



**WATFORD
BOROUGH
COUNCIL**

COUNCIL MEETING

17 March 2020

7.30 pm

Town Hall, Watford

Contact

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9 March 2020

Councillor

You are hereby summoned to attend a meeting of the Council of the Borough of Watford to be held on Tuesday, 17 March 2020 starting at 7.30 pm at the Town Hall, Watford to take into consideration and determine upon the following subjects, namely: -

1. **Apologies for Absence**
2. **Disclosure of Interests**
3. **Minutes**

The [minutes](#) of the meeting held on 28 January 2020 to be submitted and signed.

4. **Official Announcements**
5. **Mayor's Report** (Pages 7 - 14)
Report of the Elected Mayor
6. **Questions by Members of the Council under Council Procedure Rule 10.0**
7. **Questions by Members of the Public under Council Procedure Rule 11.0**

The following question has been received from Dennis Watling –

“At the planning meeting held on 16th December 2019, which I was present at, the council approved the huge development at the TK Maxx and Range site. I and tens of other residents heard Daniel Massie, Pre-Development Director at Berkeley Homes, state that the developer had agreed to contribute the Mayor’s cycle scheme and other schemes in Watford.

Can the Mayor tell me, how many times he or his officers met Berkeley Homes to discuss these financial commitments? What specific amounts have been agreed to be directed to this scheme. What other schemes has the developer agreed to support for the building of these huge range site towers which include but not limited to a 28 storey monstrosity?”

8. Petitions presented under Council Procedure Rule 12.0

A petition in the following terms has been received. At the time of agenda publication the petition contained 115 signatures of Watford residents.

Statement –

“Since Watford Market was moved to the top end of the town, the majority of market units / stalls have significantly declined bringing the market almost to extinction. Stall holders and residents feel rents are too high, location is poor, market area is uninviting as well as difficult to find (out of sight and tacked away indoors at top end of town in shipping containers).

We, the undersigned, petition Watford Council as concerned citizens who urge Watford Council to acknowledge that the market is failing in its present form and we are requesting a full ‘rethink’ / ‘review’ about what type of market we want for the future. We demand the following be re-considered a) better location of stalls to enhance visibility and presence (along high street) b) affordable rents c) consider introducing variety of stalls e.g. Traditional Market stalls, Farmers Market, Christmas Market, Speciality Markets e.g. French, similar to St Albans market.”

9. Business especially brought forward by the Chairman or the Head of Paid Service which in the opinion of the Chairman should be considered as a matter of urgency.

10. Report by Committee for Standards in Public Life on Review Of Standards in Local Government (Pages 15 - 132)

Report of Standards Committee and Group Head of Democracy and Governance

11. Watford BC Corporate Plan 2020 (Pages 133 - 155)

Report from Cabinet held on 2 March 2020.

12. Pay Policy Statement (Pages 156 - 177)

Report of the Group Head of HR

13. Vice Chairman 2020/21 nominations (Pages 178 - 186)

Report of the Democratic Services Manager

14. Motions submitted under Council Procedure Rule 13.0

1. The following motion has been proposed by Councillor Bell –

“This Council notes the recent publication of the ‘Marmot Review’ and the implications for communities that are suffering still from austerity and the subsequent health inequalities that have been made worse by it.

The Council notes the change in life expectancy particularly for women since 2011 as revealed in the Marmot Review.

This Council resolves that future policy by the Mayor and his administration should properly take account of the results and conclusions of the Marmot review in helping to create and develop healthy and sustainable places and communities.”

2. The following motion has been proposed by Councillor Sharpe and seconded by the Elected Mayor –

“Council notes that the government have placed significant pressure on Watford Borough Council to deliver more homes, tripling the council’s housing target to deliver 793 dwellings a year.

Councils notes that the government, as part of the National Planning Policy Framework, are planning to meet their promise to build 300,000 new homes a year by building heavily on brownfield land. Watford is made up of 95% brownfield land, meaning we will be under increase pressure to build more homes, particularly near public transport interchanges.

Council believes that we have a housing crisis across the country and therefore we should build more good quality homes, particularly for local families and young people who may otherwise find it difficult to get on the housing ladder.

Council believes that the government’s current National Planning Policy Framework seriously constrains council’s powers to insist that developers provide affordable housing or infrastructure such as schools, doctors surgeries or improved public transport in new development.

Council believes that effective planning policy should require improvements to public transport and to infrastructure such as schools, health facilities etc. as part of new development to ensure there is a good quality of life for existing and new residents.

Council calls on the government to reform its current rules surrounding

development to give councils more power to:

- Challenge unrealistic targets.
- Insist on improved infrastructure with new developments.
- Challenge viability assessments that allow developers to get away without providing adequate affordable housing for local young people.
- Scrap permitted development rights that lead to substandard homes being built, such as the recent case of windowless flats in Wellstones.

Council resolves for the Mayor to write to the Secretary of State for the Ministry of Housing, Communities and Local Government to call on reform to planning rules to give councils more powers. “

3. The following motion has been proposed by Councillor Dychton and seconded by Councillor Collett –

“Council notes that EU nationals from the other 27 EU member states are part of our shared communities alongside UK citizens. They are our husbands, wives, parents, friends and colleagues. They are an integral part of a vibrant and thriving town. There are over 8000 EU nationals living in the town who make a valuable contribution to life in Watford.

Council notes that the government’s current Settled Status Scheme is ineffective, with many EU nationals not applying for the status and those who do being incorrectly denied their rights to stay in this country.

Council notes and supports the actions the Mayor has already taken in this area by writing to all EU Nationals on the electoral register to encourage them to apply for the government’s Settled Status Scheme.

Council believes that EU nationals play an integral role in Watford, particular their part in working in our key public services and the number of EU nationals who have settled in the town deserve to be able to stay.

Council calls for Watford Borough Council to do all they can to support EU nationals in Watford apply for the Settled Status Scheme so they can continue playing an important part in our town’s life. This includes:

- Holding regular drop in sessions at the Town Hall and/or other locations in the town where appropriate to provide advice and support for EU nationals about their legal rights post Brexit.
- Further promoting the government’s Settled Status Scheme to EU Nationals in Watford via social media and engagement with the EU national community in the town.

Council calls for the Mayor to write to the Home Secretary seeking improvements to the European Settlement scheme, which include:

- i. Confirming that there will be no changes to the rights of settled EU citizens living in the UK.
- ii. Replacing the current European Settlement scheme with a registration scheme without a deadline where EU citizens are considered lawful by default and can request a proof of immigration status only when they are asked to demonstrate it.

A handwritten signature in black ink, appearing as a series of overlapping, horizontal loops and lines.

Donna Nolan, Managing Director

A handwritten signature in black ink, featuring a large, stylized 'M' and 'L' with a distinct flourish at the end.

Manny Lewis, Managing Director

Elected Mayor's Report- March 2020

I am delighted that new sustainable transport schemes that I promised during the 2018 Mayoral elections have been launching this month. These bike share and on demand bus services will help tackle congestion and make air cleaner in our town. As well as this I continue to be busy supporting local community groups and helping local residents. Since being elected, I have helped over 3500 people in our town.

Coronavirus

There have been reports of a small number of cases of Coronavirus in Hertfordshire earlier this week (*week commencing 2nd March*), along with an increase in cases across the country.

We have been in regular contact with the Public Health Director for Hertfordshire Professor Jim McManus and are following advice from Public Health England.

Remember to thoroughly wash and dry your hands as often as possible and avoid touching your face; carry tissues and always cough or sneeze into them and then dispose of them into a bin – washing your hands afterwards. We all need to play a part in reducing the spread to those people who are more susceptible to viruses such as the elderly or those who are already ill.

The government and Public Health England are very closely monitoring the situation and we will follow any expert advice provided by them. We will always act in the best interests of the health and wellbeing of people in our town.

Partnership Work

Everyone Active

Our partnership with Everyone Active continues to deliver exceptional services to people in our town. Both Woodside and Central Leisure Centres were awarded an 'outstanding' in their recent nationally recognised QUEST review. Our leisure centres are in the top sixteen centres nationally, out of around nine hundred in the entire country to receive this recognition. This puts our leisure centres in the top 2% performing in the country. I would like to congratulate staff from Everyone Active and Watford Council for this phenomenal achievement.

We recently improved facilities on offer at both Central and Woodside Leisure centres, including extending the gym space available, making new toning suites and providing new

sauna and steam room facilities. These have been in use now for several months and have been very successful.

We have made changes to parking arrangements at Woodside Leisure Centre to encourage more spaces to become available for people who use the centre and to discourage visitors from leaving their cars at the Centre all day. We have also installed new 20 minute pick up and drop off bays on the approach to the centre. These will make it easier for those who use the centre to find parking there.

Veolia

I am pleased that Cabinet has agreed to extend Veolia's contract to continue to provide our waste services for the next eight years. Veolia provides a service that is good value for council tax payers and is one that people in our town can rely on.

As part of our contract extension with our waste collection company Veolia, we have agreed to make the following changes to our waste collection services:

- Weekly food waste collections
- Fortnightly general waste collections
- A charge for the collection of garden waste

I am delighted that we have also agreed, working with Veolia, a new tree planting strategy for the town. We aim to increase by 10% the number of trees in our town by 2030. Trees help support our environment and make Watford a greener place to live and work. It is also a practical way of us delivering on the commitment we all made to making Watford a carbon neutral town by 2030.

Community Events

One of the best things about my role is the opportunity to support our fantastic community groups who do so much for our town. People do so much to make Watford the fantastic place it is to live and work in.

Recently I attended the launch of an invaluable new domestic abuse service with Cllr Bilqees Mauthoor and the Lord Lieutenant of Hertfordshire. The service is run by JKC Lawyers in conjunction with Watford Women's Centre and the Hertfordshire Domestic Abuse Helpline. It gives free and impartial legal support to anyone woman suffering from domestic abuse and runs as a drop in service. The service runs every Wednesday from 12:30 pm. Domestic abuse is sadly all too common and I want everyone to feel safe in our town from what is a dreadful crime.

I joined volunteers and services users from Cathartic C.I.C at the Pump House. Cathartic C.I.C is a brilliant local organisation who runs arts projects for people living with Dementia, adults with special educational needs and people living through chronic illness, among other groups of vulnerable people aged 2-103. The projects aim to provide therapy as well improving the quality of life for people who use the service. I am also delighted that Carthatic C.I.C has joined our Dementia Friendly Town initiative.

I went to the Watford BID Service Excellence awards at Watford Colosseum. The awards celebrated the fantastic individuals and businesses that work so hard to make our town centre the vibrant and successful place it is. Many high streets across the country are struggling but we have seen an increase in footfall into ours. I want to continue supporting our town centre so it can continue to be as successful as possible.

I attended two deeply moving events in our town to commemorate Holocaust Memorial Day. I met Holocaust survivor Hannah Lewis who told of her harrowing story about watching her mother being murdered in a death camp to groups of pupils from Watford Boys Grammar School and West Herts College. We also conducted a memorial event in the Town Hall, organised by the Chairman and attended by the Watford Interfaith Association. It is important that we never forget the horrors of the Holocaust and man's inhumanity to man.

I have been to support a number of fantastic event at local schools. I joined pupils at Central Primary School for their arts showcase event, showing what a talented group of pupils there are at the school. I went to Bromet School to see their wonderful Talent Show and I visited Knutsford Primary School to talk about my role as Mayor. If you know of a school in your ward that wants to visit the Town Hall or wants me to visit, please do get in touch.

I joined Watford Interfaith Association for the AGM where I spoke about the importance of celebrating what a diverse and tolerant place Watford is. It is so important that people from all faiths and none can come together and live side by side happily. Watford is a town for everyone and I am determined for it to stay that way.

I wrote to all EU nationals in Watford to encourage them to take part in the government's Settled Status Scheme to ensure they can stay in our town after the transition period ends. There are over 8,000 EU nationals living in Watford, many of whom work in our public services and perform a really important role in our town. I want EU nationals living in Watford to continue to feel welcome and hope they carry on making an important contribution to life in Watford.

Delivering my Manifesto and Working for the Town

Sustainable Transport for Watford

I'm delighted that new sustainable transport initiatives are launching this month. At the beginning of March, our new bike share scheme operated by Beryl came to Watford. We have 70 docking stations in different locations across the borough, with 300 bikes available to use. So far usage figures have been high, particularly in our high profile docking stations in the town centre and outside local stations.

The new On Demand Bus service, Arriva Click, will be launching in Watford on 23rd March. Their new buses may well be spotted driving through the town at the moment as Arriva are test running the technology to make sure it is perfected for when these go 'live'. The new programme will include 7 mini buses driving throughout Watford and the surrounding area bookable via an App. The buses will cost between £1 a mile at off-peak times and £2.50 a mile at 'premium' times.

Along with the new bikes and buses, our new Transport App is now available to download. This helps promote local bus, taxi, cycle and train services in the town and provides a platform where our new transport schemes can be booked from.

These were all key election promises I made to the people of Watford and so I am pleased to be able to deliver on them. We need to have schemes that tackle congestion in the town and make our air cleaner. I want us to change the way we travel around Watford.

Challenging Government Planning Rules

I continue to campaign for the government to give local councils more powers when it comes to development and planning in our town. Councils like Watford have never been under such pressure to build more homes. The government has tripled Watford's housing targets. They have put pressure on our town, which is largely made up of brownfield land with fast transport connections to London, to help them meet their target of building 300,000 new homes a year. It is not just Watford where this has been happening. In Croydon, planning permission for a 68 storey tower block has been given whilst in Woking, a 39 storey tower block has been approved.

Last month, I was shocked to receive a letter from the Secretary of State for the Ministry of Housing, Communities and Local Government Robert Jenerick telling Watford that we had failed to build enough homes in the last three years. It is clear that we, along with many other councils in this area, cannot reach the arbitrary targets set by the government. Not

only is there not enough available land on the town, but it could have a serious effect on our roads, doctors surgeries, train stations and schools.

I will continue to press for more powers so that we can reject unrealistic housing targets and deliver decent quality homes for local people.

Supporting an alternative to the Metropolitan Line Extension

Like many people in Watford, I was devastated when the current Mayor of London pulled the plug on the Metropolitan Line Extension in 2018. This was despite his Deputy visiting Watford the month before to see how the scheme was ready to go.

I have written to the Prime Minister asking him to revive the Metropolitan Line Extension after he expressed support for 'shovel ready' transport infrastructure schemes. When the Prime Minister was Mayor of London he was very supportive of the MLX, having agreed for Transport for London to deliver it. He also visited Watford to see for himself the benefits that the MLX would bring to the town.

The MLX could bring £2 billion into our local economy and create 6000 new local jobs. It is vital that we make big improvements to local transport to support our growth and provide people with more choices to use sustainable modes of transport. Nobody disputes that extending the Metropolitan Line to Watford Junction would create a really import link – supporting new jobs and would be good for our environment too.

This scheme was fully funded and is ready to go. It was halted because the current Mayor of London was not prepared to cover any of the risks associated with the scheme, even though the funding included generous contingencies and Transport for London would have been responsible for delivering the project.

If the Prime Minister is serious about improving the country's transport infrastructure, he should restart this project. By reopening five miles of disused rail track, we can link the Metropolitan Line to Watford Junction, Hertfordshire's busiest train station.

Tackling Homelessness

I'm delighted that we've secured nearly half a million pounds in additional support for people in our town sleeping rough and experiencing homelessness. This funding will go to provide new outreach workers for New Hope who will work with people sleeping rough to get the specialist support they need to come off the streets for good. This is on top of the existing support we already provide New Hope annually. We are working closely with New

Hope to support them develop a new 'Hub', which will act as a one stop for all homelessness services in the town.

As well as supporting our rough sleepers, we are working to build new council houses. I am delighted that work is beginning at Centrepont to build new houses for local families without a permanent roof over their heads. We will also be working with Watford Community Housing to protect and enhance the existing community space, so this will be a facility for everyone in the area.

Oxhey Park North

It was good to visit with Cllr Tim Williams recently to see the work progressing here on delivering new facilities for local people. We will provide a new café, a new children's play area, skateboarding facilities and facilities for cyclists and BMX enthusiasts. I am really excited to see the completion of this, which will hopefully transform this part of the park and provide something for everyone in our town.

The work here is due to be completed in May. I am pleased to be delivering on one of my key election promises.

Improving Garston Park

I am pleased that work has started on improving Garston Park. This includes providing new footpaths, new play areas, a new wildflower meadow for bees and butterflies and improved signage. As well as this, the Meriden ward team have helped set up a new Friends of Garston Park organisation with the aim of having a group of local volunteers to protect and enhance the park.

We already have 12 green flag parks and open spaces in Watford, the highest in Hertfordshire. However, I want that number to be even higher and I want Garston Park to become our latest Green Flag Park in Watford.

Restoring Frogmore House

Recently I visited our project to help restore the Grade II listed Frogmore House. Frogmore House is one of the oldest existing buildings in Watford and was built in 1710 as a family home. It was purchased by the National Grid and sadly has fallen into a state of disrepair and been added to the Heritage at Risk Register.

The restoration project will help the building enhance the original features of the building and replace the current roof. I would like to particularly pay tribute to Watford Museum and

Sian Finney McDonald, our Listings Officer, who have been working hard on this project and using original designs from the building to make sure it is as close as it was to the original design from 1710.

The space will be used as office space but we are currently working on plans to have Community Open Days when the project is finished in order for people in our town to see the completed design.

Whippendell Woods Project

Work has started on restoring and protecting the beautiful Whippendell Woods as part of a project with the Forestry Commission and the Woodlands Trust. The project involves removing invasive species of tree from the woodland, create better links to the park, help introduce new wildlife to the area and protect this Site of Special Scientific Interest for the future. Protecting and enhancing this beautiful woodland is so important and I am pleased we can work with experts to do this.

Watford Cycle Hub

As part of my commitment to more sustainable transport in Watford we have invested in a new building for the Watford Cycle Hub.

The Cycle Hub is a non-profit community based cycle centre located at The Pavilion, Chaffinch Lane, next to Holywell Community Centre. It has been providing a range of essential cycle related services to support Watford cyclists, including cycle repair and maintenance courses and cycle training since it was formed seven years ago.

A recent survey carried out on the building concluded that it was no longer fit for purpose so the council agreed to replace it with a larger bespoke modular building which will enable the Cycle Hub to expand its core services to the community.

The new building will provide:

- A community café and social space
- A larger workshop
- Dedicated office
- More room to showcase reconditioned bikes

Dementia Friendly Watford

I was delighted that Watford was given Dementia Friendly Community status by the Alzheimer's Society, a real testament to the hard work put in by our Dementia Friendly

Steering Group. This means that Watford is now officially a Dementia Friendly Community but there is clearly a lot more work to do.

We continue to do fantastic work engaging our whole town with this project. I recently visited the Forget Me Not restaurant in West Herts College, run in conjunction with Watford Borough Council. This is Watford's first ever Dementia Friendly restaurant, with specially trained staff and a restaurant area designed specifically for people living with Dementia and their carers. We are also running regular Dementia Cafes at St Mary's Church, as well as support groups for carers.

It is often difficult for people living with Dementia to do every day activities, such as go to a café, catch public transport or go shopping. This project is about making small changes in order to make it easier for these individuals to live a normal and fulfilled life.

Report to Council – 17 March 2020

Report of Standards Committee – 25 February 2020

Standards Committee met on 25 February 2020. The minutes are published on the council's website.

The following were present at the meeting:

Present: Councillor Crout (Chair)
Councillors Bashir, Bell, Grimston and Saffery

Officers: Group Head of Democracy and Governance
Democratic Services Manager

The following was a recommendation to Council:

2. **Report by Committee for Standards in Public Life on Review of Standards in Local Government**

The committee received a report of the Group Head of Democracy and Governance which informed members about the recommendations made by the Committee for Standards in Public Life following its review of standards in local government.

The Group Head of Democracy and Governance advised the committee that the Local Government Association (LGA) would be consulting on a draft model code of conduct later in March. She proposed that the committee met again after the 16 March to review the draft code and provide a response to the LGA. The draft code would also be circulated to group leaders for their comments. It was noted that as yet the government had not responded to the report.

The committee discussed the 15 recommendations which were considered to be best practice and the Group Head of Democracy and Governance's suggestions.

Councillors' compliance with formal standards investigations (paragraph 4.3.2 of the report)

The committee discussed this recommendation and noted that it was not included in the council's existing code. However, it was felt it would not be necessary to adopt this recommendation.

Independent person consulted about undertaking a formal investigation and comment on dismissal of trivial or vexatious complaints by responsible officer (paragraph 4.3.8 of the report)

Following questions about this recommendation Group Head of Democracy and Governance explained that under current legislation the Independent Person was unable to make any decisions. The Monitoring Officer's obligation was to consult with the Independent Person if it was intended there would be an investigation. The recommendation in the report proposed that this should be extended to when the Monitoring Officer did not intend to investigate. The Independent Person would be able to comment on the Monitoring Officer's decision but not veto it.

Following a question about a member of the public complaining about a councillor, the Group Head of Democracy and Governance advised that she asked the complainant which part of the code had been breached and proof to support their claim. She would then consider if the member had been acting in their capacity as a councillor and breached the code of conduct. She would then ask the councillor for their comments about the complaint. If it was felt there was merit in the complaint she would approach another monitoring officer or equivalent in another authority and ask them to review the case. If it was considered there had been a breach then a hearing would be held; if not then the matter was closed.

Publishing agendas, minutes and annual reports for separate bodies set up by the council (paragraph 4.3.13 of the report)

It was considered whether this recommendation should be adopted. The Group Head of Democracy and Governance cautioned against it. There was already some information available through Company's House. She was concerned that if this recommendation was adopted it may make it difficult to get external partners on board. She also considered it important to show a legal separation from the council. It was acknowledged that commercial sensitivity needed to be considered.

RESOLVED

1. that Council be recommended to adopt the Committee on the Standards in Public Life's recommendations set out below

Recommendation 3: Local authorities should review their code each year and regularly seek the views of the public, community organisations and neighbouring authorities – **that the code be reviewed annually by the Monitoring Officer and Standards Committee.**

Recommendation 6: Local authorities should publish a clear and straightforward public interest test against which complaints should be filtered

– that the procedure be updated to include a clear and straightforward public interest test against which complaints should be filtered.

Recommendation 7: Local authorities should have access to at least two independent persons – **that the council advertises for a second Independent Person.**

Recommendation 8: The Independent Person should be consulted as to whether to undertake a formal investigation into an allegation, and given the option to comment on any allegations that the responsible officer is minded to dismiss as being without merit, trivial or vexatious – **that the Monitoring Officer seeks the view of the Independent Person when minded to dismiss any complaint as without merit, trivial or vexatious.**

2. that Council be recommended not to adopt the Committee on the Standards in Public Life's recommendation 2: Local authorities should provide in their codes for councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors.
3. that Council notes that the recommendations 1, 4, 5, 9, 10 and 15 of the Committee for Standards in Public Life's review were already being followed and recommendations 12 and 13 were not applicable as there were no parish or town councils in the borough.

Part A

Report to: Standards Committee

Date of meeting: Tuesday 25 February 2020

Report author: Group Head of Democracy and Governance

Title: Report by Committee for Standards in Public Life on Review Of Standards in Local Government

1.0 Summary

1.1 This report informs the committee about the recommendations made by the Committee for Standards in Public Life to the government. The report was published last January. However the government has yet to act on any of the recommendations.

1.2 It also contains a number of best practice recommendations for local government which it says it will be reviewing this year to check compliance.

1.3 The report is attached as appendix 1.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
The council does not consider compliance with the best practice recommendations	The council is criticised in any future report by the Committee	The council considers implementing the recommendations	treat	2

3.0 Recommendations

3.1 That full council adopts the recommendations set out in paragraphs in 4.3.3, 4.3.6, 4.3.7 and 4.3.8 below.

3.2 That the Committee considers whether it wishes to recommend to Council paragraph 4.3.2 below

Further information:

Carol Chen

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4.0 Detailed proposal

4.1 In January 2019 the Committee on the Standards in Public Life published a report on the standards regime in local government. A copy of the report is attached as appendix 1. The majority of the recommendations require a change to primary legislation and have yet to be implemented by the government.

4.2 In addition the report contains 15 best practice recommendations that it indicates local government could adopt in advance of any change to the legislation. This report sets out those best practice recommendations for consideration by the committee.

4.3.1 1. Local authorities should include prohibitions on bullying and harassment in their codes of conduct and include a definition and be supplemented by examples. *The council's code of conduct already has this prohibition and uses the ACAS definition of bullying. **No further action is recommended.***

4.3.2 2. Local authorities should provide in their codes for councillors to comply with formal standards investigations, and prohibit trivial or malicious allegations by councillors. *The council's code does not currently include these provisions. **The committee is asked to consider whether it wishes to recommend to council the addition of these provisions in its code. To date officers are not aware of any member refusing to cooperate when required to deal with a code of conduct matter.***

4.3.3 3. Local authorities should review their code each year and regularly seek the views of the public, community organisations and neighbouring authorities. *This council only reviews its code when there are changes to the legislation. The committee is asked if it wishes to recommend to council the adoption on this. proposal. **Officers would recommend that the code be reviewed annually by the Monitoring Officer and this committee.***

4.3.4 4. The local authority's code should be readily accessible to councillors and the public and in a prominent position on the council's website and available at council premises. *The code is published on the website in the constitution. All councillors are provided with copies at their induction. **No further action is therefore recommended.***

- 4.3.5 5. Local authorities should update their gifts and hospitality register once a quarter and make it easily accessible in CSV format.
*Any declaration of gifts and hospitality is published on the website when received by the Monitoring Officer. It is published as a PDF document. **No further action is therefore recommended.***
- 4.3.6 6. Local authorities should publish a clear and straightforward public interest test against which complaints should be filtered.
*The council's complaints procedure does not currently have this. **It is recommended that the procedure be updated to include this.***
- 4.3.7 7. Local Authorities should have access to at least two independent persons.
*The council currently has one Independent Person. **It is recommended that the council advertise for a second.***
- 4.3.8 8. The Independent Person should be consulted as to whether to undertake a formal investigation into an allegation, and be given the option to comment on any allegations that the responsible officer is minded to dismiss as being without merit, trivial or vexatious.
*Currently the Independent Person is notified if it is intended to undertake an investigation. They are not asked where the Monitoring Officer forms a view that no investigation is required. **It is recommended that the Monitoring Officer seeks the view of the Independent Person when minded to dismiss any complaint as without merit, trivial or vexatious.***
- 4.3.9 9. Where a local authority makes a decision on an allegation of misconduct following a hearing it should publish the decision notice as soon as possible on its website.
*This is already set out in the council's procedure for dealing with complaints. **No further action required.***
- 4.3.10 10. A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct including the process, and timescales for investigations and outcomes.
*This is already set out on our website. **No further action required.***
- 4.3.11 11. and 12. Are best practice recommendations relating to parish councils.
As there are no parish or town councils in our area these recommendations are not applicable.
- 4.3.12 13. A local authority should have procedures in place to deal with conflicts of interest when undertaking standards investigations.
*It is the practice to use an outside investigator to investigate any allegations of breaches of the code. **No further action required.***

4.3.13 14. Councils should report on separate bodies they set up in their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies set up by local authorities should abide by the Nolan principles of openness and publish their board agendas minutes and annual reports in an accessible place.

*Whilst details of the council's company and joint venture arrangements are set out in the annual governance statement the application of the Nolan principles and the publication of agendas and minutes are not undertaken. A discussion would be required with our joint venture partners to adopt this. There may well be sound commercial reasons not to make agendas and minutes public. Business Plans have to be formerly approved by cabinet. **It is not recommended that this be adopted.***

4.3.14 15. Senior officers should regularly meet with political group leaders or whips to discuss standards issues.

*The council has not had any complaints that have merited an investigation for some years. The Monitoring Officer has ready access to the Group Leaders should any discussion become necessary. **No further action required.***

5.0 Implications

5.1 Financial

5.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

5.2 Legal Issues (Monitoring Officer)

5.2.1 The Group Head of Democracy and Governance comments that the legal implications are contained within the body of the report.

5.3 Equalities, Human Rights and Data Protection

5.3.1 It is not considered that there is any requirement for an equalities impact analysis or data protection impact assessment.

5.4 Staffing

5.4.1 The Monitoring Officer is responsible for receiving complaints regarding breaches of the councillor code of conduct.

5.5 Accommodation

5.5.1 N/A

5.6 **Community Safety/Crime and Disorder**

5.6.1 N/A

5.7 **Sustainability**

5.7.1 N/A

Appendices

- Appendix 1 Report by the Committee on Standards in Public Life

Background papers

No papers were used in the preparation of this report.

Local Government Ethical Standards

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**

January 2019





Local Government Ethical Standards

Committee on Standards in Public Life

Chair: Lord Evans of Weardale KCB DL

January 2019





The Seven Principles of Public Life

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.



Dear Prime Minister,

I am pleased to present the 20th report of the Committee on Standards in Public Life, on the subject of ethical standards in local government.

The Committee has had a long-standing interest in local government, which was the subject of its third report, and which it has considered a number of times since then. This review was not prompted by any specific allegations of misconduct, but rather to assure ourselves that the current framework, particularly since the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public.

Local government impacts the lives of citizens every day, providing essential services to those it serves. Its decisions directly affect the quality of life of local people. High standards of conduct in local government are needed to demonstrate that those decisions are taken in the public interest and to maintain public confidence.

It is clear that the vast majority of councillors and officers want to maintain the highest standards of conduct in their own authority. We have, however, identified some specific areas of concern. A minority of councillors engage in bullying or harassment, or other highly disruptive behaviour, and a small number of parish councils give rise to a disproportionate number of complaints about poor behaviour.

We have also identified a number of risks in the sector: the current rules around conflicts of interest, gifts, and hospitality are inadequate; and the increased complexity of local government decision-making is putting governance under strain.

The challenge is to maintain a system which serves the best instincts of councillors, whilst addressing unacceptable behaviour by a minority, and guarding against potential corporate standards risks.

It is clear from the evidence we have received that the benefits of devolved arrangements should be retained, but that more robust safeguards are needed to strengthen a locally determined system. We are also clear that all local authorities need to develop and maintain an organisational culture which is supportive of high ethical standards. A system which is solely punitive is not desirable or effective; but in an environment with limited external regulation, councils need the appropriate mechanisms in place to address problems when they arise.

Our recommendations would enable councillors to be held to account effectively and would enhance the fairness and transparency of the standards process. Introducing a power of suspension and a model code of conduct will enable councillors to be held to account for the most serious or repeated breaches and support officers to address such behaviour, including in parish councils. Strengthening the role of the Independent Person and introducing a right of



appeal for suspended councillors will enhance the impartiality and fairness of the process, which is vital to ensure that councillors are protected from malicious or unfounded complaints. Greater transparency on how complaints are assessed and decided in a system which is currently too reliant on internal party discipline will also provide a safeguard against opaque decision-making and provide reassurance to the public.

A number of these recommendations involve legislative change which we believe the government should implement. We have also identified 'best practice' for local authorities, which represents a benchmark for ethical practice which we expect that any authority can and should implement.

It is clear to us that local government in England has the willingness and capacity to uphold the highest standards of conduct; our recommendations and best practice will enable them to do so.

I commend the report to you.

Lord Evans of Weardale
Chair, Committee on Standards in Public Life





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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 office-holders. 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.



List of recommendations

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 £50, or totalling £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

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.



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.



Introduction

The Committee on Standards in Public Life (the Committee) was established in 1994 by the then Prime Minister, and is responsible for promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty, and leadership – commonly known as the Nolan Principles.¹

The Committee has had a long-standing interest in local government, which was the subject of its third report in 1997, and which it has considered on a number of occasions since then. Since we last reviewed standards arrangements in local government, the Committee has maintained a watching brief, and has received regular correspondence relating to local government. Our other recent reviews have also received evidence relevant to the maintenance of standards in local government. This review was not prompted, however, by any specific allegations of misconduct or council failure, but rather to review the effectiveness of the current arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011.

The terms of reference for our review were to:

1. Examine the structures, processes and practices in local government in England for:

- a. Maintaining codes of conduct for local councillors
- b. Investigating alleged breaches fairly and with due process
- c. Enforcing codes and imposing sanctions for misconduct
- d. Declaring interests and managing conflicts of interest
- e. Whistleblowing

2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government

3. Make any recommendations for how they can be improved

4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

¹ <https://www.gov.uk/government/publications/the-7-principles-of-public-life>



Our review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors in 2013, and an estimated 10,000 parish councils in England, with around 80,000 parish councillors. We did not take evidence relating to Combined Authorities, metro mayors, or the Mayor of London and so do not address these areas of local government in this report.

The Committee's remit does not extend to the devolved administrations of the UK, and so our review does not cover local government standards outside England, although we have considered the role, remit, and work of the standards bodies in Scotland, Wales, and Northern Ireland for comparative purposes.

As part of this review, we received 319 written submissions to our consultation, from a range of local authorities, representative bodies, stakeholder organisations, officers, councillors, and members of the public. We held two roundtable seminars; one with Monitoring Officers, clerks and Independent Persons, and one with academics and think tanks. We held 30 individual stakeholder meetings. We also visited five local authorities across different regions of England and tiers of local government speaking to councillors, officers, county associations, Independent Persons, and representatives from town and parish councils.

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 specific groups of public office holders. Our best practice for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We intend to review the implementation of our best practice in 2020.

The Committee wishes to thank all those who gave evidence to the review, including those local authorities who hosted a visit by the Committee, and in particular Jonathan Goolden of Wilkin Chapman LLP for his support and advice throughout.



Chapter 1: Overview of standards

Is there a standards problem in local government?

The evidence we have received does not reveal a widespread standards problem within local government. Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct.

However, there is clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. We have also heard evidence of persistent or repeated misconduct by a minority of councillors.

This misconduct occurs at both principal authority level and at parish or town council level. Our evidence suggests, however, a high volume of complaints arising from a small number of town and parish councils (we refer to both as ‘parish councils’ for clarity). Under the current arrangements, where principal authorities are responsible for investigating and deciding on allegations of misconduct at parish level, these complaints can take up a disproportionate amount of officer time and are likely to be more difficult to address than complaints at principal authority level.

There is currently no requirement for principal authorities or town and parish councils to collect or report data on the volume of formal complaints they receive, but evidence we received indicates that the number varies widely between local authorities.

We received evidence that for parish councils, around 60% of councils had had no complaints, or only one complaint since the Localism Act 2011 came into force, and

around 10% had had four or more complaints. Of councils that had received complaints, 83% said complaints had been made about disrespectful behaviour, 63% about bullying and 31% about disruptive behaviour.²

Throughout this review, we have evaluated the system for upholding high ethical standards in local government as it currently works in practice, to see how far it reflects the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Across the 353 principal authorities in England, where responsibility for ethical standards rests with each individual authority, there is a variety of practice. But there are some common concerns.

At a time of rapid change in local government, not least in response to austerity measures, decision-making in local authorities is getting tougher and more complex. Increased freedoms to work with partners from a variety of sectors runs the risk of putting governance under strain. The importance of ensuring selflessness and integrity by reporting conflicts of interest and eradicating undue influence, in a system which is becoming less transparent and less accountable, is more important than ever. A lack of regulation only heightens the risk of things going badly wrong.

The political landscape is also changing. As we explore in chapter 4, party group discipline is an important ingredient in addressing misconduct, but in some councils the increase in independent members and groups causes additional concerns. The public expect their local representatives to be open and transparent, but it is clear that the increased use of social media has to be handled with

² Hoey Ainscough Associates survey for Society of Local Council Clerks, based on 801 responses from Clerks across England and Wales



care and where necessary properly monitored and checked. Many councils told us of ways in which they were trying to address this, often after having had multiple complaints.

The pressures increase to conduct political debate and decision-making at pace, and there can be frustration with formal procedures to handle complaints which are judged to be too cumbersome, bureaucratic or lengthy. Informality has its place, but must be balanced by the safeguard of formal due process, especially for more serious matters. We heard from councillors how important it is for them to have proper procedures, with an appropriate level of independence and objectivity, to protect them from political mischief or worse.

Local authorities are clearly aware of these issues and are tackling them. But officers need appropriate support, especially those officers in parish councils who often work alone. They are developing best practice and understand what works, and they are working together across professional networks to share their experiences. Councillors themselves have confidence in the system and confidence in themselves to ensure high standards. But throughout this review we heard for the need for greater consistency in codes of conduct and for greater enforceable sanctions for serious and repeated breaches.

Such concerns and risks suggest that the current arrangements should be clarified and strengthened to ensure a robust, effective, and comprehensive system. We set out in this report how we believe local government can be supported to achieve this.

The current system

The current system has a number of checks and balances built in to safeguard against poor ethical standards and protect against impropriety.

Each principal authority operates within its constitution. This creates a governance framework to ensure good administration and decision-making which includes, for example, the separation of the duties of officers and members, accountability to full council, and scrutiny and audit processes. These arrangements are overseen by the officers of the council, and particularly by the three senior statutory officers: the Head of Paid Service (Chief Executive), the Chief Finance Officer (sometimes referred to as the Section 151 Officer) and the Monitoring Officer. The leader of the council and other key members also have an important leadership role to play.

Under section 27 of the Localism Act 2011 each local authority must adopt a code of conduct against which councillors' conduct may be assessed. This code, when viewed as a whole, should reflect the Seven Principles of Public Life. A local authority must also make appropriate provision for councillors to register pecuniary and non-pecuniary interests. Any allegations of misconduct are usually considered in the first instance by the Monitoring Officer, a statutory officer of the council who has responsibility for standards and governance (or by their deputy). If the Monitoring Officer considers that there needs to be a formal investigation, this may be undertaken by the Monitoring Officer themselves, a deputy, or by an external investigator.

As a check on the impartiality of the decision-making process, the council must seek and take into account the view of an Independent Person (appointed by the council) before a decision is made on an alleged breach that has been subject to a formal investigation. A decision can be made by the Monitoring Officer, but many councils maintain a standards committee to make decisions on allegations or to review decisions taken by the Monitoring Officer. The authority may impose



a sanction - which cannot include suspension or disqualification - but may be an apology, training, censure, or withdrawal of certain facilities or access to council buildings. There are, however, no means of enforcing sanctions where it requires positive action by the councillor, for example, an apology or training.

Outside the formal standards procedures in a principal authority, party discipline can also be brought to bear. Most councillors will be members of a political group, and also often a national political party. A political group may follow its own procedures to advise members about their behaviour, remove councillors from committees, suspend them from the group, or remove them from positions to which they have been appointed by the group. A national political party may also follow its own procedures and suspend or expel a councillor from the party. These processes may be undertaken in consultation with the Monitoring Officer or other senior officers, or under the group or party's own initiative.

Within the statutory framework, principal authorities have discretion to develop their own standards procedures according to their own needs and resources. For example, some authorities give a more significant role to their Monitoring Officer and only involve a standards committee or Independent Person in the case of a formal investigation, others make extensive use of party discipline to resolve standards issues informally, and some authorities involve Independent Persons and standards committee members in a range of activities aimed at upholding ethical conduct and ethical decision-making within the authority. This means that authorities' standards arrangements, whilst they have commonalities, can in practice be implemented very differently. We discuss these different approaches throughout this report.



Developments leading to the current framework for local government ethical standards

Much of the framework for local government standards which has been in place since 1997 has been a direct or indirect result of the Committee's recommendations.

Since we first considered local government standards in 1997, the sector has moved from a largely unregulated standards regime to a highly centralised system under the Standards Board, which was subsequently reformed in the mid-2000s and finally abolished in 2012, giving way to the highly devolved system which is currently in place.

1997 The Committee's third report, *Standards of Conduct in Local Government in England, Scotland and Wales* (1997), made a range of recommendations to improve ethical standards in local government. These included a requirement for local authorities to adopt a code of conduct based on general principles, the creation of public registers of interests, and rules on councillors declaring both pecuniary and non-pecuniary interests and withdrawing from discussion or voting where appropriate. Codes of conduct would be enforced by local standards committees with powers to suspend councillors, with tribunals in England, Wales, and Scotland to hear appeals.

1998 The Committee's recommendations were considered in detail by the incoming government in *Modernising local government: a new ethical framework* (1998), published by what was then the Department for Environment, Transport, and the Regions. The response, though agreeing with a number of recommendations, went well beyond what the Committee recommended, and proposed the creation of the Standards Board for England, which would investigate and adjudicate on all complaints about councillors except for those which were trivial or technical. The government held that leaving determination to local standards committees "[...] risks that allegations are not handled with that degree of objectivity or fairness" that the government considered an essential principle of the system.³ The Secretary of State issued a model code of conduct, containing provisions which were required to be included in local codes of conduct, and the Standards Board for England advised councils at the time not to include additional provisions in their codes.

³ Department for Environment, Transport and the Regions (1998), *Modernising local government: a new ethical framework*



2005 In the Committee's 10th report, *Getting the balance right* (2005), the Committee accepted that the standards framework had improved since 1997. However, it criticised the centralised method for handling complaints and argued that, both on proportionality grounds and in order to embed an ethical culture in individual local authorities, the framework should move to locally-based arrangements for all but the most serious cases. It argued for substantial reform of, but not the abolition of, the Standards Board.

2007 Responding to the Committee's 10th report, the government agreed that the Standards Board should become a more strategic regulator, and accepted that there were benefits "[...] in moving towards the promotion of more locally-based decision making in conduct issues, which would encourage local ownership of standards within local authorities". The Standards Board became 'Standards for England' and its role and relationship to local standards committees was altered accordingly by the Local Government and Public Involvement in Health Act 2007, with local authorities given the power to determine all but the most serious allegations. The Standards Committee (England) Regulations 2008 gave standards committees the ability to suspend councillors for up to six months following the finding of a breach.



2010 In 2010, the coalition government proposed significant reform of the local government standards regime, centred on the abolition of Standards for England, which ministers described as “[...] bureaucratic standards arrangements...which so often led to petty or politically motivated complaints”.⁴ The government proposed devolving responsibility for standards to individual local authorities, though without the ability to suspend or disqualify councillors. The initial proposals did not require councils to adopt a code of conduct, nor to have an independent check on deciding breaches.

The Committee welcomed responsibility for standards being held at a local level, noting that this was what it had originally recommended in 1997. However, the then Chair of the Committee, Sir Christopher Kelly KCB, expressed concerns that “[...] the proposals go well beyond the abolition of Standards for England. They involve the abolition of the national code of conduct for local authority members and remove the obligation on local authorities to maintain standards committees, chaired by independent people, to monitor standards and sanction aberrant behaviour. In future it appears that the only way of sanctioning poor behaviour between elections will be the criminal law or appeals to the ombudsman where someone’s interests are directly affected by a decision.”⁵

In response, the government included in the Localism Act 2011 a requirement for councils to adopt a code of conduct which, when viewed as a whole, was: consistent with the Seven Principles of Public Life; required the views of an Independent Person to be sought and taken into account when deciding on breaches of the code of conduct; and put a requirement for pecuniary interests to be registered and declared on the face of the Bill, which passed into law in November 2011.

4 Letter from Bob Neill MP to all local authority leaders, 28 June 2012, Available online at: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/5657/2169997.pdf

5 “Public confidence in local government standards is at risk”, Committee on Standards in Public Life Press Notice, 14 September 2010



Responsibility for standards

Whilst we consider each element of the standards process within this report, we have also considered the system as a whole; in particular, the question of where responsibility for standards in local government should lie – whether locally or with a national, centralised body. Any system needs to be able to support and protect councillors, officers, and members of the public.

There are clear benefits to local authorities having responsibility for ethical standards.

First, ownership of ethical standards – local responsibility for ethical standards ensures that the application and implementation of the Seven Principles of Public Life in local government is fully ‘owned’ by the sector. Ethical standards should not be seen as something that can be outsourced to another organisation; a highly centralised system for codes of conduct, investigations and sanctions risks implying that maintaining an ethical culture is somebody else’s responsibility. The evidence we received strongly indicates that local authorities want to keep responsibility for setting standards, based on the Seven Principles, and maintaining an ethical culture in their own authorities; and want to be given the tools and resources to do so.

Second, flexibility – our evidence suggests that flexibility is a major strength of the current standards arrangements. Local government involves working in close proximity. A system which is overly formal, as a centralised system would tend to be, can actually inhibit high ethical standards as it precludes light-touch, informal action to address potential issues at an early stage, and to resolve them in a way which takes account of the culture and needs of the authority and its existing working relationships.

Third, reduction in vexatious complaints – the evidence we have seen also suggests that the vexatious and politically-motivated complaints that existed under the centralised regime, prior to 2011, and about which we expressed concern in 2005, have significantly reduced.

We have carefully considered the arguments in favour of a centralised body responsible for overseeing standards in local government, as is the case for example in the devolved administrations of the UK.

The obvious benefit would be that it would improve consistency of standards across England. We have considered in particular the argument that members of the public in one area of the country will have the same expectations of the standards upheld by local councillors as members of the public in another area of the country. We suggest, however, that it is possible in general to enhance consistency without centralisation.

We have also considered how increased centralisation may make the process of setting codes, and investigating and deciding upon standards breaches, more independent and objective. It is important that there is independent input and oversight in any standards system, not least to provide councillors with support and adequate protection from unwarranted politically motivated allegations or unfair treatment, and to maintain the confidence of the public. The evidence we received suggests that it is possible to strengthen independent safeguards – through strengthening the role of independent members on standards committees and the Independent Person – within a framework of local responsibility for maintaining standards.



Overall, we do not favour a return to a centralised system and recommend that responsibility for ethical standards should remain with local authorities. While consistency and an independent element are important aspects of the standards framework, the recommendations we make throughout this report would enhance the consistency of standards across England and increase the independence of the relevant processes, whilst retaining local authorities' ownership of ethical standards and the flexibility this allows.



Chapter 2:

Codes of conduct and interests

Clear, relevant, and proportionate codes of conduct are central to maintaining ethical standards in public life. Codes of conduct were identified by the Committee as one of the essential ‘strands’ in maintaining ethical standards in public life in its first report in 1995, at a time when many public sector organisations did not have them.

Codes of conduct play an important role in maintaining ethical standards in an organisation. They are not an alternative to values and principles, but they make clear how those values and principles should be put into practice. They enable people to be held to account for their actions by setting out clear expectations about how they should behave.

As we stated in our 2013 report, *Standards Matter*:

Organisations need their ethical principles to be elaborated in codes which contextualise and expand on their practical implications. Holders of public office can then be clear what is expected of them, particularly in grey areas where the application of principles may not be self-evident.⁶

Currently, local authorities have a statutory duty to adopt a code of conduct which, when viewed as a whole, is consistent with the Seven Principles of Public Life, and which includes provisions for registering and declaring pecuniary and non-pecuniary interests.

The intention was not that the Seven Principles could be treated as if a self-contained code, but instead that the principles should be used to underpin a well-drafted, practical and locally-relevant guide to behaviour.

As part of our evidence-gathering, we reviewed a sample of 20 principal authority codes of conduct. We have also drawn on the evidence received through our public consultation, visits and roundtables.

Variation, consistency, and clarity

There is considerable variation in local authority codes of conduct. Some of this is straightforward variation in structure and wording, but there is also considerable variation in length, breadth, clarity and detail.

We heard evidence that variation between codes, even where the codes do not differ in quality, is problematic. It creates confusion among councillors who are simultaneously serving in councils at multiple tiers of local government (for example, on both a parish and a district council, known as ‘dual-hatting’), particularly when requirements for declaring and registering interests are different. It also creates confusion among members of the public over what is required of different councillors in different areas and tiers of local government.

⁶ Committee on Standards in Public Life, *Standards Matter* (Cm 8519, January 2013), 4.4



The main problem I have experienced as Monitoring Officer...is the lack of consistency across codes... In district council areas, as Monitoring Officer, you have oversight of both district and parish council complaints. Each council can have their own version of the code (meeting the minimum provisions under the Localism Act 2011). It makes life difficult for councillors who are 'twin' or 'triple' hatters having to abide by different codes, and potentially inconsistent in the advice you can provide on each different version of a code.⁷

Monitoring Officer, North Hertfordshire District Council

In Ashford, a 'Kent model' code of conduct and arrangements for dealing with complaints were developed based on the previous national code as this was considered preferable to ensure consistency, continuity and clearly defined expectations.¹⁰

Ashford Borough Council

The issue of parish councils' codes of conduct is closely related; we discuss this in detail in chapter 5.

Model code of conduct

A model code of conduct would create consistency across England, and reflect the common expectations of the public regardless of geography or tier. It would also reduce the potential for confusion among dual-hatted or triple-hatted councillors. As we discuss below, areas such as gifts and hospitality, social media use, and bullying and harassment have all increased in salience, and are not regularly reflected in local authority codes of conduct. All local authorities need to take account of these areas, and a model code of conduct would help to ensure that they do so.

In light of these problems, it is of little surprise that some councils have taken voluntary steps to agree mutual codes of conduct. For example, all of the principal authorities in Worcestershire have agreed a 'pan-Worcestershire' code. This also meant that common training could take place across authorities.⁸

In order to ensure a consistency of standards and expectations of both councillors and the public (and not least because we have a lot of dual-hatted members), the eight principal authorities co-operated in advance of the new regime to create a 'pan-Worcestershire' Code of Conduct which was adopted by all eight, and we understand a majority of town and parish councils in the county as well.⁹

Worcestershire County Council

Whilst the principle of localism is set to facilitate greater local determination on practices best suited to each authority, this may result in inconsistencies of rigour in application of cases from one authority to another...we recommend that model codes of conduct be developed for use by authorities.¹¹

INLOGOV, University of Birmingham

7 Written evidence 22 (Jeanette Thompson)

8 Written evidence 173 (Worcestershire County Council)

9 Written evidence 173 (Worcestershire County Council)

10 Written evidence 138 (Ashford Borough Council)

11 Written evidence 160 (INLOGOV)



We recognise that there are benefits to councils being able to amend their own codes. For example, a council may provide more detail on appropriate use of social media, relationships with officers, or conduct during council meetings, depending on its own culture and the specific issues it may face. Local authorities can also revise their codes of conduct where they find them difficult to apply in practice, and to learn from best practice elsewhere. A mandatory code set by central government would be unlikely to be updated regularly or amended in light of learning experiences.

A council having final ownership of its code of conduct solidifies the ownership of ethical standards within an authority. There are benefits to a conversation within a council of what high ethical standards would look like in their own context. For example, Uttlesford District Council told us during our visit that the process of rewriting their code and standards process played a positive role in setting an effective ethical culture and making councillors aware of the behaviour expected of them.¹² A mandatory national code would take away ‘ownership’ of ethical standards from local authorities, since those standards would be set centrally, from outside of local government. The Committee commented on the national code in place before 2000 that it had become something which was “[...] done to local authorities; rather than done with them”.¹³ We would not want to return to such a state of affairs.

We therefore consider that there should be a national model code of conduct, but that this should not be mandatory, and should be able to be adapted by individual authorities.

The existing model codes available to local councils compare unfavourably to bespoke

codes, with little detail on important areas such as social media use and bullying and harassment. Therefore, a new model code would be needed. The updated model code should be drafted by the Local Government Association, given their significant leadership role in the sector, in consultation with representative bodies of councillors and officers of all tiers of local government. The Ministry of Housing, Communities and Local Government should ensure that they are given the necessary resources and support to undertake this work.

Recommendation 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.

Bullying and harassment

The evidence received by the Committee suggests that most allegations of code breaches relate to bullying and harassment. This is an area of ethical standards that is much better recognised since the Committee last undertook a review of local government.

Our code of conduct sampling found that most codes of conduct do not cover this behaviour effectively. Whilst most codes sampled had a specific prohibition on bullying and specifically prohibited intimidation in respect of any allegations of wrongdoing, only two out of twenty codes sampled included specific behaviours that would amount to bullying, and five had only a broad provision such as ‘showing respect for others’. Given that the Nolan Principles are not a code of conduct, and so are not prohibitory in character, codes

¹² Uttlesford District Council Standards Committee, Visit to Uttlesford District Council, 10 September 2018

¹³ Committee on Standards in Public Life (2005), *Getting the balance right*, Cm 6407, 3.10



which do not elaborate on them will lack these provisions, although we consider that such prohibitions rightly fall under the Nolan principle of leadership.

Example of a bullying provision

Extract from Newcastle City Council code of conduct¹⁴

You must not bully or harass any person (including specifically any council employee) and you must not intimidate or improperly influence, or attempt to intimidate or improperly influence, any person who is involved in any complaint about any alleged breach of this code of conduct.

(Note: Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or an abuse or misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone. Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual's dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual.)

Bullying and harassment can have a significant impact on the wellbeing of officers and councillors who are subject to it. Such behaviour is not acceptable in the workplace, particularly from public office-holders with responsibilities to show leadership.

It is also a broader standards issue, given that individuals subject to bullying or harassment

may be pressured to make decisions or act in ways which are not in the public interest. As such, it is important that bullying and harassment are dealt with effectively, and that a local authority's code of conduct makes provisions to address these matters.

Broader standards failure arising from bullying

In several high-profile cases of standards failures in local government, bullying behaviour which was not challenged or addressed enabled other, more serious misconduct to take place, including the failure of scrutiny and governance structures or financial misconduct.

The Gowling WLG report into Sandwell Metropolitan Borough Council in 2016 considered allegations of a councillor improperly influencing the sale and purchase of council property and attempting to gain favours for their family members.

The report found that the councillor at the centre of allegations of financial impropriety had bullied and coerced a senior housing officer over a long period.

Senior officers did not take steps to prevent the bullying from taking place, which the report stated “[...] left a vulnerable employee horribly exposed to undue pressure, and, more corrosively, perpetuated the culture within the department of ignoring governance”.¹⁵

¹⁴ Newcastle City Council Code of Conduct. Available at: https://www.newcastle.gov.uk/sites/default/files/wwwfileroot/your-council-and-democracy/how-council-works/standards-issues/part_5_2a_-_members_code_of_conduct.pdf
¹⁵ Gowling WLG (2016) *Report to the Chief Executive, Assistant Chief Executive, Monitoring Officer and Chief Financial Officer of Sandwell Metropolitan Borough Council*. Available online at: http://www.sandwell.gov.uk/downloads/file/24029/gowling_wlg_report



The Committee heard from Monitoring Officers and independent investigators that the broad ‘respect’ provision upon which many councils rely is not suitable for dealing with allegations of bullying and harassment. Broad provisions are difficult to adjudicate on with consistency, particularly in the absence of additional, more detailed guidelines of what the provision entails. They also tend to give rise to further disputes over whether behaviour is captured by that provision.

Whilst there is no statutory definition of bullying, the Advisory, Conciliation and Arbitration Service (Acas) have codified a helpful definition: “offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means that undermine, humiliate, denigrate or injure the recipient”.¹⁶

Examples of bullying behaviour include:

- spreading malicious rumours, or insulting someone by word or behaviour
- copying memos that are critical about someone to others who do not need to know
- ridiculing or demeaning someone – picking on them or setting them up to fail
- exclusion or victimisation
- unfair treatment
- overbearing supervision or other misuse of power or position
- unwelcome sexual advances – touching, standing too close, display of offensive materials, asking for sexual favours, making decisions on the basis of sexual advances being accepted or rejected
- making threats or comments about job security without foundation
- deliberately undermining a competent worker by overloading and constant criticism
- preventing individuals progressing by intentionally blocking promotion or training opportunities¹⁷

16 Advisory, Conciliation and Arbitration Service (Acas), *Bullying and harassment in the workplace: a guide for managers and employers*. Available online at: <http://www.acas.org.uk/media/pdf/c/j/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>

17 Advisory, Conciliation and Arbitration Service (Acas), *Bullying and harassment in the workplace: a guide for managers and employers*. Available online at: <http://www.acas.org.uk/media/pdf/c/j/Bullying-and-harassment-in-the-workplace-a-guide-for-managers-and-employers.pdf>



Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic”, which has the purpose or effect of violating an individual’s dignity or “creating an intimidating, hostile, degrading, humiliating or offensive environment” for that individual”.¹⁸

These definitions make clear that bullying and harassment are instances of serious misconduct. By their nature they are likely to be persistent behaviour, rather than one-off instances. A councillor should not be considered to be bullying or harassing an officer or another councillor simply by making persistent enquiries or requests for information, nor by saying something that the individual concerned simply dislikes or with which they disagree strongly. Genuine instances of bullying and harassment will fall outside the limits of legitimate free expression; but equally accusations of such behaviour should not be used as an attempt to restrict legitimate inquiries or free expression. We discuss the enhanced protection that is afforded to political expression and the appropriate limits of free speech by councillors in more detail below.

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.

Half of the codes sampled by the Committee made reference to a separate protocol on councillor-officer relations. Whilst many of these protocols focussed on the duties of

officers, particularly in respect of impartiality requirements, we did see protocols laid out reasonable expectations of a good working relationship, which provides better support to the maintenance of a good ethical culture. The requirements of protocols can be enforced through the formal standards process where councils include a specific requirement to act in accordance with the protocol in the main code of conduct.

Intimidation of councillors

During our review, we received evidence relating to the intimidation of councillors, which we undertook to collect as a result of representations received from the local government sector during our 2017 review, *Intimidation in Public Life*.¹⁹

The evidence we received suggests that intimidation of councillors is less widespread than intimidation of Parliamentary candidates and MPs, but, when it does occur, often takes similar forms and is equally severe and distressing. In line with our 2017 findings, it is particularly likely to affect high-profile women in local government.

Instances of councillors being attacked and harassed, notably on social media, is an increasing trend and a very serious issue. There is anecdotal evidence from across the country that female leaders and councillors are subject to more abuse than their male counterparts.²⁰

Local Government Association

Although they do not otherwise fall within the scope of our review, we also heard concerning evidence of intimidation of Police and Crime Commissioners.

18 Equality Act 2010, section 26

19 Committee on Standards in Public Life (2017), *Intimidation in Public Life*, Cm 9543

20 Written evidence 170 (Local Government Association)



On a Sunday afternoon at my home address I was visited by a person who over many years has been a serial complainer about the police and my office. The person is believed to have mental health issues and refused for some time to say who she was or what she wanted. The visit was distressing to my wife and daughter.

My intimidation all related to the release of my home address, with people calling unannounced, one of the three above had an injunction against him.²¹

Association of Police and Crime Commissioners

Given the generally similar pattern of evidence we received in relation to intimidation by social media, we consider that our 2017 recommendations, where implemented, should help to address the intimidation of local councillors.

One aspect in which the intimidation of councillors is distinct from that of MPs and Parliamentary candidates is in relation to home addresses. Unlike MPs and candidates, councillors' addresses are often public, for example, on a council website or on a register of interests. The nature of local democracy means that those who are likely to engage in intimidation of a councillor are likely to live nearby. We heard of cases of councillors being confronted in public whilst in a private capacity, for example, whilst with their family or shopping. Whilst this may not always be intimidatory as such, we heard that councillors are highly aware that they have a high profile in their immediate local area, and so the fear of physical intimidation is much greater. The fact that individuals' home addresses are public

can also make any threats made through electronic means, such as social media, more distressing.

We therefore welcome the government's commitment to bring forward secondary legislation to implement our 2017 recommendation that the requirement for candidates standing as local councillors to have their home addresses published on the ballot paper should be removed.

In *Intimidation in Public Life*, we recommended that Monitoring Officers draw councillors' attention to the sensitive interest provisions in the Localism Act 2011, that permit the non-disclosure of details in the register of interests where the member and Monitoring Officer agree that their disclosure could lead to violence or intimidation.²² We received evidence, however, that often these provisions would only be invoked after a councillor had experienced intimidation or harassment, in which case their address was already publicly available.

Given the experience of intimidation by too many in public life, we do not believe it is justifiable to require any candidate standing for or taking public office to make their home address public, whether on a ballot paper or a register of interests. The general principle should be that an individual's home address should be kept confidential and not disclosed publicly or beyond the necessary officials without the individual's consent.

Some authorities have a blanket policy that home addresses will be recorded on the register of interests but omitted from the published version.

21 Written evidence 307 (Association of Police and Crime Commissioners)

22 Committee on Standards in Public Life (2017), *Intimidation in Public Life*, Cm 9543, 62



Example of local authority policy on home addresses

In accordance with the arrangements for the placing of Register of Interests on the City Council's website agreed by the Standards Committee details of members' home addresses will be omitted from the version placed on the website.²³

City of Westminster, *Guidance note to members on Register of Interests.*

The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to make clear that the 'land' category does not require a councillor to register their home address.

Recommendation 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.

Scope of the code of conduct

At the moment, codes of conduct can only apply to local councillors when they are acting in their capacity as a councillor.²⁴ This means that in practice a councillor cannot breach a code of conduct by, or be sanctioned for, objectionable behaviour in a private context (for example, the way they conduct themselves in a private dispute with a neighbour).

Numerous complaints are made about councillors' conduct on social media or at events, which in some cases are well-founded. However, if the councillor is not acting in their official capacity then Monitoring Officers are limited in their ability to deal with such conduct. This undermines the public confidence in the standards regime as the public expect higher standards of conduct from their elected representatives.²⁵

Lawyers in Local Government

Our evidence suggests that the current narrow scope of the code of conduct makes it difficult to effectively deal with some instances of poor behaviour, particularly in relation to social media use.

The question of public and private capacity raises significant questions about the privileges and responsibilities of representatives. Democratic representatives need to have their right to free speech and expression protected and not unduly restricted; but equally the public interest demands that they meet certain responsibilities in that role.

²³ City of Westminster, *Guidance note to members on Register of Interests*. Available online at: <https://www.westminster.gov.uk/register-members-interests>

²⁴ Localism Act 2011, section 27(2): "...a relevant authority must, in particular, adopt a code dealing with the conduct that is expected of members and co-opted members of the authority *when they are acting in that capacity*"

²⁵ Written evidence 228 (Lawyers in Local Government)



Some public sector codes of conduct cover behaviour which could purport to be in a personal capacity, but which would inevitably bear on the individual's public role. For example, government ministers are prohibited from acting as patrons of certain organisations or nominating individuals for awards, even if this would purport to be in their personal capacity.²⁶

This suggests to us that the question is not whether behaviour in a personal capacity can impact on an individual's public role, but when it does so.

We took evidence from the standards bodies in Northern Ireland, Scotland and Wales in order to consider their approaches to this issue.

The devolved standards bodies take one of two approaches: either restricting the scope of the code to apply only when a councillor is acting in an official capacity (Scotland), or allowing that a councillor may engage in behaviour in a purely private capacity, which is serious enough to bring their office or authority into disrepute (Wales and Northern Ireland).

In Scotland, the code of conduct only applies to councillors where a member of the public would reasonably consider that the member was acting in their capacity as a councillor. Factors such as whether the behaviour took place on council property, or through a social media account identifying the individual as a councillor, would be taken into account in deciding whether the code of conduct applied. Even if the councillor behaved in a seriously inappropriate way, the code would not apply if there was no suggestion that they were acting as a councillor when they did so.

In Northern Ireland, four provisions of the code of conduct explicitly apply to councillors in all circumstances, not just when they are carrying out their role as a councillor, including a provision not to bring the office of councillor into disrepute.

In Wales, the code of conduct applies both when a councillor is acting in their official capacity (including if they claim to act or give the impression that they are acting in that capacity), and when a councillor behaves in a way that could "[...] reasonably be regarded as bringing [their] office or [their] authority into disrepute".²⁷ This includes any time a councillor attempts to use their position to gain advantages (or to avoid disadvantages) for themselves or others, or misuses their local authority's resources. The Welsh Ombudsman has also issued guidance of the application of the code of conduct to social media use.

Public Service Ombudsman for Wales social media guidance

"If you refer to yourself as councillor, the code will apply to you. This applies in conversation, in writing, or in your use of electronic media. There has been a significant rise in complaints to me concerning the use of Facebook, blogs and Twitter. If you refer to your role as councillor in any way or comments you make are clearly related to your role then the code will apply to any comments you make there. Even if you do not refer to your role as councillor, your comments may have the effect of bringing your office or authority into disrepute and could therefore breach paragraph 6(1)(a) of the code."²⁸

26 Ministerial Code, paras 7.13, 7.18

27 The Local Authorities (Model Code of Conduct) (Wales) Order 2008, Schedule, section 2(c)

28 Public Service Ombudsman for Wales (2016), *The Code of Conduct for members of local authorities in Wales: Guidance from the Public Services Ombudsman for Wales*. Available online at: <https://www.ombudsman.wales/wp-content/uploads/2018/03/Code-of-Conduct-CC-CBC-NPA-August-2016.pdf>



The widespread use of social media presents a particular challenge to determining whether a code of conduct applies to instances of behaviour. In line with the guidance provided in Wales, it is clear to us that when a social media account identifies the individual as a councillor or an individual makes comments related to their role as a councillor, then the code of conduct applies. This would be the case even if the individual posts a 'disclaimer' to suggest that the account is a personal one.

However, a number of recent cases also suggest to us that high standards are expected of public office holders in their use of social media, even when this purports to be in a personal capacity. What is relevant is not just whether an individual is acting in an official capacity or a personal capacity, but also whether the behaviour itself is in public or in private. Restrictions on what an individual may do or say in public are different in kind from restrictions on an individual's private life.

There is a need to balance the rights and responsibilities of democratic representatives. The sort of public behaviour that is relevant to a public office and its code of conduct therefore depends on the scope and nature of the public role in question: the requirements for civil servants will rightly be different to the requirements for teachers, for example. Roles representing the public, such as MPs or councillors, have particular privileges that need to be protected, but also need to acknowledge a greater responsibility, given the scope and public visibility of the role.

Inevitably, councillors carry their council 'label' to some extent in their public behaviour. What counts as relevant public behaviour for the purpose of the councillor code of conduct should therefore be drawn more broadly.

An individual's private life – that is, private behaviour in a personal capacity – should rightly remain out of scope. This includes, for example, what is said in private conversations (where those conversations are not in an official capacity), private disputes and personal relationships. But those in high-profile representative roles, including councillors, should consider that their behaviour in public is rightly under public scrutiny and should adhere to the Seven Principles of Public Life. This includes any comments or statements in print, and those made whilst speaking in public or on publicly accessible social media sites.

This does not, however, mean that councillors should be censured just because an individual dislikes or disagrees with what they say; standards in public life do not extend to adjudicating on matters of political debate. Controversial issues must be able to be raised in the public sphere, and councillors should have their right to form and hold opinions respected. ECHR Article 10 rights to freedom of expression must be respected by councils when adjudicating on potential misconduct, taking into account the enhanced protection afforded to political expression.



Article 10: Rights to freedom of expression

Article 10 of the European Convention on Human Rights states that “everyone has the right to freedom of expression”, although this right is not absolute, and is subject to “such formalities, conditions, restrictions and penalties as are prescribed by law and are necessary in a democratic society...for the protection of the rights and interests of others”.²⁹

The *High Court, in Heesom v Public Service Ombudsman for Wales*,³⁰ considered the application of Article 10 to local councillors, taking into account judgments by the European Court of Human Rights.

It found that “Article 10 protects not only the substance of what is said, but also the form in which it is conveyed. Therefore, in the political context, a degree of the immoderate, offensive, shocking, disturbing, exaggerated, provocative, polemical, colourful, emotive, non-rational and aggressive, that would not be acceptable outside that context, is tolerated.”

It added that politicians, including councillors, have “enhanced protection as to what they say in the political arena” but by the same token are “expected and required to have thicker skins and have more tolerance to comment than ordinary citizens”.

A councillor’s Article 10 rights extend to “all matters of public administration and public concern including comments about the adequacy or inadequacy of performance of public duties by others” but do not extend to “gratuitous personal comments”.

We do not consider that the approach taken by Wales and Northern Ireland, in extending the code of conduct to any behaviour that is sufficiently serious as to bring the office of councillor or the council into disrepute, could easily be replicated in England. Broad provisions are likely to create disputes about what falls within their scope, particularly when there is not a central authoritative body to rule on those provisions and disseminate previous cases.

We therefore propose that, given their significant representative role, there should be a rebuttable presumption that a councillor’s behaviour in public is in an official capacity. An individual’s behaviour in private, in a personal capacity, should remain outside the scope of the code.

Recommendation 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.

Purporting to act as a member or a representative

The 2007 model code for local government stated that its scope included not just when a councillor was “conducting the business of the authority”, but also if a councillor was to “act, claim to act or give the impression you are acting as a representative of your authority”.³¹ The Localism Act 2011 does not include this qualification. As a result, some cases where

29 European Court of Human Rights and Council of Europe, European Convention on Human Rights, Article 10

30 *Heesom v Public Service Ombudsman for Wales* [2014] EWHC 1504 (Admin)

31 The Local Authorities (Model Code of Conduct) Order 2007



an individual is improperly purporting to act as a councillor do not fall within the scope of the code, even though the councillor in question would clearly be misusing their office. For example, a councillor may threaten to cause someone a detriment by implying they would do so through their influence as a councillor.

The issue [of public and private capacity] needs to be looked at more in the round, including serious matters which do not lead to a criminal conviction or where a councillor, though not acting as a councillor, has purported to misuse his or her office through threats of the ‘don’t you know who I am’ variety.³²

Hoey Ainscough Associates

*MC v Standards Committee of LB Richmond*³³ drew a distinction between a member purporting to act as a member and purporting to act as a representative of the local authority, stating that one would not necessarily imply the other. Both of these seem to us to be sufficient conditions for the code of conduct to apply to an individual. Given this established case law, any change to the current legislation governing codes of conduct should include both conditions.

Recommendation 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.

Compliance with standards processes

Complying with standards investigations, and not seeking to misuse the standards process, is an important aspect of ethical conduct. This is for three reasons. First, there is a strong public interest in an effective standards process that is not subject to disruption or abuse. Secondly, councillors should seek to maintain an ethical culture in their authority, and showing appropriate respect for the process contributes to this. Thirdly, non-compliance and misuse wastes public money and the time of officers.

Councillors should not seek to disrupt standards investigations by, for example, not responding to requests for information, clarification or comment in a timely way, or refusing to confirm their attendance at a standards hearing. Nor should councillors seek to misuse the standards process, for example, by making allegations against another councillor for the purposes of political gain.

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.

Writing codes of conduct

The Committee has previously outlined criteria for an effective code of conduct:

- seen as relevant every day and not exceptional
- proportionate – giving enough detail to guide actions without being so elaborate that people lose sight of the underlying principle

³² Written evidence 212 (Hoey Ainscough Associates)

³³ *MC v Standards Committee of LB Richmond* [2011] UKUT 232 (AAC) (14 June 2011)



- adapted to the needs and context of each organisation
- clear about the consequences of not complying with the code, both for the individual and others
- wherever possible, framed positively³⁴

We have seen evidence that some councils have adopted a minimal code of conduct which amounts to a restatement of the Seven Principles of Public Life. We were concerned to note that DCLG's illustrative code would fall into this category.³⁵ The Seven Principles of Public Life are not a code of conduct: codes of conduct specify what the principles demand in a specific context in order to guide behaviour. Using principles, rather than rules, in a code of conduct can also lead to protracted arguments about what sort of behaviour falls under a particular principle in the absence of specific guidance.

In terms of codes, as an investigator I encounter a variety of codes. They tend to fall into some broad families, ranging from those authorities that adopted the previous statutory code almost unchanged at one end to the extreme other end of the spectrum, which is only the Nolan Principles. That is the whole code. We have great difficulty in working with 'Nolan-only' codes.³⁶

**Jonathan Goolden,
Wilkin Chapman LLP**

Drawing up a code is an important process for an authority: it involves the members of that authority considering what the Seven Principles of Public Life demand in their own context.

A failure to create or adopt a substantive code means that the potential benefits of devolved standards are not being realised.

Many authorities have not yet revisited their codes in the light of learning experiences.³⁷

**Jonathan Goolden,
Wilkin Chapman LLP**

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.

Codes of conduct should be written in plain English and be accessible for councillors and members of the public. They cannot be written to cover every eventuality, and attempts to do so may actually make codes less effective. They should therefore not be 'legalistic' in tone, or overly technical in style.

A code of conduct is not a values or vision statement for an organisation. It therefore needs to state clearly what is required of councillors rather than an aspiration or aim. Often this will mean phrasing requirements in terms of what councillors 'must not' do.

The requirements should also be enforceable: codes should not include provisions such as 'councillors must be aware of...'.³⁷

³⁴ Committee on Standards in Public Life, *Standards Matter* (Cm 8519, January 2013), 4.9

³⁵ DCLG (2016), *Illustrative Text for Local Government Code of Conduct*. Available online at: <https://www.gov.uk/government/publications/illustrative-text-for-local-code-of-conduct--2>

³⁶ Jonathan Goolden, Roundtable, 18 April 2018

³⁷ Jonathan Goolden, Roundtable, 18 April 2018



Where detailed provisions or guidance are required (for example, guidance about social media, or guidance on officer-member relations) these should ideally be kept in a separate document.

Codes of conduct are central to upholding high standards in public life. They should not be inaccessible on a local authority's website, or as an annex to an authority's constitution.

Example of a clear code of conduct

Extract from Plymouth City Council code of conduct³⁸

Disrepute

Councillors must not act in a manner which could be seen to bring the council or the role of councillor into disrepute.

Misuse of position

Councillors must not try to use their position improperly to gain an advantage or disadvantage for themselves or others.

Use of council resources

When councillors use the council's resources or let other people use them, they must follow any reasonable rules set by the council and make sure that resources are not used improperly for political purposes (including party political purposes).

Advice of Monitoring Officer and Responsible Finance Officer

Councillors must consider any advice given by the Monitoring Officer or Responsible Finance Officer when taking decisions.

Giving reasons for decisions

Councillors must give reasons when required to by the law or by any council procedures.

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.

Councillors' interests

The Nolan principle of integrity is based upon protecting the public interest. Where there is undue influence on a public office-holder, including through conflicts of interest, this can lead to decisions which are not made in the public interest.

Integrity: Holders of public office must avoid placing themselves under obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

A system for managing conflicts of interest should distinguish between the requirements for *registering* interests and *declaring or managing interests*. Not all interests that are registered would necessarily present a conflict such that they would need to be managed. Equally, a councillor may have a very specific conflict of interest in relation to a matter, which it would be disproportionate to register given the improbability of that conflict arising in the future.

38 Available online at: <https://www.plymouth.gov.uk/sites/default/files/Code%20of%20Conduct%20and%20Rules%20of%20Debate.pdf>



The purpose of a register of interests is to make transparent an individual's financial and non-financial interests and relationships that are the most likely to lead to a potential conflict. This includes for example, paid employment, significant investments, trusteeships, and directorships. This enables an individual to be held to account for the way in which they manage these interests where necessary.

An interest needs to be managed only where it is reasonable to suppose that an individual's participation in a discussion or decision could be unduly influenced by a particular relationship or personal interest.

How an interest should be managed depends on three factors: the degree of involvement of the individual in the decision or discussion; how directly related the interest or relationship is to the decision or discussion in question; and how significant the interest or relationship is to the individual. Where these factors are minor, then simply declaring the interest may be sufficient. Where the factors are significant, an individual should recuse themselves from the discussion and decision; and should leave the room in the most serious cases.

Where the arrangements necessary to manage an interest or relationship prevent the individual properly from discharging their role (for example, if restrictive arrangements would very regularly have to be put in place), then either the interest should be disposed of or the role relinquished.

The Disclosable Pecuniary Interests (DPI) arrangements

The evidence we have received is that the current Disclosable Pecuniary Interests (DPI) arrangements are not working: the requirements for declaring and managing interests are too narrow; they are unclear both to councillors and the public; and they do not require the registration of important interests such as unpaid directorships and gifts and hospitality.

Strengthening and clarifying the system for declaring and managing interests is all the more important in light of increasingly complex decision-making in local government. To ensure and to demonstrate openly that the principle of integrity is being upheld, it is important to have comprehensive and robust arrangements in place for managing potential conflicts of interest.

We appreciate that the DPI requirements as set down in the Localism Act 2011 and in the Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 are drafted in such a way that a breach of those requirements constitutes a criminal offence. However, as we explain in chapter 4, we have concluded that the criminal offences in the Localism Act 2011 are not fit for purpose and we recommend that they should be repealed. Our conclusions and recommendations in this section therefore do not take these offences into account.



Registering interests

The requirements for a register of interests should be based on the principle we lay out above, that the purpose of a register is to make transparent those interests and relationships which would be most likely to lead to a conflict of interest.

Currently, local authorities are required by law only to make arrangements for registering and declaring pecuniary interests of a councillor and their spouse or partner.

The current list contains manifest omissions such as hospitality deriving from a councillor's position, unpaid employment (including directorships), interest in land outside of a council's area, pecuniary interests of close family members who are not spouses, and memberships of lobby or campaign groups.³⁹

Cornerstone Barristers

We received evidence from a number of legal practitioners and local authorities to suggest that the current list of interests required to be registered is drawn too narrowly.

The narrow requirements of the current law are partly a result of the DPI regime not distinguishing between requirements for registering interests on the one hand, and for declaring and managing interests on the other, which we address below.

Pecuniary interests

Currently, councillors must register their and their spouse or partner's pecuniary interests within the following categories:

- employment, office, trade, profession or vocation carried on for profit or gain
- sponsorship towards election expenses or expenses incurred in carrying out duties as a member
- contracts between the authority and the individual, or a body in which the individual has a beneficial interest
- land in the local authority's area
- securities where the firm has land or a place of business in the local authority's area, and the holding is worth more than £25,000 or the individual holds more than 1% of share capital
- licences to occupy land in the local authority
- corporate tenancies where the landlord is the local authority

Based on the evidence we received, the current list of pecuniary interests required to be registered is satisfactory.

Non-pecuniary interests

Local authorities are not required by law to include specific non-pecuniary interests on their register of interests, although many do so. The Committee's sampling of codes of conduct found most codes had a provision on registering and declaring non-pecuniary interests, although there was some variation in what was required. Four codes out of twenty had no provisions relating to non-pecuniary interests. Some had a broad provision of

39 Written evidence 281 (Cornerstone Barristers)



declaring when a matter might affect a councillor more than the majority of people in the affected area. One authority required councillors only to declare if they were a member of a trade union. Most opted for a form of words that included any management roles in a charity, a body of a ‘public nature’, or an organisation seeking to influence opinion or public policy. Some codes created a category of personal interests or other interests (some of which pecuniary) which, whilst not registrable, should be declared under certain circumstances.

Where councils only comply with the disclosable pecuniary interest requirements and a code of conduct that does little more than comply with the Nolan Principles, it was felt that the regime was too light touch to maintain public confidence.⁴⁰

Mid Sussex District Council

The purpose of a register is to make transparent those interests and relationships which would be most likely to lead to a conflict of interest. Based on this principle, two additional categories of interests should be required to be included in a local authority’s register of interests. First, relevant commercial interests of a councillor and their spouse or partner which may be unpaid – for example, an unpaid directorship (even if non-executive). Secondly, relevant non-pecuniary interests of a councillor and their spouse or partner such as trusteeships or membership of organisations that seek to influence opinion or public policy.

As members increasingly become involved in voluntary and third sector bodies, the issue of conflicts is more prominent and it is not a matter in respect of which there is adequate provision in the code of conduct [...] although there are some provisions within the Localism Act in relation to predetermination it is not considered that it is adequately dealt with in the ethics context beyond DPis.⁴¹

London Borough of Croydon

At a local level, it is perhaps even more likely that non-pecuniary interests – for example, being an unpaid trustee of a local sports club – would lead to a conflict of interest than a councillor’s ordinary paid employment. As the Monitoring Officer of Camden Council stated in evidence to us: “[...] we expect that the public would consider that a member who was a long-serving unpaid trustee of a charity may not be able to consider a potential grant award by the council to the charity entirely fairly and objectively”.⁴²

As we explain in more detail below, the test for whether a councillor should have to register an interest should nevertheless be separate from the test for whether a councillor should have to withdraw from a discussion or vote. Under our recommendations, even if a councillor would have to register an interest for the sake of transparency, they would not have to withdraw from a discussion or vote unless there was a conflict of interest, based on the ‘objective test’ in recommendation 7 below.

40 Written evidence 50 (Mid Sussex District Council)

41 Written evidence 166 (London Borough of Croydon)

42 Written evidence 151 (Andrew Maughan, Camden Council)



Recommendation 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.

Gifts and hospitality

Currently, there is no legal requirement for local authorities to maintain a gifts and hospitality register, nor for individual councillors to register or declare gifts and hospitality they receive as part of their role.

Most codes sampled by the Committee required councillors to register gifts and hospitality in some way. Six out of twenty of the codes sampled had no provision for this. Among codes providing for a gifts and hospitality register, there was variation in the value threshold, which was variously set at £25, £50, or £100. Gifts and hospitality were also treated in a number of different ways: some codes established a straightforward register, some stated that gifts or hospitality were an 'other interest' which should be registered alongside non-pecuniary interests, and others defined the giver of a gift or hospitality over a certain value effectively as an 'associate' of the councillor, whose interest should be declared if a matter would affect them.

In London, we found £79,000 had been spent by more than 200 developers, lobbyists and others involved in the property industry on 723 lunches, dinners and all-expenses paid trips for 105 councillors.⁴³

Transparency International UK

The Committee has seen evidence that the accessibility and timeliness of local authorities' registers of interest varies widely. Many are reported in a non-standard format, and some registers are not updated for long periods. Independent oversight and inspection is important to maintaining high ethical standards, and local authorities should facilitate this by ensuring that their registers are accessible to those who would wish to inspect them.

We are also concerned about the use of high thresholds for reporting gifts and hospitality even where registers exist. An individual threshold of £100 could allow a councillor to accept significant gifts and hospitality from a single source on multiple occasions, without needing to register the fact that they have done so. £50 is the registration threshold for gifts or donations during election campaigns, which would then provide a consistent declaration threshold both during and outside election periods.⁴⁴

Recommendation 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 £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.

43 Written evidence 315 (Transparency International UK)

44 Available online at: http://www.electoralcommission.org.uk/__data/assets/pdf_file/0005/141773/ca-part-3-locals-ew.pdf, 20



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.

We are aware of helpful guidance from the Cabinet Office for civil servants on the broader principles surrounding gifts and hospitality. They propose three principles that should guide whether an individual should accept gifts or hospitality:

Cabinet Office principles for accepting gifts or hospitality

- Purpose – acceptance should be in the interests of departments and should further government objectives.
- Proportionality – hospitality should not be over-frequent or over-generous. Accepting hospitality frequently from the same organisation may lead to an impression that the organisation is gaining influence. Similarly, hospitality should not seem lavish or disproportionate to the nature of the relationship with the provider.
- (Avoidance of) conflict of interest – officials should consider the provider’s relationship with the department, whether it is bidding for work or grants or being investigated or criticised, and whether it is appropriate to accept an offer from a taxpayer-funded organisation.⁴⁵

The principles of proportionality and avoiding conflicts of interest are particularly important to safeguard the principle of integrity.

The Committee has considered the issue of gifts and hospitality offered by lobbyists in particular, in its report *Strengthening transparency around lobbying*. We concluded that public officer holders accepting significant gifts and hospitality “[...] risks creating a conflict of interest by placing them under an obligation to a third party, which may affect them in their work including when they take decisions, which is relevant to the Nolan principle of integrity”.⁴⁶

In February 2018, it was reported in the press that the chairman of Westminster City Council planning committee received gifts and hospitality 514 times in three years, worth at least at a total of £13,000. The councillor subsequently stood down following an internal inquiry.

The evidence we have received suggests that acceptance of gifts and hospitality is of most concern when it comes to planning. Planning is an area of decision-making where a small number of councillors can have a significant impact on the financial interests of specific individuals or firms. Councillors involved in planning decisions should therefore generally not accept over-frequent or over-generous hospitality and should always ensure that acceptance of such hospitality does not constitute a conflict of interest.

45 Cabinet Office (2010), *Guidance on civil servants receiving hospitality*. Available online at:

<https://www.gov.uk/government/publications/guidance-on-civil-servants-receiving-hospitality>

46 Committee on Standards in Public Life (2013), *Strengthening transparency around lobbying*, 3.18



Partner and family interests

Under the DPI arrangements, any relevant pecuniary interests of a councillor's spouse or partner are considered as a DPI of the councillor.

We heard concerns during the review that the DPI arrangements infringe on the privacy of a councillor's spouse or partner. We recognise these concerns, though note that, where there would be a potential conflict of interest, the principle of integrity requires that any such interests should nevertheless be declared and resolved.

Under the Localism Act 2011, however, councils are not required to register spouse or partner interests separately from those of the councillor, although many do so. The DCLG guidance on DPIs states that: “[...] for the purposes of the register, an interest of your spouse or civil partner, which is listed in the national rules, is your disclosable pecuniary interest. Whilst the detailed format of the register of members' interests is for your council to decide, there is no requirement to differentiate your disclosable pecuniary interests between those which relate to you personally and those that relate to your spouse or civil partner.”⁴⁷

Declaring and managing interests

The evidence we received suggests that the DPI requirements for declaring and managing interests are currently unclear. The current wording in the Localism Act 2011 requires that a councillor must not participate in a discussion or vote in a matter (or take any further steps in relation to it) where they are present at a meeting and they have “[...] a disclosable pecuniary interest in any matter to be considered, or being considered, at the meeting”. The test of having a ‘disclosable

pecuniary interest *in* any matter’ is ambiguous, as strictly speaking under the Act a councillor's DPI is the employment, land, or investment (for example) itself. The Act does not specify how closely related an interest must be to the matter under consideration to count as an interest ‘in’ that matter. Recent case law has not settled this issue decisively, which means that there is little authoritative guidance for councillors or those who advise them.

Despite the regulations and DCLG guidance, there is still a dispute regarding what would be a Disclosable Pecuniary Interest – for example, in situations where the interest is the subject of the meeting or affected by the decision – such as in planning applications. This can make declarations of interests problematic.⁴⁸

North Hertfordshire District Council

The fundamental problem is in the wording of the Localism Act which requires members to declare interests (and not participate at meetings) when they have a DPI ‘in any matter to be considered at a meeting’. Under the former regime, the situation was much clearer as an interest arose where where a matter under consideration ‘relates to or is likely to affect’ the interest, thus creating a nexus between the item of business and the incidence of interest. This nexus is absent from the Localism Act regime and it creates significant uncertainty as to when a DPI exists in certain situations.⁴⁹

Ashford Borough Council

47 Department for Communities and Local Government (2013), Openness and transparency on personal interests: A guide for councillors

48 Written evidence 22 (North Hertfordshire District Council)

49 Written evidence 138 (Ashford Borough Council)



The current declaration and withdrawal requirements are also too narrow. Currently, a councillor would not need to declare an interest or recuse themselves where a close family member was affected by a decision, nor a close associate (whether a personal friend or a business associate). This should be addressed by a more demanding test for declaring and managing interests, separately to registration requirements.

We have seen that the standards arrangements in Scotland, Wales and Northern Ireland usually rely upon an 'objective test' for determining whether an interest needs actively to be managed (for example, the individual recusing themselves).

Tests for actively managing interests in the devolved codes

Scotland

"Whether 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 discussion or decision making in your role as a councillor."⁵⁰

Wales

"[...] if the interest is one which a member of the public with knowledge of the relevant facts would reasonably regard as so significant that it is likely to prejudice your judgement of the public interest."⁵¹

Northern Ireland

"An interest will be considered significant where you anticipate that a decision on the matter might reasonably be expected to benefit or disadvantage yourself to a greater extent than a other council constituents."⁵²

(Councillors must also declare any registered interest in a matter under consideration.)

We propose the introduction of an objective test, in line with practice in Wales and Scotland, for whether a councillor should recuse themselves from a discussion or vote. We heard from the Standards Commission for Scotland and the Public Service Ombudsman for Wales that this test works well in practice. We note that a practical division between the requirements for registering interests and managing interests, with an objective test for the latter, is in line with the categories of personal and prejudicial interests under the

50 Scotland Code of Conduct for Councillors, para 5.3

51 The Local Authorities (Model Code of Conduct) (Wales) Order 2008, Schedule, section 12

52 Northern Ireland Local Government Code of Conduct for Councillors, para 6.3



Local Government Act 2000. We heard that officers and councillors generally considered these to be clearer and easier to understand than the DPI arrangements.

In line with the principles we set out for declaring and managing interests above, councillors should declare an interest where an interest in their register relates to a matter they are due to discuss or decide upon, but they do not need to recuse themselves unless the objective test is met.

We note that section 25 of the Localism Act 2011, which draws a firm distinction between predisposition and predetermination, is relevant to the participation of councillors in certain decisions or votes. A councillor should not be considered to have a significant interest in a matter, and therefore have to withdraw from a discussion or vote, just by virtue of having previously expressed a prior view, even a strong view, on the matter in question. This includes if they are, for example, a member of a relevant campaigning group for that purpose.

Recommendation 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 discussion or decision-making in relation to that matter”.

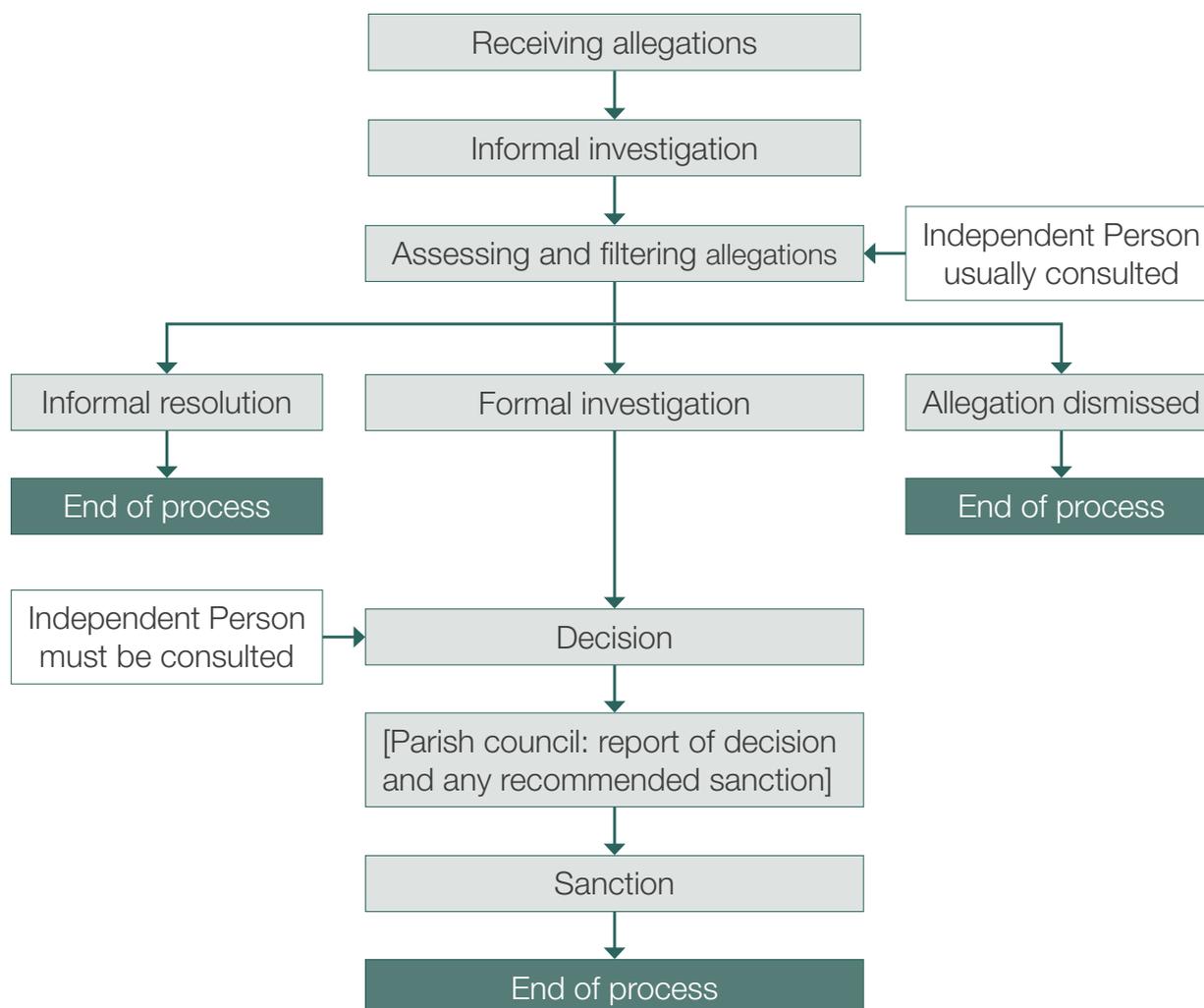


Chapter 3: Investigations and safeguards

Investigations

An authority must have an effective, fair, impartial, and transparent complaints and investigation procedure, in which both councillors and the public can have confidence. Sanctions should be imposed in a consistent way, and only where there is a genuine breach.

The current investigation process





Objectivity: Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

An investigation process needs to be proportionate and fair. The process must have an independent element as a check on the impartiality of decision-making. The more significant the sanctions that can be imposed, the more robust the independent element needs to be in order to safeguard the fairness of the process. At the moment, this element is primarily fulfilled by the Independent Person. Whilst the Monitoring Officer has the power under current legislation to investigate and make decisions on allegations, many principal authorities have standards committees to decide on allegations and impose sanctions.

Filtering complaints

The Monitoring Officer usually filters complaints about councillor conduct and judges if the complaints are trivial or vexatious, or whether they should proceed to a full investigation. Usually this filtering is based on the judgment of the officer, often against a formal policy, though the Monitoring Officer may seek the advice of an independent person or members of a standards committee when they do so.

The standards bodies in Scotland, Wales and Northern Ireland all make use of a 'public interest' test when filtering complaints. These tests set clear expectations to those making complaints and ensure consistency of approach. The tests do not necessarily need to be detailed. For example, the Northern Ireland Local Government Commissioner for Standards provides a simple two-stage test, which asks whether they 'can' investigate the complaint, and whether they 'should'.

Northern Ireland Local Government Commissioner for Standards public interest test

1 'CAN' we investigate your complaint?

- Is the person you are complaining about a councillor?
- Did the conduct occur within the last six months?
- Is the conduct something that is covered by the code?

2 'SHOULD' we investigate your complaint?

- Is there evidence which supports the complaint?
- Is the conduct something which it is possible to investigate?
- Would an investigation be proportionate and in the public interest?⁵³

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

Safeguards

A certain level of independent oversight is crucial to any standards arrangement. The inclusion of an independent element in the process of deciding on code breaches is important to ensure that the process is fair and impartial, and that councillors are protected against politically-motivated, malicious or unfounded allegations of misconduct.

53 Available online at: <https://nipso.org.uk/nilgcs/making-a-complaint/how-we-deal-with-your-complaint/>



In the current local government standards system, this element is provided by the Independent Person. We believe that this safeguard should be strengthened and clarified. Other safeguards should also be put in place to ensure the fairness of the process, by enabling independent members of standards committees to vote, and a provision for councillors to appeal a decision to suspend them following the finding of a breach.

Our councillors feel safe with the standards committee because they know any allegation will be dealt with fairly and impartially. As group whips, we know that if something goes through the process it will have the confidence of our members.⁵⁴
Cllr Dan Cohen, Leeds City Council

Independent Persons

The role of the Independent Person has become a distinctive office in its own right. The provisions in the Localism Act 2011 give councils considerable flexibility over what sort of person performs the role (with only the criteria for 'independence' specified) and how the role is performed, subject to the requirement that their views must be able to be sought by members and complainants and that their views must to be sought and taken into account before deciding on an allegation that has been subject to a formal investigation.

We have met some exceptional Independent Persons in the course of our review, who give their time and expertise to maintain high standards in local authorities. We have been impressed by the diligence and commitment of those we have met. The role is often unpaid or subject to a nominal payment or honorarium.

The Independent Person has no formal powers, and whilst their views must be 'taken into account', they do not have a decisive say on the outcome of an investigation. As such, the nature and effectiveness of the role in any individual instance depends both upon the appointee and the attitude of the local authority.

The title 'Independent Person' creates a false impression with the public, who believe that I have real decision-making powers. In reality I have no powers at all, the role is wholly advisory and weak [...]⁵⁵
Richard Stow, Independent Person

We have seen a number of different approaches taken by local authorities and by the office-holders themselves towards the Independent Person rules. Some are simply consulted as required over email by a Monitoring Officer, or attend standards committees in an observer capacity; others play an active role in reviewing an authority's code or processes, offering training to councillors or even forming an authority-wide ethics panel to advise on all aspects of ethical practice and decision-making.

Regardless of the approach taken, it is clear that a positive relationship with the local authority's Monitoring Officer is crucial to being able to perform the role effectively. This relationship involves a mutual recognition of roles: on the one hand, recognising that the Monitoring Officer has specific responsibility and accountability for the standards process in an authority, and on the other that the Independent Person can bring a valuable external and impartial perspective that can assure and enhance the fairness of the process.

54 Cllr Dan Cohen, Visit to Leeds City Council, Tuesday 18 September 2018

55 Written evidence 209 (Richard Stow)



We do agree that the Independent Persons provide a valuable objective voice in the standards process. It is incredibly useful for the Monitoring Officer to have this support and advice from an external perspective, and it offers a great opportunity for local residents to bring a wide variety of experience and expertise to the process.⁵⁶

London Borough of Sutton

Local authorities use Independent Persons in different ways, and we have seen evidence of a range of good practice. Many authorities will appoint two or more Independent Persons. Some authorities will, in any given case, have one Independent Person offer a view to members or complainants, and another to offer a view to the local authority, so as not to be in a position where they may be forced to prejudge the merit of an allegation. Other authorities will consult with one Independent Person on whether to undertake a formal investigation, and another to advise on that investigation. Many local authorities consult an Independent Person at all points of the process, including when filtering complaints.

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

We heard that many Monitoring Officers appreciate the impartial view that the Independent Person can offer, both to improve the quality of decision-making itself and as a visible check on the process to reassure councillors and complainants that their decisions are made fairly. We have also heard evidence, however, of councils failing to make

good use of their Independent Person, and of an antagonistic or dismissive attitude towards their role.

The evidence we received suggests that the Independent Person role needs to be clarified, strengthened, and better supported.

The years since the passage of the Localism Act have seen a more defined role for the Independent Person emerge. This role should now be formalised. In our view, an Independent Person needs not just to be independent according to the requirements of the Localism Act 2011 but should also show an ability to:

- offer authoritative and impartial advice
- maintain independence in a politically sensitive environment
- gain the confidence of councillors, officers, and the public
- make decisions on an impartial basis, grounded in the evidence
- work constructively with the local authority and senior officers

The Independent Person should be seen primarily as an impartial advisor to the council on code of conduct matters. They should provide a view on code of conduct allegations based on the evidence before them, and whilst being aware of the political context, should be politically neutral. Local authorities should make use of their perspective and expertise when reviewing their code of conduct and processes. Their advice should also be able to be sought from subject members and members of the public, in line with the requirements of the Localism Act.

56 Written evidence 311 (London Borough of Sutton)



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.

The role should also be strengthened. Security of tenure is important in order to protect Independent Persons from being removed from their role for unpopular advice or recommendations. Equally, however, restricted tenure can ensure that the Independent Person's judgment and independence is not compromised by a long period of involvement in a single authority.

There is a tendency to recruit IPs on a four-year basis and that is eminently sensible; it makes it less possible for IPs to be accused of becoming too close to council members. I think it is important to ensure that IPs are seen as remaining independent and continuing to reach their own conclusions on issues where their views are sought.⁵⁷

**Dr Peter Bebbington,
Independent Person**

We therefore recommend that Independent Persons should be appointed for a fixed term of two years, with the option of a single re-appointment. The terms of multiple Independent Persons should ideally overlap, to ensure a level of continuity and institutional memory.

Recommendation 8: The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.

Currently, there is no requirement for the Independent Person's view on a case to be formally recorded, for example, in a formal decision issued by the Monitoring Officer or a standards committee. Whilst there may be reasons that the decision-maker ultimately reaches a different view from the Independent Person, the safeguard that they provide would be stronger if their view was always made transparent.

Although the law requires them to give views on matters under investigation and for the council to have regard to those views, in practice they are often invisible from the process to an outsider – the public whom they are meant to represent. It is not clear to us where their views are published so that the public can have confidence that the council has had regard to them and that the process has been independently verified.⁵⁸

Hoey Ainscough Associates

Recommendation 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.

⁵⁷ Dr Peter Bebbington, Roundtable, 18 April 2018

⁵⁸ Written evidence 212 (Hoey Ainscough Associates)



Were councils to be given the ability to suspend councillors, as we recommend in chapter 4, more safeguards would need to be put in place to ensure that this sanction is imposed fairly and that councillors are properly protected from potential misuse of the standards process. We suggest that the Independent Person would have to confirm that, in their view, a breach of the code had taken place, and that they agree that suspension would be proportionate, in order for the local authority to impose suspension for that breach.

Recommendation 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.

We have noted recent First Tier Tribunal cases⁵⁹ which have found that it will often be, on balance, in the public interest to disclose the view or advice of the Independent Person under the Freedom of Information Act 2000. As above, we support the Independent Person's advice being made public, which could enhance openness and accountability. However, we are concerned that Independent Persons would not automatically enjoy indemnity if a councillor or member of the public were to take legal action against them, in the same way that a member or officer of an authority would. Local authorities should take steps to provide legal indemnity to Independent Persons if their views are disclosed, and the government should confirm this through secondary legislation if needed.

Recommendation 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.

We have seen the benefits of strong networks among Monitoring Officers and senior officers, in order to share best practice, undertake professional development, and learn from each other's experiences. We would support the creation of a network of Independent Persons, which, despite the potential benefits it could offer, is currently lacking at present.

59 Bennis v ICO & Stratford [2018] UKFTT 2017_0220 (GRC)



Strengthening and clarifying the role of the Independent Person

Current role	Proposed role
No role specification	Clarified role specification
No requirements for term	Fixed-term appointment, renewable once
Required only to be consulted by the authority on an allegation subject to a formal investigation	Best practice also includes being consulted on allegations the MO is minded to dismiss, and on whether to undertake a formal investigation
No formal powers	Must agree with the finding of a breach and that suspension is proportionate for a councillor to be suspended
No disclosure requirements	The view of the IP is recorded in any formal decision notice or minutes
No legal protection	Legal indemnity provided by local authority

Standards committees

Under the Localism Act 2011, local authorities are not required to have standards committees to adjudicate on breaches and decide upon sanctions, but a large number of authorities in England choose to do so.

Local authorities should maintain a standards committee. A standards committee can play a role in deciding on allegations and sanctions, or in monitoring standards issues in the local authority and reporting back to full council, or a combination of these.

We have come across a range of different ways in which standards committees operate as part of our review. Leeds City Council produce a valuable annual report to council from the standards committee. Cornwall Council include representatives from town and parish councils and a town clerk, in addition to independent members and members of the principal authority. The Independent Persons who observe the Uttlesford District Council

standards committee have also led training workshops and the redrafting of the code of conduct. Each of these, in their own way, harness the knowledge and observations of the standards committee to elevate issues or significant trends to the notice of the council.

Under the current legislative framework, a standards committee may be advisory (only advising the council as a whole on what action to take, and unable by itself to exercise any of the council's formal powers) or decision-making (having the council's formal powers to decide on allegations and to impose sanctions where a breach is found delegated to it). If the standards committee is a decision-making committee, it is permitted to have independent members (members who are not councillors) appointed to it, but those members are not allowed to vote. Advisory standards committees may have voting independent members. Under the current legislation, Independent Persons in an authority cannot also be members of its standards committee.⁶⁰

⁶⁰ Localism Act 2011, sections 27(4) and 28(8)



A number of respondents to our consultation considered that the system would be strengthened by allowing independent members of decision-making standards committees to vote. We suggest that the current requirements for an Independent Person, with the necessary amendments, should apply to such members (that the individual is not a member, not otherwise co-opted on to a committee of the authority, not an officer in the authority or a dependent parish within the last five years, nor a relative or close friend of such an individual).

The Member Conduct Committee at Wychavon is broadly happy with the existing processes and structures, but feels that it was a retrograde step to remove the voting rights of independent members, who are a cornerstone of an objective conduct committee. The committee would also suggest that the ability to invite parish council representatives to take part in investigations should be restored.⁶¹

Wychavon Borough Council

We have also seen evidence of the advantages of including parish representatives on standards committees, who under the current arrangements, could not be voting members unless on an advisory committee. Including parish representatives on a principal authority standards committee can build a more effective relationship between their respective councils and enable the committee to take the perspective and views of the parish into account.

Recommendation 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.

Even where a local authority includes independent members on a standards committee, they would still be required to retain an Independent Person. In line with our best practice above, although the independent members of standards committee would enhance the independence of a formal decision-making process on an allegation, an Independent Person would still be required to advise subject members on allegations and advise the Monitoring Officer on allegations they are minded to dismiss and on whether to undertake a formal investigation.

Appeals and escalation

A means of appeal is an important aspect of natural justice, and as a safeguard for councillors to ensure that the standards process operates fairly and impartially. Whilst the Local Government and Social Care Ombudsman (who we refer to as the “Local Government Ombudsman”) can consider complaints about the investigation and decision process followed by a local authority where there is evidence of injustice, there is currently no means of appeal against the finding of a breach by a local authority within the local government standards system.

A formal appeal system would be disproportionate in relation to the most commonly imposed sanctions, such as censure or training. However, we recommend

⁶¹ Written evidence 211 (Peter Purnell)



in chapter 4 the introduction of a power to suspend councillors for up to six months. As an aspect of natural justice, such a sanction would require a right of appeal.

The lack of a right of appeal (either by the complainant/subject member) is often criticised.⁶²

Lawyers in Local Government

We have considered a range of options for how a right of appeal could be included within the local government standards arrangements, including internal appeals within a principal authority. However, we consider that an appeals process should ideally be independent. As we set out in chapter 1, we do not believe that a new, external standards body should be created, and so consider that giving a role for appeals to the Local Government Ombudsman would be the most appropriate way to enable an independent, external appeal process.

If these more serious sanctions were available to standards committees, we accept that this could require some kind of external/independent appeal process to be available to the member complained about. This could be organised through the LGA or regional associations such as London councils, and need not require a return to the much criticised national statutory arrangements of the Standards Board, although some additional resource would be required. An alternative would be for the Ombudsman to consider or hear appeals if they met a certain threshold, as we understand the Welsh LGO does in their role.⁶³

London Borough of Sutton

Currently, the Local Government Ombudsman can investigate a local authority's decision-making process in undertaking a standards investigation or imposing a sanction on grounds of maladministration where there is some evidence of injustice, for example, if there is an unreasonable delay or evidence of a conflict of interest. This avenue is open both to complainants and to subject councillors. The Ombudsman could then recommend a remedy to the local authority (though this is not legally enforceable). The Local Government Ombudsman stated in evidence to us that it has investigated the standards process in a local authority in a small number of cases, usually recommending a remedy of re-running a standards investigation.⁶⁴ This is an under-appreciated safeguard within the current system.

Common issues with local authority standards processes considered by the Local Government Ombudsman⁶⁵

- unreasonable delays in councils taking action to investigate a complaint
- councils failing to take into account relevant information in reaching its decision
- councils not following their own procedures in investigating the complaint (e.g. not involving an independent person) or not having proper procedures in place

The Ombudsman cannot, however, adjudicate on the substantive question of whether a breach actually took place and what the appropriate sanction would be, as this lies outside their remit.

62 Written evidence 228 (Lawyers in Local Government)

63 Written evidence 311 (London Borough of Sutton)

64 Written evidence 126 (Local Government and Social Care Ombudsman)

65 Written evidence 126 (Local Government and Social Care Ombudsman)



Our powers enable us to investigate the council's handling of the complaint, and where there is evidence of injustice, we will be able to make recommendations for how the issues can be remedied. However, we cannot consider the substantive issues that form the complaint itself and do not provide a right of appeal against a council's decision whether there has been a breach of standards of conduct.⁶⁶

Local Government Ombudsman

The Local Government Ombudsman indicated in evidence to us that they considered that adjudicating on substantive standards issues would complement their existing work. Given that standards failings are often linked to broader institutional issues, giving the Ombudsman a greater role in considering ethical standards issues could improve their oversight of the sector as a whole.

In order to provide a genuine appeal function, the Ombudsman's decision would need to be legally binding on the local authority – rather than a non-binding recommendation, which is the formal status of the Ombudsman's decisions on cases of maladministration. This would likely require a separate legislative basis. We note that the Public Service Ombudsman for Wales also has a separate legislative basis for their investigations into breaches of the code of conduct to their broader ombudsman role.

In order to ensure that the appeal function would be used proportionately, we consider that it should only be available for councillors who have had a sanction of suspension imposed. The right of appeal should be time-limited, and the Ombudsman should issue

a decision within a specified, reasonable timeframe. The Ombudsman should be able to apply their own public interest test in deciding whether to investigate a case on appeal by a councillor. Complainants should not be permitted to appeal against a finding, but, as now, could complain to the Ombudsman on grounds of maladministration if they consider that the process followed was flawed; if, for example, there was evidence that was provided that was not taken into account.

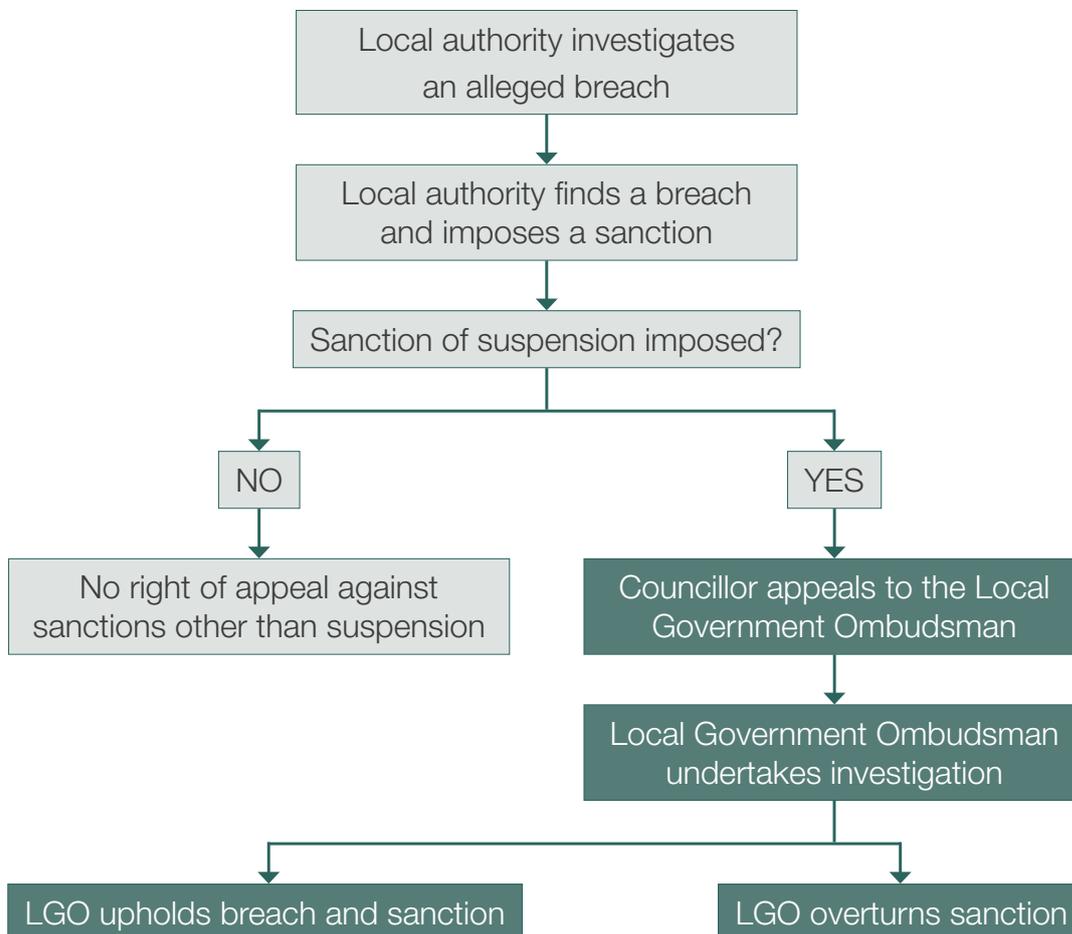
Whilst the Ombudsman's remit does not extend to town and parish councils, under the Localism Act, sanctions can only be imposed on parish councillors following the finding of breach and a recommended sanction by the principal authority, which we recommend below should become a binding decision by the principal authority. We therefore consider that parish councillors who are subject to a suspension should be able to appeal to the Local Government Ombudsman as the decision is taken by a principal authority, who already fall within the Ombudsman's remit.

The role of the Local Government Ombudsman would then be similar, on the one hand, to the role performed by the Adjudication Panel for Wales, which hears appeals of decisions by local standards committees; and on the other, to the Public Service Ombudsman for Wales and the Northern Ireland Public Services Ombudsman who have a combined local government standards and local government ombudsman role. A role limited to appeals against a decision to impose a period of suspension would mean that local authorities would retain primary responsibility for local standards and would avoid the creation of a centralised standards body.

66 Written evidence 126 (Local Government and Social Care Ombudsman)



Proposed appeals process





Recommendation 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.

The Nolan principle of openness demands that councils should be taking decisions, including decisions on standards issues, in an open way. The experience of the Committee is that whilst transparency does not automatically increase public trust in a process, it is nevertheless essential to enabling public scrutiny and accountability.

Recommendation 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.

We have seen examples of both good and bad practice in how open councils' standards processes are. The best examples involved a single, easily accessible page on an authority's website explaining in straightforward terms how a member of the public can make a complaint under the code of conduct, what their complaint needs to include, the process for handling complaints, and the expected timescales for investigations and decisions. That page would also include links to recent decisions on allegations that came before the standards committee.

Promoting openness and transparency

Openness: Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Openness and transparency are important secondary safeguards, to ensure that the process can be scrutinised by other councillors and by the public. We heard evidence that many councils do not publish data and decisions on standards issues in a regular or open way. Councils should be free to make their own arrangements for whether they maintain a public list of pending investigations. However, councils should be recording allegations and complaints they receive, even if they do not result in an investigation, and should certainly publish decisions on formal investigations.

Recommendation 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.



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.

Avoiding legalisation

It is vital to get the balance right between the privileges and responsibilities of democratic representatives. Whilst councillors have a responsibility to uphold high standards, in particular by upholding their council's code of conduct, it would be concerning if they could easily be made subject to an expensive legal process, which could then make the standards system open to misuse. The standards arrangements in England should therefore remain based on 'lay justice', where the requirements and processes are sufficiently clear and straightforward so that no councillor subject to an investigation would be disadvantaged by lacking formal legal representation.

Updating and clarifying the Localism Act 2011 to address the practical problems of interpretation that have come to light in recent years – particularly regarding conflicts of interests – would help in this regard, as would a greater role for the Local Government Ombudsman, by allowing councillors to appeal a sanction of suspension without having to resort to the civil courts for review or remedy.

More broadly, the focus should remain on individual local authorities maintaining high standards in their own councils. Councils need not be tied up with long-running standards investigations; they should put in place strong filtering mechanisms to make sure that only allegations with real merit begin a formal process of investigation. Likewise, use of the most serious sanctions should remain rare. For those subject to an investigation or sanctions process, councils should also provide clear, plain English guidance on how the process works and councillors' responsibilities within it.



Chapter 4: Sanctions

Any system designed to uphold standards of ethical behaviour needs to include ways to address and redress behaviour which falls seriously and/or repeatedly short of what is expected. Under the current arrangements when a councillor has been found to have broken the code of conduct there is no requirement to comply with remedial action. Whilst it is recognised that early, informal resolution of minor misdemeanours can be the most effective, the evidence we received demonstrated overwhelmingly that this lack of enforcement authority is a weakness in the system which may also deter genuine concerns being raised. The questions remain, however, as to what sanctions are appropriate and proportionate, and who should enforce them.

Throughout this review it has become clear that ethical principles must be embedded in organisational culture through training and leadership, and codes of conduct should guide the behaviour of individuals by spelling out what those principles require. When misconduct does occur, however, sanctions play an important role in maintaining standards.

Sanctions are also needed to give credibility to an ethical culture, so that the culture is not engaged with cynically or lightly. As one academic commentator on local government standards has pointed out, “[...] although there is a tension between ‘rules-based’ and ‘cultural’ strategies it does not follow that they are mutually exclusive. Rather, the challenge is to find the balance between a system that supports self-motivation and trust whilst still being credible in the face of examples of persistent misconduct and cynical motivation.”⁶⁷

As we have stated previously, “[...] people need to see poor behaviour punished as well as good behaviour rewarded, although it is, of course, better for people to internalise the principles behind the right behaviour, and to want to do the right thing, than to do so only because of the fear of getting caught and punished.”⁶⁸

The purpose of sanctions

Sanctions serve four purposes in a standards framework: motivating observance of standards arrangements, deterring damaging behaviour, preventing further wrongdoing, and maintaining public confidence.

Sanctions help to ensure that individuals engage with an ethical standards regime. Our predecessor Committee noted in its first report that “[...] unless obligations are routinely and firmly enforced, a culture of slackness can develop with the danger that in due course this could lead on to tolerance of corruption”.⁶⁹ In this review we heard of a small but significant number of individual councillors who appeared to have no respect for a standards regime without cost or consequence and whose continued poor behaviour demonstrated their ‘opting out’.

Punitive sanctions can act as a deterrent to behaviour which is seriously damaging to the public interest. Sometimes a lapse in good conduct can be a genuine oversight, often due to lack of understanding or awareness, and any sanction should be appropriate and proportionate. But the more damaging behaviour requires a greater deterrent, particularly where it brings local democracy into disrepute or otherwise harms the public good.

67 Stephen Greasley (2007) “Maintaining ethical cultures: Self-regulation in English local government”, *Local Government Studies*, 33:3, 451-464

68 Committee on Standards in Public Life (2013), *Standards Matter*, Cm 8519, 4.25

69 Committee on Standards in Public Life (1995), *Standards in Public Life*, Cm 2850-I, para 97



Some sanctions are needed to prevent further wrongdoing where a breach occurs. These sanctions will typically involve curtailing or restricting an individual's activity in relation to council business, especially where the form of the breach suggests that a repeat offence is likely, or where council business would be inhibited by an individual's continued involvement.

The credibility of any standards regime is undermined without the option to resort to sanction when needed. Sanctions help to maintain public confidence that something can be done when things go badly wrong. When used correctly, the application of appropriate sanctions give reassurance that the expectations of the public of high standards of conduct are being observed, and that wrongdoing is taken seriously. Public confidence will, however, only be maintained if sanctions are sufficient to deter and prevent further wrongdoing, and are imposed fairly and in a timely way.

The current sanctions arrangements

The Localism Act 2011 removed the ability for councillors to be suspended or disqualified (except for the statutory disqualification requirements which we discuss below). As a result, councils have become increasingly creative in their approach to using sanctions. Sanctions used by local authorities include censure, apology and training, as well as the removal from committee responsibilities by a party and in some cases, the withdrawal of access to facilities and resources (for example laptops or unescorted building passes). However, sanctions which ban members from council premises usually require cross-party support and are typically only considered appropriate in response to threatening behaviour such as bullying council officers.

The evidence we received suggests that the lack of serious sanctions, such as suspension:

- prevents local authorities from enforcing lower level sanctions, such as training or apology. When councillors refuse to apologise or to undergo training, the only route open to councils is to publicise the breach and the refusal.
- damages the public credibility of the standards system. Members of the public who make code of conduct complaints but do not see a significant outcome even where a breach is found would be justifiably frustrated that the standards system is not dealing with misconduct in a robust or effective way.
- makes the cost and resources of undertaking an investigation disproportionate in relation to sanctions available. We have heard evidence that Monitoring Officers resist undertaking standards investigations where possible, due to the significant cost, where a likely sanction may only be censure or training. We have also heard some evidence that members of the public do not make formal complaints as they do not consider the effort worthwhile given the limited outcomes available.
- gives local authorities no effective means of containing reputational damage or preventing recurrence, for example, in the case of disclosure of confidential information or bullying of officials. We heard that the lack of effective sanctions is deeply frustrating for officers and councillors who want to maintain the effective running of a council and to maintain high standards of conduct.



The removal of the powers previously open to local authorities to suspend a councillor and the broader sanctions open to Standards for England has removed the teeth of the standards regime, particularly in relation to repeat offenders. This undermines public confidence in the standards regime, particularly in the eyes of complainants who may be left with the belief that a councillor found guilty of a breach has 'got away with it'.⁷⁰

Tonbridge and Malling Borough Council

We do have good processes in place, but rarely use them due to the expense and time taken knowing that there is no significant sanction available at the end of the process to address serious issues. Councils simply cannot afford to enter into potentially long and costly processes unless it is clearly in the public interest. Time and money are key factors when they really should not be. As such, no-one achieves real satisfaction under the current standards regime.⁷¹

Taunton Deane Borough Council

It is the almost universal view of every council we have worked with that the limited range of sanctions available to councils is completely unsuitable for the worst cases and for serial misconduct.⁷²

Hoey Ainscough Associates

Press reports show continuing instances of bullying, insulting, offensive and inappropriate behaviour towards fellow members, public and officers. Even when action is taken, in the worst cases, the limited sanctions that can be imposed are ignored or even seen as a 'badge of honour'... reports have historically shown how, if unchecked at the outset, a corrosive and demoralizing culture can quickly take hold.⁷³

David Prince CBE

Some councillors view low-level sanctions such as censure as a 'badge of honour', to indicate that they do not cooperate with the 'established' process, and may often not cooperate with sanctions in order to cause disruption to a local authority and the individuals within it.

Party group discipline

Political groups, where they exist, make use of their own internal disciplinary processes. These processes are used, for example, to enforce whipping, but also in response to breaches of ethical standards. The evidence we received suggested that these processes are used partly to fill the gap left by the lack of formal sanctions available to principal authorities.

70 Written evidence 24 (Tonbridge and Malling Borough Council)

71 Written evidence 131 (Taunton Deane Borough Council)

72 Written evidence 212 (Hoey Ainscough Associates)

73 Written evidence 31 (David Prince CBE)



In many places party discipline has effectively filled the void left by the council's lack of formal powers but in our experience this is patchy and too subject to political calculation, such as the effect on balance of power within an authority so cannot be relied upon to be consistent across the country.⁷⁴

Hoey Ainscough Associates

A political group is a group of any two or more councillors in a principal authority who formally notify the Monitoring Officer that they wish to be considered as a political group. Members of a political group do not have to be members of the same political party, though most councils will include groups from the main national political parties. The relative strength of numbers in political groups will determine the administration and opposition in a council.

Political groups will often undertake a whipping function, so that the group votes consistently on particular proposals (though this is not permitted in functions such as planning and licensing). They will exercise party discipline, both to enforce whipping and group rules, but also in response to poor behaviour by councillors.

The greatest sanctions appear to be informal sanctions issued by groups and leaders, in terms of, for example, removal from committees, other bodies, posts, and of the whip. Our strong view is that while in many cases political groups have acted on such bases, a standards framework that is reliant on the decisions of those groups to effect proportionate sanctions is not an effective one.⁷⁵

**Andrew Maughan, Monitoring Officer,
Camden Council**

Under the legislation which governs council committees, the council allocates seats on committees to political groups in proportion to the relative sizes of the political groups within the council as a whole. The council is required to put the wishes of a political group into effect as far as possible when allocating individual councillors to committees from within that group. This means that in practice, political group leaders decide on committee appointments (although the wishes of a majority of group members would in theory take precedence). This is a significant power of patronage that can be used as part of a disciplinary process by parties. Groups may also remove individuals from other posts to which they have been nominated by their group; and a majority party may also take away portfolios or other special responsibilities.

We heard from political parties that the threat of suspension or expulsion from a group in particular can be an effective deterrent at the level of political group within a council.

Whilst political groups have a formal legal definition, in practice they are organised differently in different authorities. Some will be highly organised with a hierarchy of a leader, deputy leader and group whips, will have group discussions on a large number of matters that come before council, and enforce whipping through party discipline. Others will have a group leader also acting as a group whip, and may take a lighter-touch approach to group discussions or whipping. Independent groups, for example, are very likely to take a light-touch approach to whipping, or, indeed, may have independence from a whip as the central rationale for the group.

Party discipline can play a positive role in upholding ethical standards within a local authority. We heard that senior officers may

74 Written evidence 212 (Hoey Ainscough Associates)

75 Written evidence 151 (Andrew Maughan, Camden Council)



often make an informal approach to political group leaders if they have concerns over the behaviour of a member of that group. Internal party discipline, or even simply advice from a group leader, can be a useful means of moderating individuals' behaviour without needing to resort to the formal standards process. However, we also heard of instances where an approach to a political group was considered a serious step, and that the Monitoring Officer, if they had any concerns about the behaviour of a councillor, would speak to that individual on a one-to-one basis.

Sometimes, however, cases of alleged misconduct may go to a political group leader or even the national leader of a political party instead of being reported to the Monitoring Officer at a local authority.

Examples of political party disciplinary process used as an alternative to the formal standards process

In July 2018, a Greenwich councillor was suspended by their political group, as a result of their being charged with fraud following investigation by the council and referral to the police. The councillor was also removed from appointments made by their party group.

In Nuneaton, a political group leader wrote to the leader of a national political party in July 2018, to seek party discipline for councillors of that party for alleged abuse during a council meeting.

While party discipline can therefore have a positive role to play within local government, it also has drawbacks. Party discipline cannot apply to councillors who are not a

member of a political group. This means that party discipline cannot be used in relation to independent councillors, including those who might previously have been expelled from a party group. Political groups seldom exist in parishes, and so cannot address misconduct at parish level.

Party discipline may mean that political factors are taken into account over the public interest. When an authority is dominated by a single party or there is a very slim majority held by a party, that party may have an interest in downplaying or minimising standards breaches, rather than addressing them. It may also inhibit scrutiny and openness more generally where this may cause embarrassment to the party group.

Party discipline processes can run concurrently with, and in some cases preempt, the outcome of a formal standards investigation. We saw evidence that political parties have taken steps to enable swift discipline by group leaders or whips at a local level in serious cases. But this will tend to lack transparency, without formal announcements of measures taken or open investigative processes, particularly when political parties are under pressure to respond quickly.

There used to be a fairly clunky process of bringing a report to the group for the group to take action. We've revised that to take account of the way that news can spread so rapidly, and given group leaders the power to make a decision there and then for a time limited period along with the whip.⁷⁶

**Cllr Rory Love, Chairman,
Conservative Councillors' Association**

76 Cllr Rory Love, Individual oral evidence, Wednesday 27 June 2018



We also sought evidence during our review on the role of national political parties. Whilst national political parties will often have their own code of conduct, their involvement in allegations of misconduct will tend to be on a case-by-case basis, with less of a formal system for escalating and managing complaints. Party representatives we spoke to said that, understandably, the national party would involve itself only in serious cases or where it had an interest for particular reasons. Inevitably, the involvement of a national party is more likely when reputational issues are at stake, for example, during the selection of candidates at election time.

During the recent elections, we had no hesitation in suspending candidates from the Conservative whip even before the election day as a message to say “if you have the privilege of representing our party, there are standards we expect of you”.⁷⁷

**Cllr Rory Love, Chairman,
Conservative Councillors’ Association**

There is a particular focus [on standards] just before the point of election, which I think will remain the case. That’s when the party has the most influence, that’s when those conversations take place.⁷⁸

**Cllr Simon Henig CBE, Chair,
Association of Labour Councillors**

We have therefore concluded that political parties cannot play the central role in sanctions and upholding standards within an authority. Political group discipline is, essentially, an internal matter. This means it will never have the levels of transparency, consistency and

the relevant checks on impartiality that should characterise a fair and effective standards process. Whilst we have come across examples of positive joint working across political groups, and very effective relationships between officers and political groups, the party disciplinary process is still subject to political imperatives, even in authorities with otherwise very effective standards arrangements. In addition, political groups rarely operate at parish council level, and so party discipline cannot effectively address misconduct at parish level.

If, as our evidence suggests, the current high levels of involvement of parties in the standards process is due to a lack of formal sanctions, the reintroduction of a power of suspension may lead to a diminished role for political parties. Even if this were the case, political parties would still have an important role to play, which we consider further in chapter 8.

The sanction of the ‘ballot box’

We have considered the case that, beyond censure or training, the most appropriate sanction for councillors is the ‘ballot box’, namely, the possibility that they could be voted out at a local election as a result of misconduct. We conclude that the ‘sanction of the ballot box’ is insufficient, both in principle and in practice.

Relying upon the electorate to address poor member conduct at the ballot box is insufficient. The current regime needs to specifically include greater powers for local authorities to robustly address poor member conduct.⁷⁹

**Sandwell Metropolitan Borough
Council**

⁷⁷ Cllr Rory Love, Individual oral evidence, Wednesday 27 June 2018

⁷⁸ Cllr Simon Henig CBE, Individual oral evidence, Wednesday 18 July 2018

⁷⁹ Written evidence 239 (Sandwell Metropolitan Borough Council)



In cases where really serious misconduct happens, and the perpetrator is not discouraged by adverse publicity, there is a significant gap between how the current system can deal with such cases and any criminal sanction, criminal sanctions always being a final resort. The argument that the ultimate arbiter of behaviour is the public at the ballot box does not fully answer this issue.⁸⁰

Wycombe District Council

It is of course accepted that the democratic election of councillors must be respected. Following this, some would argue that (barring disqualification set out in law) only the public who conferred that mandate through an election can take it away by means of another election. It is argued that this is appropriate because only the public can be the proper judge of the suitability of a councillor to represent them which they only have the proper authority to do in an election or re-election.

Whilst the public will of course judge standards in public life at election time to some extent, the process of choosing a representative is based on wider political issues. As the Committee stated in 2013, “[...] decisions about who to vote for are made on the basis of a number of considerations. It would be undesirable for the electorate to have to set aside the opportunity to express their wider political views at election time simply to express a view on a standards issue.”⁸¹ Indeed, voting in elections is often drawn on party lines rather than the overall suitability of an individual candidate.

Public expectations of elected representatives continue to increase not diminish. High ethical standards should be demonstrably observed in practice throughout a term in office. Much harm can be done to individual wellbeing, the democratic process, and council business if misconduct goes unchecked for up to four years.

Public participation ends at the ballot box. There must be more to ensure local governance commits to fulfil the expectations of their electorate where possible [...].⁸²

Cllr David Gaye

It is also the case that a large number of seats in parish and town councils, and occasionally at principal authority level in more sparsely populated areas, are uncontested. In such circumstances the public are not choosing to exercise their judgment, and as a result there is no opportunity for electoral accountability to influence ethical standards.

The argument that the ballot box will decide is a moot point when over 50% of the town and parish councils in Cornwall do not have elections and these local councillors are returned unopposed.⁸³

Cornwall Council

Democratic representation carries both privileges and responsibilities. The significance of that mandate, and the rights and powers that it gives to councillors, also means that a councillor is rightfully subject to the Seven Principles of Public Life and the obligations

80 Written evidence 186 (Wycombe District Council)

81 Committee on Standards in Public Life, *Standards Matter* (2013), Cm 8519, 4.18

82 Written evidence 302 (Cllr David Gaye)

83 Written evidence 147 (Cornwall Council)



under the council's code of conduct. Councillors' conduct should reflect the importance of their elected role and their need to act in the public interest. A standards regime that prevents a councillor from carrying out their role for a period, for example by suspension, does not undermine a councillor's electoral mandate. Rather it underlines the significance of the role and the expectations of high ethical standards that come with elected office.

Sanctions in the devolved standards bodies

The sanctions available to the devolved standards bodies in Wales, Scotland and Northern Ireland, which were also available to the Adjudication Panel in England before its abolition, are suspension for up to one year and disqualification for up to five years.

The devolved standards bodies have used the most serious sanctions available to them sparingly. In 2017/18, the Standards Commission for Scotland has only once suspended a councillor for more than six months (although a number of cases involved a councillor who stood down, where the Commission indicated it would have imposed suspension if it were available).⁸⁴

In 2016/17, the Northern Ireland Local Government Commissioner for Standards disqualified one councillor for three years, and suspended one councillor for three months.⁸⁵

In 2016/17, the Adjudication Panel for Wales suspended four councillors, all for fewer than six months.⁸⁶ However, it should be noted that almost 20% of references and appeals to the Adjudication Panel since 2012 have resulted in disqualification.

Stronger sanctions

We have concluded that stronger sanctions should be made available to local authorities.

We have not seen compelling evidence for introducing a power of disqualification. We consider that there is very strong reason to introduce a power of suspension, but this should only be for a period of up to six months. The evidence we received suggested that the suspension of allowances would form an important aspect of this sanction.

We would expect that such a power would be used rarely. Suspension should be used only in the case of the most serious breaches, such as serious cases of bullying and harassment, or significant breaches of the rules on declaring financial interests; or else in the case of repeated breaches or repeated non-compliance with lower level sanctions.

The sanctions that could be made available to local authorities depend upon the investigative processes and safeguards available to meet the requirements of due process. The more significant the sanction, the more important it is that the process ensures impartial application of sanctions. The evidence we have received suggests that the power to disqualify or suspend a councillor without allowances for longer than six months would likely require a formal independent tribunal arrangement in order to comply with a councillor's ECHR Article 6 right to a fair trial. We do not consider that such arrangements could be put in place without the introduction of a central standards body, which we reject for the reasons discussed in chapter 1.

84 Written evidence 106 (Standards Commission for Scotland)

85 Northern Ireland Local Government Commissioner for Standards (2017), *Annual Report 2016-17*. Available online at: <https://nipso.org.uk/site/wp-content/uploads/2017/12/NILGCS-Report-2016-17.pdf>

86 Adjudication Panel for Wales Register of Tribunals. Available online at: <http://apw.gov.wales/about/register-of-tribunals/?lang=en>



Recommendation 16: Local authorities should be given the power to suspend councillors, without allowances, for up to six months.

Legislation giving effect to this should ensure that non-attendance at council meetings during a period of suspension should be disregarded for the purposes of section 85 of the Local Government Act 1972, which provides that a councillor ceases to be a member of the local authority if they fail to attend council meetings for six consecutive months.

Giving legal certainty to councils

At the moment, councils who impose sanctions at the most serious end of the current range – premises bans and withdrawal of facilities – are doing so without a clear basis in statute or case law. The relevant case law on sanctions has expressly identified training, censure, or publicising the breach as within a council's power, but does not limit the available sanctions to only these. We have heard expert views on both sides of the argument as to whether measures such as premises bans are likely to be *ultra vires* or could be considered as tantamount to suspension; councils are therefore accepting a certain measure of legal risk in using these sanctions. The government should make clear what local authorities' powers are in this area, and put them beyond doubt in legislation if necessary.

As we have seen, sanctions serve a number of purposes in a standards framework, one of which is the prevention of further wrongdoing. Sanctions such as premises bans and withdrawal of facilities may be useful for this purpose, as part of a range of available sanctions.

Recommendation 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.

Criminal offences in the Localism Act 2011

The provisions in the Localism Act make it a criminal offence for a councillor to fail to comply with their duties to register or declare Disclosable Pecuniary Interests (DPI), participate in a discussion or vote in a matter in which they have a DPI, or take any further steps in relation to such a matter. The maximum penalty is a level 5 fine and disqualification as a councillor for up to five years. It is important to acknowledge the seriousness of such a matter and to continue to support the need for serious sanctions for non-compliance in these circumstances. However, the evidence we have received suggests overwhelmingly that resorting to the criminal law is not the most appropriate way to handle such misdemeanours.

The making of certain breaches a criminal offence does not seem to have worked as such matters have to be referred to the police who, from my experience, are not geared up to the local government world and do not (understandably) see such matters as a high priority to them...matters can take a long time and often end up being handed back to the council to deal with in any case.⁸⁷

Taunton Deane Borough Council

87 Written evidence 131 (Taunton Deane Borough Council)



The current arrangements are disproportionate. Failure to register or manage interests is a breach of the Seven Principles and damaging to the public interest, but it would usually be remedied by the application of internal sanctions. To potentially criminalise a public office-holder for what is essentially a code of conduct matter is inappropriate. It sets a high bar for the standard of proof and is a costly process for the public purse. It is also, inevitably, a long process which can be disproportionately stressful. We have heard evidence which suggests that the police are wary of the potential for politically motivated allegations and the highly sensitive nature of investigations to which they may not be able to allocate sufficient resources when budgets are constrained. We also heard of a number of instances where the police have not pursued cases referred to them.

Recommendation 18: The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.

Disqualification of councillors

The criteria for disqualification of councillors are currently relatively limited. In the case of a councillor being convicted of a criminal offence, they would only be disqualified if they are imprisoned for three months or more.

Current law on the disqualification of councillors

Under section 80 of the Local Government Act 1972, a person is disqualified from standing as a candidate or being a member of a local authority, if they:

- are subject to bankruptcy orders
- are imprisoned for three months or more on conviction of a criminal offence (without the option of a fine)
- are found personally guilty of corrupt or illegal practice in an election

They are also disqualified if they:

- are employed by the local authority
- are employed by a company which is under the control of the local authority
- are employed under the direction of various local authority committees, boards or the Greater London Authority
- are a teacher in a school maintained by the local authority

The Ministry for Housing, Communities and Local Government have committed to bringing forward legislation to add to the existing criteria for disqualification, following a public consultation in September 2017. The additional conditions will include being listed on the sex offenders register, receiving a Criminal Behaviour Order under section 22 of the Anti-social Behaviour, Crime and Policing Act 2014, and receiving a civil injunction under section 1 of the Anti-social Behaviour, Crime and Policing Act 2014. We support these changes, which will better reflect the expectations of the public.



Chapter 5:

Town and parish councils

Local government is made up of a number of tiers, of which town and parish councils are the most local. Their functions vary but may include: maintaining local amenities such as parks, cemeteries, and memorials; responding to planning consultations undertaken by principal authorities; producing neighbourhood development plans; and making grants or undertaking other activities to benefit their local communities. In recent years, however, many parish councils have undertaken a broader range of roles that traditionally were performed by principal authorities, such as economic regeneration and transport services.⁸⁸

While the vast majority of people who serve on town and parish councils do so for the benefit of their community and in doing so observe the Seven Principles of Public Life, the Committee received evidence suggesting that poor behaviour and serious misconduct by some councillors is creating significant disruption in those communities. The evidence also suggests that this misconduct can create a increased workload for the relevant principal authority.

Our predecessor Committees have excluded town and parish councils from their reviews into local government standards; we have chosen to focus on them because the number and nature of concerns shared with the Committee by those who work in and with parish councils was sufficient for us to question whether the present arrangements provide for good governance and meet the needs of the public.

Autonomy and accountability of parish and town councils

The oversight regime for parish councils is light-touch, in view of their comparatively lower budgets and limited remit compared to principal authorities.

There is, however, significant variation in the budgets of town and parish councils. A number of small parish councils have budgets of less than £25,000; but some may have budgets exceeding £1 million.

Parish councils with a precept of less than £25,000 are exempted from the need to have an annual assurance review or to appoint an external auditor to prepare their accounts. They are, however, required to comply with the government's Transparency Code for exempt authorities, and must appoint an auditor if an elector has an objection to the accounts.

Parish councils, unlike principal authorities, do not fall within the remit of the Local Government Ombudsman no matter their size or budget, so they are not subject to investigations or rulings on grounds of maladministration. This means that the stakes in some councils at this level are very high where there are either serious or persistent standards issues. Our view is that the current system does not take this potential risk into account.

Under the Localism Act 2011, much of the responsibility for standards in town and parish councils belongs to their principal

⁸⁸ Local Government Chronicle (2016), *Power to the people*. Available online at: <https://www.nalc.gov.uk/library/news-stories/2437-lgc-supplement-2016/file>



authority. We have seen a variety of models for how parishes relate to a principal authority in relation to standards. In many cases, the Monitoring Officer is the main point of communication, and communicates mainly with the clerk. Some councils maintain joint standards committees, with town and parish councillors sitting alongside councillors from the principal authority to discuss issues from both the principal authority and the parish councils, though parish council representatives cannot vote if the committee is a decision-making committee of the principal authority. We have also seen an important role played by county associations of local councils, who can maintain links with the principal authority through the senior officers and in some cases provide mediation and support on standards issues at the parish level.

One of the things we do in the CALC is provide an advisory service and someone to investigate what's gone on and someone to go along to listen to grievances.⁸⁹

Cornwall Association of Local Councils

When it comes to the day-to-day relationship with principal authorities, some parishes will see the principal authority as a point of support or advice on standards issues; some are heavily dependent on the principal authority to provide legal advice and to deal with governance or behavioural problems; but some have an antagonistic relationship with the principal authority and do not respect its formal remit in respect of ethical standards. As with the standards process within a council, the role of the Monitoring Officer is crucial in maintaining a positive and effective relationship with dependent parishes. We have also seen

the benefits of a strong relationship between senior officers (particularly the Monitoring Officer) and the county association of local councils.

We recognise the need to balance the autonomy of parish councils with accountability. The oversight of parish councils must be proportionate in relation to their comparatively limited budget and remit. Our view is that for the majority of parish councils, the current balance works well, although to address the standards issues which in a minority of councils have undermined good governance, we recommend changes below in the formal relationship between parish councils and principal authorities in relation to standards.

How effectively parish councils use their autonomy over their own governance is highly dependent on the skills, experience and support of the parish clerk. Clerks are sometimes the only employees of the council and also the repository of significant amounts of information, advice and guidance for councillors in undertaking parish business. Where the relationship between the councillors and their clerk is positive there is little need for additional accountability or support in the system.

However, we received evidence of substantial difficulties experienced where clerks are either inexperienced, untrained or feel isolated, particularly if they are the subject of poor behaviour on the part of councillors. Ongoing education and training of clerks would provide: confidence to some clerks on the scope and limits of their role; a network of peers who can provide advice and support when new situations arise that are challenging for a single clerk working alone; and a level of consistency and accountability to councillors, auditors

89 Sarah Mason, County Executive Officer, Cornwall Association of Local Councils, Visit to Cornwall Council, Monday 24 September 2018



and the public about the services a clerk can be expected to provide. There is, therefore, a significant need for clerks to be formally qualified (for example, through qualifications run by the Society for Local Council Clerks). Such qualifications need not be costly for parish councils.⁹⁰

Recommendation 19: Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.

Misconduct in parish councils

Analysis of survey responses from over 800 parish clerks, undertaken by Hoey Ainscough Associates on behalf of the Society of Local Council Clerks, suggests that 15% of parish councils experience serious behavioural issues such as bullying and disrespect towards other councillors or the clerk, and 5% of parish councils experience these issues to an extent that they are unable to carry out some or all of their proper functions.

We regularly come across cases of serious bullying and disrespect towards officers and fellow councillors, threatening and intimidating behaviour towards staff, obsessive behaviour and deliberate flouting of the need to declare interests. While such behaviour is very much in the minority it can seriously damage the reputation of an authority, as well as causing huge amounts of stress and effectively gumming up the workings of a council. This is particularly true at parish council level.⁹¹

Hoey Ainscough Associates

We heard of a number of individual cases of serious bullying or other unacceptable behaviour, particularly directed towards local council clerks, leading to high turnover of staff.

The impact often includes serious ill health, loss of employment, loss of confidence and a long-term detriment to their personal and professional lives. The parish sector experiences a high turnover of staff each year. In some areas of the country this can be up to 20-30% of clerks and a large element of this can be attributed to the underlying behaviour issues. We are aware of cases where the issues are long standing and repeated year on year, with multiple cycles of behavioural issues, loss of personnel and recruitment taking place.⁹²

Society of Local Council Clerks

The evidence we received suggests that reintroducing a power of suspension for local authorities, which would be applicable to parish councillors, may address some of these problems. Although many parish councillors are not paid, a suspension of six months would nevertheless remove them from decisions and communications for all meetings during that period. It would also send a strong message to the individual member and the community. We discuss sanctions in more detail in chapter 4.

The evidence we received also suggested that difficulties persist in resolving standards matters where clerks are not well supported by the parish council to formally make and resolve complaints, or to prevent behaviour from recurring. Parish councils should take corporate responsibility when allegations of a councillor

90 The basic level qualification offered by the Society of Local Council Clerks costs less than £120, and SLCC offer bursaries for clerks who work for parish councils with a very low precept

91 Written evidence 212 (Hoey Ainscough Associates)

92 Written evidence 197 (Society of Local Council Clerks)



bullying an employee are received. For example, where behaviour that is in breach of a code is observed by councillors or reported by a clerk, the parish council should lodge a formal standards complaint corporately or in the name of the chair. A clerk should not have to do so themselves. In addition to providing necessary support to the clerk in such circumstances, such measures signify to individual councillors that disruptive behaviour is not ignored or accepted by the council generally.

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.

Of the monitoring officers who responded to the SLCC 11% were unable to commit resources to supporting parish councils with behaviour issues with a further 49% only becoming involved when there is a complaint.⁹³

Society of Local Council Clerks

We have heard that dealing with standards issues in parish councils can be onerous for Monitoring Officers in principal authorities. Monitoring Officers reported to us that they could spend a high proportion of their working time on standards issues in parish councils, and that many of the cases that they had to deal with related to long-standing disputes or tensions, and so are not quickly resolved. We have heard a small number of concerning reports that Monitoring Officers have decided to decline to provide advice or accept

complaints received about or from parish councils about standards issues at the parish tier, citing insufficient resources and support for their work with parishes. Giving principal authorities the ability to deal more effectively with misconduct within parish councils should address to an extent the underlying problem of recurring standards issues, which we discuss below. Beyond this, Monitoring Officers need to be given the resources within their principal authority to allow them to carry out their duties in respect of parish councils as well as their own authority, and to be supported by senior management in doing so.

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.

Investigations and sanctions in town and parish councils

Under the Localism Act, a parish council may comply with the duty to adopt a code of conduct by adopting the code of its principal authority, or by adopting its own code.

The evidence we have received is that the variation in parish codes within a principal authority area is an additional burden on that principal authority when advising, investigating and adjudicating on code breaches.

For example, Cornwall Council is a unitary authority that oversees 213 parish councils, all of which, in theory, could have their own

93 Written evidence 197 (Society of Local Council Clerks)



individual code of conduct, on which Cornwall Council could be required to adjudicate. Through working with the Cornwall Association of Local Councils, Cornwall Council agreed a single code with all the parish councils.⁹⁴

Without the support of CALC in Cornwall, we could have ended up with 214 different codes across the county, and this would have created problems with training, which is delivered by Cornwall Council, and interpreting the code which falls to Cornwall Council to administer.⁹⁵

Cornwall Council

Only a principal authority has the power to undertake a formal investigation and decision on an alleged breach of a parish council's code under section 28(6) of the Localism Act.

We have concluded that it is anomalous that parish councils have the autonomy to adopt a code of conduct of their choosing, but do not have the authority to investigate and enforce that code.

We do not consider that parishes should be given the power to undertake a formal investigation on a breach of the code of conduct. Our evidence suggests that parish councils do not wish to take on this responsibility, and that they do not have the resources and structures necessarily to do so on a fair and impartial basis.

There is a need to balance the autonomy of parishes, with a recognition that ultimately the principal authority must be responsible for investigating breaches. We acknowledge the benefits of a councils being able to amend

their own code, which we discuss in chapter 2. Given this burden on principal authorities, however, and the confusion that often arises in the case of dual-hatted councillors, we consider on balance that the costs of giving parish councils the option to adopt their own code of conduct outweigh the benefits.

Recommendation 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.

Following *Taylor v Honiton Town Council*,⁹⁶ a parish council cannot substitute its own decision on an allegation for that of the principal authority. If it imposes a sanction on the councillor, it may only impose the sanction recommended by the principal authority. Whilst Taylor did not address the question directly, the evidence we have received from practitioners is that a parish council is not bound to implement a sanction even if that is recommended by the principal authority.

The Wychavon Committee feels that only having the power to make recommendations to parish councils regarding breaches of the code of conduct often leaves complainants feeling that there is little merit in bringing forward any complaint, especially when coupled with the current regime's stipulation that investigations cannot be pursued if a councillor leaves office.⁹⁷

Wychavon Borough Council

94 Written evidence 206 (Cornwall Association of Local Councils)

95 Written evidence 147 (Cornwall Council)

96 *Taylor v Honiton Town Council and East Devon District Council* [2016] EWHC 3307 (Admin)

97 Written evidence 78 (Wychavon Borough Council)



Accordingly, parish councils may disregard the sanction recommended by a principal authority. This may sometimes be due to an antagonistic relationship with the principal authority, or pressure from particular parish councillors not to implement the recommendation. This already prevents the effective holding to account of some parish councillors for misconduct. If, as we recommend, local authorities were given a power of suspension, under the current law a parish council could effectively ignore a decision to suspend one of its members. We therefore consider that any sanction imposed on a parish councillor following the finding of a breach should be determined by the parish's principal authority, which will require a change to section 28 of the Localism Act 2011.

Recommendation 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.

We have heard concerns that the judgement in *R (Harvey) v Ledbury Town Council*,⁹⁸ which was delivered during our review, prevents parish councils from taking action in the case of bullying. The principle that sanctions could not be applied to councillors outside of the formal investigation and decision process, involving an Independent Person, by a principal authority, is a straightforward application of the earlier judgment in *Taylor v Honiton Town Council*.⁹⁹ The evidence we have received is that this principle is the right approach: a parish council would not typically have the

resources to undertake a formal standards investigation; and sanctions should only be imposed following a fair and impartial process, as we discuss in chapter 3.

However, this does not suggest that there is no action that parish councils may take if an employee is being bullied. The evidence we have received from practitioners is that earlier case law has established that a parish council as a corporate body is vicariously liable for actions by an individual councillor which would involve an implied breach of their contractual obligations as an employer, including an implied obligation to provide a reasonable congenial working environment.¹⁰⁰ We understand that councils may therefore legally take proportionate, protective steps to safeguard employees if they are experiencing bullying or other unacceptable behaviour, for example, requiring that a particular councillor does not contact directly that named member of staff. However, for sanctions to be imposed, which are by nature punitive, then a formal complaint must be made, with an investigation undertaken by the principal authority.

98 *R (Harvey) v Ledbury Town Council* [2018] EWHC 1151 (Admin)

99 *Taylor v Honiton Town Council and East Devon District Council* [2016] EWHC 3307 (Admin)

100 See *Moore v Bude-Stratton Town Council* [2000] EAT 313_99_2703, which was affirmed in *Heesom v Public Service Ombudsman for Wales* [2014] EWHC 1504 (Admin), 82



Chapter 6: Supporting officers

Role of the Monitoring Officer

The Monitoring Officer is one of the three statutory officers in local government, alongside the Head of Paid Service (Chief Executive or Chief Officer) and the Chief Finance Officer (often referred to as the Section 151 Officer).

The three statutory officers need to work together. They are not separate. I have always had a practice of ensuring I held regular statutory officer meetings where we specifically talked about those things where one of us might want to intervene.¹⁰¹

Max Caller CBE

The post of Monitoring Officer is set out in statute in section 5 of the Local Government and Housing Act 1989. The original statutory role was to report to the council on any proposal, decision or omission by the council which is likely to give rise to a contravention of law or to maladministration. Given the legal aspect of the role, the Monitoring Officer is often the head of legal services in an authority. More recently, the role is often (but not always) combined with oversight of democratic services (the team of officers who prepare and co-ordinate agendas and papers for committee and council meetings).

The Local Government Act 2000 provided for a greater role for the Monitoring Officer on ethical standards.¹⁰² Guidance issued by the

then-Department for Environment, Transport and the Regions summed up its approach, following the passage of the Local Government Act 2000:

The monitoring officer will have a key role in promoting and maintaining high standards of conduct within a local authority, in particular through provision of support to the local authority's standards committee.¹⁰³

The Monitoring Officer (or their deputy) remains the lynchpin of the arrangements for upholding ethical standards in an authority.

We are aware of a perception that the role of the Monitoring Officer is becoming more difficult.

A survey of 111 Monitoring Officers, carried out by Local Government Lawyer, identified that the increasing complexity of local government decision-making, especially commercial decision-making and outsourcing, was a particular challenge in the role, especially where there is an imperative to drive forward projects and decisions. 38% of those surveyed said that the role had become more risky in 'a significant way', and 48% said that it was moderately riskier than in the past.¹⁰⁴

101 Max Caller CBE, Individual oral evidence, Thursday 20 September 2018

102 For example, in sections 59, 60, 66 of the Local Government Act 2000

103 Department for the Environment, Transport and the Regions (2000), *New council constitutions: guidance to English Authorities* (reissued by DCLG, 2006). Available online at:

<http://webarchive.nationalarchives.gov.uk/20120920053721/http://www.communities.gov.uk/documents/localgovernment/pdf/155181.pdf>

104 Local Government Lawyer (2018), *Monitoring Officers Report*. Available online at:

<http://www.localgovernmentlawyer.co.uk/monitoringofficers/?page=1>



The Monitoring Officer role is particularly varied and includes quite disparate aspects. A Monitoring Officer who also oversees a department of the council will have a role in senior management, and will be responsible for large teams. They will offer formal legal advice; but they will also act as a mediator and adviser in relation to standards issues. Some of the most significant difficulties for Monitoring Officers include the inherent potential for conflict when simultaneously:

- acting as a source of advice and guidance for members and officers (and parish councils for which they are the Monitoring Officer)
- assessing complaints in the first instance after it is received by a council
- obtaining and weighing advice from Independent Persons
- overseeing and managing investigations to determine whether serious breaches of the code of conduct have occurred, either personally or by seeking outside expertise and handling the consequential report and conveying it to members

The role involves a broad set of skills, and is broader than a chief legal adviser role. It is through the appropriate application of these skills and knowledge (including by developing a network of peers with whom Monitoring Officers can seek reassurance and check the consistency and fairness of their approach), that we have seen these competing pressures can be dealt with effectively.

The role of the Monitoring Officer in relation to ethical standards is no different to that in relation to their other statutory responsibilities. Dealing with complaints in relation to Members should not expose the Monitoring Officer to any greater risk of conflict. However, many have arrangements in place so that they do not advise the Standards Committee in relation to a complaint where they have been the investigating officer, etc.¹⁰⁵

Lawyers in Local Government

More nuanced but even far more serious complications can arise where the Monitoring Officer is overseeing an investigation into a senior member of the local authority, particularly a portfolio-holder. There is a potential conflict of interest, given the professional relationship between the Monitoring Officer and Cabinet members, in providing procedural and legal advice to enable them to pursue their objectives. In this case, the Monitoring Officer should be robustly supported and protected by the Chief Executive. Any investigation, even if outsourced to an independent investigator, should be overseen and managed ideally by the Monitoring Officer from a different authority, or failing that by a deputy, with the Monitoring Officer kept at arm's-length.

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.

¹⁰⁵ Written evidence 228 (Lawyers in Local Government)



Whilst the location of the Monitoring Officer in the organisational hierarchy may vary, depending on the nature and functions of the individual authority, we have heard that effective governance relies on a strong working relationship between the three statutory officers (Chief Executive, Section 151 Officer, and Monitoring Officer). In particular, a Monitoring Officer needs to be able raise issues of concern to the Chief Executive, and be able to rely on the support of the Chief Executive in making difficult decisions, to know that they will not be undermined. We have seen that the confidence and support of the Chief Executive is crucial to ensuring the Monitoring Officer has the ability to uphold standards in a council, and can engage authoritatively with individual members.

We accept that the role of the Monitoring Officer is a difficult one to navigate, given the tensions that may be involved in advising on and addressing misconduct, alongside offering legal advice to achieve the council and administration's corporate objectives. We have concluded, however, that it is not unique in these tensions. The role can be made coherent and manageable, with the support of other statutory officers.

Standing of statutory officers

Under the current disciplinary arrangements for statutory officers, any decision to dismiss a statutory officer must be taken by full council, following a hearing by a panel that must include at least two Independent Persons.¹⁰⁶ The previous protections applied in respect of any disciplinary action taken against a statutory officer, not just dismissal, and required the action to be recommended by a Designated Independent Person.

A few respondents to the consultation referenced the political pressure that Monitoring Officers come under to achieve particular outcomes and that this can place them in a conflicted as well as vulnerable position. The statutory protections for Monitoring Officers should be re-visited. LLG strongly supports this assertion.¹⁰⁷

Lawyers in Local Government

We have received a range of evidence on the implications of the changed environment for senior officers. We have heard of cases where Monitoring Officers have been put under undue pressure or forced to resign because of unwelcome advice or decisions, and heard that a diminished standing of senior officers has hampered their ability to give objective advice especially when this may not be welcome. On the other hand, we have heard that the current environment ensures that authorities are genuinely led by elected members, and that officers do not have too dominant a role in a local authority, which confuses the lines of accountability.

On balance, we consider that the disciplinary protections for statutory officers should be enhanced, by extending those protections to all disciplinary actions (such as suspension or formal warnings), not just dismissal.

Recommendation 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.

¹⁰⁶ Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 (SI 2015/881)

¹⁰⁷ Written evidence 228 (Lawyers in Local Government)



Training of officers

We also heard during the review of the danger of councillors or officers perceiving necessary processes and procedures in local government as arbitrary or bureaucratic. When councillors do not appreciate the rationale for the decision-making processes – that exist in order to ensure objectivity, integrity, openness, and accountability – that can lead to undue pressure on officers to ‘bend the rules’, and implement the wishes of the administration regardless of the proper processes.

Sometimes there is a denigration in the culture of an authority because the authority has been hollowed out. In that instance, there is no longer the core of individuals who know the rationale for the rules, rather than just the rules themselves.¹⁰⁸

Max Caller CBE

When officers do not appreciate the rationale for the governance processes, then they can be treated as a ‘rubber stamp’, circumvented, or simply not fully utilised, leading to a compromise in the quality of decision-making.

There is a need to remind people of why the systems of governance are there: why, for example, reports are taken in public.¹⁰⁹

Dame Stella Manzie DBE

Local authorities’ training on governance and process should therefore include an explanation of the rationale for the processes in place, and link specific procedures to their wider aim of ensuring ethical decision-making. Training and support in the governance and

corporate aspects of the statutory officer roles is particularly important, since we heard that there is not necessarily a standard training offer for the statutory aspects of senior officer roles. We discuss councillor induction training in greater detail in chapter 8.

Whistleblowing

The written evidence we received suggests that local authorities will generally have a whistleblowing policy in place.

Since the abolition of the Audit Commission, local government audit is undertaken externally by private companies. External auditors are listed as ‘prescribed persons’, those to whom certain disclosures in the public interest can be made that will attract employment protections under the Public Interest Disclosure Act 1998.

However, the evidence we received suggested that local authorities will not tend to specify a named contact or provide contact information within the external auditor. This would have the effect of deterring whistleblowers from contacting the auditor, or make it difficult to report a concern.

The perceived lack of independence of the current external regime for auditing local government, coupled with the absence of comprehensive information for the public, councillors, and officials as to who to contact in a private audit firm could deter individuals coming forward.¹¹⁰

Protect

108 Max Caller CBE, Individual oral evidence, Thursday 20 September 2018

109 Dame Stella Manzie DBE, Individual oral evidence, Monday 20 August 2018

110 Written evidence 305 (Protect)



Recommendation 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.

We therefore see benefits to councillors being listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998, to make it easier for individuals to make protected disclosures to a councillor.

Recommendation 24: Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.

Under the current whistleblowing law in the UK, councillors are not listed as a 'prescribed person', which means that the disclosure of information to them in the public interest must meet a higher standard in order to attract employment protections.

Whilst it is accepted that reporting concerns to councillors is not appropriate in all circumstances, there have from our experience been scenarios where concerns have not been dealt with at an internal level, and due to nuances of the individual situation, the most effective way of bringing about scrutiny of the concerns may be to inform elected local government councillors.¹¹¹

Protect

Under the current legislation, ordinary disclosure within a line management chain has a lower bar for attracting employment protection. Generally, an employee would therefore make a disclosure to their manager (for example), before making a 'wider disclosure'. However, we accept that there will be instances where a local government officer may feel able only to make a disclosure to a councillor, rather than another officer.

111 Written evidence 305 (Protect)



Chapter 7:

Councils' corporate arrangements

A more complex environment

A number of recent changes have created a more complex environment for local government which can impact on ethical standards.

Local Economic Partnerships (LEPs), which have access to up to £12 billion of funding via the Regional Growth Fund over five years, are one feature of this new environment. LEPs are partnerships between the private and public sectors. They usually cross local government boundaries, to reflect economic patterns rather than administrative functions. LEPs tend to be limited companies, but may also be voluntary partnerships that work through a specific local authority. LEPs are chaired by an individual drawn from the private sector and tend to have a majority private sector board. Funding was awarded to individual LEPs on the basis of the submission of strategic economic plans, and tends to be spent on areas such as transport or skills.

Councils may also embark on joint ventures – for example, partnering with a development company on a high-value housing project, or with an outsourcing firm to deliver back-office services. In such cases the council usually owns 50% of the company and is represented on its board.

Joint working and collaboration can improve outcomes by pooling resources and sharing knowledge. But partnerships also introduce complexity and mixed incentives that can create ethical risks.

The local government sector has also seen a significant change in the way councils are funded. Local government funding has moved from central block grant funding, towards locally-raised funds such as council tax precepts, business rates retention and fees.

Councils have been involved in high-value procurement for many years. However, this new funding environment has resulted in changes in the way that services are delivered, for example, by increased use of outsourcing. This may not always be a council's preferred mode of delivery and councils may feel forced to pursue a particular path in spite of the challenges in maintaining scrutiny, accountability, and high ethical standards.

The NAO has found that these changes have created an environment of financial uncertainty for local councils, who may find it difficult to match its revenue streams to cost pressures in discharging their statutory obligations.¹¹² The changes have therefore altered the imperatives for revenue generation, giving incentives for increasing the value of tax base from which council tax and business rates are raised, and for undertaking other revenue-generating activities, for example, by maintaining a commercial property portfolio.

¹¹² National Audit Office (2018), *Financial sustainability of local authorities*. Available online at: <https://www.nao.org.uk/report/financial-sustainability-of-local-authorities-2018/>



Resulting governance challenges

This complex environment – made up of partnerships, joint ventures, and other new entities – creates the potential for ethical risks. Ethical standards apply to how decisions are made, as much as to an individual's day-to-day conduct, and ethical decision-making is needed to ensure that councils act in the public interest.

In fact we often don't speak about it, all we talk about is people's conduct, whereas actually ethics comes into how decisions are made, how did you weigh this up against this, what constitutes fairness, what is the measure, what is the ethical basis for considering this or choosing this process.¹¹³

Barry Quirk CBE, Chief Executive, London Borough of Kensington and Chelsea

First, such complexity makes it difficult to identify who is accountable for particular decisions or outcomes. In turn, this can make it difficult for officers, councillors, and the public to hold local authorities and other sectoral bodies effectively to account. The *Municipal Journal*, reporting on a roundtable held jointly with the National Audit Office, quoted a participant who argued that “[...] governance has become impossible what with districts, counties, LEPs etc. What gets lost is the clarity of accountability.”¹¹⁴

Secondly, the complexity can create conflicts of interest. If a council officer or a councillor is a director of a limited company jointly-owned by the council, they will have fiduciary duties which have the potential to conflict with the interests of the council. Such conflicts may also

arise the other way around, when the council has to make decisions about a company in which it has a significant interest.

Thirdly, the growth in separate bodies – such as investment vehicles, joint ventures, and LEPs – can result in less transparency over decision-making. This is because the new bodies are not likely to be subject to the same reporting and transparency requirements and structures as the local authority itself, but are nonetheless carrying out functions crucial to the work of the authority. The need for proportionate commercial confidentiality adds a further dimension of complexity to this issue.

Responding to the new governance challenges

Setting up separate bodies

We have heard that local authorities setting up a separate body without sufficient clarity over the governance arrangements, can create a governance ‘illusion’, that because of its relative day-to-day independence the local authority is not responsible or accountable for its activities and propriety. To avoid this, attention needs to be paid to ethical governance at three key stages.

Individual members on outside bodies can be a problem; councillors' legitimacy comes from their election, and they need I think to import with them the ethical dimension that they have from being a councillor.¹¹⁵

Barry Quirk CBE, Chief Executive, London Borough of Kensington and Chelsea

113 Barry Quirk CBE, Individual oral evidence, Wednesday 19 September

114 “What next for care and health?”, *Municipal Journal*, 22 February 2018, 16

115 Barry Quirk CBE, Individual oral evidence, Wednesday 19 September 2018



First, local authorities may set up bodies with very different structures and functions, that will require different governance arrangements. However, it is important that at the earliest stage, the authority considers and makes decisions about:

- what the relationship will be between the body and the local authority
- what role the statutory officers will have in overseeing its activities and providing assurance on its governance
- how and when the body will report to full council
- what the relationship will be between the body and individual councillors
- how councillors will scrutinise the activities of the body, in particular if it will fall within the remit of the audit or scrutiny committee, and if not, how else scrutiny will happen

Secondly, additional consideration needs to be given to governance if councillors or officers are to be involved or appointed to the body, for example as observers or as board directors. Ideally, the body should be set up so that its interests are aligned with the council's policy aims, in order to minimise any potential conflicts of interest. Nevertheless, if councillors or officers are appointed to the body, they should receive briefing on their governance responsibilities, in particular their legal responsibility to discharge any fiduciary duties to the new body.

The local authority needs, in particular, to consider whether councillors' involvement on the board would constitute a conflict of interest that will need to be managed if the authority makes decisions about the body.

Councils need to put safeguards in place where they decide to involve a council representative in a decision-making position on an ALEO [arm's-length external organisation]. These include procedures for dealing with conflicts of interest, making training and advice available, and personal liability insurance to protect board members in their role.¹¹⁶

Audit Scotland, *Councils' use of arm's-length external organisations (ALEOs)*

Audit Scotland outlined the advantages and disadvantages of councillors sitting on separate bodies in their report, *Councils' use of arm's-length external organisations (ALEOs)*.

Potential advantages of council nominees as board directors or trustees

- can improve the relationship between the ALEO and the council
- can bring an insight into the council and its objectives and the broader community
- council representatives can gain valuable first-hand experience of service issues and different sectors

¹¹⁶ Audit Scotland (2018), *Councils' use of arms-length external organisations (ALEOs)*. Available online at: http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180518_councils_aleos.pdf



Potential disadvantages of council nominees as board directors or trustees

- can bring additional demands to their already diverse role
- representatives may lack the background, skills or understanding required of the role
- risk of conflict of interest between their role on the ALEO and their role on the council
- negative impact on council decision-making where councillors withdraw from committees owing to conflicts of interest
- exposure to legal risks and personal liability
- risk to continuity if councillors lose their position if not re-elected¹¹⁷

The disadvantages to councillors acting as directors or trustees for separate, council-owned or council-sponsored bodies suggests that this should not be considered a default option for local authority oversight of a separate body. Audit Scotland noted that, whilst they had not come across any cases of significant misconduct, appointing a member or officer in an observer or liaison capacity to the board of a body without a formal decision-making role could limit the potential for conflicts of interest.¹¹⁸

Council representatives can take a monitoring and liaison role as an alternative to taking a board position. This allows them to oversee and advise the ALEO without taking a decision-making role on the ALEO. Most of our sample group of councils had strengthened the role of such officers to give them greater seniority and influence. Their role involves managing the relationship between the council and the ALEO, and monitoring the performance of the ALEO and its compliance with its contracts or service agreements with the council.¹¹⁹

Audit Scotland, *Councils' use of arm's-length external organisations*

The code of conduct for councillors in Scotland includes a provision exempting councillors from the requirement to withdraw from a discussion where they have an interest, if that interest is by virtue of being appointed to a body which is 'established wholly or mainly for the purpose of providing services to the councillor's local authority' or which has 'entered into a contractual arrangement with that local authority for the supply of goods and/or services to that local authority'. This exemption was put in place "[...] so that ALEOs can function with councillors as members. It also recognises that it is not practical for a councillor to always remove themselves from council discussions relating to the ALEO".¹²⁰ However, councillors may still not take part in any decision-making in relation to that body where it is in a quasi-judicial capacity, and ideally not in decisions relating to funding of that body.

117 Audit Scotland (2018), *Councils' use of arms-length external organisations (ALEOs)*. Available online at: http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180518_councils_aleos.pdf

118 Audit Scotland (2018), *Councils' use of arms-length external organisations (ALEOs)*. Available online at: http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180518_councils_aleos.pdf

119 Audit Scotland (2018), *Councils' use of arms-length external organisations (ALEOs)*. Available online at: http://www.audit-scotland.gov.uk/uploads/docs/report/2018/nr_180518_councils_aleos.pdf

120 Standards Commission for Scotland (2016), *Advice for councillors on ALEOs*. Available online at: [http://www.standardscommissionscotland.org.uk/uploads/tiny_mce/160928%20Advice%20for%20Councillors%20on%20ALEOs\(FINAL\)%20.pdf](http://www.standardscommissionscotland.org.uk/uploads/tiny_mce/160928%20Advice%20for%20Councillors%20on%20ALEOs(FINAL)%20.pdf)



We accept that, in some circumstances, local authorities in England may be justified in granting a member a dispensation under section 33 of the Localism Act 2011 for decision-making regarding a separate body on which the member has a formal role. This is because the exact nature of any potential conflict will vary depending on the relationship between the authority and the body in question. Councillors should always declare their interest if they hold a position with a council-owned or council-sponsored body. However, in general, we suggest that local authorities consider councillors or officers having observer, rather than director, status on a relevant board so as to minimise potential conflicts of interest.

Thirdly, both the body and the local authority need to practice ongoing assurance, oversight, and transparency, and regularly review the governance procedures to ensure that they are still appropriate.

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.

Local Enterprise Partnerships (LEPs)

Our evidence suggests that there can be a lack of transparency around Local Enterprise Partnerships (LEPs), and gaps in the processes within LEPs to manage potential conflicts of interest.

I've encountered ward members during my LEP board experience, which works well. But more support is needed for LEP panel members in terms of processes and accessibility.¹²¹

Nicola Greenan, Director, East Street Arts, and LEP board member

An internal government review of the National Assurance Framework, led by Mary Ney, a non-executive director of MHCLG, found problems with the governance arrangements for LEPs. Ney found, for example, that whilst LEPs will adopt a conflict of interest policy and maintain registers of interests, “[...] the content of policies and approach to publication varies considerably and is dependent on the overall cultural approach within the organisation”.¹²²

The report also identified a need to consider “[...] the position of public sector members on LEP boards in the context of the changing role of local authorities and their increased involvement in commercial enterprises and alternative delivery mechanisms. This is currently somewhat underdeveloped in terms of LEP governance implications”.¹²³ Ney recommended that “[...] the National Assurance Framework requires LEPs to include in their local statements how scenarios of potential conflicts of interest of local councillors, private sector and other board members will be managed whilst ensuring input from their areas of expertise in developing

121 Nicola Greenan, Visit to Leeds City Council, Tuesday 18 September 2018

122 Department of Communities and Local Government (2017), *Review of Local Enterprise Partnership governance and transparency*, 6.1

123 Department of Communities and Local Government (2017), *Review of Local Enterprise Partnership governance and transparency*, 3.4



strategies and decision-making, without impacting on good governance".¹²⁴

We agree with Ney's conclusions and recommendations. We welcome MHCLG's commitment to implement in full the recommendations from the Ney review. We also welcome the department's commitment, in *Strengthened Local Enterprise Partnerships*, to improve scrutiny and peer review among LEPs.¹²⁵

Ethical standards and corporate failure

Our evidence suggests a strong link between failings in ethical standards and corporate failure by councils.

The most obvious way in which this can happen is through a culture of 'slackness', where low level breaches of ethical standards go unchallenged and unaddressed. This can then seep into the culture of an authority and allows for more significant wrongdoing to take place, which would have significant implications for the performance and reputation of the council.

However, in most cases the process is more complicated, and several factors are jointly present in order for serious corporate governance failings to take place. As part of our review, we examined reports from high-profile cases of corporate governance failure.

Tower Hamlets Borough Council (incidents between 2010-14, report by PWC Best Value inspection, 2014)¹²⁶

The Best Value report was commissioned by DCLG to consider four different areas where the council allegedly failed to provide 'best value': payment of grants; transfer of property; spending on publicity; and processes on entering into contracts. The report found problems within the local authority in respect of the first three strands.

The report noted a lack of transparency over reasoning for grant decisions, and an abrogation of governance and oversight by the relevant committee, who would discuss the detail of decisions rather than following and overseeing the overarching mechanisms and methodologies that the authority had put in place.

The report also concluded that there were potential conflicts of interests, as well as a lack of transparency and rigour in the reasoning of decisions to transfer property.

The inspectors found an ambiguity in the demarcation between official and political activity by officers.

The report concluded that there were inadequate governance arrangements, in particular a failure to follow declaration and conflict of interest requirements rigorously, and a failure of officers to follow through on resolutions relating to governance and oversight.

¹²⁴ Department of Communities and Local Government (2017), *Review of Local Enterprise Partnership governance and transparency*, 6.3

¹²⁵ Ministry of Housing, Communities and Local Government (2018), *Strengthened Local Enterprise Partnerships*

¹²⁶ PricewaterhouseCoopers LLP (2014), *Best value inspection of London Borough of Tower Hamlets*. Available online at: <https://www.gov.uk/government/publications/best-value-inspection-of-london-borough-of-tower-hamlets>



Doncaster Metropolitan Borough Council (incidents between 2005-09, report of the Audit Commission Corporate Governance Inspection, 2010)¹²⁷

The Audit Commission found in 2009 that Doncaster was a 'failing council'. Its governance failings at that time meant that it did not have the capacity to secure needed improvement in services. The Audit Commission identified three areas which were "[...] individually divisive and collectively fatal to good governance, each serving to compound and magnify the negative impacts of the others":

- the way the council operates to frustrate what the Mayor and Cabinet seek to do
- the lack of effective leadership shown by the Mayor and Cabinet
- the lack of leadership displayed by some chief officers, and the way they have all been unable to work effectively together to improve services

The commission concluded that councillors placed political objectives, in particular frustrating the work of the council leadership, above their public duties.

The inspection found that the scrutiny function in the council was not undertaking genuine scrutiny, but rather was acting as a parallel executive decision-making process, for example, in drawing up its own budget and policy rather than considering the proposals and decisions made by the Cabinet.

The 2009 IDeA ethical governance healthcheck found that individual councillor behaviours at Doncaster were "venomous, vicious, and vindictive".¹²⁸ The commission report likewise found evidence of bullying and intimidating behaviour, for example, "comments such as 'we have long memories' and 'we will get you' made to officers when, in the course of their professional duty, they have given advice which certain councillors are uncomfortable with or dislike".

The commission also found that officers were collectively unable to withstand pressure from some senior councillors, compromising their impartiality and leading to a loss of trust by other councillors. The report also suggested that the leadership style of the interim Chief Executive compromised the impartiality of officers; and that inexperienced leadership by the Mayor further weakened the governance of the council.

¹²⁷ Audit Commission (2010), *Doncaster Metropolitan Borough Council: Corporate Governance Inspection*. Available online at: <https://webarchive.nationalarchives.gov.uk/20121206054613/http://www.audit-commission.gov.uk/inspection-assessment/local-gov-inspection/reports/Pages/201004doncastermetropolitanboroughcouncilcorporategovernanceinspection.aspx>

¹²⁸ Cited in Audit Commission (2010), *Doncaster Metropolitan Borough Council: Corporate Governance Inspection*, para 34



Northamptonshire County Council (events taking place between 2015-17; report by Max Caller CBE, Best Value Inspector, 2018)¹²⁹

Whilst the problems faced by Northamptonshire Council were primarily financial, underlying these was a lack of scrutiny, both at an overall level and at the level of individual councillors being permitted to ask questions.

The inspection team said that they were “[...] struck by the number of councillors who told us that they had been refused information when they sought to ask questions”.

“Members told us that they had been informed that ‘you can only ask that at scrutiny meetings and not outside a meeting’ that ‘I need to get permission from the Cabinet member to discuss this with you’ or just not getting a response. Councillors told us that they felt if they asked difficult questions at Audit Committee or scrutiny meetings they would be replaced and there was some evidence to support this.”

The report also commented that “[...] there had been no attempt to review either successful or unsuccessful budget inclusions in past years to learn lessons as to why things went well or failed to be delivered”.

Based on these reports, and our broader evidence, we have identified three common threads in cases of corporate governance failings, all of which are linked to failures in upholding the Seven Principles of Public Life.

First, an unbalanced relationship between members and officers. This involves a breakdown in the structures of accountability and objectivity, which should allow officers to provide quality, impartial advice to the members who are ultimately accountable for the work of the council. When this is unbalanced, with either officers or members becoming over-dominant, or a blurring of the official and political, there is a risk that decisions are not made in the public interest.

What you see in cases of corporate failure is that the relationship between members and officers gets ‘bent’ – either with over-dominant councillors and weak officers, or indeed vice versa. A ‘member-led authority’ can become ‘member-dominant’.¹³⁰

Dame Stella Manzie DBE

Secondly, a lack of understanding and appreciation of governance processes and scrutiny. All the examples we describe above involve a lack of a proper scrutiny function, fundamental to the Nolan Principles of openness and accountability. Scrutiny, oversight, and audit processes can stagnate when there is a lack of appreciation of why they exist. Scrutiny should not be a process of rubber-stamping, but rather a probing of policy intent, assessment of financial viability, testing of assumptions, and weighing of evidence to ensure that decisions made, are made in the public interest. Local authorities should therefore not be afraid of the scrutiny function or treat it lightly, but should welcome opportunities to strengthen proposals and realise the benefits of bringing potential issues to light at an early stage.

¹²⁹ Max Caller CBE (2018), *Northamptonshire County Council Best Value Inspection*. Available online at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/690731/Best_Value_Inspection_NCC.pdf

¹³⁰ Dame Stella Manzie DBE, Individual oral evidence, Monday 20 August 2018



If you don't maintain a culture, it doesn't happen by itself. You have to work on it, live it, you have to work on it with people who try and breach it (because they don't understand). A good ethical culture atrophies quite quickly.¹³¹

Max Caller CBE

Thirdly, a culture of fear or bullying. This was a strong theme of the cases we considered. When individuals are fearful of speaking up then poor behaviour goes unreported and can become part of an authority's culture. Similarly, when an individual is subject to bullying by another, this can result in undue pressure to act, or refrain from acting, in a way that is contrary to the public interest. A culture of fear or bullying is fundamentally a failure of leadership, whether leaders fail to tackle wrongdoing when it occurs or are themselves the ones who are doing the bullying.

Left unchecked, standards risks can be realised and become instances of corporate failure. The danger of corporate failure points to a need for councils to identify when standards and governance are at risk, and develop and maintain an ethical culture, to protect against those risks in their own authority.

¹³¹ Max Caller CBE, Individual oral evidence, Thursday 20 September 2018



Chapter 8: Leadership and culture

Leadership

Leadership is essential in embedding an ethical culture. We have considered throughout our review where, primarily, leadership comes from in local government – who sets the tone when it comes to ethics and standards. We have concluded that leadership is needed from a range of senior individuals, given the multi-faceted nature of local government and the distinctive remits of different roles.

Leadership is needed from a local authority's standards committee. Standards committees play a role not just in formally adjudicating on alleged breaches of the code of conduct, but by continuously reviewing ethical standards in the council, and drawing the authority's attention to areas where standards could be better upheld. Standards committees should see themselves as playing a leadership role in setting expectations of behaviour and continually holding the authority to account on standards issues.

The Chief Executive also plays an important role, especially among officers. Their leadership role includes modelling high standards of conduct, particularly those distinctive to officers in respect of political impartiality and objectivity. But the Chief Executive must also show leadership by empowering other senior officers – such as the Monitoring Officer – to carry out their role effectively. The Chief Executive is ultimately responsible for guarding the demarcation between officers and members, and needs to be clear about when members need to take a decision, and when officers should have the discretion to carry out their roles as they see fit.

If the Chief Executive is weak and senior officers are not backed up then they are stymied as there is nowhere else to go.¹³²

Dame Stella Manzie DBE

Leaders of political groups play a vital leadership role among councillors. Political group leaders set the tone for how new councillors will engage with each other, and set expectations for how councillors will engage with officers. Leader of political groups not only need to model high standards themselves, but should be quick to address poor behaviour when they see it. They should seek to mentor and advise councillors in their party on how to maintain standards of conduct, and be willing to use party discipline when necessary. The leader of the council plays an important role here: as the most visible group leader, they should model the highest standards of conduct and address any poor behaviour by portfolio-holders.

Where group leaders can appoint councillors to the standards committee, they should demonstrate leadership by appointing members who have the experience and commitment to fulfil that role effectively.

Last, there is a leadership role played by the chair of the council. When this post is occupied by a senior and respected member, they can play a role in setting the tone of full council meetings, and ensure that councillors – regardless of party group – are aware of the expectations for how they engage with each other and with officers. This is particularly important in order to provide support for councillors who are not members of a political group, which we discuss further below.

¹³² Dame Stella Manzie DBE, Individual oral evidence, Monday 20 August 2018



Turning around a culture

As part of our review, we took evidence from a number of experienced Chief Executives and Commissioners who have each turned around an unhealthy organisational culture in one or more local authorities.

This evidence, alongside our consideration of reports on corporate failures at specific authorities over the recent years, suggests that four measures are needed from senior leaders in order to turn around an unhealthy culture.

First, senior leadership modelling the expected behaviours and signalling from the first day how these behaviours look, sound and feel. This is particularly the case, as we have discussed above, in the early days of a new council or in the case of corporate renewal, once new senior officers or commissioners have been put in place. As well as modelling the expected behaviour, this element of installing and maintaining an ethical culture is about a present, visible and accessible leadership.

As a leader in a council in trouble I think you have to be absolutely clear what you expect, and model that behaviour every day.¹³³

**Max Caller CBE, Commissioner,
Northamptonshire County Council**

I meet every new starter and tell them “You are a fresh pair of eyes. Do call things out. You are a really valuable asset”, so you set that expectation to challenge and seek improvement really early on.¹³⁴

**Dawn French, Chief Executive,
Uttlesford District Council, Essex**

This demonstrated form of visible leadership can also straddle the member-officer divide, with meetings between new officers and council and group leaders to discuss standards being routine until the tone of the council is reset.

Secondly, an attentiveness to even small practices that do not match expected behaviour. Taking a ‘zero tolerance’ approach even to small breaches may be disproportionate when there is a healthy culture, but is necessary to embed the required behaviours when trying to reverse an unhealthy culture.

There have been standards issues in the authorities in which [I have worked], ranging from informality about the parking passes, to trying to keep information away from the opposition, to informality in granting licences, or to circumventing proper financial regulations. Even the lowest level of wrongdoing needs attention, through a private conversation, and when unaddressed can lead to more significant wrongdoing.¹³⁵

Dame Stella Manzie DBE

Thirdly, the timely, fair and accurate identification by senior leadership of opportunities for development and occasions for discipline of those who are in danger of breaching the rules. An effective leader turning around an unhealthy culture will identify the underlying motives of behaviour, to judge whether it is more appropriate privately to advise and correct an individual, or to discipline them.

¹³³ Max Caller CBE, Individual oral evidence, Thursday 20 September 2018

¹³⁴ Dawn French, Visit to Uttlesford District Council, Monday 10 September 2018

¹³⁵ Dame Stella Manzie DBE, Individual oral evidence, Monday 20 August 2018



Opportunities to develop individuals to build a more effective culture may change over time, and this is even more the case for a council experiencing a period of transition.

Fourthly, whilst there is clearly a role for interim appointments in order to provide transitional leadership, interim arrangements should not be overstretched, to allow new leaders to embed long-term changes to the organisation's culture.

When you have prolonged interim officers, that has a problem for the culture in the longer term. In the interim term, they [interim appointees] can never start to work on those sorts of things.¹³⁶

**Max Caller CBE, Commissioner,
Northamptonshire County Council**

The role of political groups

Whilst political parties can form only part of the system, and are not a substitute either for effective senior officers, or for the formal standards process, they nevertheless have an important role to play in showing leadership and maintaining an ethical culture.

All the political parties need to get a lot more organised and coherent about standards in local authorities. That would still be important even if local authorities had the power to sanction councillors.¹³⁷

Dame Stella Manzie DBE

The role of party groups in maintaining an ethical culture can be conceptualised in two ways. The first is a 'parallel' model, where the activities of political groups are undertaken in parallel alongside activities of the local

authority, for example, parallel disciplinary processes, training, and so on. The second is a 'layered' model, where political groups play a distinct role that sits between direct advice from officers on the one hand and formal processes undertaken by the local authority on the other.

We see risks in local authorities adopting a 'parallel' model. In practice, parallel processes will mean either that political groups are not used and engaged with effectively, which neglects opportunities for informal training and resolution; or that the effective standards training and discipline become, in time, delegated to political groups, which lacks the necessary checks, independence, and transparency. Such a model also tends to depend heavily on individual post-holders, which means that the authority may face standards risks if there is a change either in political leadership or in those occupying senior officer posts.

Rather, local authorities should see political groups as a semi-formal institution in the 'layered' model. We heard that group whips will often see mentoring new councillors and supporting existing councillors as an important part of their role. When it comes to training, local authorities should value and utilise the informal mentoring and support within political groups that can complement the formal training offered by the local authority and advice from officers. Senior officers should regularly engage with group whips and group members to understand the training needs of members and to ensure that the right expectations are set for how councillors act in the chamber, on committees, with officers, and on outside bodies.

With respect to disciplinary processes, ideally the Monitoring Officer or deputy should

¹³⁶ Max Caller CBE, Individual oral evidence, Thursday 20 September 2018

¹³⁷ Dame Stella Manzie DBE, Individual oral evidence, Monday 20 August 2018



seek early, informal resolution of emerging issues with members. If, for whatever reason, it is considered that a direct approach is inadvisable or the issue is politically sensitive, senior officers should seek to work with group leaders and whips in order to address the issue of a member's conduct. Where there is a formal complaint, or the issue is a serious one, the formal standards processes should be followed, with the necessary checks and transparency.

There is a balance here, and it is about degrees; I know there are times when it's right to go through a formal process in the council with the greater transparency that brings. But there are also times when any sanction would fail if it went through that process. But actually the person probably has gone further than they should have done, it's up against that fine line of the Seven Principles and what they need is a stern warning. It's better sometimes to have that reflected on during 30 days' suspension from their group rather than go through a formal process that finds that there is insufficient evidence.¹³⁸

**Cllr Rory Love, Chairman,
Conservative Councillors' Association**

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

We heard evidence of the difficulties presented by new political groups, or independent members who sit outside the formal group structures. New political groups will not always enable the mentoring of new councillors, to

set expectations of behaviour, or for officers to draw on long-standing working relationships with group leaders. In the case of councillors who sit outside group structures, party discipline and the use of informal approaches to deal with potential misconduct are not possible. As a result, we heard that, generally, political groups can maintain ethical standards more effectively in an authority when they tend to be larger and better resourced. This points to a need for officers to provide greater support and ensure a full induction process for councillors who lack the support of an established political group.

Building an ethical culture

The aim of a standards system is ultimately to build an ethical culture: to embed high standards throughout an organisation, so that it becomes an integral part of how the organisation works as a whole, and how each individual person goes about their role within it. Having a system which effectively investigates complaints which is punitive where necessary is important; what is more important is a system which enables good behaviour.

An ethical culture starts with tone. A civil tone when conducting politics is the basic starting point for a healthy ethical culture. This is true both for the relationship between councillors and officers, and the relationship between different councillors. A common aim of elected members and those supporting them is to work for the benefit of the community they all serve. This provides a solid basis for an ethical culture. Of course, such civility does not mean that individual members or officers should not feel free to challenge or pursue inquiries, but concerns can be expressed in such a way as to be constructive and civil in tone.

Secondly, a local authority needs to set clear expectations of behaviour, as well as its

¹³⁸ Cllr Rory Love, Individual oral evidence, Wednesday 27 June 2018



underlying rationale, namely to enable the local authority to perform its functions in a way which is in the public interest. This behaviour needs to be modelled by senior leaders and the expectations of behaviour need to be followed through in advice from officers and group leaders, and any party discipline or sanctions process. The expected behaviour of councillors needs to be set out at an early stage in induction and training programmes.

Our evidence from local authorities suggests that induction for councillors at the earliest stage is crucial to ensuring high standards of conduct. Councils we visited that had not previously arranged training or left it until the dynamics of the groups were set after a new term, were now putting plans in place to ensure that training could occur at an earlier stage in subsequent terms. Councils who perceived they had an effective ethical culture attributed this to early and effective induction of councillors with clear messages from senior leadership about attendance.

To be successful, induction training should not be dry or compliance-focussed, but should set out the rationale for high standards in public life, and should be scenario-based so that councillors can engage with concrete examples and see the relevance of standards to different areas of activity in which they might be involved.

The evidence we received suggests that such training, even where offered, may not always be taken up by councillors. We therefore suggest that a stronger role should be played by political groups and national political parties to ensure that councillors attend relevant training on ethical standards where this is offered by their local authority.

Recommendation 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.

We have considered whether any particular voting pattern – electing councillors every four years, in halves, or in thirds – makes it easier to induct councillors or to preserve an ethical culture. We have concluded that each pattern has advantages and drawbacks in preserving an ethical culture, given the trade-off between regularity of turnover, and the proportion of councillors who are potentially replaced at each election. There is no ‘optimal’ pattern; what matters more is early induction by the local authority.

Thirdly, an objective, impartial Monitoring Officer, who enjoys the confidence of members and of senior officers, is essential. It is important that councillors of all parties know that they can approach the Monitoring Officer in confidence for authoritative and impartial advice.

Fourthly, an ethical culture is an open culture. A local authority should take an open approach to its decision-making, with a presumption that reports and decisions should be public unless there are clear and lawful reasons that the information should be withheld.

When scrutiny is seen as an unnecessary evil and that is what the culture is, it is difficult to know whether decisions are being made properly.¹³⁹

**Max Caller CBE, Commissioner,
Northamptonshire County Council**



We have been concerned by reports of councils relying unnecessarily on commercial confidentiality as a reason to withhold information, and of using informal working groups or pre-meetings in order to hold discussion out of the view of the public, in full cabinet or full council. As the House of Commons Communities and Local Government Committee concluded in relation to commercial information held by local authorities, “[...]we cannot see a justification for withholding such information from councillors [...] councils should be reminded that there should always be an assumption of transparency whenever possible, and that councillors scrutinising services need access to all financial and performance information held by the authority”.¹⁴⁰

High quality and engaged local journalism can help to maintain standards by bringing to light council’s decisions and councillors’ behaviour. We heard in Camden Council, for example, that maintaining an ethical culture was helped by a highly engaged civic community and strong local press, due to the expectation that behaviour and decisions would be publicly reported.

In Camden, we have a very active local press. There is not much that we do that doesn’t get reported. That is probably one (amongst a number) of the positive drivers towards high standards among councillors – what our councillors do and how they behave matters as it is noticed and reported on.¹⁴¹

**Andrew Maughan, Monitoring Officer,
Camden Council**

We are aware, however, that there is a decline of public interest journalism undertaken by the local press in many areas of the country. In some areas of the UK, public-interest journalism is undertaken privately by bloggers, but the quality of such journalism can vary significantly. This suggests to us that local government as a sector cannot rely on public interest journalism to provide the requisite transparency in decision-making; rather local authorities must have the right processes and attitudes in their own organisation to enable external scrutiny of behaviour and decisions.

The role of public-interest journalism is ‘telling people things they didn’t know’. It includes both an investigative aspect and encouraging public engagement with local democracy.¹⁴²

Darryl Chamberlain, editor, 853 blog

The scrutiny function within a local authority is vital to ensure effective and ethical decision-making. An authority should welcome and support scrutiny, seeing it as an opportunity to improve the quality of decision-making by challenging assumptions, probing policy intent, and testing viability. An authority should ideally take a risk-based approach to scrutiny, submitting decisions which carry the greatest risk to the greatest degree of scrutiny. The definition of risk should be based on the risk to the public interest, in respect of the authority’s duties, not reputational risk to the organisation.

¹⁴⁰ House of Commons Communities and Local Government Committee (2017), *Effectiveness of local authority overview and scrutiny committees*, HC 369, para 41

¹⁴¹ Andrew Maughan, Visit to Camden Council, Monday 15 October 2018

¹⁴² Darryl Chamberlain, Individual oral evidence, Tuesday 4 September 2018



[In an unhealthy organisational culture], self regard takes over and leaders end up spending their time looking at risk registers about reputational damage, rather than what the risks to the public are.¹⁴³

**Barry Quirk CBE, Chief Executive,
Royal Borough of Kensington &
Chelsea**

Councils should be open to processes such as peer review, for example, as offered through the Local Government Association, in order to test the effectiveness of their culture and organisational and governance structures. Such reviews should also include consideration of the processes the authority has in place to maintain ethical standards.

Common law rights of councillors to know what is going on are well established in local government. It is not about regulations (although they are there), it is about making sure the culture says 'these people are elected and have entitlement to know and there are some rules about confidentiality'. They can't pursue cases where they have individual reasons for not being involved.¹⁴⁴

**Max Caller CBE, Commissioner,
Northamptonshire County Council**

Recommendation 26: Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.

In the first instance, officers and portfolio-holders need to take decisions in a way that are open to scrutiny by council members. Local government differs from central government in that officials are accountable to full council, not to the administration. Council officers therefore have a general obligation to provide information to councillors and to account for decisions to councillors. Officers should ensure that members are aware of their right to gain information and to ask questions, and the culture of the authority should reflect the accountability of officers and the administration to full council.

143 Barry Quirk CBE, Individual oral evidence, Wednesday 19 September 2018

144 Max Caller CBE, Individual oral evidence, Thursday 20 September 2018



Conclusion

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

Throughout this review, we have seen and heard that both councillors and officers want to maintain the highest standards in their own authorities. The challenge is to maintain a system that serves the best instincts of councillors and officers, whilst guarding against corporate standards risks, and addressing the problem of a small minority of councillors who demonstrate unacceptable behaviour.

A robust system, which includes adequate codes of conduct, investigation mechanisms and safeguards, and – where necessary – punitive sanctions, is important. What is more important, however, is a system and culture that enables good behaviour.

Our recommendations represent a package of reforms to strengthen and clarify the existing framework for local government standards. Whilst many of our recommendations would require primary legislation – whose implementation would be subject to Parliamentary timetabling – we would expect that those recommendations only requiring secondary legislation or amendments to the Local Government Transparency Code could be implemented by government relatively quickly. The best practice we have identified is, in most cases, already operating in a number of local authorities. Taken as a whole, this best practice represents a benchmark that any local authority in England can and should implement in their own organisation. We intend to monitor the uptake of our best practice in 2020.

Ultimately, however, responsibility for ethical standards rests, and should remain, with local authorities. Senior councillors and officers must show leadership in order to build and maintain an ethical culture in their own authority.

We are confident that local government in England has the willingness and capacity to maintain the highest standards in public life; the recommendations and best practice we have outlined will enable them to do so.



Appendix 1: About the Committee on Standards in Public Life

The Committee on Standards in Public Life (the Committee) is an advisory non-departmental public body sponsored by the Cabinet Office. The chair and members are appointed by the Prime Minister.

The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference: *“To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.”*

The remit of the Committee excludes investigation of individual allegations of misconduct.

On 12 November 1997, the terms of reference were extended by the then Prime Minister: *“To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.”*

The terms of reference were clarified following the Triennial Review of the Committee in 2013. The then Minister for the Cabinet Office confirmed that the Committee *“[...] should not inquire into matters relating to the devolved legislatures and governments except with the agreement of those bodies”, and that “the government understands the Committee’s remit to examine ‘standards of conduct of all holders of public office’ as encompassing all those involved in the delivery of public services, not solely those appointed or elected to public office”.*

The Committee is a standing committee. It can not only conduct inquiries into areas of concern about standards in public life, but can also revisit those areas and monitor whether and how well its recommendations have been put into effect.

Membership of the Committee, as of January 2019

Lord (Jonathan) Evans of Weardale KCB DL,
Chair

The Rt Hon Dame Margaret Beckett DBE MP
Simon Hart MP

Dr Jane Martin CBE

Dame Shirley Pearce DBE

Jane Ramsey

Monisha Shah

(leave of absence since October 2018)

The Rt Hon Lord (Andrew) Stunell OBE

Secretariat

The Committee is assisted by a Secretariat consisting of Lesley Bainsfair (Secretary to the Committee), Ally Foat (Senior Policy Advisor), Stuart Ramsay (Senior Policy Advisor), Nicola Richardson (Senior Policy Advisor) (from January 2019), Aaron Simons (Senior Policy Advisor) (from January 2019), Lesley Glanz (Executive Assistant) (from December 2018) and Amy Austin (Executive Assistant and Policy Advisor). Press support is provided by Maggie O’Boyle.

Professor Colin Copus acted as academic advisor to the Committee during the review.



Appendix 2: Methodology

The Committee used a range of methods as part of its evidence gathering for this review, including:

- a public consultation, which received 319 responses, published online alongside our review
- 30 individual stakeholder meetings
- desk research, including:
 - research on the legal framework for local government standards
 - analysis of a sample of 20 principal authority codes of conduct
 - analysis of reports of corporate failure
- roundtable seminars, with Monitoring Officers, clerks and Independent Persons; and academics and think tanks
- five visits to local authorities in England

Stakeholder meetings

The Committee held 30 meetings with individual stakeholders. These meetings were all held on the basis that the no note of the meeting would be published, and material from the meeting would only be quoted in our report with the permission of the individual concerned.

Name	Role and organisation
Marie Anderson	Northern Ireland Local Government Commissioner for Standards
Nick Bennett	Public Service Ombudsman for Wales
Clive Betts MP	Chair, House of Commons Housing, Communities and Local Government Committee
Max Caller CBE	Best Value Inspector, Northamptonshire County Council
Darryl Chamberlain	Editor, 853 blog
Kirsty Cole	Deputy Chief Executive, Newark and Sherwood District Council
Kevin Dunion OBE*	Convenor, Standards Commission for Scotland
Jonathan Goolden	Wilkin Chapman LLP
Justin Griggs	National Association of Local Councils



Name	Role and organisation
Cllr Liz Harvey	Councillor and subject of R (Harvey) v Ledbury Town Council
Cllr Simon Henig CBE	Chair, Association of Labour Councillors
Mayor Dave Hodgson	Chair, Association of Liberal Democrat Councillors
Lorna Johnston	Executive Director, Standards Commission for Scotland
Lord (Robert) Kerlake	Former Permanent Secretary, Department of Communities and Local Government
Michael King	Local Government Ombudsman
Cllr Rory Love	Chairman, Conservative Councillors' Association
Dame Stella Manzie DBE	Former Chief Executive, Birmingham City Council
Graeme McDonald	Chief Executive, Solace
Jacqui McKinlay	Chief Executive, Centre for Public Scrutiny
Diana Melville	Governance Advisor, CIPFA (The Chartered Institute of Public Finance and Accountancy)
Aileen Murphie and Abdool Kara	National Audit Office
Mark Norris	Local Government Association
Cllr Marianne Overton MBE	Local Government Association Vice Chair (Independent)
David Prince CBE	Former Chief Executive, Standards for England, and former member of CSPL
Dr Barry Quirk CBE	Chief Executive, Royal Borough of Kensington and Chelsea
Cllr David Simmonds CBE	Former Local Government Association Vice Chair (Conservative)
John Sinnott and Lauren Haslam	Chief Executive and Director of Law and Governance, Leicestershire County Council
Rishi Sunak MP	Minister for Local Government
Richard Vize	Former editor, Local Government Chronicle
Rob Whiteman	Chief Executive, CIPFA (The Chartered Institute of Public Finance and Accountancy)

* Presentation on the work of the Standards Commission for Scotland at the Committee's October 2018 meeting



Roundtable seminars

The Committee held two roundtable seminars as part of this review. The first took place on Wednesday 18 April 2018 in Birmingham, with Monitoring Officers, clerks, and Independent Persons, and was held on the basis that a non-attributed summary note of the seminar would be published following approval by attendees, but verbatim material from the seminar would only be quoted in our report with the permission of the individual concerned. The summary note was published on our website on 14 May 2018. The second took place on Tuesday 24 April 2018, with academics and think tanks, and was held on the basis that a transcript of the seminar would be published following approval by attendees. This was published on our website on 14 May 2018.

Monitoring Officers, Clerks, and Independent Persons roundtable Wednesday 18 April

Name	Organisation
Dr Peter Bebbington	Stratford-upon-Avon District Council
Lord (Paul) Bew	Committee on Standards in Public Life
Kate Charlton	Birmingham City Council
Tom Clark	Mid Sussex District Council
Professor Colin Copus	Local Governance Research Unit, Leicester Business School
Jonathan Goolden	Wilkin Chapman LLP
Philip Horsfield	Lawyers in Local Government
Simon Mansell MBE	Cornwall Council
Tim Martin	West Midlands Combined Authority
Dr Jane Martin CBE	Committee on Standards in Public Life
Sharn Matthews	Northampton Monitoring Officers Group
Megan McKibbin	Ministry of Housing, Communities and Local Government
Lis Moore	Society of Local Council Clerks
Dr Jonathan Rose	Department of Politics & Public Policy, De Montfort University
Richard Stow	Herefordshire County Council
Meera Tharmarajah	National Association of Local Councils
Jeanette Thompson	North Hertfordshire District Council



**Academics and think tanks roundtable
Tuesday 24 April 2018**

Name	Organisation
Lord (Paul) Bew	Committee on Standards in Public Life
John Cade	INLOGOV, University of Birmingham
Professor Colin Copus	Local Governance Research Unit, Leicester Business School
Ellie Greenwood	Local Government Association
Paul Hoey	Hoey Ainscough Associates
Dr Jane Martin CBE	Committee on Standards in Public Life
Megan McKibbin	Ministry of Housing, Communities and Local Government
Jacqui McKinlay	Centre for Public Scrutiny
Mark Norris	Local Government Association
Dame Shirley Pearce DBE	Committee on Standards in Public Life
Jane Ramsey	Committee on Standards in Public Life
Rt Hon Lord (Andrew) Stunell OBE	Committee on Standards in Public Life
Brian Roberts	CIPFA (Chartered Institute for Public Finance and Accountancy)
Professor Tony Travers	London School of Economics and Political Science
Daniel Thornton	Institute for Government



Local authority visits

The Committee undertook visits to five principal authorities in England. The five local authorities were selected to ensure a representative range of geographies, tiers of local government, and political control. All five authorities had made written submissions to the Committee's consultation.

Local authority	Date	Meetings
Uttlesford District Council	10 September 2018	Standards committee; Chief Executive; Monitoring Officer; Independent Persons; parish council chair; Essex Association of Local Councils
Worcestershire County Council	11 September 2018	Standards committee; group leaders; Chief Executive; Monitoring Officer; Independent Person; independent members of standards committee
Leeds City Council	18 September 2018	Standards committee; Chief Executive; Deputy Monitoring Officer; Independent Person; Leader and Deputy Leader; Leader of the Opposition; group whips; community representative
Cornwall Council	24 September 2018	Standards committee; Chief Executive; Monitoring Officer and Deputy Monitoring Officer; Leader; Independent Persons; independent members of standards committee; Cornwall Association of Local Councils
Camden Council	15 October 2018	Monitoring Officer; Chief Executive; Administration Chief Whip; Leader of the Opposition; Independent Person*

*Follow-up telephone conversation

Committee on Standards in Public Life

Room GC.07, 1 Horse Guards Road, London SW1A 2HQ

Tel: 020 7271 2948

Email: public@public-standards.gov.uk

January 2019

Report to Council – 17 March 2020

Report of Cabinet – 2 March 2020

Cabinet met on 2 March 2020. The minutes are published on the Council's website.

The following Members were present at the meeting:

Present: Mayor Taylor (Chair)
Councillor Collett (Deputy Mayor and Portfolio Holder for Community)
Councillor S Johnson (Portfolio Holder for Property and Housing)
Councillor Sharpe (Portfolio Holder for Regeneration and Development)
Councillor Watkin (Portfolio Holder for Resources and Customer Service)
Councillor Williams (Portfolio Holder for Client Services)

Also present: Councillor Bell, Labour Group Leader

Officers: Managing Director (ML)
Managing Director (DN)
Interim Director of Finance
Group Head of Community and Environmental Services
Group Head of Corporate Strategy and Communications
Group Head of Commercial
Energy and Housing Renewal Surveyor
Mayor's Political Assistant
Democratic Services Manager

The following was a recommendation to Council:

67. **Watford BC Corporate Plan 2020**

Cabinet received a report of the Group Head of Corporate Strategy and Communications which provided the latest draft of the 2020 Corporate Plan. The final version would be presented to Council for final approval.

Councillor Johnson stressed that it was important the council delivered its programme or works and the outcomes were monitored.

RESOLVED –

1. that the revised draft Corporate Plan 2020 be noted.
2. that it be noted the work programme within the plan will underpin service plans and staff's individual work programmes as set out in their annual performance development reviews.
3. that the draft Corporate Plan 2020 be recommended to Council.

Part A

Report to: Cabinet

Date of meeting: Monday, 2 March 2020

Report author: Group Head of Corporate Strategy and Communications

Title: Watford BC Corporate Plan 2020

1.0 Summary

- 1.1 The council's Corporate Plan sets out the direction for the council and how it will achieve its ambitions, vision and priorities. From the areas of work identified in the Corporate Plan, the organisation develops its service plans, work programmes for service teams and individual staff objectives. The plan also provides the strategic framework for its other key strategies and policies.
- 1.2 The council's current priorities were approved in 2019 to better reflect the elected Mayor's manifesto, to demonstrate what is important to the town, and the organisation, and clearly show what needs to be achieved over the medium term. In view of this, the Corporate Plan for 2020, represents a continuation of that developed for 2019/20. (Appendix 1).
- 1.3 The council's corporate work programme as set out in the Corporate Plan is underpinned by a number of considerations. As well as the elected Mayor's manifesto, these comprise:
- The council's vision, priorities, values and supporting themes
 - The town and the council's challenges and opportunities
 - The council's budget and Medium Term Financial Strategy

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Failure to agree the Corporate Plan	Lack of clear direction for the organisation and staff and failure to set clear expectations for delivery	Clear timetable and sign off processes	Treat	4 (severity) x 1 (likelihood) = 4
Failure to identify key areas of work in Corporate Plan	As above. Resources not allocated / risk to delivery	Sufficient discussions and opportunities for feedback	Treat	3 (severity) x 1 (likelihood) = 3
Failure to link the Corporate Plan and the council's Medium Term Financial Strategy effectively.	Might result in insufficient financial resourcing for areas of work identified or failure to meet financial targets	Ensure the linkages are established and agreed	Treat	3 (severity) x 1 (likelihood) = 3
Failure to identify dependencies effectively	Risk to delivery / slippage	Sufficient discussions and opportunities for feedback	Treat	3 (severity) x 2 (likelihood) = 6
Slippage and failure to deliver commitments in the Corporate Plan without robust project and programme management.	Risk to delivery	robust project and programme management Ongoing monitoring	Treat	3 (severity) x 2 (likelihood) = 6

3.0 **Recommendations**

- 3.1 To note the revised draft Corporate Plan 2019/20 (Appendix 1) and propose any amendments.
- 3.2 To note that the work programme within the plan will underpin service plans and staff's individual work programmes as set out in their annual performance development reviews.
- 3.3 To recommend the draft Corporate Plan 2020 (subject to any amendments) to Council

Further information:

Kathryn Robson
kathryn.robson@watford.gov.uk

Report approved by:

Manny Lewis, Managing Director

4.0 **Detailed Proposal**

- 4.1 As part of its business planning cycle, the council undertakes an annual review of its corporate planning framework (its vision, priorities and values) and the Corporate Plan. Through this process the organisation reviews, and agrees, what is important for the town and the council over the medium term and where it should focus resources to deliver good quality services to our community and real improvements to the borough.
- 4.2 The Corporate Plan is the council's key planning document, which underpins its programme of work and by which it can measure its achievements. From the plan the council develops its service business plans which, in turn, inform the work programme of each team within the council and the individual objectives of each member of staff, identified through our performance development review process.
- 4.3 Through the plan, therefore, the council sets out its direction and purpose in order to:
 - Respond to the elected Mayor's manifesto and ambitions
 - Address new challenges and opportunities

- Maintain focus on delivery and outcomes
- Establish priority areas of work
- Highlight areas for improvement or transformation
- Improve employee performance and motivation

4.4 **Corporate Plan 2020**

4.4.1 **Our corporate framework: vision, values and priorities**

The council undertook a review of its corporate planning framework in 2019. Whilst the council's vision and values were considered still relevant to the organisation's agenda and ambitions, the council revised its corporate priorities to better reflect both the new Mayoral manifesto and the areas of delivery it identified as critical for success.

The revised priorities are:

- 1. *Manage the borough's housing needs***
- 2. *Enable a thriving local economy***
- 3. *Enable a sustainable town and council***
- 4. *Celebrate and support our communities***

4.4.2 With a review so recently undertaken and new priorities established 12 months ago, there is no recommendation to make further changes for 2020. The council will undertake a review during 2020, to establish its corporate performance framework for 2021 onwards.

4.4.3 This year's plan, therefore, builds on that developed last year, with the work programme revised to incorporate new areas of work identified.

4.5 **Corporate work programme**

4.5.1 The draft corporate work programme is included within the plan and has been developed to reflect the council's priorities and through consideration of:

- what has been achieved over the last year / what will be achieved by 31 March 2020 (and can, therefore, be removed from the corporate work programme)
- work that is still in progress and needs to be carried forward (with appropriate updates to reflect the milestones achieved during the past 12 months)
- new areas of work, based on the council's emerging challenges and opportunities

4.5.2 Each service area is responsible for ensuring its service plan incorporates the areas of work within the Corporate Plan where they are identified as the lead service area.

They are then accountable for delivery and for meeting any performance measures associated with their work areas.

- 4.5.3 Corporately, the overall work programme will be monitored with quarterly updates to strategic leadership team and portfolio holders.

5.0 Implications

5.1 Financial

- 5.1.1 The Shared Director of Finance comments that the importance of securing the council's financial future is outlined under the 'enable a sustainable town and council' priority, including the council's drive to develop a more commercially-minded approach. The council has developed a Medium Term Financial Strategy, which supports the synergy between its financial and corporate planning and identifies how the council will make sure it links its financial decisions to the delivery of the Corporate Plan.

5.2 Legal Issues (Monitoring Officer)

- 5.2.1 The Head of Democracy and Governance comments that the Corporate Plan is one of the policy framework documents listed in the constitution that has to be approved by Council. The current plan will be presented to Council in March

5.3 Equalities, Human Rights and Data Protection

- 5.3.1 The Corporate Plan is informed by the Watford context, including an understanding of the demographic make-up of the borough's community and feedback from local people on the issues that are important to them. An overall equality impact analysis will be undertaken on the Corporate Plan and impact analyses will be undertaken on specific projects/programmes where relevant.

Having had regard to the council's obligations under the General Data Protection Regulation (GDPR) 2018, it is considered that officers are not required to undertake a Data Processing Impact Assessment (DPIA) for this report.

5.4 Staffing

- 5.4.1 The Corporate Plan is a key document for staff and provides an important part of the council's performance framework that supports services to develop their own delivery plans, which in turn inform individual staff objectives and outcomes. The corporate values, which form part of the corporate planning framework, provide staff with clear expectations on the way we work and the behaviours we expect.

5.5 **Community Safety/Crime and Disorder**

5.5.1 Section 17 of the Crime and Disorder Act 1998 requires the council to give due regard to the likely effect of the exercise of its functions on crime and disorder in its area and to do all it reasonably can to prevent these. Priority 4: Celebrate and support our communities underpins the work the council does in partnership to ensure the town is safe for residents, businesses and visitors.

5.6 **Sustainability**

5.6.1 Priority 3: Enable a sustainable town and council – reflects the council's commitment to delivering a suite of projects relating to this area both externally and internally.

Appendices

Appendix 1: Draft Corporate Plan 2020

Background papers

The following background papers were used in the preparation of this report. If you wish to inspect or take copies of the background papers, please contact the officer named on the front page of the report.

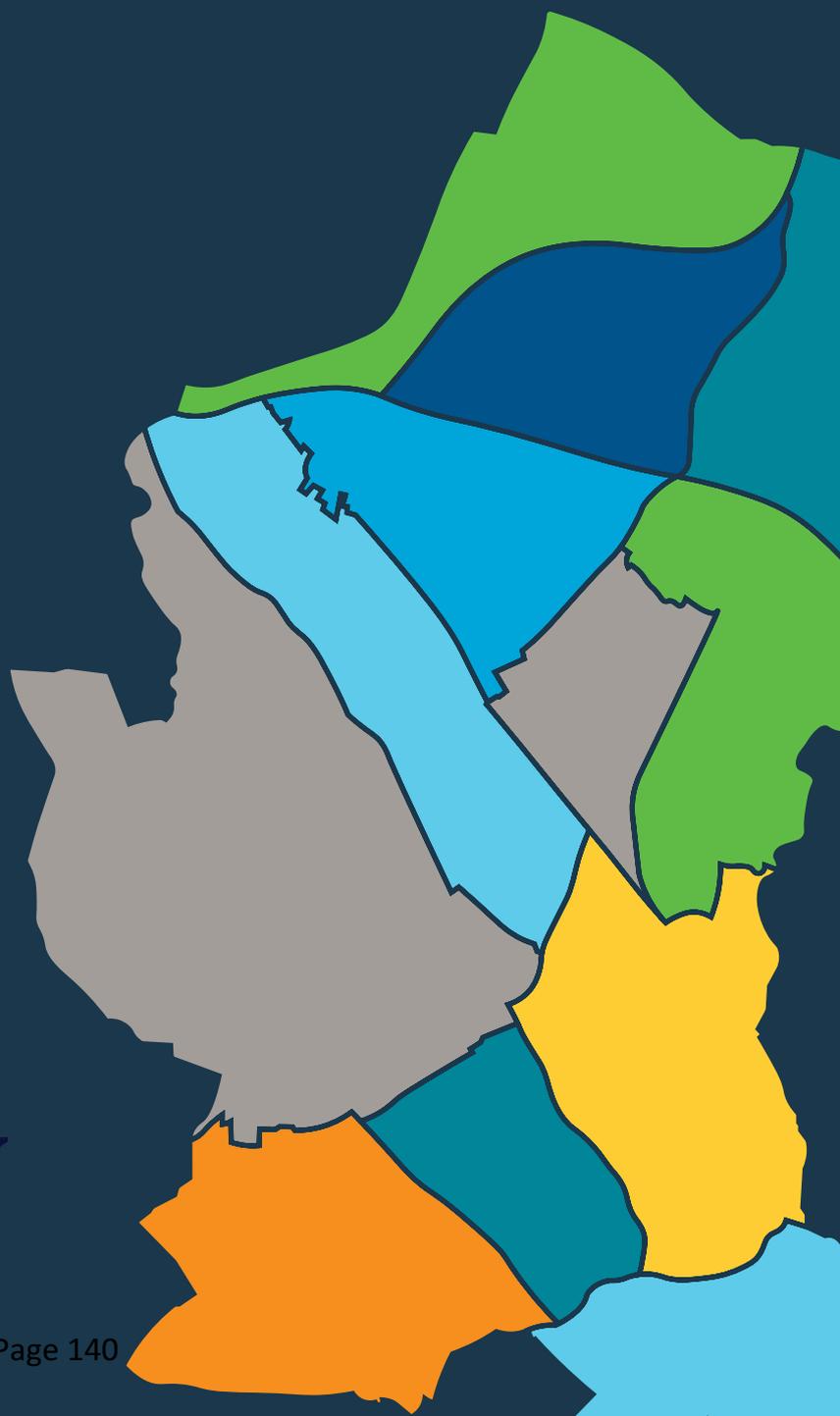
Watford Borough Council: [Corporate Plan 2019/20](#)

Watford Borough Council: Budget and Council Tax Resolution 2020/21

CHAMPIONING WATFORD
a great town for everyone

WATFORD BOROUGH COUNCIL'S CORPORATE PLAN

2020



**WATFORD
BOROUGH
COUNCIL**



**Peter Taylor,
Elected
Mayor of
Watford**

FOREWORD

Over the last year we have made real progress in delivering many of the commitments set out in our last corporate plan.

When I became elected Mayor in 2018, I committed to looking at ways to make it easier and more environmentally friendly to get around the town. Since this time, the issue of the environment has moved up the international and national agenda and made tackling climate change an even more pressing issue. We declared Climate Change Emergency last year with the commitment to be carbon neutral by 2030 and my sustainable transport initiative is a fundamental part of our sustainability plans.

I am delighted that we have achieved a number of the sustainable transport commitments I promised for 2019/20:



TravelWatford transport app - allowing you to get around Watford 'your way' and make greener choices on how you travel



Bike share scheme - we have partnered with Beryl Bikes to bring you 200 pedal bikes and 100 electric bikes (summer 2020), which will be located in over 70 bays across the town



Demand responsive bus - ArrivaClick is providing seven fifteen-seater buses, which will provide a flexible service across the town – not following a fixed route at fixed times but responding to passenger needs



Electric vehicle charging points - we have delivered more points across the borough, making Watford the most electric car friendly borough in Hertfordshire



A new home for cycling in Watford - we have supported Watford Cycle Hub by funding a new Hub building, which will allow it to continue its excellent work in promoting cycling as a way to keep fit and healthy.

Our investment in the town's outstanding parks and open spaces has continued and I am looking forward to the opening of the new Oxhey Activity Park in the summer, which will give our families and young people an outstanding facility for skate boarding, BMX and mountain biking as well as a new café and community hub for Oxhey Park. Our plans to upgrade Woodside are well underway too, we will have more news in 2020, the River Colne improvement programme is also making great strides in opening up what is a wonderful, natural asset in the town.

As well as our major improvement project, we are also making sure that the local parks that mean so much to their residents also receive investment. For 2020, Garston Park, Meriden Park and Lea Farm rec will all be upgraded.

We have also continued to tackle the financial challenges we face at a time of ongoing government cuts to the council's budget. Putting these cuts into context shows the impact they have had.

We have lost around £4million a year since 2010 or 70% of our budget. This has challenged us to find new ways to finance what we do so we can continue to deliver quality services and facilities that help make Watford a great place to live, work and do business. Over the last two years, we have achieved a further £1million savings through our Watford 2020 transformation programme, which focused on changing the way we do things so that we have found savings without cutting services or activities that we know are vital to local people.

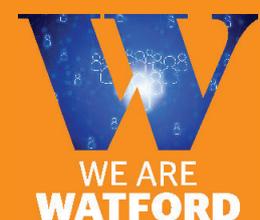
One of our greatest challenges remains responding the national housing crisis. For the most vulnerable, we have secured funding to help tackle rough sleeping and we are building new family, council homes which will be for Watford families. Whilst it is great that Watford is such a popular place to live - we are the happiest place in the East of England - and I fully appreciate we do need new homes, we must make sure they are supported by important facilities like schools and GP surgeries.

It is so important the Watford Borough Council continues to support and listen to our communities. That means regularly engaging with residents, listening to their views and celebrating the diverse and welcoming place that Watford is. I am really pleased that in my first two years we have established Watford as a Dementia Friendly Town. It shows me that when we act together we can make a real difference.

If you have any comments on the Corporate Plan, our plans, major projects or the council, then email me on themayor@watford.gov.uk or call 01923 226400 and ask for the Mayor's office.



Peter Taylor - Elected Mayor of Watford



SHAPING OUR CORPORATE PLAN

Background

Our Corporate Plan sets out our ambitions for Watford and how we will deliver these commitments over the next year. It is underpinned by the Elected Mayor's priorities for the town as well as our corporate vision, values and objectives.

As we plan for the future, we remain committed to ensuring we:



Focus on ensuring our residents and customers are at the heart of what we do



Retain the drive and commitment of our staff and members



Be more creative, innovative and resilient if we want to continue to be successful as we go forward



Retain our ambitious approach as we cannot afford to allow the town's success to recede



Be more commercial and entrepreneurial to meet our financial challenges and opportunities



Improve access to our services by delivering more digitally and online

THE COUNCIL'S VISION, PRIORITIES AND VALUES

Our vision:
To create a bold and progressive future for Watford

Our vision reflects our approach to the current challenges and opportunities facing the council and the town as a place to live, work, visit and study. We want to champion our town so that it is a place where all our communities thrive and prosper, benefitting from strong economic growth and good quality local services and facilities. This will require the council to be innovative, explore new ways of working and champion initiatives that will transform the town and the organisation.

More of the same isn't going to secure the future we want for Watford, which is why bold and progressive lie at the heart of our ambitions.

Our four priorities:

Our four priorities that we have identified to deliver our vision are:



Manage the borough's housing needs



Enable a thriving local economy



Enable a sustainable town and council



Celebrate and support our communities

Whilst this plan sets out the headlines projects, initiatives and areas of work that will deliver our vision and priorities, we know that our day to day business is just as important and underpins everything we do. This contributes to our success along with the work in this plan and combined they make us a successful organisation that continues to deliver for our residents and communities.

We recognise the importance of two core objectives which, at all times, makes us a more effective organisation, in touch with our residents and delivering in the areas and in a way that they expect. These are:

Effective two-way
engagement and
communication

Sound management and
high performance

OUR VALUES:

Our corporate values reflect the behaviour we expect our staff to demonstrate in their work and clearly establish how they contribute to delivering our new vision.

BOLD: We work as a team and we make things happen

PROGRESSIVE: We are ambitious, we are innovative and we are welcoming

OUR CULTURE:

We strive towards a **DYNAMIC CULTURE**, that is:

Ambitious having a “can-do” attitude to making things happen. Challenging ourselves to deliver excellent services and inspiring others to deliver results in a business-like way

Innovative embracing creative and entrepreneurial approaches and championing new ways of working that will transform Watford and deliver our ambitions

Welcoming engaging our residents and partners and providing an excellent customer experience

Empowering enabling our staff to take ownership and be accountable for their own performance, actions and decisions. Valuing diversity and listening to and understanding the views of others

Open to change being adaptable and agile in order to support the needs of the business – working collaboratively and supporting colleagues

Our Corporate Framework

How our vision, priorities, values and culture work together, along with the Elected Mayor’s priorities, to achieve our ambition. Below is an overview of our corporate framework.

Our vision:
To create a bold and progressive future for Watford

OUR FOUR PRIORITIES:

 Manage the borough's housing needs	 Enable a thriving local economy	 Enable a sustainable town and council	 Celebrate and support our communities
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OUR DAY TO DAY BUSINESS

Effective two-way engagement and communication	Sound management and high performance
--	---------------------------------------

OUR VALUES

Bold We work as a team and make things happen	PROGRESSIVE We are ambitious, we are innovative and we are welcoming
---	--

OUR CULTURE

Ambitious	Innovative	Open to change	Welcoming	Empowering
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WATFORD TODAY

Watford is a successful town, and as a council, we plan to keep it that way. We value our clean streets, well-kept parks, and places for children to play, the lively high street and diverse range of activities and facilities across our borough. We have a diverse and cohesive community who add to the vibrancy of our town and our residents are generally satisfied with the council and their local services. Understanding our town and our community helps us to identify what shapes Watford and the challenges and opportunities we face champion our town.

POPULATION

96,600

Over an area of 8.5 sq. miles

YOUNG POPULATION

36.46

Is the average age

DIVERSE POPULATION

38%

BME (ethnic minority)



HOUSEHOLDS

40,625

2.48

Average household size

31%

High proportion of single person households

37%

High number of households in rental accommodation

Happiest place in Hertfordshire and East of England

(ONS research 2019)

AWARD WINNING

12 Green Flag award winning parks - the highest in Hertfordshire

HIGH GROWTH IN HOUSE PRICES AND DEMAND

Most in demand place to live on the tube map (2015)

5th

Best connected borough in UK - M1, M25, West Coast Mainline, Overground, Underground direct services to London Euston in 16 mins

CAREER BUILDERS

Singles and couples in their 20s and 30s progressing in their field of work from commutable properties. Watford's most common MOSAIC group: 12%

ACTIVE BUSINESSES

5,900

JOBS

113,000

Low unemployment / high level of qualifications

9%

self-employment rate

£663.60

resident full-time weekly wage

£618.50

workplace weekly wage

Community Survey 2017

77%

of residents are satisfied with Watford as a place to live

74%

of residents are satisfied with the way Watford BC runs things

THE COUNCIL TODAY

Our finances

We need our finances to not only support our day to day activities and provide our services (through our revenue budget) but also to deliver the major, transformational projects that make such a difference to our town and local neighbourhoods (through our capital budget).

Budget

Our **Medium Term Financial Strategy 2020/21** includes a three year forecast that sets out our budget and looks at factors likely to impact on our expenditure.

For 2020/21 our budget is:

Gross budget: £76.1 Million
Net budget: £15.8 Million

Our staff

220 members of staff (January 2019)

37 councillors

Liberal Democrat:
 26 councillors + Directly Elected Mayor

Labour:
 10 councillors



Peter Taylor

Elected Mayor of Watford

Provides political direction for the council.

Responsibilities include:
 strategic partnerships & external relationships

Our Cabinet

The Cabinet makes decisions which are in line with the Council’s overall policies and Budget. It is chaired by the Mayor and includes the Portfolio Holders appointed by him.



Karen Collett

Deputy Mayor, Councillor

Portfolio Holder for Community



Mark Watkin

Councillor

Portfolio Holder for Resources & Customer Service



Iain Sharpe

Councillor

Portfolio Holder for Regeneration & Development



Stephen Johnson

Councillor

Portfolio Holder for Housing & Property



Tim Williams

Councillor

Portfolio Holder for Client Services

HOW WE WILL DELIVER OUR PRIORITIES

PRIORITY 1: Manage the borough's housing needs

Why housing is a priority

Watford is a popular place to live. Its location close to London, great road and rail links, good schools and employment opportunities have seen demand for homes in the town increase significantly over recent years. However, it has also meant rising house prices and rental costs, which has put strain on affordability for local people.

The national housing crisis means that places like Watford that are popular and somewhere people are choosing to live are being asked by government to deliver an even greater number of new homes, currently 14,000 by 2036. Through our Local Plan we are working to understand what these targets mean for Watford and how we can deliver the new homes Watford needs in a way that is best for the town - making sure we have the right homes in the right places. We are ensuring new housing is supported by good quality infrastructure such as better transport links, schools, doctors' surgeries and neighbourhood shops and facilities. At the same time we are delivering homes for those families in Watford in most need, by increasing the supply of affordable homes, which reduces the number of families who are currently living in temporary accommodation. We are doing this in a number of ways including building new homes ourselves or working with partners to do so. We also ensure developments provide the right amount of affordable housing or, if it is better for our housing needs, ask developers to contribute sufficient money (through commuted sums) to provide the homes we need elsewhere.

Our plans for 2020/21

- CP1** Set the strategic direction for housing in the borough by developing and delivering a new Housing Strategy
- CP2** Working with our neighbouring authorities on the South West Hertfordshire Joint Strategic Plan to identify how the councils can support each other to deliver the new homes needed in this part of the county
- CP3** Actively engage with the Hertfordshire Growth Board to support the vision of 100,000 new homes across the county by 2031
- CP4** Manage our assets to deliver new homes, ensuring there is a good mix of housing including affordable homes:
 - Social rented homes on identified sites
 - Watford Riverwell
 - Town Centre North - Cultural Hub
 - Hart Homes
 - Ascot Road
 - Watford Junction
 - Garage sites
 - Commuted sums

PRIORITY 2: Enable a thriving local economy

Why the economy is a priority

A successful local economy is critical to all our plans for Watford. It underpins our ambitions for Watford and is vital for local jobs and keeping the town vibrant. Over the last ten years, the council has been an important catalyst for economic growth, which has attracted new businesses, built the right environment for our current businesses to thrive and secured job opportunities. We recognise that we cannot take this success for granted and so need to plan for future prosperity, continuing to make sure that Watford is 'open for business'.

Our plans for 2020/21

- CP5** Work with Hertfordshire County Council, district partners and Hertfordshire LEP on the delivery of the vision of the Hertfordshire Growth Board ensuring that Watford is effectively represented and contributes to shaping the future of the county
- CP6** Finalise and submit the Local Plan to provide a robust framework for the future spatial planning of the borough
- CP7** Deliver an Economic Growth Strategy for Watford to bring together the council's ambitions for local prosperity and business growth
- CP 8** Take forward our plans for the north of the town centre including exploring the creation of a High Street North - Cultural Hub and the overall regeneration of the area
- CP8** Progress the development and transformation of Watford Junction
- CP9** Deliver the upgrade to the Watford Junction forecourt to provide an attractive and welcoming gateway to the town
- CP10** Support the delivery of Building 1 at Croxley Park
- CP11** Support the delivery of a new multi storey car park for Watford General Hospital and West Hertfordshire Hospitals NHS Trust's future plans through Watford Riverwell
- CP12** Deliver Clarendon Road improvements Phase 3
- CP13** Deliver St Albans Road improvements to support the regeneration of the area
- CP14** Deliver the first phase of improvement for Watford Business Park (planning application approval + start on site) to provide c85,000sq ft of new industrial accommodation
- CP15** Take forward an agreed programme of improvements to Watford Market
- CP16** Secure the long-term future for Watford Colosseum through:
 - › A successful procurement of new management arrangements
 - › A planned programme of refurbishment

PRIORITY 3: Enable a sustainable town and council

Why sustainability is a priority

We want to ensure that we put in place the right foundations to ensure both our town and the council can continue to flourish in the future. This is why we declared climate change emergency in 2019, committing us to being carbon neutral by 2030.

For our town, this means exploring ways we can protect and enhance our local environment, reducing our environmental impact through practical measures. These include: offering alternatives to the car to get around the borough, increasing recycling and reducing waste and enhancing our parks and open spaces.

For the council it means securing our financial future so that we can protect services and deliver on our promises to our residents. This has never been more challenging with the council facing the loss of around £2.5 million revenue support grant by 2020 and a total saving requirement of £3 million. However, this also brings the drive to innovate and look for ways to do things differently that will deliver savings or generate additional income. It also provides the council with the opportunity to establish a sound financial basis into the future, which is not dependent on changes in government priorities or policy.

We will build on the successful outcomes of our two year transformation programme that has made us more customer-focused, digitally-enabled and commercially-minded to ensure we remain a high performing council that is delivering high quality outcomes for our communities.

Our plans for 2020/21

- CP17** Deliver the council's agreed Sustainability Strategy to support its climate change emergency commitment
- CP18** Continue to explore and deliver sustainable transport programme to offer alternative and innovative ways for people to get into and around Watford:
 - Post MLX transport solutions: safeguarding the route for alternative transport uses
 - Local Cycling, Walking and Infrastructure Plan (LCWIP) including recommendations for quiet routes
 - Progress Watford's ambition to be a Sustainable Travel Town
- CP19** Explore the delivery of a low carbon transport hub for Watford town centre
- CP20** Implement the new waste and recycling service, working with residents to increase the borough's recycling rates
- CP21** Deliver the next phase of the Sports Facilities Strategy
 - Oxhey Activity Park and community hub: completion and opening
 - Woodside Sports Village: masterplan approved

PRIORITY 3:

- CP22** Take forward the River Colne restoration strategy to enhance the river and its surrounds as a green and community asset for Watford
- CP23** Pursue ways the council can be more commercial to help offset cuts to its budget and to allow it to continue to deliver high quality services and projects to enhance the town and quality of life of its residents
- CP24** Embed and build on the transformation and improvement delivered by Watford 2020, ensuring benefits are realised and momentum continues
- CP25** Continue to manage our property portfolio to stimulate growth, generate returns and meet changing service needs
- CP26** Rollout of our business intelligence platform to provide immediate access to information to support decision-making
- CP27** Review the findings of our staff survey and use to build on our dynamic and forward thinking culture

PRIORITY 4:
Celebrate &
support our
communities

Why our communities are a priority

Our communities are what makes Watford the vibrant and welcoming place it is. We are fortunate that, whether they are made up of residents, businesses, schools or local organisations and groups, Watford's communities work together to really make a difference in the town. This is not something that we take for granted and so recognise the council has a role to play in doing what we can to support our communities flourish.

We are also fortunate that the majority of our population enjoys a high standard of wellbeing and healthy lives and are able to access help when they may need it. We recognise that this is not the case for everyone and people's circumstances can change. We need to understand where these pressure points are for our town, and for individuals, and ensure that we are working with our partners to minimise the issues vulnerability can bring.

Our plans for 2020/21

- CP28** Make our town centre safer and even more welcoming for those who live, work and visit including identifying ways to harness people's willingness to help
- CP29** Work with our partners (including New Hope and Watford Community Housing) to provide housing solutions for our most vulnerable residents with the most complex needs

PRIORITY 4:

- CP30** Identify the best future for our community assets and work with our current groups and organisations on their long-term accommodation needs
- CP31** Contribute to Hertfordshire Year of Culture 2020 so that Watford's cultural offer is well represented
- CP32** Explore options to meet the needs of our residents for cemetery provision
- CP33** Deliver the Sports Development Framework action plan to engage local people in healthy sports and leisure activities
- CP34** Deliver a new website design that makes it easier for people to access our services and find out more about the council and our services
- CP35** Undertake a Community Survey, using a wide range of engagement channels, to test our residents view of the council and the town
- CP36** Make it easier for our communities to access and claim benefits to which they are entitled

Success & confidence**MONITORING THE PLAN**

Ensuring we deliver our Corporate Plan is critical to our success as an organisation and builds our residents confidence that we keep our promises.



Making sure all our Corporate Plan areas of work are reflected in service plans, work programmes and individual performance development review objectives, building the 'golden thread' through the organisation



Identifying the key milestones for our work and holding ourselves to account for delivery – this will include regular updates to our Cabinet, Programme Management Board and Leadership Teams



Establishing a robust set of performance measures that are regularly monitored by Leadership Team, Portfolio Holders and our Scrutiny Committees. These measures extend to our outsourced services



Providing challenge and assurance through robust governance including: Programme Management Board for our major projects, Property Investment Board for our property related work and Finance Review Board for our finances

How do I find out more?

For more info visit:
www.watford.gov.uk/councilplan



**WATFORD
BOROUGH
COUNCIL**



Agenda Item 12

Part A

Report to: Council

Date of meeting: 17 March 2020

Report author: Group Head of Human Resources

Title: Council Pay Policy Statement 2020

1.0 Summary

- 1.1 The Council's success relies on the talent and contribution of its workforce enabling and ensuring it meets its objectives. The Council's Pay Policy Statement seeks to ensure the Council is able to attract, recruit, retain and engage the right people in order to achieve this.
- 1.2 The Pay Policy Statement pulls together all the elements that make up the Council's financial reward practices. It provides assurances of our consistency, fairness and transparency and gives clarity to all our stakeholders about how and what our people are rewarded for. It defines the level and elements of remuneration for Chief Officers in accordance with the requirements of section 38(1) of the Localism Act 2011.
- 1.3 The Localism Act 2011 requires the Council to publish its position on 1 April each year in relation to specific areas of chief officers pay as follows: - remuneration levels, all other payments, incremental progression, performance related pay, bonus payments, redundancy, severance/ compensation, and retirement payments, and the Council's policy on the re-engagement of chief officers. This Pay Policy Statement sets out the Council's position in these areas. The report is the same as in previous years with updated staffing and pay rate information.
- 1.4 The recommendation of the Hutton Report into "Fair Pay in the Public Sector" as recognised by the Government in the Code of Recommended Practice for Local Authorities on Data Transparency, was that a pay ratio of the salary of the Chief Executive compared to the median average salary in the organisation should be published. This is set out in Section 19 of the Pay Policy Statement, which shows the ratio to be 1:4.3. The Council does not have a policy on maintaining or reaching a specific pay multiple but is conscious of the need to ensure that the salary of the highest paid employee is not excessive but is consistent with the needs of the Council as expressed in this policy statement.
- 1.5 The Hutton report raised concerns about multiples in the order of 1:20 or higher between the lowest and highest paid employees in local authorities. The Council's current lowest to highest ratio, excluding apprenticeships, is 1.6.9, which, is considerably lower. When taking account of apprenticeship posts this is 1:8.9 and still lower. Excluding apprenticeship posts, the lowest pay in use by Watford Borough Council is within Band 3 paying £10.14 per hour excluding LW. This is above the real living wage of £9.30 per hour for 2019/20.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Council does not fulfil requirements of Localism Act 2011 in publishing the pay policy	Localism Act not complied with	The Council Pay Policy Statement is published	treat	2

3.0 Recommendations

3.1 That Council approve the Council Pay Policy Statement.

Further information:

For further information on this report please contact: Terry Baldwin, Group Head of Human Resources: telephone extension: 8133 email: terry.baldwin@watford.gov.uk

Report approved by: Terry Baldwin

4.0 Implications

4.1 Financial

4.1.1 The Shared Director of Finance comments that there are no new financial implications resulting from this report.

4.2 Legal Issues (Monitoring Officer)

4.2.1 The Group Head of Democracy and Governance comments that it is a legal requirement for Council to receive the pay policy statement and it must be published by 1 April 2020

4.3 Equalities, Human Rights and Data Protection

4.3.1 There are no implications.

Appendices

Appendix A - Council Pay Policy Statement 2020



**WE ARE
WATFORD**

**COUNCIL PAY POLICY STATEMENT
FEBRUARY 2020**



1.0 Introduction

- 1.1 The Council's success relies on the talent and contribution of its workforce enabling and ensuring it meets its objectives. Our Pay Policy seeks to ensure the Council is able to attract, recruit, retain and engage the right people in order to achieve this.
- 1.2 The Pay Policy pulls together all the elements that make up the Council's reward practices. It provides assurances of our consistency, fairness and transparency and gives clarity to all our stakeholders about how and what our people are rewarded for. It defines the level and elements of remuneration for Chief Officers, and all senior staff, in accordance with the requirements of section 38(1) of the Localism Act 2011.
- 1.3 The Localism Act 2011 requires the Council to publish its position in relation to specific areas of chief officers pay as follows : - remuneration levels, all other payments, incremental progression, performance related pay, bonus payments, redundancy, severance/ compensation, and retirement payments, and the Council's policy on the re-engagement of chief officers. This Pay Policy statement sets out the Council's position in these areas.
- 1.4 The Council employs 220 officers, which represents a full time equivalent based on a 37 hour week of 201.44.
- 1.5 The gross salary expenditure for the Council for the financial year 2020/21 is estimated to be £11,775,509.
- 1.6 Best practice recommends the Council consults a remuneration committee on all proposals relating to pay and reward for Senior Officers thus ensuring openness and accountability. This responsibility is delegated by Full Council to the Chief Officer Pay panel.
- 1.7 This policy will be reviewed and approved annually by Full Council, and may be accessed via the Council's external web site.

2.0 SCOPE OF THE POLICY

- 2.1 The policy applies to all Chief Officers.
- 2.2 The definition of Chief Officers (as set out in section (43(2)) of the Localism Act 2011 is not restricted to Heads of Paid Service and Directors. It also includes all other Senior Managers (statutory and non-statutory officers) who report directly to them and to their direct reports termed as Deputy Chief Officers. That is the Head of Paid Service (Managing Director), Group Heads and Heads of Service.
- 2.3 The Council's post holders who fall within the definition of Chief Officers are as defined within the Councils Constitution and are shown in the following table:

Head of Paid Service	Managing Director
Director of Finance	Director of Finance (Three Rivers District Council)
Group Heads of Service	Group Head of Democracy and Governance (Monitoring Officer) Group Head of Community and Environmental Services Group Head of Corporate Strategy and Communications Group Head of Human Resources Group Head of Transformation Group Head of Place Shaping Group Head of Commercial Head of Finance (Three Rivers District Council) Head of Revenues and Benefits (Three Rivers District Council)
Heads of Service/Deputy Chief Officers	Heads of Service and other managers that report directly to Officers outlined above.

See organisation structure chart in appendix 1.

- 2.4 The remuneration of the Managing Director and Group Heads of Service was last reviewed in February 2020.
- 2.5 The Council's Director of Finance/ Section 151 Officer is directly employed by Three Rivers District Council and remunerated in accordance with Three Rivers District Council Chief Officer pay rates for Directors. The Head of Finance and Head of Revenue & Benefits are also directly employed by Three Rivers District Council and remunerated in accordance with the Shared Services, Head of Service pay band.
- 2.6 The remuneration of the Managing Director (MD) and Group Head of Service posts was subject to review and approval of new pay bands by Council Functions Committee on 26 February 2020.
- 2.7 Pay bands are attached as Appendices 2 and 3.
- 3.0 **TERMS AND CONDITIONS OF SERVICE**
- 3.1 The Council's Chief Officers, i.e. the MD, Director of Finance, and Group Heads of Service are engaged on Joint National Council (JNC) national terms and conditions of service.
- 3.2 The Council's Heads of Service/Deputy Chief Officers, i.e. those who report directly to Group Heads of Service, are engaged on National Joint Council (NJC) national terms and conditions.
- 3.3 It should be noted that different national negotiating machinery applies across the senior management team.
- 4.0 **PRINCIPLES**
- 4.1 The Pay Policy reflects the aspirations of the Council's strategic road map and defines the Council's approach to managing reward that is guided by the following principles
- 4.2 All Council officer jobs are job evaluated using an analytical job evaluation scheme to allocate points to posts and establish relativity between all posts in the organisation.

-
- 4.3 The Council reviews appropriate external pay market information to ensure remuneration levels are consistent with Local Government, provide value for money for the taxpayer, and support the Council to remain competitive as an employer in areas of skills shortage.
- 4.4 If appropriate, market factors are applied to hard to fill posts. Where applied these supplements are reviewed annually in accordance with the market factor policy.
- 4.5 The MD receives a spot salary the level of which was reviewed in 2019.
- 4.6 Cost of living inflation increases for Chief Officer pay scales are awarded in accordance with the Joint National Council for Chief Executives and Chief Officers (JNC). Chief Officers are remunerated according to the pay scale applicable to their job, within a four grade pay model. Each grade has four incremental spinal column points, (see appendix 2). Progression within each grade is time based, subject to satisfactory performance and where appropriate awarded annually to the top of the grade, effective from 1 April.

The independent reviews conducted by HR using external pay company, Croners and also information from Hertfordshire Districts resulted in a recommendation to Council Functions Committee 26 February 2020 for the pay scales for Chief Officers to be amended in line with those in similar sized local authorities in the outer London and Home Counties area.

- 4.7 Deputy Chief Officers, i.e. Heads of Service are remunerated within the top three grades of a thirteen grade pay model. Each grade has five incremental spinal column points, (see appendix 3).
- 4.8 The remuneration of a Chief Officer or Deputy Chief Officer on appointment will be at a point on the relevant pay scale for the job appropriate to their experience and salary level in the previous job.
- 4.9 The policy of the Council regarding the award of bonuses to its Chief Officers has been amended to bring remuneration for specified individuals into line with total remuneration paid by other local authorities and Hertfordshire Districts. See section 9 for details.
- 4.10 The Council is committed to the principle of fairness; is clear about what people are being paid for, and is consistent, systematic and transparent when applying reward practices. Pay models have been developed based upon appropriate pay market information and ensure that the ratio of pay levels between the highest paid officer and the median/ mean average/ low paid earnings in the Council remains consistent and is not distorted as a result of pay awards.
- 4.11 The Council's lowest paid employees are those post holders whose jobs are graded in the lowest pay band, which is Band 3 in a 13 band pay model. Jobs are evaluated using the Local Government Job Evaluation scheme.
- 4.12 Resignation. The Chief Officer's last entitlement to pay will be the last day of service, taking into account notice period and any period of pay in lieu of notice.

Redundancy or early termination in the interests of the service and Pension Benefits of Chief Officers will be made in accordance with the Council's Redundancy and Early retirement and early termination compensation policies.

5.0 EQUALITIES

- 5.1 The Council is committed to equality of opportunity. All members of staff will be treated fairly based on ability, performance and contribution irrespective of their employment or contractual status and personal circumstances, i.e. part time, fixed term. The Council monitors equalities data and this policy shall be applied fairly, consistently and equitably for all employees irrespective of race, gender, disability, age, offending past, caring or dependency status, religion or belief, sexual orientation, marital

or civil partnership status, pregnancy or maternity or gender identity and it is incumbent on those managing this policy to ensure that this is the case.

6.0 GRADING

6.1 Chief Officers – MD and Group Heads of Service

6.2 **Job Evaluation** – posts were job evaluated by the LGA Senior manager job evaluation scheme.

6.3 Deputy Chief Officers – Heads of Service

6.4 **Job evaluation** – All posts are job evaluated using the Local Government Job Evaluation Scheme (LGJES). The scheme is used to evaluate all non-Chief Officer posts in the Council, ensuring relativity between all Council posts covered by NJC terms and conditions. The job evaluation policy should be consulted for further information.

6.5 **Pay model** - The pay model is presented in appendix 3

6.6 **Labour market information** - The Croner Reward Job Evaluation system, Croner Market Pay analysis for Public Services and e-PayCheck system provides the source of comparative pay information for all officer posts in hard to fill and areas of skills shortages within the Council. Market supplements currently apply to the following Chief Officer and Deputy Chief Officer roles and are reviewed annually in accordance with the Market Factor policy –

- Group Head of Commercial
- Group Head of Human Resources
- Head of Corporate Asset Management
- Head of Development Management
- Head of Housing
- Head of Parks, Open Spaces and Projects
- Head of Regeneration and Property

6.7 All other posts in the Council

6.8 All other officer posts are job evaluated using the Local Government Job Evaluation Scheme (LGJES), and graded within one of the pay Bands in the 13 grade pay model in appendix 3. No Council post is graded below Band 3, and the minimum pay for Band 3 is £18,795 plus £874 London weighting allowance, (see 8.1 below). Where appropriate posts attract a market supplement and the market forces payments policy should be consulted for further information.

6.9 Market factor supplements apply to the following non Chief Officer posts in the Council

- Cassiobury Park Manager
- Communications & Engagement Manager
- Electoral Services Manager
- Investment Asset Manager (formerly Property Team Manager)
- IT Security & Infrastructure Manager
- Project Manager 1 (CS&C – working on Watford Junction and the North Hub)
- Project Manager 2 (CS&C – working on Sustainable Transport Programme)
- Senior Infrastructure Engineer
- Senior Solicitor

7.0 INCREMENTS

- 7.1 Posts receive annual time based increments effective on 1 April until remuneration reaches the top of the grade.
- 7.2 On appointment, all posts will normally be remunerated at the lowest incremental spinal column point within the grade, (unless 4.8 applies above).
- 7.3 The Council will apply the annual cost of living percentage increment as negotiated by the NJC national agreement to the values of incremental spinal column points as appropriate. At the time of writing this statement the April 2020 pay award has yet to be agreed.

8.0 ADDITIONAL PAYMENTS

- 8.1 London Weighting (LW) – is the inner fringe London Weighting Allowance and is negotiated as part of the national framework. LW is an additional payment that is made to all officers in the Council, and the rate is negotiated nationally by NJC. Staff on pay grade Band 11+ had fully inclusive salaries when the pay band was introduced in 2018. However, the Council has recently undertaken a pay review for senior officers and, in order to remain competitive, it was accepted that the local weighting allowance for Band 11+ officers should be reinstated.
- 8.2 Chief Officers' Travel Allowance (TA) - £300 per annum is a local allowance paid to all Group Heads of Service. The TA payment is intended as compensation for travel around the Borough of Watford and Three Rivers District for which business mileage may not be claimed.
- 8.3 The Head of Paid Service receives additional payment for duties as Clerk to the West Herts. Crematorium, and fees for Returning Officer duties during elections as and when appropriate.

9.0 PERFORMANCE RELATED PAYMENTS AND BONUSES

- 9.1 The post of Group Head of Transformation has a PRP incentive of £7,712 dependent upon the W2020 objectives being implemented. The Group Head of Commercial has a PRP incentive of £3,000 per annum and is dependent on agreed annual objectives being satisfactorily achieved.

10.0 LOCAL GOVERNMENT PENSION SCHEME (LGPS)

- 10.1 All officers are eligible to join and contribute to the Local Government Pension Scheme. Officer contribution rates are a percentage of their earnings. Levels of contribution are stated by the scheme, and are based on the whole time equivalent value of all contractual pay excluding any travel allowance payments. The employer's contribution to the scheme is 19%.
- 10.2 The table below provides the proposed Member contribution table for 2019/20.

Pay Bands	Contribution Rates
Up to £14,100	5.5%
£14,101 - £22,000	5.8%
£22,001 - £35,700	6.5%
£35,701 - £45,200	6.8%
£45,201 - £63,100	8.5%
£63,101 - £89,400	9.9%
£89,401 - £105,200	10.5%
£105,201 - £157,800	11.4%
Over £157,801	12.5%

- 10.2 The normal retirement age for the LGPS is State Pension Age, or age 65 (whichever is the higher).
- 10.3 With the exception of early retirement for the reason of permanent ill health (to which no age restrictions apply), the earliest age an officer can retire and receive pension benefits is 55.
- 10.4 Early retirement may be granted in the following circumstances:
- Early termination of employment for the reason of redundancy
 - On ill health grounds
 - On compassionate grounds
 - Efficiency of the service
 - Request to go
- 10.5 The Council's Redundancy, early retirement and early termination compensation, pension discretions should be consulted as appropriate for further information.
- 11.0 **REDUNDANCY**
- 11.1 In the event of redundancy, i.e. where a post to be vacated would not be replaced, the Council pays a discretionary redundancy payment by applying a 2.2 multiplier to each week's redundancy pay, thus providing up to a maximum of 66 weeks' pay based on contractual pay.
- 11.2 Officers aged 55 and above will retire in this circumstance and have access to their accrued pension benefit.
- 11.2 The Council does not augment additional pension membership; however the Officer may elect to purchase additional LGPS pension membership with the discretionary payment. Full details are specified in the Council's Redundancy policy and this should be accessed for full details.
- 12.0 **EARLY RETIREMENT FOR THE REASON OF ILL HEALTH**
- 12.1 To qualify an officer must be confirmed by the Council's Medical Adviser as being permanently unable of discharging the duties of their employment because of ill health or infirmity and have a reduced likelihood of obtaining gainful employment before reaching age 65.
- 13.0 **EARLY RETIREMENT ON COMPASSIONATE GROUNDS**
- 13.1 To qualify an officer would have to have a compelling hardship or difficulty that would most usually be due to caring responsibilities.
- 14.0 **SEVERANCE – EARLY TERMINATION OF EMPLOYMENT IN THE INTEREST OF EFFICIENCY TO THE SERVICE.**
- 14.1 There may be situations that are initiated by management to facilitate organisational change where a post to be vacated would be replaced. The Early Retirement and Early Termination Compensation policy applies and should be consulted.
- 14.2 Where appropriate, the Council will make a discretionary severance/ compensation payment by applying a 2.2 multiplier to each week's severance pay, thus providing up to a maximum of 66 weeks' pay based on contractual pay.
- 14.3 Officers aged 55 and above will retire in this circumstance and have access to their accrued pension benefit.

14.4 The Council does not augment additional pension membership; however the Officer may elect to purchase additional LGPS pension membership with the discretionary payment. Full details are specified in the Council's redundancy policy and this should be accessed for full details.

15.0 **EARLY PAYMENT OF PENSION BENEFITS ON REQUEST TO LEAVE (ASK TO GO)**

15.1 **Criteria**

Initiated by the employee who must be aged 55 or above. Employee submits a written request to the Head of Service stating grounds and case for consideration and first approval.

The Group Head of Service and Group Head of Human Resources will then submit a report for approval by the Managing Director.

The rationale for agreement will include improvement in organisational efficiency e.g. needs of job, new skills required, need to work in different ways, improved productivity.

An assessment of the strain on the pension fund in relation to the benefit obtained by the Council will be conducted. The strain cost would normally need to be recovered within 2 years of the retirement. The post will be replaced

15.2 **Benefits**

Under 55

- Not available

Over 55

- Actuarially reduced accrued pension benefits
- No added years are awarded by the Council

Employees can elect to retire and receive pension benefits from age 60, but there are no added years awarded and accrued pension benefits are actuarially reduced.

The Early Retirement and Early Termination Compensation policy applies and should be consulted.

16.0 **FLEXIBLE RETIREMENT**

16.1 This is subject to agreement by the Council, providing an option for an officer to continue in employment post Local Government Pension Scheme retirement age and to take some or all of their Local Government Pension that is due to them whilst continuing to work on reduced hours or reduced pay. The benefit for the Council is the ability to retain skills, knowledge and experience.

16.2 An abatement of pension will apply if the pay for the new post plus the LGPS pension they receive exceeds the value of the salary for the post from which they retired. London Pension Fund Association (LPFA) should be consulted for advice.

The Early Retirement and Early Termination Compensation policy and flexible retirement policy applies and should be consulted.

17.0 **RE-EMPLOYMENT POST SEVERANCE OR REDUNDANCY**

17.1 The re-employment of officers who were granted early retirement, are receiving their Local Government pension, or have received a severance/ compensation payment, or a redundancy payment is discouraged. The following criteria should be considered. Refer to the Council's policy for early retirement/ early termination compensation for further information.

- What is the nature of the work to be undertaken?
- How similar is the work to that formally undertaken by the individual?
- Is it work that the individual could have been redeployed to?
- The work should be a specific project or task where the skills/ knowledge set required is unique to that individual
- The work should be such that it could not be undertaken by anyone else currently employed in the Council

18.0 OFFICERS WHO HAVE RETIRED AND ARE IN RECEIPT OF PENSION

18.1 If an officer is in receipt of their Local Government Pension and returns to work for the Council an abatement of their pension will apply if the pay for the new post plus the LGPS pension they receive exceeds the value of the salary for the post from which they retired. LPFA should be consulted for advice.

18.2 Flexible retirement subject to agreement by the Council provides an option for an officer to continue in employment post retirement age and to take some or all their pension working on reduced hours or reduced pay. The flexible retirement policy should be accessed for full information.

19.0 PAY RELATIVITY AND LOWER PAID STAFF

19.1 The Council is committed to the principle of fairness when setting pay levels for all officers. All jobs are job evaluated meaning each has an analytical score providing its relative value in the organisation and each job is linked to a defined pay model.

19.2 The Council defines its lowest paid staff as those whose posts are graded on the lowest grade in the pay model. Pay rates are based on whole time equivalent salaries.

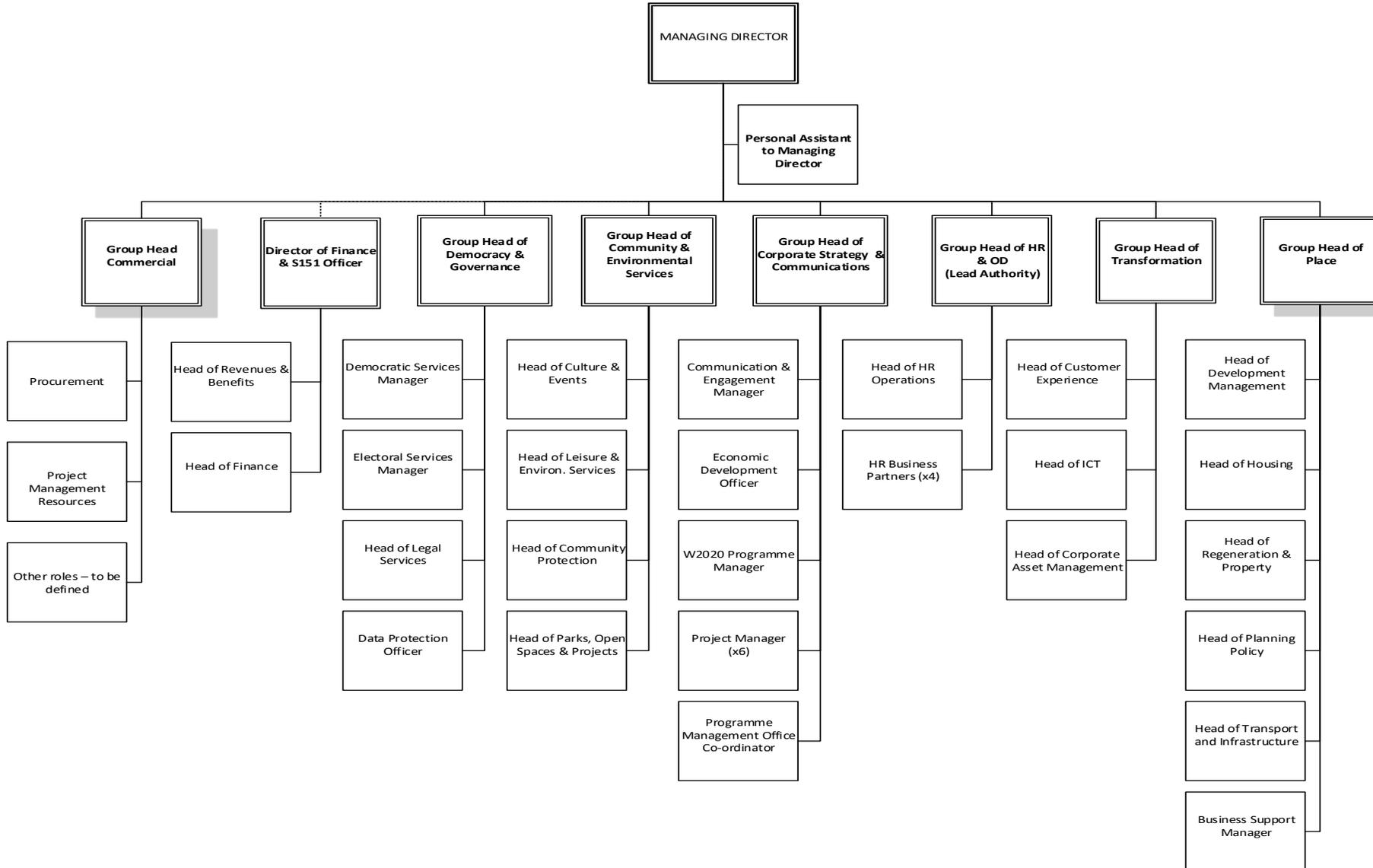
19.3 Including apprenticeship posts, the mean average earnings in the Council are £34,041 giving a ratio with the highest paid officer of 1:3.9. The median earnings in the Council are £31,371 giving a ratio with the highest paid officer of 1:4.3. Including apprenticeships, the lowest earnings in the Council are £15,105, giving a ratio with the highest paid officer of 1:8.9. Excluding apprenticeship posts, the lowest earnings in the Council are £19,554 giving a ratio with the highest paid officer of 1:6.9.

19.4 The lowest pay band on the pay model (Band 1) is not in use by Watford Borough Council whose lowest remunerated post is within band 3 paying £10.14 per hour excluding LW. This is above the real living wage of £9.30 per hour for 2019/20.

19.5 Cost of living pay increases in the Council are awarded consistently in line with those negotiated nationally by NJC. An analysis of pay awards for the previous 5 years is provided at appendix 4.

Appendix 1

WATFORD BOROUGH COUNCIL: LEADERSHIP TEAM





**WATFORD
BOROUGH
COUNCIL**

Job Description / Person Specification

Job Title:	Managing Director
Service/ Department:	Corporate Services
Salary band:	Managing Director Band
<p>Purpose of Role:</p> <p>Work with the Elected Mayor to provide effective leadership to the Council, developing and ensuring delivery of the Council's vision and objectives.</p> <p>Take overall responsibility for the effective management of the Council's resources, ensuring efficient, effective and high quality service delivery is provided.</p> <p>Working with the Elected Mayor to lead the Council's strategic partnership working, engaging with stakeholders to support a sustainable, prosperous town.</p> <p>To sustain a bold and progressive culture, embedding a customer focused, digitally enabled, and commercially minded approach across all of the council's function.</p>	
<p>Key Accountabilities:</p> <ul style="list-style-type: none"> • Supporting the delivery of the Mayor's and the council's strategies and policies • Assuring understanding, acceptance and support for the Mayor's Executive role • Transacting the Mayor's, Cabinet and Council decisions • Advising the Mayor and Members • Ensuring the effective delivery of the Council's various projects through Programme Management, objective setting for senior Leadership Team and reviews with key stakeholders. • Managing the Officer/Member/Political interface • Aligning corporate values with Political direction • Aligning strategic direction, corporate planning and resource allocation • Budget strategy and delivery of agreed budget • Leading Structural and Cultural change • Engaging with Strategic Partnerships • Ensuring effective performance management • Ensuring effective personal communication – up, down and outwards. 	
<p>Management:</p> <ul style="list-style-type: none"> • All duties and responsibilities as defined in Section 4 of the Local Government and Housing Act (1989) • Delivering the Mayoral and Cabinet objectives through the Leadership Team • Articulating the Mayor and Cabinet agenda in corporate and service objectives • Providing managerial leadership to the Leadership Team • Alignment of cross-cutting programmes with substantive plans • Management of Deputy MD and Heads of Service – Appraisals/PDRS, Agreement of objectives, Reviewing performance 	

Personal attributes:

- Able to work constructively and effectively both internally and externally
- Able to lead by example
- Able to promote Watford
- Able to enhance Watford's influence locally, regionally and nationally
- Able to articulate a vision on how the Council's services can be better configured, embracing modern ways of working

Key Relationships:

- The Elected Mayor and Members
- Deputy Managing Director
- Heads of Service and senior leadership team
- External partners and stakeholders
- Peers in other Local Authorities within Hertfordshire, including Hertfordshire County Council and Herts CEO group and also other Local Authorities regionally and nationally

Important Notes Relating to Duties:

In dealing with any form of contract or tendering procedures on behalf of the councils, the holder of this post is personally responsible for ensuring that s/he:-

- Is familiar with the relevant requirements of the Council's constitution, Contracts procedures, Rules and Financial Procedure Rules, Officer Code of Conduct and other management guidance that may be given from time to time;
- Complies with these formal requirements and related procedures; and
- Seeks advice from the Head of Democracy & Governance or an officer with specialism in the subject area if in any doubt about the proper course of action.

Person Specification**Knowledge/Skills:**

- Relevant professional and/or post graduate management qualification
- Detailed knowledge of a number of specialist areas within local government.
- Detailed knowledge of legislation governing local authority activities, including contracts and procurement/tendering
- Ability to develop effective strategic partnerships to enable the council to achieve its objectives
- Ability to influence and persuade a wide range of audiences on complex, sensitive and contentious matters
- Commercial nous to advise on long term investments and major financial deals

Experience

- Senior Local Government experience (minimum of 5 years at Chief Officer or equivalent)
- Extensive experience of public sector service delivery, both directly and via commissioning
- Experience of working with a wide range of partner organisations and professionals to deliver outcomes
- Experience of presenting effectively and persuasively to diverse audiences
- Experience of delivering services through Joint Ventures
- Experience of collaborative working with businesses and the third sector to enhance service delivery

ICT/Technical Expertise

- Strategic understanding of the application of ICT to local government operations
- Good working knowledge of Microsoft Office applications

Personal Qualities

- Personal and professional credibility
- Capacity to build effective relationships with partner organisations and stakeholders
- Political sensitivity
- Capacity to work outside office hours and manage a demanding workload

Politically Restricted Posts

Under the Local Government and Housing Act 1989 (as amended), posts that are either specified under that Act or posts that are defined as sensitive under the Act because the post holder is required to either give advice on a regular basis to the executive or any committee of the Council, or speak on behalf of the Council on a regular basis to journalists or broadcasters are 'Politically Restricted'. This means that the post holder is restricted in terms of public political activity. For further information with regard to this please contact Human Resources.

This post is a Specified Post and is politically restricted.

Job Share:

Job Share will not be considered for this post.

Equal Opportunities:

The Council fully supports the terms of The Equality Act 2010. We are an equal opportunities employer and do not discriminate on any grounds. We want a diverse workforce which reflects our community and welcome applications from everyone regardless of age, disability, sex, race, religion or belief, sexual orientation, gender reassignment, pregnancy and maternity and marital or civil partnership status.

We are also committed to improving opportunities for people with disabilities, and are a registered 'Disability Confident' employer. If you have a disability and demonstrate that you fulfil the essential person specification criteria for the role on your application form, you will be invited for an interview. If you feel that you could carry out this post with some adjustments, please let us know. If you require particular arrangements made for interview etc (e.g. signing, access), please indicate this on your application form.

Job description:	Name	Date
Written by (Manager)	Manny Lewis	Feb 2019
Reviewed by (Human Resources)	Terry Baldwin	Feb 2019

Job Description – Director of Finance (employed by Three Rivers District Council)

Job Title:	Director of Finance		Post Reference No:
Post Number:			RG0101
Service/ Department:	Corporate Resources and Governance	Section:	Finance
Grade:	Chief Officer		
Location:	You will normally be based at Three Rivers House, Rickmansworth and Watford Town Hall, Watford or any such other place of employment within the remit of the service as may be required.		
Hours per week:	37 hours per week. The post holder is expected to work the hours required to meet the demands of the role.		
Driver's licence requirements:	Casual. The post holder will be expected to travel as necessary to achieve the requirements of the role.		
Responsible to:	Joint reporting to Chief Executive Three Rivers District Council and Managing Director, Watford Borough Council		
Responsible for:	Direct management responsibility for Finance and Revenue and Benefits; relationship role for Human Resources and ICT (which are directly managed by Watford)		
Purpose of Role:			
<ul style="list-style-type: none"> To act as Three Rivers District Council and Watford Borough Council statutory, section 151, Officer providing advice to members and senior management on: <ul style="list-style-type: none"> Financial Planning Financial Control Financial reporting To lead and manage the Finance and Revenue and Benefits Service 			
Important Notes Relating to Duties:			
<p>In dealing with any form of contract or tendering procedures on behalf of the councils, the holder of this post is personally responsible for ensuring that she/he:-</p> <p>Is familiar with the relevant requirements of the councils' constitutions, Contracts procedures, Rules and Financial Procedure Rules, Code of Official Conduct and other management guidance that may be given from time to time;</p> <p>Complies with these formal requirements and related procedures; and</p> <p>Seeks advice from a more Senior Officer if in any doubt about the proper course of action.</p>			
KEY ACCOUNTABILITIES			
<ul style="list-style-type: none"> To act as the joint statutory section 151, Officer to both Councils, ensuring an even spread of time is available to each Authority. In this role you will provide key strategic and financial advice to both authorities whilst recognising that they are separate and independent bodies and may well have different aims and priorities. To play a key role in the successful achievement of major regeneration projects at both authorities. To provide accurate medium term financial strategies to both authorities to enable future service delivery to be planned in a controlled environment. To identify opportunities to realise efficiency savings over the short and medium term which could include in house re-structuring or potential outsourced, partnership arrangements. To play an active role in guiding and advising the Senior Management Teams and key elected Members in achieving the vision of best performing authorities. To chair and coordinate the Management Team meetings 			

-
- To oversee the operation of Revenues and Benefits and Financial Services to both authorities. This role will necessitate a continuous review of both services to ensure that they remain fit for purpose, provide value for money and strive to be 'best in class' service providers. Every opportunity should be taken to harmonise processes within the overall constraint that the two authorities may wish to apply different policies.
 - To be a lead client officer for the Internal Audit Service provided by Herts. County Council and the provision of an ICT outsourced service (Capita);
 - To provide impartial advice to elected members at all key decision taking and scrutiny committees.
 - To represent both councils at countywide and national forums.
 - To undertake any other duties, commensurate with the grade and seniority of the post, as may reasonably be required.

KEY PERFORMANCE INDICATORS:

- The budget process, including account closing, budget setting, Council tax levy and external audit is completed on time and within specified procedures;
- Accurate, timely and detailed budget information is provided for members and senior management
- Achievement of sustainable budgets for both Councils
- On going review of cost base for both Councils, achieving increased value for money

Job Description – Head of Service

<i>Corporate Accountabilities</i>	<i>Management Accountabilities</i>	<i>Personal Accountabilities</i>
<ul style="list-style-type: none"> • Ensuring customer focus through high quality service delivery • Maintaining capacity • Specific support for corporate projects • Specific delivery of corporate priorities • Advising Members • Service standards and policies • Communications up, down and outwards • Liaison and integration • External partnerships 	<ul style="list-style-type: none"> • Planning: • Research and intelligence • Service and substantive plans • Budgetary planning • Organising: • Structure and staffing • Systems and operational efficiency • Quality assurance • Controlling: • Performance management • Budget monitoring • Staff control and discipline • Leading: • Managerial leadership • Professional leadership • Motivation of staff • Staff training and development • Resourcing: • Service budgets • Achieving best value 	<ul style="list-style-type: none"> • PR and representation of Watford • Good external relations • Major service projects • Service innovation • Enhancement of professional profile and promotion of Watford • Personal development

Appendix 2

Chief Officer Pay structure - Watford Borough Council

1st April 2019

New Band	Spinal Column Point	New Basic	New Salary Including £874 pa Fringe Allowance and £300pa Travel Allowance
Heads of Shared Services (Finance & Revs & Bens)	1	£67,922.00	£69,096.00
	2	£69,400.00	£70,574.00
	3	£70,886.00	£72,060.00
	4	£72,363.00	£73,537.00
Group Head of Service			
Group Head of Service	1	£72,626.00	£73,800.00
	2	£74,126.00	£75,300.00
	3	£75,626.00	£76,800.00
	4	£77,126.00	£78,300.00
	5	£78,704.00	£79,878.00
Group Head of Service + (Monitoring Officer)			
Group Head of Service + (Monitoring Officer)	1	£76,997.00	£78,171.00
	2	£77,770.00	£78,944.00
	3	£79,952.00	£81,126.00
	4	£81,426.00	£82,600.00
Director of Finance			
Director of Finance	1	£80,768.00	N/A
	2	£83,623.00	
	3	£86,340.00	
	4	£89,125.00	
	5	£92,171.00	
	6	£95,271.00	
Managing Director			
Managing Director	N/A	£135,000.00	N/A

Appendix 3

Pay Scale for Watford Borough Council 2019-20

Band	New SCP	Basic Salary exc LWF	Basic plus LWF (at £874)	Per hour ex LWF	Per week ex LWF	Per month ex LWF
Band 1	1	£ 17,364	£ 18,238	£ 9.00	£ 333.01	1,447.00
	2	£ 17,711	£ 18,585	£ 9.18	£ 339.66	1,475.92
Band 2	3	£ 18,065	£ 18,939	£ 9.36	£ 346.45	1,505.42
	4	£ 18,426	£ 19,300	£ 9.55	£ 353.38	1,535.50
Band 3	5	£ 18,795	£ 19,669	£ 9.74	£ 360.45	£ 1,566.25
	6	£ 19,171	£ 20,045	£ 9.94	£ 367.66	£ 1,597.58
	7	£ 19,554	£ 20,428	£ 10.14	£ 375.01	£ 1,629.50
	8	£ 19,945	£ 20,819	£ 10.34	£ 382.51	£ 1,662.08
Band 4	9	£ 20,344	£ 21,218	£ 10.54	£ 390.16	£ 1,695.33
	10	£ 20,751	£ 21,625	£ 10.76	£ 397.96	£ 1,729.25
	11	£ 21,166	£ 22,040	£ 10.97	£ 405.92	£ 1,763.83
	12	£ 21,589	£ 22,463	£ 11.19	£ 414.04	£ 1,799.08
	13	£ 22,021	£ 22,895	£ 11.41	£ 422.32	£ 1,835.08
Band 4+	14	£ 22,462	£ 23,336	£ 11.64	£ 430.78	£ 1,871.83
	15	£ 22,911	£ 23,785	£ 11.88	£ 439.39	£ 1,909.25
	16	£ 23,369	£ 24,243	£ 12.11	£ 448.17	£ 1,947.42
	17	£ 23,836	£ 24,710	£ 12.35	£ 457.13	£ 1,986.33
	18	£ 24,313	£ 25,187	£ 12.60	£ 466.28	£ 2,026.08
Band 5	19	£ 24,799	£ 25,673	£ 12.85	£ 475.60	£ 2,066.58
	20	£ 25,295	£ 26,169	£ 13.11	£ 485.11	£ 2,107.92
	21	£ 25,801	£ 26,675	£ 13.37	£ 494.81	£ 2,150.08
	22	£ 26,317	£ 27,191	£ 13.64	£ 504.71	£ 2,193.08
	23	£ 26,999	£ 27,873	£ 13.99	£ 517.79	£ 2,249.92
Band 6	24	£ 27,905	£ 28,779	£ 14.46	£ 535.16	£ 2,325.42
	25	£ 28,785	£ 29,659	£ 14.92	£ 552.04	£ 2,398.75
	26	£ 29,636	£ 30,510	£ 15.36	£ 568.36	£ 2,469.67
	27	£ 30,507	£ 31,381	£ 15.81	£ 585.07	£ 2,542.25
	28	£ 31,371	£ 32,245	£ 16.26	£ 601.64	£ 2,614.25
Band 7	29	£ 32,029	£ 32,903	£ 16.60	£ 614.26	£ 2,669.08
	30	£ 32,878	£ 33,752	£ 17.04	£ 630.54	£ 2,739.83
	31	£ 33,799	£ 34,673	£ 17.52	£ 648.20	£ 2,816.58
	32	£ 34,788	£ 35,662	£ 18.03	£ 667.17	£ 2,899.00
	33	£ 35,934	£ 36,808	£ 18.63	£ 689.15	£ 2,994.50

Band 8	34	£ 36,876	£ 37,750	£ 19.11	£ 707.21	£ 3,073.00
	35	£ 37,849	£ 38,723	£ 19.62	£ 725.87	£ 3,154.08
	36	£ 38,813	£ 39,687	£ 20.12	£ 744.36	£ 3,234.42
	37	£ 39,782	£ 40,656	£ 20.62	£ 762.94	£ 3,315.17
	38	£ 40,790	£ 41,664	£ 21.14	£ 782.27	£ 3,399.17
Band 9	39	£ 41,675	£ 42,549	£ 21.60	£ 799.25	£ 3,472.92
	40	£ 42,683	£ 43,557	£ 22.12	£ 818.58	£ 3,556.92
	41	£ 43,662	£ 44,536	£ 22.63	£ 837.35	£ 3,638.50
	42	£ 44,632	£ 45,506	£ 23.13	£ 855.96	£ 3,719.33
	43	£ 45,591	£ 46,465	£ 23.63	£ 874.35	£ 3,799.25
Band 10	44	£ 46,570	£ 47,444	£ 24.14	£ 893.12	£ 3,880.83
	45	£ 47,551	£ 48,425	£ 24.65	£ 911.94	£ 3,962.58
	46	£ 48,534	£ 49,408	£ 25.16	£ 930.79	£ 4,044.50
	47	£ 49,524	£ 50,398	£ 25.67	£ 949.78	£ 4,127.00
	48	£ 50,524	£ 51,398	£ 26.19	£ 968.95	£ 4,210.33
Band 11	49	£ 51,518	£ 52,392	£ 26.70	£ 988.02	£ 4,293.17
	50	£ 52,562	£ 53,436	£ 27.24	£ 1,008.04	£ 4,380.17
	51	£ 53,576	£ 54,450	£ 27.77	£ 1,027.49	£ 4,464.67
	52	£ 54,574	£ 55,448	£ 28.29	£ 1,046.63	£ 4,547.83
	53	£ 55,595	£ 56,469	£ 28.82	£ 1,066.21	£ 4,632.92
Band 11+	54	£ 57,742	£ 58,616	£ 29.93	£ 1,107.38	£ 4,811.83
	55	£ 59,303	£ 60,177	£ 30.74	£ 1,137.32	£ 4,941.92
	56	£ 60,863	£ 61,737	£ 31.55	£ 1,167.24	£ 5,071.92
	57	£ 62,424	£ 63,298	£ 32.36	£ 1,197.17	£ 5,202.00

Fringe Weighting Allowance: £874 per annum

Essential Car User (where applicable): Lump sum allowance

Up to 999 cc: £846.00 per annum

1000 cc and above: £963.00 per annum

Stand by duty allowance (where applicable): £29.03 per session

Appendix 4

Summary of JNC/ NJC national pay awards previous 5 years

2016 1.0% pay award
2017 1.0% pay award
2018 2.0% pay award
2019 2.0% pay award
2020 award TBA

* note that there are no posts in the Council that are currently remunerated below spinal column point 7 – (£10.14 exc LW).

Current Real Living wage rate

Real Living wage £9.30 for 2019/20.

Agenda Item 13

Part A

Report to: Council

Date of meeting: Tuesday, 17 March 2020

Report author: Democratic Services Manager

Title: Vice Chairman 2020/21 nominations

1.0 Summary

1.1 At its meeting in March 2019 Council agreed to a new process for the election of the Vice Chairman. This report details the new process and the nominations received for the 2020/21 Vice Chairman.

2.0 Risks

2.1

Nature of risk	Consequence	Suggested Control Measures	Response (treat, tolerate, terminate or transfer)	Risk Rating (combination of severity and likelihood)
Vice Chairman not appointed	There would be no deputy to support the Chairman during their term of office.	The Democratic Services Manager contacts all group leaders to encourage them to seek nominations in their groups.	Treat	4

3.0 Recommendations

3.1 that Council considers the nominations from those contained in the report and agrees the Vice Chairman for 2020/21.

Further information:

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Report approved by: Carol Chen, Group Head of Democracy and Governance

4.0 **Detailed proposal**

4.1 At Council on 19 March 2019 members considered a report from the Constitution Working Party which included a proposal for a new method of selecting the Vice Chairman. Council agreed the new process, attached as Appendix 1 to these minutes, which would come into force for the new Vice Chairman for the 2020/21 Municipal Year.

4.2 On 14 February the Democratic Services Manager wrote to all councillors about the new process for selecting the Vice Chairman and invited nominations for the role. The Chairman's role profile, attached as Appendix 2 to this report, was included to ensure that all councillors were aware of the responsibilities of the Chairman and that the Vice Chairman would act as their deputy.

4.3 The Democratic Services Manager received three responses, listed in order of receipt below, and the following councillors have been nominated –

- Councillor Bilqees Mauthoor
- Councillor Favour Ezeifedi
- Councillor Dawn Allen-Williamson

Each councillor was asked to provide a statement as to why they would like to be Vice Chairman. These are included as appendices 3 to 5 respectively.

4.4 The Democratic Services Manager has checked to confirm that none of the nominees are due to finish their term of office in 2020 or 2021; therefore all nominees are eligible.

4.5 At Council the Chairman will announce each of the nominees individually and will ask for a proposer and seconder for them. As there are more than one nomination Council will be asked to vote for their preferred candidate. It will be carried out as a secret ballot. The candidate with the most votes will be elected Vice Chairman for the 2020/21 Municipal Year. If there is a tie the Chairman will have the casting vote.

5.0 **Implications**

5.1 **Financial**

5.1.1 The Shared Director of Finance comments that there are no financial implications in this report.

5.2 **Legal Issues (Monitoring Officer)**

5.2.1 The Head of Democracy and Governance comments that there are no legal implications in this report.

5.3 **Equalities, Human Rights and Data Protection**

5.3.1 Nominations were open to all members except for the Elected Mayor and the current Vice Chairman, Councillor Aga Dychton. In addition those councillors whose term of office expired this year would not have been eligible in order to ensure a continuity of the position or having to repeat the process at Annual Council in May.

5.4 **Staffing**

5.4.1 None

5.5 **Accommodation**

5.5.1 None

5.6 **Community Safety/Crime and Disorder**

5.6.1 None

5.7 **Sustainability**

5.7.1 None

Appendices

Appendix 1 – Process for the selection of the Vice Chairman

Appendix 2 – Chairman’s role profile

Appendix 3 – Councillor Mauthoor’s statement supporting her nomination

Appendix 4 – Councillor Ezeifedi’s statement supporting her nomination

Appendix 5 – Councillor Allen-Williamson’s statement supporting her nomination

Background papers

No papers were used in the preparation of this report.

Procedure to elect Vice Chairman from May 2020

Election of Vice Chairman at Full Council

1. Officers to write to members to ask for nominations for Vice Chairman in February. Nominations cannot include the Elected Mayor or the current Vice Chairman.
2. Any nominations received accompanied by a personal statement will be passed to the Democratic Services Manager for them to contact those nominated to confirm they are happy to have their name put forward for the role. Also to confirm that anyone nominated is not up for election in the following May. Nominations to be received no later than the 28 February.
3. At the Full Council meeting in March the Chairman will announce who has been nominated and ask for those members (and no others) to be formally proposed and seconded.
4. If only one member is proposed and seconded they will be the Vice Chairman for the forthcoming municipal year.
5. If more than one member is proposed and seconded then Council will be asked to vote for their preferred candidate. The candidate with the most votes will be elected as Vice Chairman. If there is a tie in the number of votes for first place the Chairman would have the casting vote. The vote will be held by way of secret ballot.

It will continue to be custom and practice that the Vice Chairman will be Chairman in the following Municipal Year.

Watford Borough Council Chairman Role Profile

Overview

- To act as the Civic Representative of the Council.
- To be first citizen of Watford
- To promote civic pride in Watford

Key Responsibilities

- To preside over meetings of the Council so that its business can be carried out efficiently and with regard to the rights of Councillors the Elected Mayor and the interests of the community and to ensure order and courtesy at all times
- To ensure that the Council meeting is a forum for debate of matters of concern to the local community and the place at which Members who are not on the Executive are able to hold the Executive members to account
- To ensure that the Public Gallery strictly adheres to Council rules during Council meetings
- To uphold and promote the purposes of the Constitution and to interpret the Constitution when necessary
- To employ a second, or casting vote in the event of an equality of votes on any question before the meeting
- To be the conscience of the council
- To promote public involvement in the Council's activities
- To attend such functions as the Council determines appropriate in accordance with protocol that the Mayor will have first right of refusal of attending a civic event/accepting an invitation. Therefore, all invitations will go to the Elected Mayor in the first instance and the Mayor will decide whether to attend. In the event that the Mayor is unable to attend he/she will decide, depending on the nature of the event and availability of office holders, whether to pass the invitation to:
 - the Deputy Mayor
 - a Portfolio Holder
 - the Chairman

Alternatively the Mayor may decide that no one on behalf of the Council should attend. It will be at the Mayor's discretion who to offer the invitation to if they are unable to attend.

- If, having been passed the invitation, the Chairman cannot attend an engagement they may decide to pass the invitation to:
 - The Vice Chairman
 - The Freemen of the Borough or a Past Chairman
- To host fund raising events throughout the year to support their chosen charities. Though this should not be the main focus of the Chairman's year and officers should

not be expected to spend a disproportionate amount of time arranging fundraising events and holding meetings with charities. The office of Chairman provides a higher profile for the charities in their year of office which is part of the benefit alongside any fundraising activities.

- To host other civic events within the constraints of the budget and subject to the agreement of the Elected Mayor
- To co-host the presentation of awards alongside the Elected Mayor at the annual Audentior Awards (or equivalent) event. The Elected Mayor will take precedence in making arrangements for any joint event.
- To lead the Remembrance Sunday ceremony with the Elected Mayor
- To work closely with officers in the organising of events and diary management and keep officers fully informed.
- To be a member or patron, ex officio, of organisations in Watford

Skills required

- The ability to chair meetings, to facilitate open discussion, to work in a cross party environment and to ensure that the business on the agenda is dealt with properly and in accordance with the Council's Procedure Rules.
- The ability to act in a non-political capacity during their term of office (especially during Council meetings). This includes:
 - Not using position for own re-election
 - Avoiding controversial political roles such as chairing major committees, standing for parliamentary and mayoral elections
- Strong interpersonal skills with the ability to communicate effectively and courteously with all sections of the community and maintain impartiality
- To be able to speak clearly and confidently in public settings
- To be able in public to work methodically and with discipline through an agenda or other similar prepared list or document

Vice Chairman

- To act as the deputy to the Chairman in all of the above.

Current Allowances:

£4,000 Chairman

£2,000 Vice Chairman

Time required:

As an indication there may be approximately 200 engagements per year with an average time of two hours each. Length of engagement can vary considerably from a few minutes (to be present at a flag raising ceremony) or several hours (a charity dinner or awards event).

Self-nomination statement for Vice Chair for Watford

I would like to nominate myself as vice Chair for this municipal year and I have read and understood the requirements.

The reason why I would like to do this role because I have great interpersonal skills and I can work with all types of communities and people. I also have a good rapport with all political parties. I have no doubt in my mind that I will be able to work with the Mayor and Chairman to ensure that all events are attended and that we are here to promote Watford.

I have been a councillor since 2014 I have taken different roles within the group such as Chair for two years, secretary, treasurer and community liaison officer.

Over the years I have initiated projects to help raise awareness of domestic abuse and tackling loneliness and isolation this has been positively well received.

I am a very sociable person and I enjoy meeting people, attending events has always been a strong point for me. I am not shy and more importantly I have always included people to feel involved and happy.

Given this opportunity I know I will promote the welfare of Watford in a non-political manner. I will do anything in my capacity to make Watford glow on a map.

Cllr Bilqees Mauthoor

Nomination as Vice-Chair 20/21

Watford has become a very vibrant and diverse Borough in Hertfordshire in recent years. This has enriched our town in many ways that we are proud of. Being the Vice-Chair of Watford Borough Council therefore is a great privilege for any Councillor as Vice-Chair deputises for the Chair in civic duties and charity fundraising activities as directed by the Elected Mayor.

I seek your support to be the Vice-Chair of Watford Borough Council. I bring a unique perspective as a competent black African woman with experience in facilitating meetings across political, professional and voluntary sectors. I believe I have the vision, passion, capacity and experience to motivate, inspire and invigorate public involvement in the council's activities. I am a trained facilitator and was the Vice-Chair of the Watford Labour Party for four years. I am a leader. I am graduate of Jo Cox Women in Leadership training and NHS Leadership Academy. As an NHS manager leading a trailblazer project, I facilitate multi-disciplinary and multi-agency meeting involving different stakeholders across Hertfordshire. Recently I had the privilege of co-facilitating round tables for shadow ministers on mental health inequality.

I always seek to work in collaboration across parties as demonstrated in the various committees I have been a member so far. If elected Vice-Chair, I will ensure that I act in a non-political capacity during my term in office and especially in council meetings. As a clinician, I am trained to work methodically and with discipline through an agenda or other similar prepared list or document. I have strong interpersonal and communications skills. I am confident in speaking in public settings. I am always a guest speaker in various community events in the community as well as national conferences. I have the availability and capacity to support the chair as I do not hold chair of committee or group leader position. I am not up for election or seeking for election for the Mayor or Parliamentary seat in Watford within the next two years.

I hope you will support my nomination and together we will raise the profile of our town.

Thank you

Favour

Cllr Dawn Allen-Williamson
26th Feb 2020

To whom it may concern.

Supporting statement for the position of Vice Chair of Watford Borough Council

I would like to be considered for the role of Vice Chair of Watford Borough Council. I have been a Watford resident for 31 years and was proud to be elected to represent the residents of Callowland ward as a Borough Councillor in May 2019.

My real strength is as a local community champion. I believe that involving as many diverse people into community events ensures a happy cohesive community. I understand the value of involvement and networking and work hard to communicate to my residents in a timely and accurate way.

I am flexible. As well as working full time during the last year I have demonstrated my commitment to my work as a councillor and showed that I can put in the hours required to do the role to the best of my ability and to attend all meetings as required. I have experience of chairing meetings and have done this both personally and professionally.

I am a good communicator and over the last year have consistently demonstrated my skill to communicate effectively and confidently with officers and others within the council.

As a member of the overview and scrutiny committee, I have shown that I have excellent listening skills, my ability to analyse and demonstrate impartiality to ensure the most appropriate decision for the residents of Watford.

I am eager to learn and over the past year I have gained a real understanding of the role of a councillor and how that works within the council's constitution. I believe I have the skills, experience and confidence to carry out the role of vice chair to a high standard and would love to be considered for the role at this time.

Kindest regards
Dawn