

Public Document Pack

Standards Committee

Monday, 20th July, 2020

6.00 pm

Virtual Meeting

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AGENDA

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Date Published: 10th July 2020
Denise Park, Chief Executive

STANDARDS COMMITTEE Wednesday, 4 March 2020

PRESENT – Councillors, Afzal, Davies, Gunn, Slater and Whittle.

OFFICERS - David Fairclough (Director of HR, Legal and Governance) and Asad Laher, Beth Wolfenden, Shannon Gardiner

RESOLUTIONS

30 **Welcome and Apologies**

The Chair welcomed all present to the meeting. Apologies were received from Cllr John Pearson Cllr Jim Casey, Stewart Wright, Alan Eastwood, Paul Fletcher and Tassadaq Hussain.

31 **Minutes of the Previous Meeting**

RESOLVED – That the minutes of the previous meeting held on 15th January 2020, be agreed as a correct record.

32 **Declarations of Interest**

There were no Declarations of Interest received.

33 **Member Health & Wellbeing Training and Development Programme**

The Committee received a presentation by Beth Wolfenden, Public Health Development Manager, to inform Members about the proposed Pennine Lancashire cross-district health and wellbeing training programme.

It was noted that in the last three years Pennine Lancashire had been selected to deliver two programmes; the Department of Health and Social Care funded Healthier Place Healthier Future (HPHF) and the Sport England funded Together an Active Future (TaAf). The aim of the programmes was to support the health and wellbeing in communities by improving the food environment and increasing levels of physical activity.

The HPHF programme focused on the development of Elected Members as community and system leaders were in the position to influence health and wellbeing in their wards. After a consultation period across Pennine Lancashire it was identified that there was an opportunity to co-produce a comprehensive development.

Although Blackburn with Darwen has a public health function as part of its statutory responsibility, Members from district authorities reported, during the consultation period, that they had no direct responsibility for health and wellbeing. This training programme will ensure that health is understood to be everyone's responsibility.

The programme is being co-designed with a number of Elected Members from each of the six districts to ensure it is fit for purpose, relevance and sustainability to suit all 254 Elected Members. A key lever was to work with

Members to develop their knowledge, skills and confidence in supporting the health and wellbeing of their communities.

The Pennine Lancashire Elected Member Health and Wellbeing Forum was organised to support the development of a comprehensive and relevant training development programme. The next forum is being held at Shadsworth Children Centre on 24th March and all Elected Members are welcome to attend.

Members were informed that training and tools were being developed to support Members and will be tested as they are produced. Training was being designed to be interactive, stimulating and accessible in a number of formats to cater to all learning needs and styles including, online training, face to face and video and audio. The cost of the development of the online training and wider development was funded through HPHF and TaAF programmes.

RESOLVED – That the report and presentation be noted and that the development of a health and wellbeing programme for all Elected Members be endorsed.

34 Personal Safety of Councillors

A report was brought to Committee to consider the introduction of a new Accident and Incident Reporting Guide for Elected Members.

At the previous Committee meeting in January 2020 the Local Government Association (LGA) Guide to handling intimidation for Councillors was reviewed. The guide covered how to handle abuse, both face to face, letters or online and the LGA have confirmed that this would be continuously updated with the latest advice and information available.

The Committee also approved a recommendation to Full Council of a short local guide renamed to Personal Safety Guide for Councillors in addition to the advice produced by LGA. The two guides will be available on the Council's website as well as on Members desktops for easy access.

Councillors are not employees of the Council and do not have the benefit of safeguarding in employment legislation if they suffer intimidation. However, the Council does seek to support Councillors to undertake their duties safely and without fear or intimidation. Incidents and accidents can occur in Elected Member roles and the Council has a general duty to seek to ensure a safe working environment, as far as is reasonably practicable

It was noted that Councillors are encouraged to report accidents and incidents which may affect them during their duties for the Council as this would help inform other and enables careful and informed planning to avoid the potential for future repetition.

A digital solution for reporting incidents and accidents had been developed which would ensure the Council and Elected Members were kept informed of relevant incidents and receive appropriate support in the event of this being required. The Committee were informed that one accident and incident form had been submitted.

RESOLVED –

- That the Accident and Incident Reporting Guide for Elected Members be approved
- That the button for the Guide be placed onto Elected Members desktops

35 Councillors and Social Media

A report was brought to the Standards Committee to review the current LGA advice available in respect of Councillors and Social Media.

Over the years the Council has provided training to Members and general support and guidance. At a previous meeting the Committee reviewed the LGA guide to handling intimidation for Councillors, which will be continuously updated with the latest advice and information.

The guide also provides specific links to general social media guidance covering key points such as;

- Social media being useful in getting feedback on proposals and communicating information about Councillors' activities
- Councillors being aware that they are subject to the Council's code of conduct when using social media
- Why Councillors many find social media useful
- Responsibilities of Councillors on social media

The national Guide describes how social media has become an every-day communications tool for Councillors and the people they represent, and the potential for Councillors using social media is huge. Social media allows Councillors to be innovative and responsive as well as providing links to useful sources of information or signposting to other organisations.

However Social Media also presents different challenges for Councillors in undertaking their safely and effectively. For example, Councillors are personally responsible for the content they publish on any form of social media. Publishing or allowing to be published (in the form of a comment) an untrue statement about a person which is damaging to their reputation may incur a defamation action for which you will be personally liable. The same applies if a Councillor passed on any similar untrue statements they receive.

Another example is fully acknowledging and understanding that social media sites are in the public domain and how important it is, to ensure Councillors are confident of the nature of the information they publish. Once published, content is almost impossible to control and may be manipulated without a Councillor's consent, used in different contexts, or further distributed.

RESOLVED – That the report be noted.

36 Complaints Update

The Monitoring Officer updated the Committee on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members up to 31st January 2020.

It was noted that in December 2019 and January 2020 there had been 7 complaints received by the Monitoring Officer covering 5 different Councillors.

In the first case the issue of confidentiality did not arise as the matter was in the public domain. Complaints were received regarding an alleged anti-Semitic Facebook post by a Councillor and also that the post was 'liked' by 3 other Councillors.

These complaints were considered in accordance with the 'Arrangements for dealing with complaints about the Code of Conduct for Members' as set out in the Council's constitution. Under the 'Arrangements' the Monitoring Officer must make an initial assessment as regards whether the complaint merits investigation or another course of action and do so following consultation with the Independent person.

All four Councillors accepted the Monitoring Officers decision and confirmed their apologies be reported in public at the Standards Committee.

A complainant further sought an explanation why there was not an initial suspension and potential dismissal of the Councillor(s) however it was explained that the Council does not have legal powers to suspend or dismiss any Councillor. It was advised that the only sanctions available to the Council and Standards Committee – Hearing Panel in the event a matter was brought before them were those set out in Paragraph 13 of the 'Arrangements for dealing with complaints about the Code of Conduct for members.

In this public case it became clear to the Monitoring Officer that there was an expectation from a number of interested parties including the media reporting this matter that the 'Arrangements for dealing with complaints about the Code of Conduct for members', included an option for suspension, pending investigation and/or later dismissal from office. Although the 'Arrangements for dealing with complaints about the Code of Conduct for members does not and, cannot make such a provision.

It is suggested therefore from experience of this case that under the introduction to these Arrangements that the following could be added to make the position explicit at the outset for complainants, subject members, other Councillors and any other interested parties:

'There are no powers in legislation and therefore under this complaints process for the suspension or dismissal of an Elected Councillor. In the event of a Councillor being found in breach of the Code of Conduct only the sanctions as set out in Paragraph 13 below apply'

The second case that the Monitoring Officer received involved a Tree Preservation Order and 3 separate complaints were lodged relating to 1 Councillor who was alleged to have misrepresented the matter.

The first complainant did not pursue their complaint. In respect of the remaining two complainants the Monitoring Officer reviewed the complaints and representations received with the Independent Person and it was concluded that, the allegation did disclose a potential breach of the Code of Conduct, but the complaint was not serious enough to merit any action.

In this case there was some concern about the role being undertaken by Councillors who may hold different positions (e.g. Parish Councillor and Borough Councillor), potential conflicts of interest and who they represent at any given time. Previously the Committee had considered the challenges presented by Councillors wearing `two hats` and the Monitoring Officer is proposing to present a report to a future meeting of the Committee to review current advice and updates as appropriate following experience from this case.

Up to 31st January 2020 there were no further complaints received under the Members Complaints Procedures.

RESOLVED –

- That an update of the Arrangements for dealing with complaints about the Code of Conduct for Members be recommended to Full Council as set out in this report.
- That a report on updated guidance on ‘two hatted’ Councillors be considered at a future meeting of the Standards Committee
- That the report be noted

Signed:

Date:

Chair of the meeting
at which the minutes were confirmed

DECLARATIONS OF INTEREST IN ITEMS ON THIS AGENDA

Members attending a Council, Committee, Board or other meeting with a personal interest in a matter on the Agenda must disclose the existence and nature of the interest and, if it is a Disclosable Pecuniary Interest or an Other Interest under paragraph 16.1 of the Code of Conduct, should leave the meeting during discussion and voting on the item.

Members declaring an interest(s) should complete this form and hand it to the Democratic Services Officer at the commencement of the meeting and declare such an interest at the appropriate point on the agenda.

MEETING: **STANDARDS COMMITTEE**

DATE:

AGENDA ITEM NO.:

DESCRIPTION (BRIEF):

NATURE OF INTEREST:

DISCLOSABLE PECUNIARY/OTHER (delete as appropriate)

SIGNED :

PRINT NAME:

(Paragraphs 8 to 17 of the Code of Conduct for Members of the Council refer)



REPORT OF: The Monitoring Officer

TO: Standards Committee

DATE: 20 July 2020

SUBJECT: LGA - Consultation on Draft Model Code of Conduct

1. PURPOSE OF THE REPORT

To prove the Committee to review the proposed revised Draft Model Code of Conduct and consider its response to the Consultation.

2. RECOMMENDATIONS

The Committee is asked to advise the Monitoring Officer of its views on the Consultation questions and to then delegate to the Monitoring Officer, in consultation with the Chair of the Committee, the task of submitting the Committee's response to the Consultation questions.

3. BACKGROUND

The Local Government Association (LGA) has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into [Local Government Ethical Standards](#). The LGA held an event on [Civility in Public Life](#) with a range of stakeholders at the end of last year and three consultation workshops at the beginning of this year. LGA consultants have also examined examples of good practice, both in local government and other professions. The LGA [consultation draft model member code of conduct](#) is the result of this initial work. It is the intention to create additional guidance, working examples and explanatory text. The LGA are inviting and would very much welcome comment on the consultation draft.

This is the direct link to access it. <https://www.local.gov.uk/code-conduct-consultation-2020>

Attached as an Appendix to this report are the Code of Conduct consultation questions and the Committee are asked to advise the Monitoring Officer of its views on the Consultation questions and to then delegate to the Monitoring Officer, in consultation with the Chair of the Committee, the task of submitting the Committee's response to the Consultation questions.

All Members of the Council have also been sent full details of the consultation and they can also comment directly individually to the consultation.

The consultation on the draft member code of conduct runs until **Monday 17 August**.

All Members of the Council have also been invited to join the LGA at a number of webinars over the summer should they wish to discuss the draft code in more detail.

The feedback from the consultation will help the LGA to develop a final draft, which will be reviewed by the LGA's Executive Advisory Board before being presented to the next LGA General Assembly, which they hope will be held in the Autumn of 2020.

4. RATIONALE

The LGA has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into [Local Government Ethical Standards](#).

The Standards Committee has the role within the Council (as set out in the Constitution), to promote and maintain high standards of conduct by councillors and co-opted members and to assist councillors and co-opted members to observe the Members Code of Conduct. It also has the role to maintain and review a Code of Conduct for Members of the Council.

5. LEGAL IMPLICATIONS

The current Council Code of Conduct was adopted in line with the Council's obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act. Consideration of revisions reflecting on the Committee on Standards in Public Life's report into local government ethical standards are being led by the LGA. Any final recommendations for adoption of revisions to the current Code following the consultation would be subject to a further report and Council approval. In addition, depending on any revised version of the Code (which is adopted by Council), the Council's Arrangements for dealing with Member Complaints may need to be reviewed to reflect relevant changes.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

The Standards Committee regularly discusses the Council's arrangements for promoting and maintaining high standards of conduct, and this consultation document from the LGA has been circulated to all elected members and senior officers, all have been invited to submit their views individually or collectively.

Chief Officer/Member

Contact Officer: David Fairclough

Date: 9 July 2020

Background Papers: LGA Consultation for New Code of Conduct for Members 2020

THIS FORM IS FOR INFORMATION ONLY - DO NOT COMPLETE
PLEASE USE THE ONLINE SURVEY FORM TO SUBMIT YOUR RESPONSE

LGA Consultation on Draft Model Member Code of Conduct

Thank you for taking the time to complete this consultation. This Model Member Code of Conduct [[Model Member Code of Conduct.pdf](#)] aims to be concise, written in plain English and be understandable to members, officers and the public. The Model Member Code is designed to aid members in all tiers of local government model the behaviours and high standards that anyone would expect from a person holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse.

The LGA has reviewed the existing Model Member Code of Conduct and updated it here incorporating the recommendations from the Committee on Standard's in Public Life's recommendations on Local Government Ethical Standards and the representation from its membership. Part of the Committee's recommendations were the introduction of sanctions for breaches of the code, alongside an appeals process. This aspect is out of scope of this consultation, as it requires legislative changes by Government, but the LGA has sought to reflect some of the possible changes by using square brackets where legal changes would be necessary. The LGA is continuing to take soundings from the sector on the issue of sanctions in anticipation of a Government response to the Committee's recommendations.

This consultation addresses key areas that the LGA would like a view on to help finalise the Code. It is aimed at councillors and officers from all tiers of local government. If you would like a wider discussion about the code, please do sign up to one of the forthcoming Webinars the LGA are holding as part of this consultation. Details will be posted on our [LGA events website](#).

Instructions and privacy notice

You can navigate through the questions using the buttons at the bottom of each page. Use the 'previous' button at the bottom of the page if you wish to amend your response to an earlier question.

All responses will be treated confidentially. Information will be aggregated, and no individual or authority will be identified in any publications without your consent. Identifiable information may be used internally within the LGA but will only be held and processed in accordance with our [privacy policy](#). We are undertaking this consultation to aid the legitimate interests of the LGA in supporting and representing authorities.

Please complete your response in one go - if you exit before submitting your response your answers may be lost. If you would like to see an overview of the questions before completing the consultation online, you can access a PDF [here](#).

About you

Your name _____

Are you...

- A councillor
- An officer
- Answering on behalf of a whole council (Please provide council name below)
- _____
- Other (please specify below)
- _____

Please indicate your council type

- Community/Neighbourhood/Parish/Town
- District/Borough
- County
- Metropolitan/Unitary/London Borough
- Other (please specify below)
- _____

Application of the Code

Under the Localism Act 2012, the Code of Conduct applies to councillors only when they are acting in their capacity as a member. The LGA believes that because councillors are elected by the public and widely recognised by the public, it makes sense for them to continue to model these behaviours when they are making public comment, are identifying as a councillor and when it would be reasonable for the public to identify them as acting or speaking as a councillor. The Committee on Standards in Public Life supported this approach in their report into Local Government Ethical Standards. Whilst the LGA is waiting for Government's response to these recommendations the option has been added in square brackets as it would need changes in legislation.

Q1. To what extent do you support the proposal that councillors demonstrate the behaviours set out in the Code when they are publicly acting as, identifying as, and/or giving the impression that they are acting as a councillor, including when representing their council on official business and when using social media?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q1a. If you would like to elaborate on your answer please do so here:

Q2. Is it sufficiently clear which parts of the Model Code are legal requirements, which are obligations, and which are guidance?

- Yes
- No
- Don't know

Q3. Do you prefer the use of the personal tense, as used in the Code, or would you prefer the passive tense?

- Personal tense ("I will")
- Passive tense ("Councillors should")
- No preference

Specific obligations

The Code lists 12 specific obligations – these set out a minimum standard councillors are asked to adhere to.

Each obligation or group of obligations is put into a wider context to explain why that particular obligation is important.

Q4. To what extent to you support the 12 specific obligations?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
1. Treating other councillors and members of the public with civility.					
2. Treating council employees, employees and representatives of partner organisations and those volunteering for the councils with civility and respecting the role that they play.					
3. Not bullying or harassing any person.					
4. Not compromising, or attempting to compromise, the impartiality of anyone who works for, or on behalf of, the council.					
5. Not disclosing information given to me in confidence or disclosing information acquired by me which I believe is of a confidential nature, unless I have received the consent of a person authorised to give it or I am required by law to do so.					
6. Not preventing anyone getting information that they are entitled to by law.					
7. Not bringing my role or council into disrepute.					
8. Not using, or attempting to use, my position improperly to the advantage or disadvantage of myself or anyone else.					

9. Not misusing council resources.					
10. Registering and declaring my interests.					
11. Not accepting significant gifts or hospitality from persons seeking to acquire, develop or do business with the council or from persons who may apply to the council for any permission, licence or other significant advantage.					
12. Registering with the monitoring officer any gift or hospitality with an estimated value of at least £25 within 28 days of its receipt.					

Q5. If you would like to propose additional or alternative obligations, or would like to provide more comment on a specific obligation, please do so here:

Q6. Would you prefer to see the obligations as a long list followed by the guidance, or as it is set out in the current draft, with the guidance after each obligation?

- As a list
- Each specific obligation followed by its relevant guidance
- No preference

Q7. To what extent to you think the concept of 'acting with civility' is sufficiently clear?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q7a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Q8. To what extent do you think the concept of 'bringing the council into disrepute' is sufficiently clear?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q8a. If you would like to suggest an alternative phrase that captures the same meaning, or would like to provide a comment on this concept, please do so here:

Q9. To what extent do you support the definition of bullying and harassment used in the code in a local government context?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q9a. If there are other definitions you would like to recommend, please provide them here.

Q10. Is there sufficient reference to the use of social media?

- Yes
- No
- Don't know/prefer not to say

Q10a. Should social media be covered in a separate code or integrated into the overall code of conduct?

- Separate code
- Integrated into the code
- Don't know/prefer not to say

Q10b. If you would like to make any comments or suggestions in relation to how the use of social media is covered in the code please do so here:

Registration and declarations of interests

The law at present requires, as a minimum, registration and declaration of 'Disclosable Pecuniary Interests' - that is matters which directly relate to the councillor and their partner if applicable.

The LGA is proposing that all councillors are required to declare interests where matters also relate to or affect other family members or associates. The LGA has broadened the requirement to declare interests beyond this current statutory minimum in line with a recommendation from the Committee on Standards in Public Life. These specific provisions are set out in **Appendix B** of the Code.

Q11. To what extent do you support the code going beyond the current requirement to declare interests of the councillor and their partner?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q11a. If you would like to elaborate on your answer please do so here:

Q12. Should the requirement to declare interests be in the main body of the code or in the appendix where the draft model code currently references it?

- In the main body of the code
- In the appendix
- Other (please specify below)
- Don't know/prefer not to say

Q12a. If you would like to make any comments or suggestions in relation to how the requirement to declare interests is covered in the code please do so here:

It is also suggested that more outside interests should be registered than is the current statutory minimum. These are set out in **Table 2 of the Appendix** and are designed to demonstrate to the community transparency about other bodies with which the councillor is engaged.

Q13. To what extent do you support the inclusion of these additional categories for registration?

	To a great extent	To a moderate extent	To a small extent	Not at all	Don't know / Prefer not to say
Any organisation, association, society or party of which you are a member or in a position of general control or management and to which you are appointed or nominated by the council					
Any organisation, association, society or party that exercises functions of a public nature of which you are a member or in a position of general control or management					
Any organisation, association, society or party directed to charitable purposes					
Any organisation, association, society or party of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)					

Q13a. If you would like to propose additional or alternative **categories** for registration, please provide them here:

Q14. To what extent to you support the proposed requirement that councillors do not accept significant gifts as set out in Obligation 11?

- To a great extent
- To a moderate extent
- To a small extent
- Not at all
- Don't know/prefer not to say

Q14a. If you would like to elaborate on your answer please do so here:

Q15. The draft code proposes £25 as the threshold for registering gifts and hospitality. Is this an appropriate threshold?

- Yes
- Yes, but the amount should be reviewed annually with the code's review
- No, it should be lower (please specify amount) _____
- No, it should be higher (please specify amount) _____
- Don't know/prefer not to say

Q16. The LGA will be producing accompanying guidance to the code. Which of the following types of guidance would you find most useful? Please rank 1-5, with 1 being the most useful.

- _____ Regularly updated examples of case law
- _____ Explanatory guidance on the code
- _____ Case studies and examples of good practice
- _____ Supplementary guidance that focuses on specific areas, e.g., social media
- _____ Improvement support materials, such as training and e-learning packages

Q16a. If you would like to suggest any other accompanying guidance please do so here:

Q17. If you would like to make any further comments about the code please do so here:

Once you press the 'Submit' button below, you will have completed your response.

Many thanks for taking the time to respond to this consultation. You are in control of any personal data that you have provided to us in your response. You can contact us at all times to have your information changed or deleted. You can find our full privacy policy here: [click here to see our privacy policy](#)

For information only - Do not complete



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	20 July 2020

Subject:

Committee on Standards in Public Life - Local Government Ethical Standards

1. PURPOSE OF THE REPORT

To provide the Committee with a position statement on the recommendations made in the Committee on Standards in Public Life report of January 2019 on local government ethical standards.

2. RECOMMENDATIONS

The Committee is asked to note the report.

3. BACKGROUND

The Committee on Standards in Public Life made a number of recommendations in their January 2019 [report](#) on local government ethical standards.

In that report, they identified some best practice recommendations which represent a benchmark for ethical practice and which they expect any local authority should implement. (See Appendix)

The Monitoring Officer and Head of Legal & Governance are reviewing the recommendations made and the Committee is asked to note that at the next meeting a full update will be provided alongside any recommendations for change, acknowledging the consultation on the revised Model Code of Conduct set out separately on this Agenda.

4. RATIONALE

The LGA has committed to reviewing the current model member code of conduct, as recommended by the Committee on Standards in Public Life's report into [Local Government Ethical Standards](#).

The Standards Committee has the role within the Council (as set out in the Constitution), to promote and maintain high standards of conduct by councillors and co-opted members

and to assist councillors and co-opted members to observe the Members Code of Conduct.

In reviewing the best practice recommendations as set out in the Appendix the Head of Secretariat of the Committee on Standards in Public Life has written recently to Chief Executives advising that although they *“indicated that they would review the implementation of those best practice recommendations in 2020, We completely understand the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19, so we are not of course asking for an immediate response.”*

Some of the recommendations are related also to LGA Code of Conduct report separately on this Agenda, however a full report will be presented to the Standards Committee at their next meeting in October addressing each individual recommendation although a number are already incorporated in the Council’s current arrangements

5. LEGAL IMPLICATIONS

The current Council Code of Conduct and complaint processes was adopted in line with the Council’s obligations under section 27 (2) of the Localism Act 2011 and complies with the requirements under section 28 of the Act.. Consideration of revisions reflecting on the Committee on Standards in Public Life’s report into local government ethical standards as regards Code of Conduct are being led by the LGA. Any final recommendations for adoption of revisions to the current Code of Conduct or to take on board the wider recommendations as set out in the attached would be subject to a further report at the next meeting.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

The Standards Committee regularly discusses the Council’s arrangements for promoting and maintaining high standards of conduct, and the Report produced by the Committee on Standards in Public Life was widely circulated and followed a consultation process in 2018.

Chief Officer/Member

Contact Officer: David Fairclough

Date: 9 July 2020

Background Papers: Report by Committee on Standards in Public Life – Local Government Ethical Standards



List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.



Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
DATE:	20 July 2020

SUBJECT: Complaints Update to the Standards Committee

1. PURPOSE OF THE REPORT

To update Members on complaints received regarding Members conduct under the Arrangements for dealing with complaints about the Code of Conduct for Members up to 30th June 2020.

2. RECOMMENDATIONS

The Committee is asked to note the update report on complaints during February 2020 and June 2020

3. BACKGROUND

The Committee has a role in considering any complaints received relating to the conduct of Members of the Borough Council, co-opted Members and Parish Councils in its area. Members will be aware that not all complaints are proceeded with for various reasons (unsubstantiated complaints, vexatious complaints etc.) however it is important that members are aware of receipt of these and legitimate complaints that are being processed and progressed.

Members of the Committee are to be kept up to date on receipt of all complaints and progress at meetings of the Standards Committee where appropriate subject to any relevant provisions relating to confidentiality.

In February 2020 through to June 2020 there have been 2 initial complaints received by the Monitoring Officer in respect of two different Councillors however when sent details of how to formally register the complaints to allow for investigation and consideration the complainants did not proceed with their complaints.

Up to 30th June 2020 there were no further complaints received under the Members Complaints Procedures.

The Monitoring Officer has prepared this report for consideration by the Standards Committee.

4. RATIONALE

The Localism Act requires Councils to put in place mechanisms for reporting and investigation of complaints. This report provides information for the Standards Committee in a clear and transparent way to ensure that all members of the committee are aware of complaints received, progress and outcomes.

5. LEGAL IMPLICATIONS

The Council has adopted the Code of Conduct and the arrangements for dealing with member complaints in the Council's Constitution (set out in the Appendix attached), which it must follow when a formal complaint is received.

The Monitoring Officer must ensure the Council acts lawfully and the Monitoring Officer must act in accordance with the Arrangements for dealing with complaints about the Code of Conduct for members and act impartially and objectively in consultation with Independent Person in handling complaints.

6. POLICY IMPLICATIONS

A governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence.

7. FINANCIAL IMPLICATIONS

None contained in this report.

8. CONSULTATIONS

The Council's arrangements for promoting and maintaining high standards of conduct have been discussed by the Standards Committee and the arrangements for dealing with complaints about the Code of Conduct for Members are the subject of this report, to ensure openness and transparency to Members of the Committee on complaints received and progress.

Chief Officer/Member

Contact Officer: David Fairclough

Date: 9 July 2020

Background Papers: The Localism Act 2011