

Agenda Item 17.

TITLE	Committee on Standards in Public Life – Best Practice
FOR CONSIDERATION BY	Standards Committee on 2 March 2020.
WARD	None Specific
DIRECTOR	Director of Corporate Services - Graham Ebers

OUTCOME / BENEFITS TO THE COMMUNITY

High ethical standards in local government help to build trust and confidence amongst local residents and communities.

RECOMMENDATION

That the Committee:

- 1) consider the attached commentary on the list of Best Practice arrangements published by the Committee on Standards in Public Life;
- 2) consider the proposed recommendations which strengthen the WBC Member Code of Conduct and procedures in line with Best Practice;
- 3) consider the proposed consequential changes to the WBC Constitution and Member Code of Conduct, as set out in the Annex to the report;
- 4) agree that the updated Member Code of Conduct be the subject of consultation with Members, Town and Parish Councils, residents, community organisations and neighbouring authorities;
- 5) consider any feedback arising from the consultation before submitting proposed amendments to the Council's Constitution Review Working Group prior to final agreement by the full Council.

SUMMARY OF REPORT

At its meetings on 4 March and 8 July 2019, the Committee considered updates on the Committee on Standards in Public Life (CSPL) report on ethical standards in local government. The CSPL report was published in January 2019. The CSPL report concluded that the vast majority of local government Members and Officers wished to maintain the highest standards of conduct. However, there were ongoing examples of bullying, harassment or other disruptive behaviours. The CSPL 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. The CSPL report contained a list of Best Practice principles and also suggested that each local authority compare its current arrangements against the list. The Best Practice list is set out in the report together with an Officer assessment and comments/recommendations against each of the principles.

Background

At its meetings on 4 March and 8 July 2019, Committee considered updates on the report of the Committee on Standards in Public Life (CSPL) on Standards in Local Government.

The CSPL report (January 2019) had concluded that the vast majority of local government Members and Officers wished to maintain the highest standards of conduct. However, there were ongoing examples of bullying, harassment and disruptive behaviours. The CSPL also identified risks around conflicts of interest, gifts and hospitality and expressed concern about the increasing complexity of decision making which put governance procedures under increasing strain.

The CSPL report included a list of Best Practice principles and suggested that each local authority compare existing arrangements against the list. The CSPL report stated: "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".

The Standards Committee considered the list of Best Practice principles at the meeting on 8 July 2019. It was felt that the Council complied with the majority of the principles but that further consideration be given to the following points:

- Best Practice 3 – annual review of the Code of Conduct;
- Best Practice 5 – update the Gifts and Hospitality Register each quarter;
- Best Practice 14 – greater transparency relating to Council-owned companies and arm's length bodies;
- Best Practice 9 – publication of the outcome of complaint investigations;
- Best Practice 11 – complaints about the conduct of a Parish Councillor towards a clerk.

Having considered the report, the Committee resolved as follows:

- 1) progress against the CSPL Best Practice standards be noted;
- 2) at its next meeting the Committee consider a review of the current Code of Conduct including provisions relating to the publication of complaint decisions (Best Practice 9);
- 3) following agreement by the Committee, the updated Code of Conduct be the subject of consultation with residents, community organisations and neighbouring authorities;
- 4) the report to the next meeting also consider measures to comply with Best Practice 15 (transparency of Council-owned companies, etc.);
- 5) the Gifts and Hospitality Register be updated in line with Best Practice 5;
- 6) further clarification be provided on Best Practice 11 – complaints about the conduct of a Parish Councillor towards a Clerk;
- 7) Best Practice 15 be formalised through more regular meetings between senior Officers and Group Leaders/Whips.

The Best Practice principles are set out below together with Officer comments on current arrangements and proposals for potential improvements.

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.

Comment/Recommendation - Guidance on Bullying and Intimidation is set out in the WBC Member Code of Conduct. It is proposed that guidance on the use and potential misuse of Social Media also be included in the Code of Conduct.

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.

Comment/Recommendation – Provisions are included within the WBC Constitution.

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.

Comment/Recommendation – an annual review of the Code of Conduct to be undertaken by the Standards Committee, with public consultation on significant changes.

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.

Comment/Recommendation – Officers to carry out a review of Code of Conduct information on the WBC website and the effectiveness of the online process for registering complaints.

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).

Comment/Recommendation – The Register to be updated and published in line with Best Practice 5. It is proposed to amend the value of declarable gifts from £25 to £50 or £100 per annum.

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

Comment/Recommendation – Set out within the WBC Constitution. Each complaint received is considered by the Monitoring Officer, Independent Person and Chairman of the Standards Committee against a number of criteria including Public Interest – is the public interest served in referring the complaint further.

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

Comment/Recommendation – WBC currently retains three 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.

Comment/Recommendation – All Code of Conduct complaints are subject to consultation with an Independent Person.

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.

Comment/Recommendation – The current WBC Code of Conduct states that breaches of the Code of Conduct which are resolved informally (e.g. through mediation or a written apology) are not reported publicly. The Committee is asked to consider a change to the Code of Conduct so that all decisions on breaches (resolved formally or informally) are published on the WBC website in line with Best Practice 9.

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.

Comment/Recommendation – Guidance is provided on the WBC website. It is proposed that Officers review the guidance in line with Best Practice 10.

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.

Comment/Recommendation Agree in principle, subject to further consultation with Town and Parish Councils.

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.

Comment/Recommendation – This is part of the WBC Monitoring Officer's role. Training and support are provided.

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.

Comment/Recommendation – Procedures are currently in place in line with Best Practice.

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.

Comment/Recommendation – Regular reports are currently submitted to the WBC Executive which provide updates on finance, operational matters and changes to company directors. It is proposed to review the accessibility of company agendas, minutes and reports in line with Best Practice 14.

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

Comment/Recommendation - Best Practice 15 to be formalised through more regular meetings between senior Officers and Group Leaders/Whips, including an annual meeting.

Next Steps

In line with Best Practice 3, it is proposed that the agreed changes to the WBC Constitution/Code of Conduct be the subject of consultation with Members, residents, Town and Parish Councils, and community groups. The consultation to be carried out in line with the Borough Council's consultation guidelines.

Any feedback from the consultation will be submitted to the Standards Committee for consideration. Final proposed changes will then be submitted to the Borough Council's Constitution Review Working Group before final consideration and agreement by the full Council.

FINANCIAL IMPLICATIONS OF THE RECOMMENDATION

	How much will it Cost/ (Save)	Is there sufficient funding – if not quantify the Shortfall	Revenue or Capital?
Current Financial Year (Year 1)	£0	Yes	Revenue
Next Financial Year (Year 2)	£0	Yes	Revenue
Following Financial Year (Year 3)	£0	Yes	Revenue

Other financial information relevant to the Recommendation/Decision

None

Cross-Council Implications

The work and conduct of Members and Officers can impact all aspects of the work of Borough, Town and Parish Councils.

Reasons for considering the report in Part 2

Not applicable

List of Background Papers

Report of the Committee on Standards in Public Life – January 2019

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