

Report Title:	Report on the Committee on Standards in Public Life – Best Practice
Contains Confidential or Exempt Information?	No - Part I.
Member Reporting	Councillor Shamsul Shelim, Lead Member for HR, Legal and IT
Meeting and Date:	Employment and Member Standards Panel 10 th September 2019
Responsible Officer(s):	Duncan Sharkey, Managing Director Mary Severin, Monitoring Officer
Wards affected:	None”

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REPORT SUMMARY (

1. In January 2019 the Committee on Standards in Public Life (CSPL) published a report on the review carried out of the current national standard arrangements for Councillors. The report concluded that the vast majority of Local Government Members and Officers wished to maintain the highest standards of conduct by Members.
2. The CPSL report contained a set of Best Practice arrangements and suggested that each local authority compare its current arrangements against the Best Practice list. These are set out in the Appendix to this report.
3. This report recommends that the Employment and Member Standards Panel notes the CSPL report and recommends that the Monitoring Officer, in consultation with the Chairman of the Panel, makes suggested changes to the Council’s Code of Conduct and complaints process. These changes will then be brought to another Panel meeting for a discussion and decision to recommend formalising those changes into the Constitution.

1. DETAILS OF RECOMMENDATION(S)

RECOMMENDATION: That the Employment and Member Standard Panel:

- i) **Notes the report of the Committee on Standards in Public Life which can be found at https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF**
- ii) **Delegates to the Monitoring Officer, in consultation with the Chairman of the Employment and Member Standards Panel, to draft changes to the Council’s Code of Conduct and complaints process. The draft changes will be brought back to the Panel with a further recommendation to formalise them into the Constitution via a report to full Council.**

2. REASONS FOR RECOMMENDATIONS AND OPTIONS CONSIDERED

- 2.1 The Committee on Standards in Public Life report concluded that the vast majority of Local Government Members wished to maintain the highest standards of conduct, and supported a system which was fair and transparent. There was notable concern about the majority of cases being based on bullying or harassment or other disruptive behaviour. The CPSL also identified risks around conflicts of interest, gifts and hospitality and expressed concerns about the increasing complexity of decision making which put governance procedures under increasing strain. They considered that the current arrangement for sanctions was inadequate and damaged public confidence in the standards system. They stated that there was a need to have safeguards in place to ensure that decisions are made fairly and impartially and that Councillors are protected against politically-motivated, malicious or unfounded allegations of misconduct. They proposed that changes should be made to law on Disclosable Pecuniary Interests, including a recommendation to the Government to repeal criminal offences relating to them. They supported a localised system for standards, but felt a uniform Code of Conduct provided clarity for both members of the public and Members.
- 2.2 Many of the recommendations are already incorporated into the Council's Code of Conduct and complaints process, for example we have two Independent Persons, the Code of Conduct is published on the Council's website with an online form for complaints, and decision notices are published.. Other recommendations will require legislative changes. However, it is considered the guidance on bullying and intimidation could be improved, and that we introduce a public interest test against which allegations are filtered. To facilitate better transparency, provision should be made for all Code of Conduct decisions, including those rejected at the initial consideration stage, to be in writing demonstrating reasons for the decision. It is also proposed that the process includes consultation of the Chairman of the Employment and Member Standards Panel by the Monitoring Officer, as well as an Independent Person, when making decisions at the initial stages of the complaints process.

Options

Table 1: Options arising from this report

Option	Comments
The Employment and Member Standards Panel to note the report and best practice arrangements from the Committee for Standards in Public Life and authorise the MO to incorporate draft changes to the current Code of Conduct and complaints process in consultation with the Chairman This is the recommended option	This will ensure our Code of Conduct and complaints process complies with the Committee for Standards in Public Life recommended requirements
The Employment and Member Standards Panel to not note the report and best practice	This will fail to ensure our Code of Conduct and complaints process complies with the Committee for

Option	Comments
arrangements from the Committee for Standards in Public Life and authorise the MO to incorporate draft changes to the current Code of Conduct and complaints process in consultation with the Chairman	Standards in Public Life recommended requirements, thereby undermining public confidence in the council's standards arrangements

3. KEY IMPLICATIONS

Table 2: Key Implications

Outcome	Unmet	Met	Exceeded	Significantly Exceeded	Date of delivery
Public confidence in the Council's Standards arrangements	Little public confidence in the Council's Standards arrangements	Transparency and clear expectations from the public and Members with regard to the Council's Standards arrangements	The number of complaints reduce by 10% due to clarity and better understanding of the Council's Standards arrangements	The number of complaints reduce by 20% due to clarity and better understanding of the Council's Standards arrangements	September 2020

4. FINANCIAL DETAILS / VALUE FOR MONEY

None

5. LEGAL IMPLICATIONS

Localism Act 2011

6. RISK MANAGEMENT

Table 3: Impact of risk and mitigation

Risks	Uncontrolled risk	Controls	Controlled risk
That the current level of complaints increases due to lack of understanding of what is required by Members	Medium	Changes to the Code of Conduct and guidance on behaviours	Low
Poor public confidence in	Medium	Better transparency in decision making	Low

Risks	Uncontrolled risk	Controls	Controlled risk
the standards system			

7. POTENTIAL IMPACTS

No impact on equalities and no personal data has been used in this report
No potential impact in relation to climate change or sustainability.

8. CONSULTATION

None required

9. TIMETABLE FOR IMPLEMENTATION

10. If the recommendations are approved, a report detailing proposed changes to the Code of Conduct would be presented to the Panel at its scheduled meeting on 12 November 2019, or if not ready by then, the meeting on 14th January 2020. A further report recommending constitutional changes would then be presented to full Council following that meeting.

11. APPENDICES

Appendix listing the Best Practice Arrangements from A Review by the Committee on Standards in Public Life”, Committee on Standards in Public Life in paper and electronic form.

12. BACKGROUND DOCUMENTS

[“Local Government Standards: A Review by the Committee on Standards in Public Life”](#) “Committee on Standards in Public Life

:

-CONSULTATION (MANDATORY)

Name of consultee	Post held	Date sent	Date returned
Cllr Shelim	Lead Member for Legal, HR and IT.....		
Duncan Sharkey	Managing Director		
Russell O’Keefe	Executive Director		
Andy Jeffs	Executive Director		
Rob Stubbs	Section 151 Officer		
Elaine Browne	Interim Head of Law and Governance		
Nikki Craig	Head of HR and Corporate Projects		
Louisa Dean	Communications		
Kevin McDaniel	Director of Children’s Services		

Name of consultee	Post held	Date sent	Date returned
Hilary Hall	Deputy Director of Commissioning and Strategy, Interim DASS		
Karen Shepherd	Service Lead – Governance	22/8/19	22/8/19

REPORT HISTORY

Decision type: For information and for delegation to the Monitoring Officer in consultation with the Chair to draft proposed changes to the Council's Code of Conduct and complaints process	Urgency item? No	To Follow item? None
Report Author: Mary Severin, Monitoring Officer mary.severin@rbwm.gov.uk		

Committee for Standards in Public Life - List of Best Practice Arrangements

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

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.

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.

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.

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.

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 (a data record format).

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

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

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.

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.

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.

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.

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.

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.

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.

Best practice 15: Senior Officers should meet regularly with political Group Leaders or Group Whips to discuss standards issues.