

STANDARDS AND ETHICS COMMITTEE

**Venue: Town Hall, Moorgate
Street, Rotherham. S60
2TH**

Date: Thursday, 21 March 2019

Time: 2.00 p.m.

A G E N D A

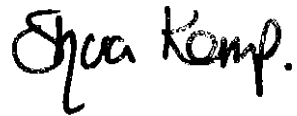
1. Apologies for Absence.
2. Declarations of Interest.
3. To consider whether the press and public should be excluded from the meeting during consideration of any part of the agenda.

Agenda Items 7 and 8 have exempt appendices. Therefore, if necessary when considering that item, the Chair will move the following resolution:-

That under Section 100(A) 4 of the Local Government Act 1972, the public be excluded from the meeting for the following items of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12(A) of such Act indicated, as now amended by the Local Government (Access to Information) (Variation) Order 2006.

4. To determine any item which the Chairman is of the opinion should be considered as a matter of urgency.
5. Minutes of the previous meeting held on 13th December, 2018 (herewith) (Pages 1 - 6)
6. Differences between the requirements for Members and Officers with regards to Declarations for Gifts and Hospitality (report herewith) (Pages 7 - 16)
7. Consideration of Complaints (report herewith) (Pages 17 - 21)
8. Review of Concerns raised pursuant to the Whistleblowing Policy (report herewith) (Pages 22 - 27)
9. Appointment of Standards and Ethics Committee Independent Persons (report herewith) (Pages 28 - 31)

10. Committee on Standards in Public Life (CSPL) - Review of Local Government Ethical Standards (report herewith) (Pages 32 - 49)
11. Date and Time of Next Meeting - Thursday, 13th June, 2019 at 2.00 p.m.

A handwritten signature in black ink, appearing to read 'S. Kemp'.

S. KEMP,
Chief Executive.

STANDARDS AND ETHICS COMMITTEE**Thursday, 13th December, 2018**

Present:- Councillor McNeely (in the Chair); Councillors Clark, Simpson, Vjestica, Mr. D. Bates, Mr. D. Rowley and Mr. R. Swann, Parish Council Members, and also Mr. P. Edler and Mrs. J. Porter, Independent Members.

Also in attendance was Mr. P. Beavers, Independent Person.

Apologies for absence were received from Councillor Pitchley and Mr. D. Roper-Newman.

19. DECLARATIONS OF INTEREST

Councillor Clark declared a personal interest in Minute No. 24 (Outcome of Standards and Ethics Sub-Committee Hearing regarding Alleged Breach of the Code of Conduct) and left the room whilst the matter was discussed.

Councillor Simpson declared he was now a Parish Councillor as well as a Borough Councillor.

20. MINUTES OF THE PREVIOUS MEETING

Consideration was given to the minutes of the previous meeting held on 13th September, 2018.

With regards to Minute No. 13 the Committee received confirmation that terms of office for the Parish Council Representatives had been agreed up to 2020 and the Representatives advised accordingly.

Resolved:- That the minutes of the meeting of the Standards and Ethics Committee held on 13th September, 2018 be approved as a true and accurate record of proceedings.

21. THE APPOINTMENT OF PARISH COUNCIL AND INDEPENDENT MEMBERS OF THE STANDARDS AND ETHICS COMMITTEE

Consideration was given to the report which set out the recommendations in respect of the Parish Council Members on the Standards and Ethics Committee and, following interview, the need for approval of the two candidates for the role of Independent Members to the Standards and Ethics Committee.

The Committee noted the Parish Council Liaison Group had resolved that it would wish for the current Parish Council Members of the Committee to continue as members until the 2020 elections and would continue in these roles until the end of the 2019/2020 municipal year or until further nominations were made to these roles following the Parish Council

elections in May 2020, whichever was the later.

Following the recruitment process to try to fill the three Independent Member vacancies two applications were received. An interview process involving the Chair, Monitoring Officer and one of the Independent Persons confirmed both of the candidates were felt to be appropriate persons to undertake the role of Independent Member. The two candidates were Mags Evers and Adela Bingham.

The Committee welcomed confirmation of the Parish Council Members and the appointment of two more Independent Members. However, this now brought the Independent Member numbers back up to four out of five places, but it was felt the remaining vacancy should still be filled for the remaining Independent Member on the Committee. The Committee asked that this be pursued.

Clarification was also sought on why the Independent Persons were not included in the membership of the Committee and it was pointed out the need for independence and that they attended meetings by invitation only. However, it was suggested that as part of the annual membership reporting the Independent Persons be identified and listed for information.

Resolved:- (1) That Council be recommended to approve the continuation of the Parish Council Members on the Standards and Ethics Committee until the end of the 2019/20 Municipal year or until further nominations are made after the Parish Council elections in 2020, whichever is the later.

(2) That Council be recommended to confirm the appointments of Mags Evers and Adela Bingham as Independent Members of the Standards and Ethics Committee for a period of four years.

(3) That the recruitment process continue in order to fill the current vacancy for an Independent Member of the Committee.

(4) That as part of the annual membership reporting the Independent Persons be identified and listed for information.

22. **CONSIDERATION OF COMPLAINTS**

Consideration was given to the report presented by the Deputy Monitoring Officer, detailing the progress with the handling of complaints relating to breaches of the Council's Code of Conduct for Members and Town and Parish Councillors. The report listed the current cases of complaint and the action being taken in respect of each one and an updated complaint schedule was circulated.

Details of each related case and recommended outcome were highlighted.

Resolved:- (1) That the report be received and the contents noted.

(2) That the progress in respect of each case be noted pursuant to the Standards and Ethics Committee Complaints Procedure.

23. REVIEW OF CONCERNS RAISED PURSUANT TO THE WHISTLEBLOWING POLICY

Consideration was given to the report and appendix presented by the Deputy Monitoring Officer, which provided an overview of the Whistleblowing cases which have been received over the past year.

The appendix to the report set out clearly the description of the concerns received and action.

Clarification was sought on the continuation of any action once a person had left the authority and whether it was normal practice for concerns to be submitted anonymously.

The Committee were advised action still continued even if a person had left the authority and this was recorded on their personal files. Reporting concerns anonymously also safeguarded individuals in circumstances where investigations could take place without identification of where the concern originated.

Resolved:- That the Whistleblowing concerns raised over the previous year and the actions taken to address these matters be noted.

24. OUTCOME OF STANDARDS AND ETHICS SUB-COMMITTEE HEARING RE ALLEGED BREACH OF THE CODE OF CONDUCT

Consideration was given to the report presented by the Deputy Monitoring Officer which set out clearly the outcome of a Standards and Ethics Sub-Committee Hearing which took place on 14th September, 2018 in relation to an alleged breach of the Code of Conduct by Councillor Brian Cutts and the subsequent decision of Council, at its meeting on 31st October, 2018, to remove Councillor Cutts from the South Yorkshire Police and Crime Panel.

As set out in the Decision Record, the Sub-Committee found that Councillor Brian Cutts' conduct was in breach of the Code of Conduct in that he had failed to treat others with respect. They found that the two of the comments he had made were homophobic, being indicative of a dislike or prejudice towards LGBT people and that in making those comments he had failed to treat others with respect, namely the LGBT community and in particular same sex couples who foster or adopt children or who wish to do so.

The Sub-Committee also found that by making the comments Councillor Brian Cutts was also in breach of the Code of Conduct in that he had done something which may cause the Council to breach any of the equality duties and had conducted himself in a manner which could reasonably be regarded as bringing his office of councillor or the Council into disrepute.

The Sub-Committee recommended a number of sanctions that should be applied to the Subject Member:-

- The member shall be censured.
- The formal decision notice setting out the findings of the Sub-Committee shall be published on agenda of the next meeting of the Standards & Ethics Committee.
- The Sub-Committee shall recommend to the Councillor's Group Leader that he be removed from the Committees or Sub-Committees of the Council upon which he sits.
- The Monitoring Officer shall be instructed to arrange equalities training for the Subject Member.
- That the Sub-Committee shall recommend to Council that the Subject Member be removed from all outside appointments to which he has been appointed or nominated by the Council.

The Leader of Councillor Cutts' political group declined to remove him from his role on the Improving Places Select Commission. The equalities training for Councillor Cutts took place on 30th October, 2018 and Council considered the Sub-Committee's recommendation regarding outside bodies at its meeting on 31st October, 2018 and removed Councillor Brian Cutts from the South Yorkshire Police and Crime Panel.

The Committee were pleased with the outcome following the hearing, but expressed its disappointment at the decision of the Leader of the Opposition not to remove Councillor Cutts from the Improving Places Select Commission.

The Committee also realised it had limited powers under the Localism Act, but would await the outcome of the review by the Committee for Standards in Public Life and the outcome of the consultation process by January/February, 2019. A report on the outcome would be submitted to the next meeting in March, 2019.

Resolved:- (1) That the outcome of the Standards and Ethics Sub-Committee Hearing on 14th September, 2018 be noted.

(2) That the decision of Council at its meeting on 31st October, 2018 to accept the recommendation of the Standards and Ethics Sub-Committee

and to remove Councillor Brian Cutts from the South Yorkshire Police and Crime Panel be noted.

(3) That the decision by the Leader of the Opposition not to remove Councillor Cutts from the Improving Places Select Commission was disappointing.

25. EXCLUSION OF THE PRESS AND PUBLIC

Resolved:- That, under Section 100A(4) of the Local Government Act, 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part I of Schedule 12A to the Local Government Act (as amended March, 2006) (information relates to finance or business affairs).

26. INTERNAL AUDIT REPORTS

Consideration was given to a report presented by the Head of Internal Audit which provided an update on two recent internal audits covering areas that were included in the Committee's Terms of Reference.

The first audit covered 'Governance', in particular reviewing the Codes of Conduct, Registers of Interest, Gifts and Hospitality, and the Induction Process for Officers and Members.

The second audit covered 'Compliance with Financial Procedure Rules – Virements', this being an area identified by the Assistant Director, Financial Services as a possible area of concern.

Internal Audit were able to give 'Reasonable Assurance' for both reviews. The definition for that level of assurance was that there was 'Reasonable Assurance' that the system of internal control is designed to achieve the service's objectives and minimise risk. However, some weaknesses in the design or inconsistent application of controls put the achievement of some objectives at a low risk'. Recommendations were graded red, amber or green according to their importance.

The Committee welcomed the reports and were comfortable with the levels of authorisation and completion of appropriate registers.

Clarification was sought on the differences between the Members and Officers declarations for gifts and hospitality with a request that a report be submitted to the next meeting in March for consideration.

Resolved:- (1) That the work completed by Internal Audit be noted.

(2) That a report be submitted to the next meeting on the differences between the Members and Officers declarations for gifts and hospitality.

27. DATE AND TIME OF NEXT MEETING

Resolved:- That the next meeting of the Standards and Ethics Committee take place on Thursday, 21st March, 2019 at 2.00 p.m.

Summary Sheet

Name of Committee and Date of Committee Meeting:

Standards and Ethics Committee 21st March 2019

Report Title:

Differences between the requirements for Members and Officers with regards to Declarations for Gifts and Hospitality.

Is this a Key Decision and has it been included on the Forward Plan?:

No

Strategic Director Approving Submission of the Report:

Judith Badger, Strategic Director Finance and Customer Services

Report Author(s):

David Webster, Head of Internal Audit
01709 823282 or david.webster@rotherham.gov.uk

Ward(s) Affected:

All

Executive Summary:

A report informing the committee of the requirements to declare gifts and hospitality received by Members and Officers.

Recommendations:

That the Committee notes the content of the report.

List of Appendices Included:

Appendix A – Staff Code of Conduct, Gifts and Hospitality
Appendix B – Financial Procedure Rules, Gifts, Loans and Sponsorship

Background Papers:

Terms of Reference for the Standards and Ethics Committee.

Consideration by any other Council Committee, Scrutiny or Advisory Panel:

None.

Council Approval Required:

No

Exempt from the Press and Public:

No.

Declarations of Gifts and Hospitality – Member and Officer requirements

1. Recommendation

- 1.1 That the Committee notes the content of the report.

2. Background

- 2.1 One of the items in the Terms of Reference for the Standards and Ethics Committee is “To Review the Application of the Council’s Standing Orders, Financial Regulations, contract arrangements and other such provisions.”
- 2.2 The Internal Audit department works to an annual plan designed to enable the Head of Internal Audit to give an annual opinion on the adequacy and effectiveness of governance, risk management and control within the Council as a whole. Reports are presented to the Audit Committee throughout the year to give them assurance on the areas audited, contributing to their knowledge in advance of their review of the Annual Governance Statement.
- 2.3 The Internal Audit plan includes reviews of aspects of governance and financial processes. There is therefore an overlap with the remit of the Standards and Ethics Committee. In December 2018 the Head of Internal Audit presented a paper to the committee including summary findings from two audit reviews in these areas.
- 2.4 The Committee welcomed the reports but sought clarification on the differences between the Members and Officers declarations for gifts and hospitality. They requested a report be submitted to this meeting.

3. Key Issues

Members

- 3.1 There is very little guidance for Members. The Code of Conduct for Members and Co-Opted Members, Appendix 6 to the Constitution includes ‘You have a personal interest in any business of the Council where either it relates to or is likely to affect - the interests of any person from whom you have received a gift or hospitality with an estimated value of at least £25’
- 3.2 The Members Handbook includes, para 27, A member must within 28 days of receiving any gift or hospitality over the value of £25, provide written notification to the authority’s Monitoring Officer of the existence and nature of that gift or hospitality. A member must similarly provide written notification of gifts and hospitality received on more than one occasion during a twelve month period from the same person or body, even though each gift or hospitality is of a lesser value than £25,

unless the gifts are of nominal value for publicity purposes. Help and advice is available from the Monitoring Officer.

- 3.3 Members declare gifts and hospitality in the Register of Interests, which is available online.

Officers

- 3.4 Guidance for Officers is much more detailed. The staff Code of Conduct includes para 16 Gifts and Payments and para 17 Hospitality. Para 16 states that, as a general rule, gifts should be refused. Where that is not possible gifts should be recorded in the Corporate Gifts and Hospitality Register, available from the management support team. Para 17 states that employees should exercise discretion in offering and accepting hospitality, with regard given to seven criteria. Again, any hospitality received or offered should be recorded in the Corporate Gifts and Hospitality Register. A copy of Paragraphs 16 and 17 is given in Appendix A.
- 3.5 Financial Procedure Rule number 34 gives overall guidance for Gifts, Loans and Sponsorship – defining them as the voluntary provision to the Council of non-public funds, services, equipment or other resources. It states that gifts, loans and sponsorship must not be accepted where there is a risk of damaging the integrity or propriety of the Council, and provides guidance of offers that should be avoided. It also states that Strategic Directors have discretion to accept individual gifts, loans or sponsorship related to their directorates in accordance with the above guidance up to a value of £25,000. Above this value, the approval of Cabinet is required. A copy of FPR 34 is given in Appendix B.

4. Options considered and recommended proposal

- 4.1 The recommendation is to note the content of the report.

5. Consultation

- 5.1 Not applicable.

6. Timetable and Accountability for Implementing this Decision

- 6.1 Not applicable.

7. Financial and Procurement Implications

- 7.1 There are no immediate financial and procurement implications associated with this report.

8. Legal Implications

8.1 There are no immediate legal implications associated with this report.

9. Human Resources Implications

9.1 There are no Human Resources implications associated with this report.

10. Implications for Children and Young People and Vulnerable Adults

10.1 There are no immediate implications associated with this report.

11. Equalities and Human Rights Implications

11.1 There are no immediate implications associated with this report.

12. Implications for Partners and Other Directorates

12.1 There are no immediate implications associated with this report.

13. Risks and Mitigation

13.1 The implementation of the recommendations in the two audit reports is designed to minimise the Authority's exposure to risk.

14. Accountable Officer(s):

David Webster, Head of Internal Audit

Approvals Obtained from:-

Strategic Director of Finance and Customer Services: Judith Badger

Staff Code of Conduct

Gifts and Payments

16.1 Gifts and payments to employees related to employment

- 16.1.1 Employees must be careful in the exercise of their duties not to show by their behaviour that they may be influenced by any gifts whilst acting in an official capacity.
- 16.1.2 The Prevention of Corruption Acts 1906 and 1916 make it a criminal offence for employees to demand or accept any gift or reward in return for allowing themselves to be influenced in their official capacity by any person seeking to obtain a contract from a local authority.
- 16.1.3 As a general rule, therefore, all gifts and other benefits must be refused. If gifts are delivered or sent by post to the place of work, they should be returned if the sender can be identified with an appropriately worded letter. Offers should be declined tactfully, with an explanation that this is Council policy. Where it is not possible to return a gift, or if it is considered that refusal would cause unnecessary offence, then the gift may be appropriated for the benefit of the Council and donated to the Mayor's Charity or other suitable similar purpose.
- 16.1.4 Employees must record any gift, received or offered, in the Corporate Gifts and Hospitality Register, available from the management support team and monitored by each Director. The record should include the following information:
 - 1) the date and time of offer/receipt;
 - 2) the person making the offer;
 - 3) persons present;
 - 4) the nature of the gift;
 - 4) the approximate value;
 - 5) whether accepted or declined;
 - 6) reasons for acceptance (if applicable).
- 16.1.5 The only gifts not required to be recorded in accordance with the above paragraph are those of a nominal value issued for publicity purposes such as pens, diaries and calendars.

16.2 Gifts and payments to employees unrelated to employment

- 16.2.1 Employees on occasion receive payment or gifts for personal care/work, which is unassociated with their employment with the

Council. All employees who carry out such work for members of the public who are in receipt of services from the Authority and particularly Adult Social Services (e.g. home care, warden service, social work support) must declare these arrangements to their Director in writing. Any such declaration must be acknowledged and the service user advised that next of kin should be made aware of the arrangement.

Hospitality

17.1 Employees should exercise discretion in offering and accepting hospitality. Acceptance of meals and refreshments for example may be a necessary part of Council business, i.e. provided to enable the parties to continue discussion. The meals or refreshments must be of a modest kind and if possible the employee should pay for their own meal and claim for reimbursement under the Conditions of Service.

17.2 In deciding whether to accept hospitality, regard should be given to the following: -

- (i) whether the person or firm offering the hospitality is likely to benefit from the hospitality;
- (ii) whether that person or firm is seeking a contract, or one has already been awarded;
- (iii) the timing of the hospitality in relation to decisions which the Council may take which will affect those offering it;
- (iv) whether it is preferable in the circumstances to entertain the person or persons concerned at the Council's premises or at the Council's expense;
- (v) the scale and location of the hospitality and whether it falls within working hours;
- (vi) whether a proposed visit is genuinely instructive or constitutes more of a social function;
- (vii) the frequency of the hospitality.

In all cases employees should be able to justify the arrangements they have made in the interests of the Council.

17.3 If an employee has any doubt about the acceptance of an invitation, this should be discussed with his/her Director. Employees must discuss any offers of hospitality over and above meals and refreshments with their Head of Service prior to accepting or declining them.

17.4 Acceptance by employees of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Council gives consent in advance and where the Council is satisfied that any purchasing decisions are not compromised. Where visits to inspect equipment, etc. are required, employees should ensure that the Council meets the cost of such visits to avoid jeopardising the integrity of subsequent purchasing decisions.

- 17.5 Employees must record any hospitality, received or offered, in the Gifts and Hospitality Register as detailed at point 16.1.4.
- 17.6 The only hospitality not required to be recorded in accordance with the above paragraph, is hospitality of a modest kind received during normal working hours in the course of conducting the Council's business. This would include light refreshments such as tea, coffee, biscuits and sandwich lunch or similar.

Appendix B

Financial and Procurement Procedure Rules

Gifts, Loans and Sponsorship

- 34.1. Gifts, loans and sponsorship can be defined as the voluntary provision to the Council of non-public funds, services, equipment or other resources. In some circumstances they may be accepted from a source which has genuine and well-intentioned reasons for wishing to support specific projects.
- 34.2. For the avoidance of doubt this financial regulation does not apply to any funding received pursuant to any service delivery partnership entered into with another public body or voluntary organisation.
- 34.3. Gifts, loans and sponsorship must not be accepted where there is a risk of damaging the integrity or propriety of the Council. For example, gifts, loans and sponsorships should not be accepted:
 - 34.3.1. from sources which come under the direct scrutiny of the Council;
 - 34.3.2. where the provider seeks endorsement of a product or service in order to gain preferential treatment in supplying or contracting goods and services to the Council; or
 - 34.3.3. to influence the direction of a particular policy or operation.
- 34.4. Gifts, loans and sponsorship should only be used to support Council activities which can readily be discontinued, since the donations can be withdrawn at any time on the initiative of the donor.
- 34.5. Where gifts, loans, or sponsorship come from more than one organisation in a competing market, care must be taken to demonstrate an even handed approach in accepting or rejecting any offer.
- 34.6. In considering the offer of a gift, loan or sponsorship, priority must be given to meeting the needs of the Council rather than those of the donor/lender/sponsor, and should avoid:
 - 34.6.1. potentially sensitive associations with inappropriate donors/lenders/sponsors;
 - 34.6.2. potentially sensitive associations with organisations already in a contractual arrangement to supply goods or services to the Council, which could be construed by competitors as preferential treatment;
 - 34.6.3. projects which could distract effort from tackling agreed priorities;
 - 34.6.4. projects of dubious or limited benefit;

- 34.6.5. offers of gifts, loans, or sponsorship with conditions attached;
- 34.6.6. offers of gifts, loans, or sponsorship which could involve the Council in additional net expenditure;
- 34.6.7. offers of equipment which is incompatible with existing equipment;
- 34.6.8. inadequate contractual arrangements; and
- 34.6.9. the risk of becoming unduly dependent on a facility or item of equipment which is liable to be withdrawn.
- 34.7. Where publicity is sought by the donor/lender/sponsor, a commercial agreement should be signed.
- 34.8. Strategic Directors have discretion to accept individual gifts, loans, or sponsorship related to their directorates in accordance with the above guidelines up to a value of £25,000. Above this value, the approval of Cabinet is required.
- 34.9. These rules also apply to the Mayor.

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting – 21st March 2019

Title

Standards and Ethics Committee - Consideration of Complaints

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Service Manager (Commercial and Property), Legal Services,
Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

A report updating the Committee on the Complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct.

Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

List of Appendices Included

Appendix 1 – Schedule of Complaints and actions taken

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relates to an individual).

Title

Standards and Ethics Committee - Consideration of Complaints

1. Recommendations

That the Committee notes the Complaints received, and the actions taken to deal with those complaints, pursuant to the Standards and Ethics Committee Complaints Procedure.

2. Background

2.1 A Schedule of complaints received against Members of the Council, and Town and Parish Councillors alleging a breach of the Code of Conduct and the actions taken in respect of those complaints is at Appendix 1.

2.2 As the schedule includes unproven allegations, it is anonymised in order to prevent identification of the relevant subject member.

3. Key Issues

3.1 The nature of each complaint is set out in the Schedule at Appendix 1. Any common themes arising from the Committee's overview of complaints should be identified. Further the members of the Committee may make suggestions in relation to means of addressing common issues which arise in the complaints.

4. Options considered and recommended proposal

4.1 Options for dealing with the complaints are set out in the Complaints procedure and the action taken in respect of each complaint is set out in the Schedule.

5. Consultation

5.1 One of the Standards and Ethics Committee Independent Persons is consulted in respect of each complaint.

6. Timetable and Accountability for Implementing this Decision

6.1 N/A

7. Financial and Procurement Implications

7.1 The officer time in dealing with these complaints is met within existing Legal Services resources.

8. Legal Implications

8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. Pursuant to the Localism Act 2011,

the Council is required to adopt an appropriate Code of Conduct and arrangements for the investigation of allegations of breach of the Code of Conduct.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee – 21st March 2019

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Service Manager (Commercial and Property), Legal Services,
Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

A report regarding concerns raised pursuant to the Whistleblowing Policy and the actions taken to address these matters.

Recommendations

- i) That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

List of Appendices Included

Appendix 1 – Schedule of Whistleblowing Concerns

Background Papers

None

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

The Appendix to this report will be considered in the absence of the press and public as being exempt under Paragraph 1 of Part 1 of Schedule 12A to the Local Government Act 1972 (as amended March 2006) (information relating to an individual).

Title

A Review of Concerns raised pursuant to the Whistleblowing Policy

1. Recommendations

- 1.1 That the Committee notes the Whistleblowing concerns raised over the previous year and the actions taken to address these matters.

2. Background

- 2.1 This report provides an overview of the Whistleblowing cases which have been received over the past year.
- 2.2 A description of the concerns received over the past year, along with the relevant action to address these matters is at Appendix 1. This is appropriately anonymized in order not to identify the whistleblower, pursuant to the policy in respect of confidentiality.

3. Key Issues

- 3.1 Matters reported are described within Appendix 1. It is important for there to be oversight of matters being reported pursuant to the Whistleblowing Policy.

4. Options considered and recommended proposal

- 4.1 Recommendations have been referred to above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 N/A

7. Financial and Procurement Implications

- 7.1 Any work undertaken by Legal Services in dealing with these matters is within the budget for Legal Services.

8. Legal Implications

- 8.1 The Council has a statutory duty to provide an appropriate Whistleblowing Policy and arrangements for dealing with concerns raised through the policy.

9.0 Human Resources Implications

- 9.1 None

10.0 Implications for Children and Young People and Vulnerable Adults

10.1 None

11.0 Equalities and Human Rights Implications

11.1 The Whistleblowing Policy is available to all employees, workers and contractors of the Council.

12. Implications for Partners and Other Directorates

12.1 None

13.0 Risks and Mitigation

13.1 There is a risk that if serious misconduct is not reported pursuant to the Whistleblowing Policy, serious issues will not be appropriately investigated and addressed.

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

By virtue of paragraph(s) 1 of Part 1 of Schedule 12A
of the Local Government Act 1972.

Document is Restricted

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 21st March 2019

Title: The Re-appointment of Standards and Ethics Committee Independent Persons

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal Services, Riverside House, Main Street, Rotherham
S60 1AE
Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

This report reviews the arrangements for the Council's Independent Persons and makes recommendations to re-appoint the current Independent Persons.

Recommendations

That the Committee:

- i) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.
- ii) Notes the ongoing recruitment exercise in respect of the Independent Person roles, and agrees to receive a further report at the conclusion of the recruitment process.

List of Appendices

N/A

Background Papers

Previous reports to Standards and Ethics Committee and full Council Minutes

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title : The Re-appointment of Standards and Ethics Committee Independent Persons

1. Recommendations

That the Committee:

- i) Recommend that Council confirms the appointment of the current Independent Members of the Committee until the end of the 2019/20 Municipal Year.
- ii) Notes the ongoing recruitment exercise in respect of the Independent Person roles, and agrees to receive a further report at the conclusion of the recruitment process.

2. Background

- 2.1 The Localism Act requires the Council to appoint at least one Independent Person who has duties in relation to the handling of complaints. In particular the Localism Act requires the independent person's views to be sought, and taken into account, by the Council before it makes its decision on an allegation it has decided to investigate. Council has previously appointed two Independent Persons, who are not members of the Committee, and their terms of office were renewed at the Council meeting in May 2018 until the end of the 2018/19 Municipal Year.
- 2.2 A recruitment exercise in respect of the two Independent Person posts has been commenced, but this may not be concluded before the end of the 2018/19 Municipal Year. Therefore it is recommended that the terms of office for the current Independent Persons be extended to the end of the 2019/20 Municipal Year. This extension would be on the basis that following the conclusion of the recruitment exercise a further report will be brought to the Standards and Ethics Committee and if necessary subsequently Council.
- 2.3 The recruitment exercise has not been undertaken previously as it was considered appropriate to wait for and take into account the recommendations from the Committee on Standards in Public Life review into Local Government Ethical Standards, which is discussed in another report to this meeting. In relation to Independent Persons, the Recommendations state as follows: 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.

3. Key Issues

- 3.1 It is necessary for the Committee to make recommendations to Council on the appointment of Independent Persons.

4. Options considered and recommended proposal

4.1 Recommendations are set out above.

5. Consultation

5.1 N/A

6. Timetable and Accountability for Implementing this Decision

6.1 Any appointments made by Council will take effect immediately.

7. Financial and Procurement Implications

7.1 None

8. Legal Implications

8.1 The appointment of at least one Independent Person by the Council is a statutory requirement. If the terms of office of the two Independent Persons previously appointed are extended, this will allow the Council to comply with its statutory duties, pending the conclusion of the ongoing recruitment exercise.

9. Human Resources Implications

9.1 None

10. Implications for Children and Young People and Vulnerable Adults

10.1 None

11. Equalities and Human Rights Implications

11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Summary Sheet

Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 21st March 2019

Title : Committee on Standards in Public Life – Review of Local Government Ethical Standards

Is this a Key Decision and has it been included on the Forward Plan?

No

Strategic Director Approving Submission of the Report

N/A

Report Author(s)

Stuart Fletcher, Legal Services, Riverside House, Main Street, Rotherham S60 1AE
Tel : 01709 823523

Ward(s) Affected

All

Executive Summary

To present the findings of the Committee on Standards in Public Life review of Local Government Ethical Standards and agree what action to take.

Recommendations

That the Committee:

1. Note the contents of the Committee on Standards in Public Life report.
2. Agree to establish a Working Group to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.

3. Receive a report in June 2019 with recommendations from the Working Group as to how best to implement the Best Practice recommendations.

List of Appendices

Appendix 1 - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life: Executive Summary, List of Recommendations and List of Best Practice.

Background Papers

Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

<https://www.gov.uk/government/publications/local-government-ethical-standardsreport>

Consideration by any other Council Committee, Scrutiny or Advisory Panel

None

Council Approval Required

No

Exempt from the Press and Public

No

Title : Committee on Standards in Public Life – Review of Local Government Ethical Standards

1. Recommendations

That the Committee:

1. Note the contents of the Committee on Standards in Public Life report.
2. Agree to establish a Working Group to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.
3. Receive a report in June 2019 with recommendations from the Working Group as to how best to implement the Best Practice recommendations.

2. Background

- 2.1 The Committee on Standards in Public Life (“CSPL”) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. CSPL is an independent advisory non-departmental public body.
- 2.2 As Members are aware, during 2018, the CSPL has undertaken a review of local government ethical standards. This review was not prompted 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 the review were to:
 - i. Examine the structures, processes and practices in local government in England for:
 - Maintaining codes of conduct for local councillors
 - Investigating alleged breaches fairly and with due process
 - Enforcing codes and imposing sanctions for misconduct
 - Declaring interests and managing conflicts of interest
 - Whistleblowing
 - ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 - iii. Make any recommendations for how they can be improved;
 - iv. 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.
- 2.3 The review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors, and an estimated 10,000 parish councils, with around 80,000 parish councillors. The Committee 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. Following consideration of the consultation document by Standards Committee at its meeting in March 2018, a response was submitted to the CSPL by the Monitoring Officer in May 2018.

2.4 On 30 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation. Key recommendations include:

- a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman
- revised rules on declaring interests and gifts and hospitality
- an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct
- a strengthened role for the Independent Person
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
- greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members and code of conduct training be mandatory

2.5 A copy of the full CSPL report is a background paper to this report, has been circulated previously to members of the Committee and is available at <https://www.gov.uk/government/publications/local-governmentethical-standards-report>. A copy of the Executive Summary, List of Recommendations and List of Best Practice appears at Appendix 1.

2.6 Many of the CSPL recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly. The best practice is a matter for individual local authorities and can be introduced by the Council straightway.

3. Key Issues

3.1 It is proposed that the Committee notes the report and recommendations of the Committee on Standards in Public Life.

3.2 The Council already has some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to two Independent Persons and a requirement to consult with the Independent Person at initial assessment stage. It is proposed that

the Committee agrees to take steps to introduce all the best practice recommendations. This will demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

- 3.3 It is proposed that the most appropriate way for the best practice recommendations to be implemented would be for a Working Group of the Committee to be set up to consider the recommendations further and develop proposals for the best way for these to be implemented. It is proposed that the Working Group report back to the Committee at the next meeting in June 2019.

4. Options considered and recommended proposal

- 4.1 The recommendations are set out above.

5. Consultation

- 5.1 N/A

6. Timetable and Accountability for Implementing this Decision

- 6.1 It is recommended that a working group be established at the meeting on 21st March 2019. This working group will then report back to the Standards and Ethics Committee meeting in June 2019, with recommendations as to how best to implement the Best Practice recommendations made in the Review of Local Government Ethical Standards.
- 6.2 The CSPL has stated in its report that it will be reviewing the implementation of the best practice recommendations within relevant authorities in 2020.

7. Financial and Procurement Implications

- 7.1 None

8. Legal Implications

- 8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. The CSPL report sets out best practice as to how the Council should fulfil this statutory duty.

9. Human Resources Implications

- 9.1 None

10. Implications for Children and Young People and Vulnerable Adults

- 10.1 None

11. Equalities and Human Rights Implications

- 11.1 None

12. Implications for Partners and Other Directorates

12.1 None

13. Risks and Mitigation

13.1 None

14. Accountable Officer(s)

Dermot Pearson, Assistant Director, Legal Services

Local Government Ethical Standards

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

**Committee on
Standards in
Public Life**

January 2019





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.

