

### STANDARDS COMMITTEE

## 6.30pm on Wednesday 3<sup>rd</sup> July 2019 **Staincliffe Suite**, 1 Belle Vue Square, Broughton Road, Skipton.

**Committee Membership: Councillors** Ireton (Chairman), Mercer, Metcalfe, Solloway and Whitaker.

**Parish Council Representatives** (non-voting): Veronicka Dancer, Michael Rooze and Robert Stead.

**Independent Persons** (non-voting): John Boumphrey, Peter Charlesworth and Roger Millin.

### **AGENDA**

- 1. Apologies for Absence
- 2. Confirmation of Minutes 13<sup>th</sup> March 2019 attached.
- 3. <u>Public Participation</u> In the event that any questions/statements are received or members of the public attend, the public participation session will proceed for a period of up to fifteen minutes.
- **4.** <u>Declarations of Interest</u> All Members are invited to declare at this point any interests they have in items appearing on this agenda, including the nature of those interests.

(Note: Declarations should be in the form of:

a "disclosable pecuniary interest" under Appendix A to the Council's Code of Conduct, or "other interests" under Appendix B or under Paragraph 15 where a matter arises at the meeting which relates to a financial interest of a friend, relative or close associate.

A Member of Council who has a disclosable pecuniary interest must leave the room and not take part in the discussion or vote. When declaring interests under Appendix B or Paragraph 15 of the Code, Members must move to the public seating area, not vote, and speak only if members of the public are also allowed to speak at the meeting.)

**5.** Work Programme 2019/2020 – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To consider and set the work programme for the 2019/2020 municipal year (report and appendix attached);

**The Committee on Standards in Public Life – Local Government Ethical Standards** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To provide an update on how the Council's ethical standards framework compares with the best practice recommendations included in a recent report from the Committee on Standards in Public Life (report attached); and

7. **Monitoring Report** – Report of the Solicitor to the Council (Monitoring Officer). Attached.

Purpose of Report – To update Members following the last report to Committee on 13<sup>th</sup> March 2019 (report and appendix attached).

- **8.** <u>Meeting Start Time</u> The Committee is asked to agree its normal start-time for the remainder of the municipal year.
- **Any other items** which the Chairman decides are urgent in accordance with Section 100B(4) of the Local Government Act, 1972.

Agenda Contact Officer: Hannah Scales, Democratic Services and Scrutiny Officer

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26th June 2019

If you would like this agenda or any of the reports listed in a different way that will accommodate your requirements, please telephone 01756 706235.

### **Recording at Council Meetings**

Recording is allowed at Council, committee and sub-committee meetings which are open to the public, subject to

- (i) the recording being conducted with the full knowledge of the Chairman of the meeting; and
- (ii) compliance with the Council's protocol on audio/visual recording and photography at meetings, a copy of which is available on request. Anyone wishing to record must contact the Agenda Contact Officer (details above) prior to the start of the meeting. Any recording must be conducted openly and not disrupt proceedings.

### **Emergency Evacuation Procedure**

In case of an emergency or if the alarm sounds, leave the committee room and leave the building using the nearest available door. The assembly point is in the main square at the front entrance. An officer will take a roll call at that point. Please do not leave without telling the Chairman or the Democratic Services Section's representative.

### STANDARDS COMMITTEE

13 March 2019

Present - Councillors Ireton (Chairman), Mercer and Solloway.

Parish Representatives (non-voting): Veronicka Dancer.

Independent Persons (non-voting): Peter Charlesworth.

Officers – Solicitor to the Council (Monitoring Officer) and Clerical Assistant (Minutes).

Apologies for absence were received from Councillors Mason and Whitaker, Independent Persons Roger Millin and John Boumphrey and Parish Representatives Michael Rooze and Robert Stead.

Start: 6.30pm Finish: 7.11pm

The minutes of the Committee's meeting held on 23 January 2019 were confirmed as a correct record and signed by the Chairman.

### Minutes for Report

## STN.357 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW ON ETHICAL STANDARDS IN LOCAL GOVERNMENT

The Solicitor to the Council (Monitoring Officer) presented a report regarding the Standards in Public Life Review and highlighted the 26 recommendations (Appendix 2). Key interests to Committee were emphasised (items 3.5 to 3.8 of the report).

The Solicitor to the Council (Monitoring Officer) updated members regarding the role of Political groups in encouraging good conduct and standards of their members highlighted as a recommendation in the Public Life Review.

- **Resolved** (1) That, the Solicitor to the Council's (Monitoring Officer's) report and the three appendices are noted.
  - (2) That, the Solicitor to the Council reported to the Committee at a future meeting having reviewed the List of Best Practice.
  - (3) That, the Solicitor to the Council (Monitoring Officer) works with Political groups at Craven District Council to implement the recommendation.

### STN.358 <u>AUDIT OF PARISH COUNCILS' REGISTER OF INTERESTS</u>

The Solicitor to the Council (Monitoring Officer) submitted a report that updated Members about the recent audit of Parish Councils' Registers of Interests. The Solicitor to the Council (Monitoring Officer) drew Member's attention to item 3.3 of the report regarding recommendation 2 from the Public Life Review.

A discussion took place that considered the need for the Solicitor to the Council (Monitoring Officer) to inform Parish Councils what the Localism Act says and requires regarding

registering home addresses on the authorities Register of Interests. The Committee concluded that it was still necessary for the Solicitor to the Council (Monitoring Officer) to contact Parish Councils.

**Resolved** – (1) That, the Report is noted.

(2) That, the Solicitor to the Council (Monitoring Officer) writes to Parish Councillors reminding them what the Localism Act requires whilst acknowledging the recommendations in the CSPL Review.

### STN.360

### **MONITORING REPORT**

The Solicitor to the Council (Monitoring Officer) submitted a report updating Members on the Code of Conduct complaints received and the status of existing complaints since the last report to Committee on 23 January 2019.

**Resolved** – That, the Monitoring Report is noted.

#### Minutes for decision

### STN.359 **REVIEW OF THE CODE OF CONDUCT FOR MEMBERS**

The Solicitor to the Council (Monitoring Officer) submitted a report that progressed the Committee's review of the Members' Code of Conduct. The report raised two outstanding issues that the Solicitor to the Council (Monitoring Officer) presented to Members;

- The scope of the code of conduct;
- Membership (past or present) of a Masonic Lodge.

After a short discussion the Committee concluded that the Code of Conduct should be amended so that membership (past or present) of a Masonic Lodge must be declared by Members.

The Committee agreed to revisit the Code of Conduct in a couple of years.

**Recommended** – (1) That, the report is noted.

(2) That, the Code of Conduct is amended so that membership (past or present) of a Masonic Lodge must be declared.

Chairman

# Standards Committee – 3<sup>rd</sup> July 2019

### **WORK PROGRAMME 2019/2020**



Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

- 1. <u>Purpose of Report</u> To consider and set the work programme for the 2019/2020 municipal year.
- 2. **Recommendations** Members are recommended to:
- 2.1 Note the work of the Committee during 2018/2019; and
- 2.2 Agree the Committee's work programme for 2019/2020.

### 3. Report

- 3.1 At the first meeting of the municipal year, this Committee has routinely set its work programme for the coming year. This enables the Committee to take a structured approach to reviewing the local codes and protocols contained in the Council's Constitution but also to have the flexibility to deal with any issues which arise during the year.
- 3.2 During 2018/2019 the Committee has continued its work reviewing the local codes and protocols. The table below summarises the key work of the Committee during the year:

Code of Conduct for Members	Recommended revisions considered by Council April 2019. Recommendation rejected (CL.1108).
Audit of Parish Councils' Codes of Conduct	Audit completed.
Audit of Parish Councils' Registers of Interests	Audit completed. Letter offering guidance on the requirements of the Localism Act 2011 circulated to all Parish Councils.
Dispensation Scheme	Revised Scheme adopted by Council December 2018 (CL.1084).

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Officers' Code of Conduct –	Supplemental Guidance issued May
Supplemental Guidance for	2019.
Housing Options	

- 3.3 The Committee has also published a Standards Bulletin and received a report from the Partnerships Officer setting out how the Council complied with its obligations under the Equality Act 2010 during 2017/2018.
- 3.4 Standards Committee is also responsible for receiving the annual letter from the Local Government and Social Care Ombudsman.
- 3.5 One item from the 2018/2019 work programme is incomplete and if Members agree, this will be carried forward to the 2019/2020 programme. This is:

principles of public life'	Posters have been created and posted around the Bell Vue Square offices but the Committee may want to evaluate this further.
	,

- 3.6 The Committee on Standards in Public Life's ('CSPL') report into local government ethical standards (published January 2019) included a list of best practice which the CSPL "expects that any local authority can and should implement". It is proposed therefore, that much of the Committee's work this year is focused on reviewing and implementing this best practice, if it is appropriate to do so.
- 3.7 Members are asked to consider the Committee's Terms of Reference (attached as appendix A) and set the work programme for the coming year.
- 3.8 In addition to the work programme, the Committee may receive unscheduled items from time to time and sub-committees may be constituted on an ad-hoc basis to deal with hearings in relation to member conduct.

### 4. Implications

- 4.1 **Financial and Value for Money Implications** None arising directly from the report.
- 4.2 **Legal Implications** these are set out in the body of the report.
- 4.3 **Contribution to Council Priorities** Not applicable.
- 4.4 **Risk Management** Not applicable.
- 4.5 **Equality Analysis** Not applicable.
- 5. **Consultations with Others** Not applicable.

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- 6. Access to Information: Background Documents Not applicable.
- 7. <u>Author of the Report</u> Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.

Members are invited to contact the Deputy Monitoring Officer in advance of the meeting with any detailed queries or questions.

8. **Appendices** – Terms of Reference.

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COMMITTEE	STANDARDS COMMITTEE
MEMBERSHIP	5 District Councillors, 4 parish representatives and 3 independent persons (12 in total)
LEAD OFFICERS	Monitoring Officer
SUB-COMMITTEES	Will be constituted on an ad hoc basis to deal with hearings in relation to member conduct

### TERMS OF REFERENCE

- To review, at least every two years, the Council's Member / Employee Protocol and Codes of Conduct, the Planning Protocol, and any other local codes and protocols, and to recommend changes to the Council Meeting
- To consider other areas where there may be a need for local codes or protocols and make appropriate recommendations to the Council
- To monitor the operation of the codes and protocols and to advise Members individually (as requested) and as a whole on the codes and protocols
- To grant dispensations to Members as provided for by the Localism Act 2011 and regulations made thereunder
- To deal with complaints relating to a breach of the Members Code of Conduct and to appoint sub-committees, as required on an ad hoc basis to hear complaints following investigation.
- To advise the Parish Councils on the adoption or revision of their Codes of Conduct, to monitor their operation and to advise on matters relating to their Codes
- To ensure the provision of effective training on Members' interests and Code of Conduct issues for Members of the District Council and the Parish Councils in the Craven District
- To receive and deal with reports resulting from Ombudsman complaints
- To be consulted when reviews are carried out of elements of the Council's Constitution that relate to the ethical framework

# Standards Committee – 3<sup>rd</sup> July 2019

# THE COMMITTEE ON STANDARDS IN PUBLIC LIFE - LOCAL GOVERNMENT ETHICAL STANDARDS



Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

- 1. <u>Purpose of Report</u> to provide an update on how the Council's ethical standards framework compares with the best practice recommendations included in the recent report from the Committee on Standards in Public Life.
- 2. **Recommendations** Members are recommended to note the content of the report and the action to be taken.
- 3. Report

### **Background**

3.1 Members may recall that in March, this Committee received a report containing an overview of the Committee on Standards in Public Life's report into local government ethical standards. The Committee on Standards in Public Life ('CSPL') had undertaken a wide-ranging evidence gathering exercise and its report was much anticipated. For ease of reference, a copy of the executive summary is attached to this report as Appendix 1.

### Report

- 3.2 The CSPL made a total of 26 recommendations to promote and maintain the standards expected by the public and other users of local government. The complete list of recommendations is at Appendix 2.
- 3.3 Unfortunately, a number of CSPL's recommendations require primary legislation to amend sections of the Localism Act 2011 but, perhaps in recognition of this, the report also included a list of best practice which the CSPL "expects that any local authority can and should implement". The CSPL intends to review implementation of this best practice in 2020.
- 3.4 The list of best practice recommendations is set out at Appendix 3. It is proposed that over the course of the year, this Committee will review each of these best practice recommendations and consider what action, if any, is required to implement the recommendation.

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3.5 The Solicitor to the Council (Monitoring Officer) has carried out a preliminary review of the 15 best practice recommendations and concluded that a number could be considered together. These are:

Recommendations 1, 2 & 3	Code of Conduct for Members
Recommendations 6, 9, 10, 11, 12 & 13	The agreed arrangements for dealing with standards allegations under the Localism Act 2011
Recommendations 11 & 12	Complaints about the conduct of Parish Councillors

It is suggested that the best practice recommendations relating to complaints handling (including parish councillor complaints) are considered at the November meeting and the Code of Conduct recommendations at the January meeting.

As best practice recommendations 14 & 15 are more corporate in nature, the Solicitor to the Council proposes discussing these with the Chief Executive and providing the Committee with an update on action agreed.

3.6 Commentary on the remaining best practice recommendations is set out below:

**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.

The Code of Conduct for Members is published on the Council website and forms part of the Council's Constitution, which is also available as a hard copy on request. No action proposed.

**Best practice 5** – local authorities should update their gifts and hospitality register at least once quarter, and publish it in an accessible format, such as CSV.

The Council's gifts and hospitality register is published on the Council website and updated in real time when gifts or hospitality are notified to the Solicitor of the Council. No action proposed.

**Best practice 7** – local authorities should have access to at least two Independent Persons.

The Council currently has three Independent Persons appointed by Full Council. It is acknowledged that the statutory requirement is for one and any additional requirement would require an amendment to the Localism Act 2011.

**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

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review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious or trivial.

The Council's arrangements adopted under the Localism Act 2011 provide that the Monitoring Officer will consult with an Independent Person at the assessment stage. If a complaint is referred for investigation, the Monitoring Officer will continue to engage with the Independent Person after the investigation has been completed and before a decision is taken to refer the matter to the Hearings Panel. The Independent Person will also be present during the meeting of the Hearings Panel.

As can be seen, the Independent Persons have an important role in the assessment and determination of complaints about the conduct of Members. No action proposed.

### 4. **Implications**

- 4.1 **Financial Implications** There are no direct financial implications arising from this report.
- 4.2 **Legal Implications** There are no direct legal implications arising from this report.
- 4.3 **Contribution to Council Priorities** Not applicable.
- 4.4 **Risk Management** Not applicable.
- 4.5 **Equality Analysis** Not applicable.
- 5. **Consultations with Others** None.
- 6. <u>Access to Information: Background Documents</u> Report of the Committee on Standards in Public Life Ethical Standards in Local Government.
- 7. <u>Author of the Report</u> Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
- 8. Appendices –

Appendix 1 – Executive summary;

Appendix 2 – List of recommendations;

Appendix 3 – List of best practice.

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### **Executive summary**

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public officeholders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

### **Codes of conduct**

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.









There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

### **Declaring and managing interests**

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

### Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs 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. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

### **Sanctions**

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.









### Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

### **Supporting officers**

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

### Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

### Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be







written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.







Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended 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.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of $\mathfrak{L}50$ , or totalling $\mathfrak{L}100$ over a year from a single source. This requirement should be included in an updated model code of conduct.	Government







Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government









Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government







Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups  National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

List of best practice







List of best practice

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.

**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.









List of best practice

**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.

# Standards Committee – 3<sup>rd</sup> July 2019

### MONITORING REPORT



Report of the Solicitor to the Council (Monitoring Officer)

Ward(s) affected: ALL

- Purpose of Report To update Members following the last report to Committee on the 13<sup>th</sup> March 2019.
- 2. **Recommendations** Members are asked to note the contents of the report.
- 3. Report
- 3.1 The usual monitoring report is attached at Appendix A.
- 3.2 A verbal update will be given at the meeting, if required.
- 4. <u>Implications</u>
- 4.1 **Financial Implications** None arising directly from the report.
- 4.2 **Legal Implications** None arising directly from this report.
- 4.3 **Contribution to Council Priorities** Not applicable.
- 4.4 **Risk Management** Not applicable.
- 4.5 **Equality Analysis** Not applicable.
- 5. **Consultations with Others** None.
- 6. Access to Information: Background Documents Not applicable.
- 7. <u>Author of the Report</u> Annette Moppett, Solicitor to the Council (Monitoring Officer); telephone 01756 706325; e-mail: amoppett@cravendc.gov.uk.
- 8. <u>Appendices</u> Appendix A Monitoring report

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Date complaint received	Reference	Status	Alleged Breach
17 <sup>th</sup> December 2018	AM.1755	Complaint form returned to Complainants to provide further information (9 <sup>th</sup> January 2019).  No information provided as at 25 <sup>th</sup> June 2019.	Parish Councillors Details to be confirmed.
30 <sup>th</sup> January 2019	AM.1778	Decision Notice issued 16th May 2019. No further action.	Parish Councillors Failing to act with honesty, openness and/or integrity.
2 <sup>nd</sup> April 2019	AM.1806	Decision Notice issued 16th May 2019. No further action.	Parish Councillor Failing to declare an interest and/or taking part in a matter in which the Councillor had an interest.