



## AGENDA ITEM:

### SUMMARY

<b>Report for:</b>	<b>Standards Committee</b>
<b>Date of meeting:</b>	<b>25<sup>th</sup> March 2021</b>
<b>PART:</b>	<b>I</b>
If Part II, reason:	

<b>Title of report:</b>	<b>Standards Committee</b>
Contact:	<p>Mark Brookes (Assistant Director – Corporate and Contracted Services)</p> <p>Directline: 01442 228236, internal extension: 2236</p> <p>Mark.brookes@dacorum.gov.uk</p>
Purpose of report:	To set out the agenda items for consideration at the Standards Committee on 25 <sup>th</sup> March 2021.
Recommendation	<ol style="list-style-type: none"> <li>1. That the committee consider the Local Government Association Model Code of Conduct 2020 and decide whether to recommend adoption to Council.</li> <li>2. That Members consider the recommendations made by the Committee on Standards in Public Life as set out in paragraph 3 to this report and the Monitoring Officer's proposed response to the recommendations.</li> </ol>
Corporate objectives:	The promotion and maintenance of high standards of conduct by Members of the Council will assist the Council in achieving its priorities of performance excellence and reputation and profile delivery.
Implications: 'Value For Money	There are financial and efficiency costs to the Council in having to deal with complaints made under the Code of Conduct. There are, therefore, value for money benefits to the Council in striving to ensure that complaints against

Implications'	Members are minimised are as far as possible and any complaints that are received are dealt with as cost effectively as possible.
Risk Implications	The risk to the Council in not having in place a robust local standards regime could damage its reputation for good governance and undermine public confidence in the Council as a whole.
Monitoring Officer	This is a report prepared by the Assistant Director, Corporate and Contracted Services in his capacity as Monitoring Officer.
Consultees:	None
Background papers:	Existing Code of Conduct For Members (copy attached) New Model Code of Conduct (copy attached) Local Government Ethical Standards report published by the Committee on Standards in Public Life

## **LOCAL GOVERNMENT ASSOCIATION MODEL CODE OF COUNCILLOR CONDUCT**

### **1. Executive Summary**

- 1.2 The Government's Advisory Committee to the Prime Minister, the Committee on Standards in Public Life (CfSPL) published a report in January 2019 entitled 'Local Government Ethical Standards'. This report contained a number of recommendations made by the CfSPL and identified points of best practice to improve ethical standards in local government.
- 1.3 However, the majority of proposed changes required primary legislation, which would be subject to parliamentary timetabling but also to secondary legislation and revisions to the Local Government Transparency Code. The primary legislation has not been forthcoming to date, due to other priorities faced by government.
- 1.4 One key recommendation of the CfSPL report was that the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.
- 1.5 After extensive consultation with key stakeholder groups, the LGA's board on the 3rd December 2020, agreed a Model Code of Councillor Conduct with a recommendation for adoption for all local authorities. A copy of which is attached to this report .

1.6 The Monitoring Officer recommends the Standards Committee to positively consider the Council adopting the LGA's Model Code of Conduct and to make appropriate recommendations to the Council.

## 2. **The Model Code**

2.1 This is a voluntary code and there is no legal requirement to adopt it. If the Council adopts this new code, it will replace the current Code of Conduct for Members (copy attached for reference).

2.2 The LGA Model Councillor Code of Conduct (the Model Code) attempts to introduce a level of consistency and national standard of conduct across local authorities nationally and at all tiers including county, district/borough and parish/town levels.

2.3 There have been early soundings with other Hertfordshire authorities about the adoption of this Model Code and most councils suggest that they will be considering the code for adoption.

2.4 Key points of note:

- much of the substance contained in the Model Code is also covered in the Council's current Code of Conduct
- a main difference between the Codes is the language used. The Model Code is written in the first person and encouraged much more ownership by individual councillors
- while the Council's current Code of Conduct refers to the need for councillors to be treated with respect, the Model Code contains a more detailed section.
- section 8 of the Model Code provides a requirement for Members to cooperate with investigations carried out under the Code. This is not provided for in the current code.
- should the Model Code be adopted, Officers will arrange appropriate Member training and briefing, and the Model Code would be publicised on the Council's website. It will also be referred in the Declaration of Interest forms Members are required to sign. It is likely that the Local Government Association will also provide training for councils who have adopted the code.
- The Council's current code is more prescriptive in terms of Member training requirement – it is suggested that the existing requirement is retained as it has been considered recently by Council.

## 3. **Council's response to the Committee on Standards in Public Life (CfSPL) recommendations:**

3.1 The Local Government Ethical Standards report also includes Best Practice recommendations. These are set out below with the Monitoring officer's comments on each in red.:

**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.

This is included in the new Model Code.

**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.

The requirement to comply with investigations is included in para 8.2 of the Model Code.

Trivial or malicious claims will be considered by the Monitoring Officer and the Independent Person as part of the initial assessment criteria for complaints so it is not considered necessary to include this in the Model Code.

**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.

The Code is reviewed periodically when there are changes to legislation and/or relevant guidance. No public consultation is currently carried out.

**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.

The code is available on the Council's web-site under the Constitution section.

**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.

The register is kept by the Monitoring Officer and available for inspection. It is not published on-line.

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

This is included in the Council standards procedure, which is available on line.

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

The Council has its own Independent Person. If a different IP was required due to conflict or unavailability a request would be made to other Hertfordshire Councils to use their IP.

**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.

This is the Council's current procedure.

**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.

This will be carried out for future complaints where a formal investigation is carried out.

**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.

This is already on the web-site.

**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, rather than the clerk in all but exceptional circumstances.

Town and Parish Council's will be informed of this expected practice.

**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.

This is the current practice.

**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.

This would be reviewed on a case by case basis if a conflict existed.

**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.

Information on separate bodies is reported in the Annual Governance Statement.

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

The number of complaints is low but this is carried out periodically if a particular problem exists.

#### **4. Conclusions**

- 4.1 The Model Code does not significantly change the obligations on councillors but does provide a strong framework for the behaviour expected with good explanatory guidance in some of the key areas.
- 4.2 One of the main benefits of adopting the Model Code is that it will assist consistency across Hertfordshire where it is expected that most councils including Hertfordshire County Council will adopt the code.
- 4.3 If the Council adopts the Model Code it is also expected that most Town and Parish Councils within Dacorum will also adopt, which will help consistent decision making when considering complaints.