



Civic Centre,
Arnot Hill Park,
Arnold,
Nottinghamshire,
NG5 6LU

Agenda

Standards Committee

Date: **Thursday 26 September 2019**

Time: **6.00 pm**

Place: **Chappell Room**

For any further information please contact:

Helen Barrington

Director of Organisational Development and Democratic
Services

0115 901 3896

Standards Committee

Membership

Chair Councillor Michael Boyle

Vice-Chair Councillor Michael Payne

Councillor Pat Bosworth
Councillor Andrew Ellwood
Councillor Mike Hope
Councillor Simon Murray
Councillor Martin Smith
Councillor Clive Towsey-Hinton
Rosalie Hawks
Patricia Woodfield

AGENDA

Page

- 1 Apologies for Absence and Substitutions.**

- 2 To approve, as a correct record, the minutes of the meeting held on 4 July 2019.** 5 - 7

- 3 Declaration of Interests.**

- 4 Update on implementation of the best practice recommendations from the Committee on Standards in Public Life Report – Review of Local Government Ethical Standards.** 9 - 19

Report of the Director of Organisational Development and Democratic Services

- 5 Code of Conduct Complaints Update** 21 - 45

Report of the Director of Organisational Development and Democratic Services

- 6 Any other item which the Chair considers urgent.**

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MINUTES STANDARDS COMMITTEE

Thursday 4 July 2019

Councillor Michael Boyle (Chair)

Councillor Rachael Ellis
Councillor Andrew Ellwood
Rosalie Hawks
Councillor Mike Hope

Councillor Simon Murray
Councillor Martin Smith
Councillor Clive Towsey-Hinton

Absent: Councillor Michael Payne, Councillor Pat Bosworth
and Patricia Woodfield

Officers in Attendance: Helen Barrington

Independent Person: John Baggaley

1 APOLOGIES FOR ABSENCE AND SUBSTITUTIONS.

Apologies for absence were received from Councillor Michael Payne, Councillor Pat Bosworth and Patricia Woodfield.

Councillor Rachael Ellis attended as a substitute.

2 TO APPROVE, AS A CORRECT RECORD, THE MINUTES OF THE MEETING HELD ON 21 FEBRUARY 2019.

RESOLVED:

That the minutes of the above meeting, having been circulated, be approved as a correct record.

3 DECLARATION OF INTERESTS.

None.

4 GIFTS AND HOSPITALITY 2018/19

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, informing members of gifts and hospitality received between 1 April 2018 and 31 March 2019.

RESOLVED:

To note the report.

5 IMPLEMENTATION OF THE BEST PRACTICE RECOMMENDATIONS FROM THE COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT - REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, seeking agreement of the action plan, amended Code of Conduct and amended Arrangements for Dealing with Complaints required to implement the best practice recommendations set out in the Committee on Standards in Public Life report following the review of local government ethical standards.

RESOLVED that:

- 1) The action plan for implementing the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 2 be approved;
- 2) Subject to minor additions agreed at the meeting, the amended Code of Conduct at Appendix 3 be agreed and referred to Council for approval; and
- 3) Subject to minor amendments agreed at the meeting, the amended Arrangements for Dealing with Complaints at Appendix 4 be approved.

6 UPDATE ON CODE OF CONDUCT TRAINING AND REGISTER OF MEMBERS' INTERESTS (BOROUGH AND PARISHES) FOLLOWING THE MAY 2019 ELECTIONS

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, informing members about the code of conduct training delivered to Borough Councillors following the elections in May 2019 and the current position with regard to the Register of Members' Interests forms received from Borough and Parish Members and Co-opted Members.

RESOLVED:

To note the report and agree that after the Borough Council has adopted its revised Code of Conduct, the Chair of the Committee to write to all Parish Councils requesting that they adopt the new code and offering flexible Code of Conduct training to Parish Councillor and Clerks.

7 CODE OF CONDUCT COMPLAINTS UPDATE

The Director of Organisational Development and Democratic Services introduced a report, which had been circulated prior to the meeting, informing members of complaints received between 13 February 2019 and 24 June 2019. The Director of Organisational Development and Democratic Services verbally updated the committee that the two complaints outstanding at the time of drafting the report had been determined and the details will be reported to the next meeting.

RESOLVED:

To note the report.

8 ANY OTHER ITEM WHICH THE CHAIR CONSIDERS URGENT.

None.

The meeting finished at 7.45 pm

Signed by Chair:
Date:

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Report to Standards Committee

Subject: Update on implementation of the best practice recommendations from the Committee on Standards in Public Life Report – Review of Local Government Ethical Standards.

Date: 26 September 2019

Author: Director of Organisational Development and Democratic Services

1. Purpose of the Report

To update Standards Committee in relation to progress against the agreed action plan to implement the best practice recommendations set out in the Committee on Standards in Public Life report following the review of local government ethical standards.

Recommendation

THAT:

The progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 1 be noted.

2. Background

- 2.1 The Committee on Standards in Public Life report on Ethical Standards in Public Life was initially considered by the Standards Committee on 21 February 2019 and it was agreed that steps be taken to introduce all the best practice recommendations in order to demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council. At the meeting on 4 July 2019, the Standards Committee agreed an action plan for implementing those best practice recommendations.
- 2.2 A copy of the action plan showing progress against each action is attached at Appendix 1. Key achievements since the last meeting include the following:

- a) The amended Code of Conduct was approved by Council on 17 July and published on the Council's website on 30 July.
- b) The amended Arrangements for dealing with complaints was approved by Standards Committee on 4 July and published on the website on 9 July 2019.
- c) Letters have been sent to Parish Council clerks by the Monitoring Officer and Chair of the Standards Committee notifying them of the amendments to the Code of Conduct and Arrangements and requesting that they adopt the updated Gedling Borough Council Code of Conduct.

2.3 The Standards Committee also made an additional recommendation to explore support which can be put in place for elected Members who are suffering bullying and intimidation. It was agreed that the Monitoring Officer should write to all Borough and Parish Councillors requesting evidence of specific examples of bullying, intimidation or threats they have experienced. As at the date of writing the report, all Borough Councillors have been contacted and only 3 responses have been received. The Monitoring Officer will write to Parish Councillors and will report the findings to a future meeting of the Committee.

3. Proposal

3.1 It is proposed that the Committee notes the progress made to implement the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 1.

4. Resources Implications

None.

5. Appendices

Appendix 1 – Updated action plan for implementation of the best practice recommendations.

6. 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-standards-report>

CSPL – Best Practice Recommendations Action Plan

| Best Practice Recommendation | Comment | Action Required | Update/progress |
|--|---|---|--|
| <p><u>Best Practice 1</u></p> <p>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.</p> | <p>Code of Conduct already includes prohibition on bullying; but not harassment.</p> <p>Code does not include list of examples.</p> | <p>Code of Conduct to be amended to include prohibition on harassment and definition of bullying and harassment and examples.</p> <p>Letter to be sent to Parish Councils to request that they adopt the borough council's Code of Conduct.</p> | <p>Completed:</p> <p>Amended Code of Conduct approved by Council on 17 July 2019 and published on the website on 30 July 2019.</p> |
| <p><u>Best Practice 2</u></p> <p>Councils should include provisions in their code requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.</p> | <p>Code of Conduct does not include this provision.</p> | <p>Code of Conduct to be amended to include provisions.</p> | <p>Completed:</p> <p>Amended Code of Conduct approved by Council on 17 July 2019 and published on the website on 30 July 2019.</p> |
| <p><u>Best Practice 3</u></p> <p>Principal authorities should review their code of conduct</p> | <p>The Code of Conduct was last reviewed in 2016.</p> | <p>Process to be put in place to review Code of Conduct annually.</p> | <p>In progress:</p> |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities. | We have not previously sought the views of the public etc. | | Meeting with Customer Insight Officer to discuss appropriate method of consultation arranged for 13 January 2020 prior to commencement of review. |
| <p><u>Best Practice 4</u></p> <p>An Authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.</p> | <p>The Code of Conduct is published on the website as part of the Constitution and as a separate document on the Councillors page.</p> <p>A copy of the Code is also provided to all councillors on election as part of the induction pack.</p> <p>A hard copy would be provided on request at the Council Offices.</p> <p>Parish Council Codes of Conduct are not always readily accessible on the Parish Council website.</p> | Monitoring Officer to write to Parish Councils advising them to ensure Code of Conduct is published. | <p>Completed:</p> <p>Letter sent to Parish Councils on 16 August 2019 requesting that they publish their Code of Conduct on their website if not already doing so.</p> |
| <p><u>Best Practice 5</u></p> <p>Local authorities should update their gifts and hospitality register</p> | The register is updated as the Monitoring Officer is | Process to be put in place to remind councillors to register gifts | <p>In progress:</p> <p>Councillors are being reminded on a quarterly basis to keep their</p> |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| at least once per quarter, and publish it in an accessible format, such as CSV. | <p>notified by councillors that they have been offered gifts or hospitality and an annual report is prepared for Standards Committee.</p> <p>The register is not currently published on the website.</p> | and hospitality received each quarter and publish it on the website in accessible format. | <p>Register of Interests including gifts and hospitality received via the electronic 'Councillor Contact'.</p> <p>The Register is updated as soon as notification is received from the councillor.</p> <p>Research is being carried out on capability of current system to publish the register in CSV format on a quarterly basis.</p> |
| <p><u>Best Practice 6</u></p> <p>Councils should publish a clear and straightforward public interest test against which allegations are filtered.</p> | The approved arrangements for dealing with complaints includes tests to be applied when filtering complaints, however can be improved to include the provisions set out in the CSPL report. | Arrangements for dealing with complaints to be amended to incorporate the 'public interest' test referred to in the report. | <p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p> |
| <p><u>Best Practice 7</u></p> <p>Local authorities should have access to at least two Independent Persons.</p> | The Council has already agreed that we should have an Independent Person and reserve Independent Person. | Recognising the difficulties in recruiting Independent Persons, the Monitoring Officer to collaborate with Nottinghamshire | <p>In progress:</p> <p>Discussed at Monitoring Officers meeting on 6 June 2019 and in</p> |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| | Whilst recruitment has been difficult, both posts are currently occupied. | Monitoring Officers and introduce arrangements to pool/share Independent Persons. | principle agreement obtained to work together. Next meeting of Monitoring Officers due to take place in October. |
| <p><u>Best Practice 8</u></p> <p>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.</p> | The approved arrangements for dealing with complaints includes a requirement for the Monitoring Officer to consult the Independent Person when making an initial assessment of the complaint. | None | |
| <p><u>Best Practice 9</u></p> <p>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,</p> | The approved arrangements for dealing with complaints already requires the Monitoring Officer to prepare a formal decision notice following a hearing and make that decision notice available for public inspection. | Arrangements for dealing with complaints to be amended to include provision to publish all decision notices following formal investigation. | Completed: Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019. |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| the reasoning of the decision-maker and any sanction applied. | Where the Monitoring Officer resolves a complaint by way of local resolution following an investigation, there is no such requirement; the decision is however reported to Standards Committee. | | |
| <p><u>Best Practice 10</u></p> <p>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.</p> | The council already has accessible guidance on its website on how to make a complaint (including an online form) and arrangements for dealing with complaints. | Webpage to be amended to include estimated timescales for investigation and outcomes. | <p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p> <p>Information about estimated timescales added to webpage on 20 August 2019.</p> |
| <p><u>Best Practice 11</u></p> <p>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.</p> | The borough council does not have the power to require parish councillors to submit complaints on behalf of the Clerk, but it can put in place processes to support this and can set out expectations to parish councils. | Arrangements for dealing with complaints to be amended to make it clear complaints about the conduct of a parish councillor towards a Clerk can and should be made by the Chair or parish council as a whole. | <p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p> |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| | | Monitoring Officer to write to parish councils to notify them and request they put processes in place to enable this to happen. | Letter sent to Parish Councils on 16 August 2019. |
| <p><u>Best Practice 12</u></p> <p>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.</p> | <p>Complaints made about parish councillors have been investigated in accordance with the approved arrangements for dealing with complaints. None have been rejected due to lack of resources. The Monitoring Officer has a budget for training and development and regularly attends training on relevant matters, including ethical conduct. A deputy Monitoring Officer is also in place to provide additional support and capacity.</p> <p>The Appointments and Conditions of Service Committee have a specific delegation to 'ensure the provision of sufficient staff</p> | <p>Keep a watching brief on resources particularly in light of budget reductions and efficiencies which may impact on the resources available to the Monitoring Officer.</p> | |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| | <p>and other resources' to the Monitoring Officer and deputy. Additional resource can be requested if necessary.</p> <p>Due to pressures, there is insufficient resource within Legal Services to conduct Standards investigations; however Legal Services has an approved annual budget for the obtaining external legal services which is available should an external investigator need to be appointed.</p> | | |
| <p><u>Best Practice 13</u></p> <p>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.</p> | <p>Deputy Monitoring Officer in place to deal with complaints where the Monitoring Officer has a conflict of interest. Investigations can and have been outsourced to an external investigator.</p> <p>Monitoring Officers from other authorities are unlikely to have sufficient resources</p> | <p>Approved arrangements for dealing with complaints to be amended to set out the options available in the case of a conflict of interest.</p> | <p>Completed:</p> <p>Amended Arrangements for dealing with Complaints approved by Standards Committee on 4 July 2019 and published on the website on 9 July 2019.</p> |

| Best Practice Recommendation | Comment | Action Required | Update/progress |
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| | to carry out investigations for others. | | |
| <p><u>Best Practice 14</u></p> <p>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.</p> | The Council has not set up separate bodies. | <p>Monitoring Officer to request the Council's Chief Financial Officer to include relevant provisions in the annual Governance Statement in the event separate bodies are set up.</p> <p>To require any separate bodies set up in the future to abide by the Nolan principles and publish agendas and minutes.</p> | <p>Completed:</p> <p>Email to Chief Financial Officer sent on 9 August 2019.</p> |
| <p><u>Best Practice 15</u></p> <p>Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</p> | Currently no regular scheduled meetings with group leaders or business managers. | Bi-annual meetings (as a minimum) between Chief Executive, Monitoring Officer and group leaders and deputies to be arranged. | <p>Completed:</p> <p>Meetings have been arranged.</p> |

Additional recommendation from Standards Committee

| Recommendation | Comment | Action required | Update/Progress |
|---|--|--|--|
| <p>Explore support which can be put in place for Members who are suffering bullying and intimidation.</p> | <p>The Committee on Standards in Public Life referred to the previous report and recommendations it made in 2017 relating to intimidation on social media.</p> | <p>Monitoring Officer to write to all Borough Councillors and Parish Councils to request evidence of specific examples of bullying, intimidation and threats against elected members.</p> <p>Subject to the responses received, establish a working group including parish councillors to consider the extent and nature of the bullying, intimidation and threats and agree appropriate measures to support the victim.</p> | <p>In progress:</p> <p>Email sent to all Borough Councillors on 15 August 2019 requesting details by 11 September and reminder email sent on 10 September.</p> <p>Letter to be sent to Parish Councillors.</p> |

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