

STAFFORDSHIRE MOORLANDS DISTRICT COUNCIL

Report to Standards Committee

19th July 2019

TITLE:	Committee on Standards in Public Life – Ethical Standards Review
PORTFOLIO:	Leader of the Council – Councillor Ralphs
OFFICER:	Executive Director (People) and Monitoring Officer
WARDS:	All

Appendices attached:

1. [The Committee on Standards in Public Life Report on Local Government Ethical Standards dated January 2019](#)
2. The initial assessment criteria which is used by the Northern Ireland Local Government Commissioner for Standards in Public Life
3. Draft revised Code of Conduct

1. Reason for the Report:

1.1. To inform Members about the best practice recommendations made by the Committee on Standards in Public Life after their recent review into ethical standards in local government and to request authority to adopt the recommendations into the Council's local ethical framework where appropriate.

2. Recommendation

2.1 That the Standards Committee notes the contents of the report and approves the adoption of the best practice recommendations into the Council's ethical standards framework where appropriate.

2.2 To RECOMMEND to Council that the revised Code of Conduct be approved as attached at Appendix 3.

- 2.3 That the initial assessment criteria attached at Appendix 2 be adopted for use under the Council's Arrangements for dealing with Standards Complaints under the Localism Act 2011.

3. **Executive Summary**

- 3.1 The Standards Committee which met in March 2019 considered a report which summarised the outcome of a review of local government ethical standards by the Government's Committee on Standards in Public Life (CSPL). The CSPL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.
- 3.2 The election of a new political administration presents a timely opportunity to review the best practice recommendations which came out of the CSPL's report and consider whether the Council's local ethical standards arrangements should be revised to include the recommendations. The CSPL's report is enclosed in the Appendix 1.
- 3.3 The report confirms the position as far as the Council is concerned in respect of each best practice recommendation made by the CSPL and, where appropriate, proposes changes to the Council's Code of Conduct and Arrangements for dealing with Standards Complaints to meet these recommendations.

4. **Implications**

4.1 Community Safety - (Crime and Disorder Act 1998)

None.

4.2 Workforce

None.

4.3 Equality and Diversity - Equality Impact Assessment

An equality and diversity impact assessment has not been carried out for this report.

4.4 Financial Considerations

None.

4.5 Legal

Any decision that the Standards Committee makes in respect of this report and which requires amendment to the Council's constitution

should be reported to the Constitution Committee ahead of being ratified by Full Council.

4.6 Sustainability

None.

4.7 Internal and External Consultation

This report considers the outcome of a central government review consultation exercise.

4.8 Risk Assessment

None.

5. **Background and Detail**

5.1 In 2018, the Committee on Standards in Public Life (the 'CSPL') undertook a review of local government ethical standards. The CPSL considers that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The consultation period ran from 29 January to 18 May 2018.

5.2 The terms of reference for the Committee were to:

5.2.1 Examine the structures, processes and practices in local government in England for:

- Maintaining codes of conduct for local councillors;
- Investigating alleged breaches fairly and with due process;
- Enforcing codes and imposing sanctions for misconduct;
- Declaring interests and managing conflicts of interest;
- Whistleblowing.

5.2.2 Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government.

5.2.3 Make any recommendations for how they can be improved.

5.2.4 Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent it.

6 **Summary of Best Practice Recommendations**

- 6.1 The CSPL's report was published on 30 January 2019. The list of best practice recommendations for Councils is found at pages 18-19 of the report and they are reproduced below (an assessment of the Council's compliance with each recommendation is provided below in italics):

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.

- *A proposed revised Code of Conduct is attached at Appendix 3.*

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.

- *A proposed revised Code of Conduct is attached at Appendix 3.*

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.

- *The proposed revision of the Council's Code of Conduct would assist in addressing this recommendation.*

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.

- *Already met by the Council's practice.*

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.

- *To be addressed as part of this review.*

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

- *This recommendation would be addressed by approving the use of the initial assessment criteria which is used by the Northern Ireland Local Government Commissioner for Standards in Public Life attached at Appendix 2.*

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

- *Met by the Council's current practice.*

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.

- *Met by the Council's current Arrangements for dealing with Standards Complaints.*

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.

- *Met by the Council's current Arrangements for dealing with Standards Complaints.*

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.

- *Met by the Council's current practice.*

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.

- *This is allowable under the Council's current Arrangements for dealing with Standards Complaints.*

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.

- *Met by the Council's current practice.*

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.

- *Met by the Council's current practice.*

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.

- *To be considered as part of the Council's governance arrangements for such bodies.*

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

- *Met by the Council's current practice.*

6.2 As will be apparent, some of the best practice recommendations are already part of the Council's ethical standards framework. The proposed changes to the Council's Code of Conduct and Arrangements for dealing with Standards Complaints highlighted above should help to make the framework more robust with the outcome of improved ethical standards and conduct and improved public confidence in the Council's reputation. The CSPL intends to monitor the implementation of its recommendations in 2020.

Mark Trillo

Executive Director (People) and Monitoring Officer