

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 22 January 2020
Report for: Information
Report of: Corporate Director of Governance & Community Strategy

Report Title

Trafford's response to the Local Government Ethical Standards areas of best practice 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 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 was published in January 2019 and contained 15 areas of best practice which Local Authorities were to implement. This report presents the Councils proposed action plan (Appendix 1) to meet the 15 areas of best practice by June 2020.

Recommendations

The Standards Committee are asked to;

- a) To consider Trafford's action plan for the implementation of the areas of best practice.
- b) To make amendments to and/or agree the action plan.

Contact person for access to background papers and further information:

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Background Papers: None

Implications

Relationship to Policy Framework/Corporate Priorities	Council's Constitution, Members' Code of Conduct and related policies and procedures.
Financial	None
Legal Implications:	None
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 of the CSPL will reduce the risk of legal action being taken against the Council.
Health and Safety Implications	None

1.0 Background

- 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.
- 1.2 The feedback from all Local Authorities and Councillors was taken and the subsequent report was published in January 2019. The report contained 15 areas of best practice which all Councils were to enact by June 2020. The Standards Committee were informed at their meeting in March 2019 that Trafford already met a number of these areas of best practice and that officers would put together an action plan to ensure that the Council met all 15 by June 2020.

2.0 Areas of Best Practice.

- 2.1 Of the 15 areas of best practice Trafford already meet 4 of them, the remaining 11 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.
 - Local Authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

- 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.

2.2 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. Officers have put together an action plan (appendix 1) which proposes how Trafford will progress towards the implementation of the remaining 11 areas of best practice by June 2020. The Committee are asked to note that the actions for Best Practice 1 – 3 are all interlinked with the code of conduct needing to be updated in line with Best Practice 1 and 2 before it can go out to consultation. Once the Member Complaints Process has been considered by the Standards Committee, in line with Best Practice 9, it will become an annex to the Code of Conduct and go through the same consultation and agreement process.

2.3 The Committee are also asked to note that Best Practice 3, 11, and 12 all require involvement from Parish Council representatives. Within the action plan it is proposed that all of the stages involving Parish Councils be done together to minimise the number of meetings required.

3.0 Recommendations

3.1 The Standards Committee are asked to;

- a) To consider Trafford's action plan for the implementation of the areas of best practice.
- b) To suggest amendments to and/or agree the action plan.