

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

carol.chen@watford.gov.uk

Tel: 01923 278350

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.