

SUBJECT	Update on Standards Framework
RELEVANT MEMBER	Councillor David Anthony, Chairman of Audit & Standards Committee
RESPONSIBLE OFFICER	Joanna Swift, Monitoring Officer
REPORT AUTHOR	Joanna Swift, 01494732761; joanna.swift@chilternandsouthbucks.gov.uk
WARD/S AFFECTED	None

1. Purpose of Report

To consider compliance with the requirements of the current standards framework and review the recommendations made by the Committee on Standards in Public Life in their recent report on Local Government Ethical Standards.

RECOMMENDATION:

- 1. That the Committee note the current position and consider whether any changes should be brought forward for consideration in the light of the recommendations made by the Committee on Standards in Public Life**

2. Reasons for Recommendations

To ensure the Council meets its statutory duty of promoting and maintaining high standards of conduct amongst its members and acts in accordance with current best practice

3. Content of Report

- 3.1. As members are aware the standards framework introduced by the Localism Act 2011 requires all Councils to adopt a code of conduct for their members which reflects the 7 principles of conduct in public life. Councils must also adopt arrangements for dealing with complaints that their members have breached the code. Elected members must notify the monitoring officer of their disclosable pecuniary interests (DPI's), within 28 days of taking office and thereafter within 28 days of any changes to their DPIs. Furthermore, under the Council's code of conduct members are also required to notify the monitoring officer of their personal interests within 28 days of taking office and again to notify any changes within 28 days. Both sets of interests must be open to public inspection and published on the Council's website.
- 3.2. The Council's code is reviewed annually, together with the complaints procedure which was revised in September 2017. The declaration of interest forms include guidance notes and a glossary of terms, examples of the types of interest under each category and a separate space for members to record their DPI's and those of their spouse /partner. The current forms were reviewed by the Committee in January 2018 and there have been no legislative changes since then requiring a further review.

- 3.3. The monitoring officer is pleased to report all councillors continue to be up to date with their register of interest forms. The details are kept in the Council's modern.gov system and appear below each councillor's contact details on the website. Members are now able to update their details electronically via the extranet and details of the process have been circulated with councillors' weekly Bulletin.
- 3.4. The monitoring office is also responsible for maintaining and publishing the registers of interests for members and co-opted members of the 12 town and parish councils in the District. These registers have been compiled and the forms received published on the Council's website under the respective town/parish council's name. Clerks have been reminded about these requirements including publication of the registers on the town/parish council's own website, if they have one.
- 3.5. As previously reported to members, the Committee on Standards in Public Life (CSPL) carried out a review into the ethical framework for local authorities including stake holder consultation in 2018. The Committee's report was published at the end of January and an extract is attached at Appendix 1. The report makes 26 recommendations, mainly to Government but also to the Local Government Association and Parish Councils in some cases. The main findings, observations and conclusions are summarised below:-
- High standards of conduct in local government are 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. Where there is misconduct most of the case involve bullying or harassment or other disruptive behaviour
 - We have considered the need for a centralised body to govern and adjudicate on standards and concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body and local authorities should retain ultimate responsibility for implementing and applying the 7 principles of public life in local government.
 - There is considerable variation in the length quality and clarity of code of conduct and many codes 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 consistency and quality of local authority codes
 - Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially and the councillors are protected against politically-motivated, malicious or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system and this role should be strengthened and clarified
 - The current sanctions available to local authorities are insufficient. Party discipline whilst it has an important part to play in maintaining high

standards lacks the necessary independence and transparency to play the central role in the standards system.

Key Recommendations

- An updated Voluntary Model Code of Conduct be created by the Local Government Association in consultation with representative bodies of councillors and officers at all tiers of local government
- The register of interests should include categories of non-pecuniary interests
- Current rules on declaring interests should be repealed and replaced with an objective test
- Independent persons should have fixed terms of 2 years, renewable once and protection by legal indemnity put in place if their advice or views are disclosed
- Councils to be given discretion to establish decision-making standards committees with voting independent members and voting members from dependant parishes
- Councils to be given the power to suspend councillors for up to 6 months, to include parish councillors, if an Independent Person agrees to the suspension
- Councillors should be given the right to appeal against suspension to the Local Government Ombudsman
- The criminal offences relating to disclosable pecuniary interests should be abolished
- Parish councils should be required to adopt the code of their principal authority (or the new model code) and a principal authority's sanctions for a parish councillor should be binding
- Monitoring officer should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards to parish councils. Clerks should also hold an appropriate qualification
- Political groups should set clear expectations of behaviour by their members and senior officers should maintain effective relationships with political groups
- Political groups should require their members to attend code of conduct training provided by local authorities and write this into national party model group rules.

3.6 The Committee also made 15 best practice recommendations shown in the Table below which are directed at local authorities. The Committee expects that any local authority can and should implement these recommendations and the Table also indicates the current position at South Bucks. The Committee intends to review implementation of their best practice in 2020, so this will be a matter for the new Buckinghamshire Council.

	Recommended Best Practice	Current Position	RAG
1	Prohibition on bullying and harassment included in code of conduct together with a definition and a list of examples of the behaviour this covers	Code includes bullying. Guidance for members includes definition and examples of the behaviour	
2	Codes should require councillors to comply with any formal standards investigation and prohibit trivial or malicious allegations by councillors	Tit for tat complaints discouraged in complaints procedure	
3	Codes should be reviewed annually and where possible, views sought from the public, community organisations and neighbouring authorities	Reviewed annually but external consultation is not currently undertaken	
4	Codes should be readily accessible to councillors and the public in a prominent position on the council's website and available in council premises	Easily accessible when searching under complaints	
5	Council's should update their gifts and hospitality register at once a quarter and publish it in an accessible format, such as CSV	Very few entries made in register	
6	Council's should publish a clear and straightforward public interest test against which allegations are filtered	Assessment criteria listed in complaints procedure	
7	Councils should have access to at least 2 Independent Persons	SBDC appoints 2 IPs	
8	Independent Person should be consulted on whether to undertake a formal investigation and be given the option to review and comment on allegations which the MO is minded to dismiss as being without merit, vexatious or trivial.	These provision are included in the adopted complaints procedure	
9	Decisions following a formal investigation should be published as soon as possible on the Council's 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.	Complaints procedure provide for decision to be published	
10	Councils should have straightforward and accessible guidance on their website on how to make a complaint under the code, the process for handling complaints, the estimated timescales for investigations and outcomes	Complaints procedure published in website	
11	Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or the parish council as a whole, rather than the clerk in all but exceptional circumstances		
12	MO roles should include providing advice, support and management of investigations and		

	adjudications on alleged breaches to parish councils within their area. MOs should be provided with adequate training, corporate support and resources to undertake this work		
13	Councils should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps include asking the MO from a different council to undertake the investigation.	Complaints procedure provides for Investigations to carried out externally	
14	Councils should report on separate bodies they have set up as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by Councils should abide by the Nolan principles and publish their board agendas, minutes and annual reports in an accessible place.		TBC
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	Meetings held informally as and when required	

4. Consultation

Not applicable at this stage

5. Options (if any)

Members may wish to consider asking the monitoring officer to bring a report o a future meeting with suggested changes to the code and complaints procedure in line with the CSPL recommended best practise.

6. Corporate Implications

Financial – The cost of preparing or amending any forms or guidance would be met from within existing budgets

Legal – As set out in the report

Risks issues – Members could be at risk of prosecution or complaints if they fail to comply with the Localism Act requirements for declaration of pecuniary and non-pecuniary interests. The Council's decisions would be at risk of challenge if they are taken with bias or pre-determination

Equalities - None specific

7. Links to Council Policy Objectives

There are no direct links to the Council's main policy objectives. But the Council has a duty under the Localism Act 2011 to promote and maintain high standards of conduct by its members. Ensuring that all members understand their obligations under the Council's code of conduct is a matter of good governance and is important in preserving the confidence of local communities.

8. Next Steps

Any suggested changes/feedback from members will be pursued.

Background Papers:	None except those referred to in the report
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