

TRAFFORD COUNCIL

Report to: Council
Date: 25 November 2020
Report for: Information and Decision
Report of: Executive Member for Finance and Governance

Report Title

Trafford's Constitutional changes in 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. Of the 15 areas of best practice 5 require Council to be notified prior to them being implemented.

This report details the 5 areas of best practice, what Trafford has done to address each one, and the documents (Appendices 1-4) which contain the proposed changes.

Recommendations

Council are asked to;

- a) agree amendments to the Council's Code of Conduct and Complaints procedure within the Constitution and;
- b) agree to adopt the decision notice and two stage public interest test for complaints against Members of Trafford Council.

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.
- 1.3 In March 2020 eight documents were submitted to the Standards Committee. The Committee suggested a number of amendments prior to agreeing the documents. Of the eight documents four required sign off by full Council prior to them being implemented.

2.0 Areas of Best Practice.

- 2.1 The four Documents attached to this report address areas of best practice 1, 2, 3, 6, and 9 from the Local Government Ethical Standards report published by the Committee on Standards in Public Life in January 2019, which are detailed below.
- 2.2 Best practice 1 and 2 relate to the content of the Council's Code of Conduct and require that it includes: prohibitions on bullying and harassment; a requirement that Councillors comply with any formal standards investigations; and a prohibition of 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 1. 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. It was planned that following the acceptance of the updates to the Council's Code of Conduct the revised version would be sent to interested community organisations, which includes Trafford's four Parish Councils, for feedback and be benchmarked against Geographical and statistical neighbouring authorities. However, due to the outbreak of Covid 19 these actions have been postponed until the revision of the Code of Conduct in 2021.
- 2.3 Best Practice 6 requires Councils to publish a clear and straight forward public interest test for allegations. Appendix 2 is a two stage public interest test which has been adapted from the Local Government Ombudsman for Wales's website.
- 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 3 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 The Standards Committee expressed concerns about publishing decision notices and the possible identification of complainants or Subject Councillors from the notice. To address these concerns the notice is to be sent to the complainant and the subject Councillor for comment and to ensure they are satisfied that the wording of the proposed notice sufficiently protects their identity. Appendix 4 is a draft version of the Council's Members Complaints procedure which includes the requirement for the publication of the decision notice.
- 2.7 All four of the documents were submitted to and agreed for recommendation to Council by the Standards Committee 4 March 2020.

3.0 Recommendations

- 3.1 Council are asked to;
 - a) agree amendments to the Council's Code of Conduct and Complaints procedure within the Constitution and;
 - b) agree to adopt the decision notice and two stage public interest test for complaints against Members of Trafford Council.