

REPORT TO: GOVERNANCE COMMITTEE

Date: 8th September 2020

TOPIC: LOCAL GOVERNMENT ETHICAL STANDARDS

REPORT BY: MONITORING OFFICER

1 INTRODUCTION

- 1.1 The Committee on Standards in Public Life issued a letter to local authorities in July 2020 entitled “Local Government Ethical Standards,” following up recommendations made in its report of January 2019.
- 1.2 In the report, the Committee identified some best practice recommendations which “represent a benchmark for ethical practice and which we expect any local authority should implement.”
- 1.3 The Committee, whilst accepting that the implementation of the items of best practice may have been delayed by the onset of the Covid-19 pandemic, intend to ask local authorities as to their progress in implementing the recommendations in the autumn of 2020.
- 1.4 This report, therefore, seeks approval to up-date the existing Member Code of Conduct in two respects, so that positive feedback can be given to the Committee on Standards in Public Life in due course.
- 1.5 A separate report, introducing a revised process document in respect of standards’ complaints, will be presented to a future meeting of the Governance Committee. This document will aim to encapsulate a number of the other best practice recommendations.

2 RECOMMENDATIONS

- 2.1 That the Governance Committee recommend to Council that the amendments to the Council’s Member Code of Conduct be adopted.

3 REASONS FOR RECOMMENDATIONS

- 3.1 That two elements of recommended best practice are incorporated into the Member Code of Conduct.

4 REPORT

- 4.1 In its report of January 2019, the Committee on Standards in Public Life set out fifteen areas of best practice in relation to standards in public life, which it expected all local authorities to adopt. The intention was for the Committee to seek feedback in 2020 on the progress that councils had made in implementing the recommendations. Although delayed by Covid-19, the Committee intends to pursue the feedback in the autumn of 2020.
- 4.2 A copy of the letter from the Committee is attached as appendix 1.
- 4.3 Many of the recommendations relate to the regime of dealing with standards' complaints, and are best encapsulated in a revised process document, which will be presented to a future meeting of the Governance Committee.
- 4.4 Recommendation numbers (2), however, can be properly implemented by modest amendments to the existing Councillor Code of Conduct.
- 4.5 Recommendation 2 specifies that provisions should be made both for Councillors to comply with any standards investigation involving a complaint against them, and to prohibit Councillors from making trivial and malicious allegations. Such provisions can properly be added to the existing Code of Conduct, as new paragraphs 4(c) and 5(h). The suggested wording is set out in Appendix 2.
- 4.6 The Committee will note that recommendation 1 relates to the prohibition on bullying and harassment, and the giving of examples of typical instances of such behaviour. The existing Code of Conduct does not need amendment in this respect.

5 RESOURCE IMPLICATIONS

- 5.1 There are no resource issues.

6 EQUALITY and HUMAN RIGHTS

- 6.1 An EIA has not been completed as no equality issues are affected.

7 CONSTITUTIONAL CONTEXT

Article and paragraph	Appendix and paragraph	Referred or delegated power?	A key decision?
Part 3, Annexe 1 (5)(d)		Delegated	No

8 BACKGROUND PAPERS

Background papers will be available for inspection and will be kept by the author of the report.

9 STATEMENT OF INTERNAL ADVICE

9.1 The author (below) confirms that advice has been taken from all appropriate Councillors and officers.

Author: Trevor Blatchford

Date: 11th August 2020

Reference: TB

APPENDIX 2

(Members must:)

- “4(c) comply with any formal standards investigation carried out by or on behalf of the Monitoring Officer, particularly by responding to requests for information, clarification or comment in a timely way”

(Members must not:)

- “5(h) seek to misuse the standards process by making trivial or malicious allegations, such as by alleging misconduct against another councillor for the purposes of political gain”

