

Report to:	Audit and Governance Committee	16 May 2019
Report title:	AG/2018/27 - Local Government Ethical Standards	
Report from:	Jessica Crowe, Monitoring Officer	
Ward/Areas affected:	Borough Wide	
Chair of Committee/Lead Member:	Councillor Richard Clifton	
Author(s)/Contact Number(s):	Alexa Coates, Head of Committee and Management Support, 020 8770 5094	
Corporate Plan Priorities:	<ul style="list-style-type: none"> • Making Informed Choices 	
Open/Exempt:	Open	
Signed:		Date: 1 May 2019

1. Summary

- 1.1 To consider the Committee on Standards in Public Life (CSPL) - Review into Local Government Ethical Standards.

2. Recommendations

The Audit and Governance Committee is recommended to:

- 2.1 Consider the best practice recommendations of the Review into Local Government Ethical Standards.
- 2.2 Recommend to Strategy and Resources Committee and then Council to include definitions of bullying and harassment in the Code of Conduct as set out at Appendix B.
- 2.3 Recommend to Strategy and Resources Committee and then Council to amend the Code of Conduct to include a provision that Members are required to comply with this procedure and participate in any formal standards investigation.

3. Background

- 3.1 In January 2019 the CSPL published a report considering Local Government Ethical Standards (extracts of which are available as Appendix A) in the context of changes made to the

Standards framework by the Localism Act 2011. This was in lieu of the government themselves carrying out a review of the framework as had been promised during the passage of the Localism Bill. The CSPL have made a series of recommendations around: the Code of Conduct; arrangements for registration and declaration of interests; the available sanctions; the role of the Independent Person, the Monitoring Officer and standards committees; and support for parishes.

3.2 Overall the CSPL found that the majority of Councillors maintain high standards of conduct. They found evidence of misconduct by some Councillors and the majority of these cases related to bullying or harassment or other disruptive behaviour. Although the report identifies some issues with current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making, there are no calls for a return to a centralised ethical framework.

3.3 The CSPL have made 26 recommendations, for example for the Local Government Association to develop an updated model code of conduct and for the Localism Act to be updated to state that a local authority’s code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority. The majority of the recommendations are the responsibility of central government to implement.

4. Issues

4.1 The CSPL have also made some best practice recommendations which are directed at local authorities. The table below outlines the best practice recommendations and issues for the committee to consider

Best Practice Suggestion	Response
<p>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.</p>	<p>Consider amending General Obligations section of the code of conduct as set out at Appendix B to include definitions and examples of bullying and harassment. The Council recently passed a motion on bullying and signed up to the Anti Bullying Alliance, whose definition of bullying could be incorporated.</p>
<p>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.</p>	<p>Consider amending the Code of Conduct to include: Part 7 of the Constitution sets out how complaints that a member has failed to comply with the code of conduct will be dealt with. Members are required to comply with this procedure and participate in any formal standards investigation. Failure to participate in an investigation will be considered a breach of the Code of Conduct</p>

<p>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.</p>	<p>Suggest the code of conduct is brought to the committee to consider on an annual basis, and consider consultation with the public on this.</p>
<p>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.</p>	<p>The code of conduct forms part of the Council's constitution and there is a designated page of the website informing residents on how to complain about a councillor.</p>
<p>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.</p>	<p>Functionality on modern.gov is active to allow members to register gifts and hospitality at any point. This information is available on the council website. Guidance will be provided to remind members to keep this updated.</p>
<p>Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p>	<p>The standards regime complaints procedure forms part of the Council Constitution and is straightforward and easy to understand. This document includes criteria for investigation, which covers what would be included in a 'public interest test'.</p>
<p>Best practice 7: Local authorities should have access to at least two Independent Persons.</p>	<p>The Council has appointed three Independent Persons</p>
<p>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)</p>	<p>This is already part of our standards regime complaints procedure. An Independent Person is consulted as part of an initial assessment of every code of conduct complaint submitted to the Council.</p>
<p>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.</p>	<p>This is already part of the provisions of the Standards Regime Complaints Procedure</p>

<p>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.</p>	<p>A straightforward and accessible complaint form is available from the Council website along with a link to the Constitution which includes the Standards Regime Complaints Procedure which clearly sets out the process for handling complaints including timescales and outcomes.</p>
<p>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.</p>	<p>Not Applicable</p>
<p>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.</p>	<p>Not Applicable</p>
<p>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.</p>	<p>The Monitoring Officer may appoint an investigating officer from a different authority under the Standards Regime Complaints Procedure</p>
<p>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.</p>	<p>In future the annual governance statement will cover Council owned bodies, which was agreed as part of the review of the Council's interests in companies agreed by Sutton Shareholdings Board last year. Companies in which the council has a shareholding interest will be encouraged to publish key documents online in the interest of openness and transparency.</p>

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	The Monitoring Officer has regular meetings with political group leaders and / or other group officers where standards issues are discussed.
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5. Options Considered

- 5.1 There are no statutory requirements arising from the CSPL report, although changes to the standards regime may follow depending on the response of government. The Localism Act requires the Council to have in place a code of conduct, but there is local choice in terms of the content. The CSPL expect Councils to implement their best practice recommendations but this is the choice of the Council.

6. Impacts and Implications

Financial

- 6.1 There are no financial implications arising from the report.

Legal

- 6.2 There are no legal implications arising from the report.

7. Appendices and Background Documents

Appendix letter	Title
A	Committee on Standards in Public Life - Review into Local Government Ethical Standards (<i>Circulated to members of the committee electronically with an extract included here</i>)
B	Amended General Obligations

Background documents

None

Audit Trail

Version	Final	Date: 03 May 2019
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Consultation with other officers		
Finance	No	N/A
Legal	No	N/A
Equality Impact Assessment required?	No	N/A