

AUDIT & GOVERNANCE COMMITTEE

Wednesday, 25 July 2018

STANDARDS REVIEW, INCLUDING DECLARATIONS OF GIFTS / HOSPITALITY AND COMPLAINTS RECEIVED (REP1660)

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
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Wards Affected:	All Wards within the District
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Cabinet Member:	Councillor Mark Bee Leader of the Council
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Supporting Officer:	Hilary Slater Head of Legal and Democratic Services & Monitoring Officer (01394) 444336 hilary.slater@eastsoffolk.gov.uk
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1 INTRODUCTION

- 1.1 On 23 May 2012, Full Council agreed that delegated authority be given to the Audit & Risk Management Committee (as it was known at that time – now the Audit & Governance Committee) to agree revised Terms of Reference. The revised Terms of Reference would include the taking on of additional responsibilities related to the demise of the former standards regime and new standards requirements introduced by the Localism Act 2011. Revised Terms of Reference for the Audit, Risk Management & Standards Committee were subsequently approved on 27 November 2012. It was agreed at that time that six monthly update reports on standards issues would be submitted to the Committee.

2 REVIEW OF COMPLAINTS MADE UNDER THE SUFFOLK CODE

- 2.1 The Council adopted the Suffolk Code of Conduct on 25 July 2012. The Suffolk Code was adopted district and county wide. Written complaints may be made to the Monitoring Officer ('MO'), that a Parish, Town or District Councillor has breached the Suffolk Code. A report to the Audit, Risk Management & Standards Committee on 27 November 2012 approved, under delegated powers, a complaints process as to how standards complaints should be handled.
- 2.2 A total of seventeen formal complaints have been received since the adoption of the Suffolk Code of Conduct.
- 2.3 Six new complaints had been received since the Monitoring Officer's last report in September 2017. Two were against town councillors, and had been considered and closed. No further action was taken in respect of these two complaints. Of the remaining four complaints, these related to a town council. They were considered, and initial assessments made in respect of them, but following consultation with the Independent Person, no further action was taken in respect of them. No other complaints have been received, to date.
- 2.4 Of all the complaints closed since 2012, only three represented potential breaches of the Code of Conduct. These were all managed through informal action via the Monitoring Officer.
- 2.5 In looking at standards and conduct issues, generally, Members may be aware of the Committee on Standards in Public Life. 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.
- 2.6 In their Annual Report 2017-18, the Committee refer 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 Committee has 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'.

2.7 In view of these comments, the Committee 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 Committee 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.

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

3 REGISTER OF GIFTS AND HOSPITALITY AND DECLARATIONS OF INTEREST

3.1 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.

3.2 The declarations of gifts and hospitality received are set out in each Councillor's online Register of Interest.

3.3 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. Those relevant to the Waveney District which have been declared since the last report to the Committee in September 2017 are set out in the table below. The gifts are all small, and the majority represent "thank-you" from customers. They do not cause me any concern, as Monitoring Officer.

3.4 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.

3.5 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.

Name	Gift / Hospitality	Donor	Date entered	Accepted?
Area Building Control Surveyor	Bottle of alcohol sent as a thank you for good service	Estate Agent	06/08/17	No
HR Advisor	2 x bar of chocolate	Employment Agency	06/09/17	Yes
Housing Needs Officer	1L bottle of Jack Daniels and mug	Property Maintenance Company	14/12/17	Donated to charity
Head of Customer Services	Two bottles of wine	WDC Councillor	14/12/17	Yes
Democratic Services Manager	Box of chocolates and a plant as a thank-you	WDC Councillor	20/12/17	Yes
Democratic Services Officer	Box of chocolates and a plant as a thank-you	WDC Councillor	21/12/17	Yes
Democratic Services Officer	Chocolates and biscuits as a Christmas gift	WDC Councillors	08/01/18	Yes
Housing Officer	Box of Quality Street chocolates and a bottle of Avon perfume	Halesworth resident	16/01/18	Yes
Housing Officer	Small bunch of flowers and bar of chocolate	Bungay resident	16/01/18	Yes
Housing Officer	Bunch of flowers	Carlton Colville residents	27/04/18	Yes
Building Control Team Leader	Chick & Partners 30 th Anniversary celebration event, Glemham Hall	Building company	10/05/18	No
Democratic Services Officer	Box of Maltesers as a thank-you	WDC Councillor	17/05/18	Yes
Democratic Services Manager	Box of Maltesers as a thank-you	WDC Councillor	21/05/18	Yes
Housing Needs Officer	£10 Starbucks gift card	Community Trust	25/05/18	Yes

Name	Gift / Hospitality	Donor	Date entered	Accepted?
Senior Accountant	Box of wine and 2 boxes of chocolates	A National Bank	29/05/18	Donated to charity

RECOMMENDATION

That the update report on standards issues be received and noted. The Committee will receive a further update report in January 2019.

BACKGROUND PAPERS

Date	Type	Available From
25 July 2012	Council Report - Councillor Code of Conduct and Appointment of Independent Persons	Democratic Services
27 Nov 2012	Audit & Governance Committee Report - Revised Terms of Reference for the Audit and Governance committee	Democratic Services
23 July 2014	Council Report - Appointment of Independent Persons	Democratic Services
Various	Waveney District Councillors' On-line Register of Interests Forms	http://www.waveney.gov.uk/councillors