

## Committee on Standards in Public Life – Review of Best Practice Recommendations

### Report of the Clerk

For further information about this report please contact Anthea Lowe, Fire Authority Clerk and Monitoring Officer, on 01952 383219

### 1 Executive Summary

This report updates the Committee on the recommendations made by the national Committee on Standards in Public Life (CSPL) in relation to ethical standards in local government and identifies the next steps in implementing the recommendations of the CSPL.

### 2 Recommendations

The Committee is asked to:

- a) Note the recommendations of the Committee on Standards in Public Life as outlined in this report;
- b) Note the steps taken to date to implement the recommendations of the Committee for Standards in Public Life; and
- c) Approve the proposed actions contained in the report to implement the remaining recommendations of the Committee for Standards in Public Life

### 3 Background

In January 2019, the Committee on Standards in Public Life published its report *Ethical Standards in Local Government*. The CSPL was asked to review the standards framework within local government following changes that were made as a result of the Localism Act 2011. As part of its work, consultation and engagement with stakeholders took place in 2018 prior to the publication of the report.

Key findings within CSPL's report included a number of concerns around the conduct of councillors and some parish councils, risks surrounding the rules on conflicts of interest, gifts and hospitality and strains on local authority governance as a result of the increased complexity of local government decision-making.

## **4 Committee on Standards in Public Life Recommendations**

The CSPL report was prepared having taken into account a strong evidence-base and demonstrated a good understanding of the current position in respect of local government governance and conduct. It made a number of recommendations for change to be made to the Standards framework within local governance. The recommendations made were split into those that required legislative changes and those that were best practice recommendation which could be implemented without the need to wait for any changes in legislation.

The legislative changes that were recommended included:

- More clarity on the use of social media by Members and when the Code of Conduct applies;
- Wider provisions in respect of declarations of interest that would, or could, be perceived as impacting on Members' ability to make impartial decisions'
- Clarifying the role and importance of the Independent Person and increasing protection for statutory officers;
- Increasing the remit of the Local Government and Social Care Ombudsman to give it powers to investigate, make findings and impose sanctions in respect of code of conduct complaints against councillors; and
- Giving local authorities the power to suspend councillors, without allowed, for up to six months in cases where the code of conduct has been breached.

Other recommendations contained in the CSPL report were those that were considered to be best practice. These were recommendations that are capable of implementation without the need for changes to be made to the legislation. Some of these best practice recommendations have already been implemented whilst arrangements are in place to implement others. The document at the Appendix to the report sets out each recommendation and, where applicable, the action to date together with the actions needed in order to implement the recommendations.

## **5 Conclusions**

As can be seen at the Appendix, the adoption of the Code of Conduct at the last full Authority meeting has addressed some of the recommendations made by the CSPL. Of those remaining to be implemented, the table set out in the appendix also sets out the steps being taken to address them.

The Committee is asked to approve those actions and the indicative timetable set out in the appendix.

## **6 Financial Implications**

There are no direct financial implications arising from this report.

## **7 Legal Comment**

This report meets the statutory requirements relating to the ethical framework in local government. The recommendations of the CSPL constitute best practice to ensure that the Authority, supported by the Monitoring Officer, is able to maintain good ethical standards.

## **8 Equality Impact Assessment**

There are no equality or diversity implications arising from this report. An e-EQIA is not, therefore, required.

## **9 Appendix**

Best Practice Recommendations made by the Committee on Standards in Public Life

## **10 Background Papers**

The report, *Ethical Standards in Local Government*, published by the Committee on Standards in Public Life is available at

[Local Government Ethical Standards January 2019  
\(publishing.service.gov.uk\)](https://www.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/771212/local-government-ethical-standards-january-2019.pdf)

**Best Practice Recommendations made by the  
 Committee on Standards in Public Life**

	<b>Best Practice Recommendation</b>	<b>Response / Update</b>	<b>Next steps</b>
<b>1</b>	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.	This is covered in the new Code of Conduct adopted by the Authority.	Awaiting receipt of further guidance from the LGA regarding examples of behaviour that would be covered by the Code of Conduct.
<b>2</b>	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.	This is covered in the new Code of Conduct adopted by the Authority.	
<b>3</b>	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.	A review of the code of conduct can be programmed into the work of the Committee on an annual basis.	In the absence of legislative changes to introduce more robust sanctions, there is a risk that consulting with the public will raise expectations as to the action that can be taken should a code of conduct complaint be made. The Authority can, and should, consult with its constituting authorities when reviewing its code.
<b>4</b>	An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council' website and available in council premises.	The code of conduct is available on the FRA's website along with guidance on how to make a complaint.	A copy of the Code of Conduct should be available at reception in Headquarters.
<b>5</b>	Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.	The gifts and hospitality register is available on the FRA's website and is updated as and when declaration forms are received.	

	<b>Best Practice Recommendation</b>	<b>Response / Update</b>	<b>Next steps</b>
<b>6</b>	Councils should publish a clear and straightforward public interest test.		A public interest test will clearly set out the approach that the Monitoring Officer will take when a complaint is received. It will also ensure a consistent approach to responding to complaints. The Monitoring Officer is undertaking an exercise to review comparator authorities' codes to see if there is any good practice that can be adopted. An update will be provided at a later meeting.
<b>7</b>	Local authorities should have access to at least two Independent Persons.		The Authority currently has one Independent Person. Work was commenced to recruit to the role of Independent Person but, due to the pandemic, this was paused so that resources could be diverted to support frontline services. It is now an opportune moment to revisit this and recommence the work to recruit to this post and an update report will be presented to a later meeting.
<b>8</b>	An Independent Person should be consulted as to whether or not 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.		This is the current informal practice. The review of arrangements for dealing with complaints is also on the agenda for this meeting and so this has been addressed as part of that review.
<b>9</b>	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.		The review of arrangements for dealing with complaints is also on the agenda for this meeting and so this has been addressed as part of that review.

	<b>Best Practice Recommendation</b>	<b>Response / Update</b>	<b>Next steps</b>
<b>10</b>	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.		Guidance is already available on the website and will be updated following the review of arrangements for dealing with complaints.
<b>11</b>	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.		This is unlikely to apply to the fire authority but, should such a complaint be received, appropriate advice would be given to those making the complaint.
<b>12</b>	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.		Again, this is unlikely to apply to the Fire Authority.
<b>13</b>	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.		This seems a reasonable suggestion. The Monitoring Officer will liaise with other authorities in the region to discuss reciprocal arrangements.
<b>14</b>	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.		This does not apply to the Fire Authority.
<b>15</b>	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.		In the current regime, disciplinary action by a political group is one of the more robust sanctions available. If members are supportive of this approach, meetings can be established.