

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 6 March 2018
Report for: Information and Decision
Report of: Corporate Director of Governance & Community Strategy

Report Title

Overview of the Local Government Ethical Standards Report published by the Committee on Standards in Public Life in January 2019.

Summary

The Committee on Standards in Public Life completed an in depth review of the ethical Standards within local authorities in 2018. The review focused upon how Local Authorities had responded to the changes made by the Localism Act 2011. The final report (Appendix 1) Was published in January and contains 26 recommendations. The Association of Democratic Service Officers (ADSO) produced a summary of the report (Appendix 2) which pulls out the key findings and recommendations for their members. This report highlights the areas of most interest for the Standards Committee following their response to the consultation in March 2018.

Recommendations

The Standards Committee are asked to;

- a) Note the Review of Local Government Ethical Standards (Appendix 1) and the ADSO Summary Document (Appendix 2)
- b) To consider the recommendations highlighted within this report and by the ADSO Summary.
- c) Note that a further report on the feasibility of implementing the Best Practice recommendations will be brought back to the next committee meeting with a view to implementing relevant areas of best practice during the 2019/20 municipal year.

Contact person for access to background papers and further information:

Name: Alexander Murray
Extension: 4250

Background Papers: None

Implications

| | |
|---|---|
| Relationship to Policy Framework/Corporate Priorities | Council’s Constitution, Members’ Code of Practice and related policies and procedures. |
| Financial | None |
| Legal Implications: | Action will be required to ensure that the Council meets the updated legal requirements. |
| Equality/Diversity Implications | None |
| Sustainability Implications | None |
| Staffing/E-Government/Asset Management Implications | None |
| Risk Management Implications | Revision of the Council’s Code of Conduct and related policies and procedures in line with the areas of best practice and the Recommendations of the CSPL will reduce the risk of legal action being taken against the Council. |
| Health and Safety Implications | None |

1.0 Introduction

- 1.1 The Committee on Standards in Public Life conducted a review of Local Government Ethical Standards in 2018. As part of the review all Local Authorities and Councillors were asked to complete a consultation document. The document was brought to the Standards Committee in March 2018 and following discussion by the Committee and feedback from Councillors a draft response was created for submission.
- 1.2 Trafford’s response to the consultation indicated that the arrangements in place were sufficient and working well. The main concern was that there was not much that could be done in the rare occasions when there was a breach of the Code of Conduct. The Committee requested that consideration be given to the possibility of introducing powers to suspend Councillors and suggested that Central Government should provide Guidance on how such suspensions could be sanctioned. The Committee also raised concerns regarding Councillors conduct online and possible threats to their safety from having their details being made available online, through declarations of interests and other documentation.
- 1.3 The feedback from all Local Authorities and Councillors was taken and the subsequent report was published in January 2019. The report contained 26 recommendations which if enacted will require a revision of the Council’s Constitution, Code of Conduct, and a range of other Council policies relating to ethical conduct. One of the recommendations is aimed at Local Authorities at this time, one affects Parish councils at this time, and one is for action by political parties at this time. The remainder of the recommendations have been made to central government and the Local Government Association.

2.0 Association of Democratic Service Officers (ADSO) Summary

2.1 Appendix 2 is a summary document which has been written by an officer for ADSO and its members. The document is far more accessible than the main report and the areas it considers cover the majority of the issues that the Standards Committee were concerned about within their response to the consultation.

2.2 As the document is written for democratic service officers it focuses on the changes that will affect the Committees, policies and procedures relating to ethical standards. However, there are a number of recommendations which affect Councillors on a more personal level and these are listed below for consideration by the Committee.

3.0 Additional of interest to the Standards Committee

3.1 Below are the recommendations not covered within the ADSO summary but which are still of interest to the Committee;

- The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.
- The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.
- Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".
- The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.
- Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.

4.0 Best Practice.

4.1 In addition to the 26 Recommendations the report lists 15 areas of best practice. Of the 15 Trafford already meet 5 of these, the remaining 10 are;

- 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.

- 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.
- 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.
- Councils should publish a clear and straightforward public interest test against which allegations are filtered.
- 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.
- 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.
- 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.
- 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.
- 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.
- Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

4.2 In the report it states that the Committee on Standards in Public Life will conduct a review of implementation of these areas of best practice in 2020.

5.0 Recommendations

5.1 The Standards Committee are asked to;

a) Note the Review of Local Government Ethical Standards (Appendix 1) and the ADSO Summary Document (Appendix 2)

b) To consider the recommendations highlighted within this report and by the ADSO Summary.

c) Note that a further report on the feasibility of implementing the Best Practice recommendations will be brought back to the next committee meeting with a view to implementing relevant areas of best practice during the 2019/20 municipal year.