

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 4 FEBRUARY 2020

REVIEWING THE COUNCIL'S ETHICAL FRAMEWORK

REPORT OF DIRECTOR: GOVERNANCE

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 For members to consider, comment on and support a proposed review of the Council's ethical framework.

2. RECOMMENDATIONS

- 2.1 **Members to note and support LGA initiated work on promoting civility in public life, particularly in promoting progress towards an LGA sponsored model Code of Conduct;**
- 2.3 **Members agree to meet again when a draft model Code of Conduct is published for consultation to enable this Council to consider and respond to consultation on the development of the new model code of conduct;**
- 2.4 **Members to consider agreeing the adoption of a public interest test and if so, deciding from when this test should be applied, either immediately or upon adoption of the new code when it is adopted.**
- 2.5 **Members to agree that a member(s) (identifying a member(s) for this purpose) of the Standards Committee sit on the recruitment panel for the Independent Persons as detailed in this Report**
- 2.6 **Members to approve the constituent elements of consultation document to record the discussion between the Monitoring Officer and the Independent Person during the consideration of whether or not to refer a complaint for investigation or informal resolution or no further action at all.**
- 2.7 **Members to approve new publicity requirements for determinations by amending the Hearings Sub Committee terms of reference to include "agreeing/ delegating to the Monitoring Officer, in consultation with the Chair, the publication on the Council's web-site of a statement detailing the outcome of a determination as detailed in the body of the Report".**
- 2.8 **Members agree that the Monitoring Officer works with the Member Development Steering Group and Group Leaders to review the Protocol on Member/ Officer Relations with a view to including an amended version through the Constitution Committee and on to full Council as an amendment to the Constitution.**

2.9 Members to review the Protocol on Gifts and Hospitality, particularly regarding the Best Practice recommendation from the CSPL about increasing values contained in the existing Protocol for Telford & Wrekin Council as it effects members.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	These proposals will help to engender civil debate and shows the Council taking community leadership on this important topic.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	Target date Changes will continue to be delivered during the course of this civic year but some changes are dependent upon legislation which is outside the Council's control. The Council should also accept a duty, not legally defined as yet to look after the health and well-being of local Councillors elected to office	
FINANCIAL/VALUE FOR MONEY IMPACT	No	There are no additional financial implications arising from the recommendations in this report.
LEGAL ISSUES	Yes	This committee, and the Council generally has a duty to promote high standards of behaviour of conduct by members and co-opted members of the Council.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	There are no other specific impacts arising from this report.
IMPACT ON SPECIFIC WARDS	No	

PART B) – ADDITIONAL INFORMATION

1. Background

- 1.1 To support the Council's strategic focus through to 2023 to protect care and invest to make a better Borough, as approved by Cabinet and Council in July 2019 it is proposed to undertake a review of the Council's governance arrangements to ensure that the Council delivers its strategic programme in accordance with the principles of good governance.
- 1.2 At the heart of any Constitutional review will be a review of the Council's constitution and a separate report is being prepared for consideration by the Constitution Committee on that wider review.
- 1.3. This report relates to the more specific review of the Council's ethical framework (aligning to this Committee's terms of reference "to promote and maintain high standards of conduct by members and co-opted members of the Council".)

1.4 The key theme for this committee is to ensure the maintenance of high ethical standards, paying particular attention to reviewing the Member Code of Conduct, the Protocol on Member/ Officer Relations and the Protocol on Gifts and Hospitality as it applies to members.

1.5 This holistic review will also take account of recent LGA work on civility in public life and their work, commencing in September 2019 and leading to the publication of the report of "Civility in Public Life and the Review of the Model Code of Conduct". The report will look at how this links into some work that has been started by the Member Development Training Group, particularly in respect of personal safety training for members and how this aligns with national moves towards "civility in public life".

2. What is included in the Council's ethical framework for the purpose of this review:

2.1 The elements of the Council's Constitution that fall within this Committee's terms of reference for comment are:

- The Members' Code of Conduct (The Code of Conduct for Employees does not fall within the remit of this Committee)
- The Member/Officer Protocol
- Protocol on Gifts and Hospitality

2.2 It is important to note that the first two elements are subject to approval by Council, upon recommendation of the Constitution Committee: This committee has a role in recommending changes to the Constitution Committee.

3. The Members' Code of Conduct/ The Protocol on Gifts and Hospitality Update

3.1 A report from the Committee on Standards in Public Life (CSPL) on "Local Government Ethical Standards" has been reported to central Government. A formal response is awaited and expected soon. The Secretary of State has established a Framework Review Panel with a view to assessing the current governance and accountability framework to determine whether or not it is fit for purpose. Feeding into that Panel is an informal network of Monitoring Officers meeting with MHDCLG quarterly. Telford is represented at this meeting by the Monitoring Officer.

3.2 The LGA responded to this in their report "Civility in Public Life and the Review of the Local Code of Conduct" which is referred to in more detail later in this report.

3.3 In reports to this committee on 5 February 2019 and 25 June 2019 the best practice (BP) (that could be implemented without legislative change) from the CSPL were considered and an initial view given by members on how to proceed. As detailed above circumstances have developed - and the current proposed position is detailed below for members' consideration and comments/ approval as appropriate, including this time recommendations (R) , many of which require legislation to be implemented. (See Appendix 1)

4. Reviewing the Protocol on Member/ Officer Relations (See Appendix 3)

- 4.1 Members and officers perform distinct roles within the Council. The purpose of this document is to provide clarity about what is expected from officers and members when they are working together. This current version of the document has not been reviewed since 2010; it has never been resorted to in a formal way.
- 4.2 Also it is important to note that there is nothing in the current working arrangements between members and officers to suggest that the way that they work with each other is nothing short of effective and respectful. However, the Protocol is proposed for review now as it is the best time to review such Protocol in the absence of strained relationships that might skew how either members or officers view their working relationships.
- 4.3 Notwithstanding this the review needs to be carefully done ensuring time for considered input by both members and officers. Accordingly it is proposed that a draft version is circulated via the Member Development Steering Group to both the senior management team and group leaders for consultation with a view to being presented to Council, vi the Constitution Committee for adoption as part of the Constitution later this year.

5. Civility in Public Life - Improving the protection for Members - Preventative training and support all the way through to support during and after an incident has occurred

- 5.1 It is becoming more and more apparent that Councillors, both locally and nationally are subject to abuse, threats and public intimidation and there is a real risk that this can undermine the principles of free speech, democratic engagement and debate. There is mounting evidence that this is a real discouragement to many high quality people from wanting to become Councillors.
- 5.2 The LGA have recently launched a programme with the aims of addressing:
- intimidation of local government and members;
 - Standards of public discourse;
 - Political discourse and behaviour in public office; and
 - Support and advice to Councils and Councillors.

Objectives

- 5.3 The LGA's objectives in embarking on this programme of work are:
1. To articulate what local government believes are good standards for anyone engaging in public and political discourse and debate, and what is needed to achieve these standards.
 2. To show leadership at a local, national, UK-wide and international level in good standards of political debate, engagement and decision-making, demonstrating the positive impact it can have.
 3. To understand the scale and impact of intimidation and abuse behaviour our

membership is experiencing.

4. To challenge the 'new-norms' of intimidation, abuse, threats and aggressive behaviour by many engaging in political and public discourse.
5. To demonstrate the impact that intimidation and abusive behaviour in our political system and from the general public has on our democratic system, and recommendations for achieving positive debate and public engagement in local decision-making.
6. To support its member councils in addressing intimidation and abuse.
7. To enhance the reputation of local government and local politicians, and encourage more people to become councillors by addressing the issues of intimidation and abuse.
8. To support all democratically elected local representatives in delivering their best on behalf of their local communities.
9. To build on the good practice that already exists within member councils.

5.4 Particular factors that make it relevant for consideration in Telford include:-

- CSE and the experience of some members, officers and officers working for partner organisations
- Experience of some councillors during recent election campaigns
- Other examples of violence/ intimidation towards councillors
- The Council's aspiration to encourage prospective candidates to stand for office and encourage diversity in candidates

5.6 Accordingly the Council is developing a broad strategy to support members. There are 3 main strands to this strategy:-

Prevention

Generally providing support and guidance for members. Including, (ACTIONED) - Training session - Working Safely in the Community hosted by the LGA on 25 November 2019

Handbook advice - Available for all members, giving practical advice on how to risk assess your role as a Councillor, handling intimidation, managing your mental health, managing your personal safety and security, your home security, travelling safely and using social media. 2 really useful publications, both of which can easily be provided to members are:

- Personal Safety for Councillors - Baikie-Wood Consultancy
- Councillors Guide to Handling Intimidation - LGA

Support

Developing the idea of how the Council considers and manages its duty of care towards local Councillors, including for example:

- **Stay safe** - a really useful lone working app that is available to members and officers alike to protect them when they are going into situations which, from a risk assessment point of view require sensible management
- **Risk assessment for members** - the health and safety team have already provided risk assessments for members who are currently assessed as being most likely to be

vulnerable to harassment and intimidation

- **PSP Register** - this is a register that is available to members and officers alike to enable them to have access to information that will enable them to properly risk assess their position when meeting with their constituents.

Re-active Support

Liaison with the Police - depending upon the seriousness of the harassment or intimidation referral to the Police should always be considered. The Police might not take action but it helps the proper recording of these crimes to have them recorded as an incident. Officers will liaise with the Police to establish reporting processes early so that when/ if a situation arises there can be an immediate and effective response to the incident. (including engagement with the Crown Prosecution Service and the local Police and Crime Commissioner.

Designated Officer contact for all Members - it is proposed that the Monitoring Officer be the designated first point of contact for all members to ensure that action is taken swiftly and consistently.

Urgent response to "threat" the Legal Team are working on a suite of precedent documents to enable a swift response depending upon the circumstances of the individual case.

Challenge

How the Council, as a community leader challenges this behaviour and challenges it both in principle but also relentlessly challenging the people who demonstrate this intimidating and abusive behaviour whilst also encouraging positive debate and public engagement in local decision-making.

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