (CSPL). This is a national committee which maintains a watching brief on standards, ethics and conduct in the public sector. It takes an interest in local government standards, amongst other things, and regularly receives correspondence on the issue.
- 3.9 In their Annual Report 2017-18, the CSPL referred to their report of 2013, called "Standards Matter", where they outlined their concerns at the time about the issues that may arise in local government standards following the introduction of the Localism Act of 2011. The CSPL commented that 'The new, slimmed down arrangements (under the Localism Act 2011) have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely'.
- 3.10 In view of these comments, the CSPL decided to undertake a review of local government standards during 2017-18. Further details regarding this are set out in their 2017-18 Forward Plan. The CSPL has commenced this review. The terms of reference for the review are to:

1) examine the structures, processes and practices in local government in England for:

- A) maintaining codes of conduct for local councillors
- B) investigating alleged breaches fairly and with due process
- C) enforcing codes and imposing sanctions for misconduct
- D) declaring interests and managing conflicts of interest
- E) whistleblowing

2) assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government

3) make any recommendations for how they can be improved

4) note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review has not concluded yet, and the outcome and recommendations of the CSPL will be reported to this Committee, in due course.

#### **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.
- 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. Those relevant to the Suffolk Coastal District Council which have been declared since the last report to the Committee in December 2017 are set out in the table contained within Appendix A of this report. The gifts are all small, and the majority represent "thank-you" from customers. They do not cause me any concern, as Monitoring Officer.
- 4.3 Please note that on the advice of the Council's Internal Audit team, we have removed any personal or sensitive data from this report relating to those who have offered gifts or hospitality to Officers.

#### **5. REGISTER OF INTERESTS**

- 5.1 Annually, after the Annual Meeting of this Council, Democratic Services send out a reminder to all district councillors, asking them to review and up-date their register of interests forms, as necessary. There is a requirement in the Localism Act 2011 that any changes to a Member's disclosable pecuniary interests, and, indeed, any local non-pecuniary interests, be made on the register form within 28 days of the change taking place. Reminders have been sent out this year to Members.
- 5.2 Also, on 7 December 2017 the Audit and Governance Committee received a report on declarations of interest made and gifts/hospitality received by Member and Officers (AG23/17 refers).
- 5.3 As part of that report, it was noted that 95 Town and Parish Councillors had not completed their declarations. There are 780 Town and Parish Councillors in total, and so, 12.1% had not completed a register form. Town and Parish registers of interest are required to be displayed on the Suffolk Coastal District Council website, as well as the Town or Parish's own website if they have one.

- 5.4 The Committee resolved that Ward Members be provided with information on the Town and Parish Councillors within their Wards who had failed to complete declarations, in order to try and address the issue through Town and Parish meetings. On 3 January 2018, Ward Members were provided with details of the Town and Parish Councillors within their Ward who had failed to complete declarations and were asked to encourage completion of the declarations wherever possible.
- 5.5 A review of the system in July of this year has shown that there were now 72 declarations outstanding, out of a total of 780. This is 9.2% of the total number of declarations which have not been completed.

**6. REASONS FOR THE RECOMMENDATION**

- 6.1 To update the Committee.

**RECOMMENDATION**

The Committee is asked to note the contents of the report.

**APPENDICES:**

**Appendix A: Declarations of Gifts and Hospitality**

**BACKGROUND PAPERS:** None