

TRAFFORD COUNCIL

Report to: Standards Committee
Date: 04 March 2020
Report for: Information and Decision
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 provides an update to the Committee on the Council's progress in implementing the 15 areas of best practices as shown in the updated action plan (Appendix 1). This report also presents a series of documents which have been developed to update the Council's policies and procedures (Appendices 2 – 8) in line with the 15 areas of best practice.

Recommendations

The Standards Committee are asked to;

- a) To note the progress made so far and any outstanding actions.
- b) To discuss and amend the 7 Documents which adjust the Council's policies and procedures.
- c) To agree amendments to the constitution and recommend them to Council for adoption.
- d) To agree the process for Gifts and Hospitality and to recommend the process to the Accounts and Audits Committee for adoption.

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. An action plan laying out how the Council would meet all 15 areas of best practice by June 2020 was presented to the Committee in January 2020.

2.0 Areas of Best Practice.

- 2.1 Best practice 1 – 2 relate to the content Council's Code of Conduct and require that they include; prohibitions on bullying and harassment, a requirement that Councillors comply with any formal standards investigations, and prohibiting trivial or malicious allegations by Councillors. The Council's Code of Conduct has been updated to reflect these requirements which have been highlighted within Appendix 2. The wording for the prohibitions on bullying and harassment were adapted from the Standards Commission for Scotland's Advice for Councillors on Bullying and Harassment published in July 2018. The remaining wording comes directly from area of Best Practice 2.

- 2.2 Best Practice 3 lays out how Councils should review their Code of Conduct. Following the acceptance of the updates to the Council's Code of Conduct the revised version will be sent to interested community organisations, which includes Trafford's four Parish Councils, for feedback and will also be benchmarked against Geographical and statistical neighbouring authorities as is recommended under this direction.
- 2.3 Best Practice 5 requires authorities to update their gifts and hospitality register every 3 months. In order to achieve this it is proposed that Gifts and Hospitality is added as a standing item on Accounts and Audit Committee agendas. It is also proposed that the supporting governance officer email all councillors with a blank copy of the gifts and hospitality form asking them to complete the form. Appendix 3 is a draft of the email to go out to all councillors asking them to return a completed form or confirm that they have not received any gifts or hospitality in the relevant period. It is proposed that a report on the overall position will be provided on annual basis to the Accounts and Audit Committee meeting through the Annual Governance Statement.
- 2.4 Best Practice 6 requires Councils to publish a clear and straight forward public interest test for allegations. Appendix 4 is a two stage public interest test which has been adapted from the Local Government Ombudsman for Wales website. The test proposed addresses the issues that were highlighted by Committee Members and the Independent Person at the Committee meeting in January 2020. Following acceptance by the Committee the test will be published on the Council's website on the Member Complaints webpage.
- 2.5 Best Practice 9 requires councils to publish a decision notice as soon as possible once a formal investigation is completed and a decision is reached. Appendix 5 is the draft decision notice which has been adapted from the Council's Executive Decision notice. The draft has sections to gather all the information requested for inclusion by the Committee on Standards in Public Life.
- 2.6 When discussed in January 2020 the Committee expressed a number of concerns about publishing decision notices and how that could lead to the identification of Councillors who had been the subject of any complaint or Members of the Committee. No identifying information should be disclosed within the decision notice and the notice is to be sent to the Complainant and the subject Councillor for comment and to ensure they are in agreement that they cannot be identified from the wording of the proposed notice prior to it being published. Appendix 6 is a draft updated version of the Council's Members Complaints procedure which includes the requirement for the publication of the decision notice.
- 2.7 Best Practice 10 requires that councils have straightforward and accessible guidance on the Members Complaints Procedure published on their website including expected timescales. Appendix 7 is draft wording to go on the Council's website outlining the Members Complaints procedure. Appendix 8 is a draft process map for the Members Complaints Procedure. The draft wording and process map are based upon the Council's Members Complaints procedure within the Constitution.

- 2.8 Best Practice 11 and 12 relate to council's support of parish councils. As was discussed at the Standards Committee meeting in January 2020 the response to this area of best practice is to be developed in consultation with Trafford's four parishes. Emails have been sent to the Clerks and Members of all four parishes outlining the purpose of the meeting and providing a list of possible dates for meetings to take place. It is hoped that these meetings will be able to take place in early May so that any required changes to the Council's processes or Constitution can be submitted to Annual Council 27 May 2020.
- 2.9 Best Practice 14 requires Councils report on separate bodies they have set up within the Annual Governance Statement and that they ensure those bodies publish their board agendas, minutes, and annual reports in an accessible place. There are only four bodies that this applies to within Trafford and the Council's response to this will be picked up through the Annual Governance Statement process.
- 2.10 Best Practice 15 requires that Senior Officers meet regularly with political group leaders. While Senior Officers meet regularly with group leaders as part of their role there had not been any official scheduling of these meetings. In response to this area of best practice the Corporate Director of Governance and Community Strategy will now schedule quarterly meetings with each group leader starting in the 2020/21 municipal year.

3.0 Recommendations

- 3.1 The Standards Committee are asked to;
- a) To note the progress made so far and any outstanding actions.
 - b) To approve the 7 Documents appended to the report which adjust the Councils policies and procedures.
 - c) To agree the consequential amendments to the constitution and recommend them to Council for adoption.
 - d) To agree the process for Gifts and Hospitality and to recommend the process to the Accounts and Audits Committee for adoption.