

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 28 APRIL 2021

**UPDATE ON RECOMMENDATIONS OF THE COMMITTEE ON
STANDARDS IN PUBLIC LIFE**

**REPORT OF ANTHEA LOWE – ASSOCIATE DIRECTOR: POLICY &
GOVERNANCE**

**LEAD CABINET MEMBER – CLLR RAE EVANS – CABINET MEMBER
FOR COUNCIL FINANCE AND GOVERNANCE**

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 This report is intended to provide an update to Members of the Committee on the best practice recommendations of the Committee on Standards in Public Life that was published in January 2019.

2. RECOMMENDATIONS

It is recommended that Standards Committee notes the report and endorses the steps identified to achieve each of the recommendations of best practice

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Co-Operative Council priority objective(s)?	
	Yes	The Committee on Standards in Public Life report on Ethical Standards in Public Life sets out areas of best practice that local authorities should adopt. These are intended to deliver good ethical standards within local government and, therefore, underpin all of the Council's priorities.
	Will the proposals impact on specific groups of people?	
	No	

TARGET COMPLETION/DELIVERY DATE	Anticipated date of adoption is the date of the Ongoing	
FINANCIAL/VALUE FOR MONEY IMPACT	No	There are no direct financial implications for the Council arising from the recommendations in this report.
LEGAL ISSUES	Yes	Whilst there is no legal requirement to adopt the best practice recommendations, they are considered to deliver good ethical standards within local government. This report responds to the recommendations of the Committee on Standards in Public Life.(IR 26.04.21)
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	
IMPACT ON SPECIFIC WARDS	No	Borough-wide

PART B) – ADDITIONAL INFORMATION

4. INFORMATION

- 4.1 In January 2019, the Committee for Standards on Public Life (CSPL) produced its report on Ethical Standards in Local Government. As well as recommending a model Code of Conduct be created (considered elsewhere on this agenda), it also made 15 best practice recommendations. The CSPL will be reporting, periodically, on the adoption of these best practice recommendations within local authorities.
- 4.2 The Standards Committee has previously considered the best practice recommendations. The purpose of this report is to provide an update to Members on the adoption of those best practice recommendations and these are set out in the table below.

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.	Agreed by Standards Committee – February 2020	Included within the model Code of Conduct considered elsewhere on this agenda.
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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.	Agreed by Standards Committee – February 2020	Included within the model Code of Conduct.
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.	Already undertaken by the Authority.	New Code of Conduct currently subject to consideration. If adopted by full Council, will be reviewed via the annual review of the Council's Constitution.
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.	Current Code of Conduct is displayed on the Council's webpages and is also included within the Constitution (also available online).	When adopted, the new Code of Conduct will be available on the Council's website and in the Council's Constitution. Web pages are currently subject to a review.
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	Committee agreed in February 2020 that publication of Register would be on update rather than quarterly. This has not yet been undertaken as there has not been any updates to the register.	Initial publication to be completed by end July 2021.
6.	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Committee agreed in February 2020 that the adoption of a public interest test would be	To be reported to the next meeting of Standards Committee.

		deferred until adoption of the new Model code of Conduct.	
7.	Local authorities should have access to at least two Independent Persons.	Agreed by Committee in February 2020.	Recruitment pack prepared and reviewed by current Independent Person. Recruitment deferred due to Covid pandemic. To recommence in next municipal year, jointly with Shropshire and Wrekin Fire Authority.
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 trivia.	Committee agreed principle of headings for discussion with IP.	Whilst consultation with the IP already takes place on each allegation, there are no agreed forms/headings for discussion. Propose to adopt this from commencement of the new IPs.
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.	Agreed at the meeting of Standards Committee in February 2020 that this would be delegated to the MO.	
10.	A local authority should have straightforward and		Already available on Council web

	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		pages although this will be updated as part of the web pages review.
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.	Committee anticipated this being dealt with in the model Code of Conduct.	This is not dealt with in the model Code. Propose to update complaints process to include this provision. Advice to Parish/Town Clerks is given already on this point.
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.		Already undertaken within existing resources.
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.	Committee agreed in February 2020 that the Council could rely upon external resource to fulfil this provision if needed.	Considered on a case by case basis as per the IP's recommendations.
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		Ongoing.

	principle of openness, and publish their board agendas and minutes and annual reports in an accessible place		
15.	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	In February 2020, the Committee agreed the principle of this provision but wanted assurance around the data that would be shared. Agreed this would be general information only.	As required, senior officers meet with Group Leaders to discuss such matters.

5. PREVIOUS MINUTES

Minutes of the meeting of 4 February 2020.

6. BACKGROUND PAPERS

None.

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