



Leicester  
City Council

## **MEETING OF THE STANDARDS COMMITTEE**

**DATE: TUESDAY, 1 OCTOBER 2019**

**TIME: 5:30 pm**

**PLACE: Meeting Room G.03 - City Hall, 115 Charles Street,  
Leicester, LE1 1FZ**

### **Members of the Committee**

Councillor Dr Barton (Chair)

Councillor Shelton (Vice-Chair)

Councillor Dr Moore

Councillor Rae Bhatia

One Unallocated Non-Grouped Place

Ms Fiona Barber (Independent Member)

Mr Mike Galvin (Independent Member)

Ms Jayne Kelly (Independent Member)

Ms Alison Lockley (Independent Member)

Mr Simon Smith (Independent Member)

### **Standing Invitees:**

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

Members of the Committee are summoned to attend the above meeting to consider the items of business listed overleaf.

for the Monitoring Officer

**Officer contact: Anita James**  
Democratic Support, Leicester City Council  
City Hall, 115 Charles Street, Leicester, LE1 1FZ  
(Tel. 0116 454 6358)

## Information for members of the public

### Attending meetings and access to information

You have the right to attend formal meetings such as full Council, committee meetings & Scrutiny Commissions and see copies of agendas and minutes. On occasion however, meetings may, for reasons set out in law, need to consider some items in private.

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If you intend to film or make an audio recording of a meeting you are asked to notify the relevant Democratic Support Officer in advance of the meeting to ensure that participants can be notified in advance and consideration given to practicalities such as allocating appropriate space in the public gallery etc.

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- ✓ to respect the right of others to view and hear debates without interruption;
- ✓ to ensure that the sound on any device is fully muted and intrusive lighting avoided;
- ✓ where filming, to only focus on those people actively participating in the meeting;
- ✓ where filming, to (via the Chair of the meeting) ensure that those present are aware that they may be filmed and respect any requests to not be filmed.

### Further information

If you have any queries about any of the above or the business to be discussed, please contact Anita James, **Democratic Support on (0116) 454 6358** or email [anita.james2@leicester.gov.uk](mailto:anita.james2@leicester.gov.uk) or call in at City Hall, 115 Charles Street, Leicester, LE1 1FZ.

For Press Enquiries - please phone the **Communications Unit on 454 4151**

# **PUBLIC SESSION**

## **AGENDA**

### **FIRE / EMERGENCY EVACUATION**

If the emergency alarm sounds, you must evacuate the building immediately by the nearest available fire exit and proceed to the area outside the Ramada Encore Hotel on Charles Street as directed by Democratic Services staff. Further instructions will then be given.

#### **1. APOLOGIES FOR ABSENCE**

#### **2. DECLARATIONS OF INTEREST**

Members will be asked to declare any interests they may have in the business to be discussed.

#### **3. TERMS OF REFERENCE**

**Appendix A  
(Pages 1 - 4)**

Members will be asked to note the Terms of Reference for the Standards Committee.

#### **4. MEMBERSHIP OF THE STANDARDS COMMITTEE**

The Monitoring Officer to report that the current membership of the Standards Committee is as follows: -

Councillors:

Chair - Councillor Dr Barton  
Vice Chair – Councillor Shelton  
Councillor Dr Moore  
Councillor Rae Bhatia

Independent Members:

Ms Fiona Barber  
Mr Mike Galvin  
Ms Jayne Kelly  
Ms Alison Lockley  
Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)  
Mr David Lindley (Independent Person)

**5. DATES OF MEETINGS OF THE STANDARDS COMMITTEE 2019-20**

The Monitoring Officer to report that following the meeting of Annual Council on 16<sup>th</sup> May 2019, the dates of the Standard Committee meetings for 2019-20 were confirmed on the following dates: -

Tuesday 1<sup>st</sup> October 2019 at 5.30pm  
Tuesday 28<sup>th</sup> April 2020 at 5.30pm

All meetings will be held at City Hall

**6. MINUTES OF PREVIOUS MEETING HELD 13TH NOVEMBER 2018**

**Appendix B  
(Pages 5 - 12)**

The minutes of the meeting of the Standards Committee, held on 13<sup>th</sup> November 2018 are attached and Members will be asked to confirm that they are correct.

**7. PROGRESS AGAINST ACTIONS OF PREVIOUS MEETINGS**

The Monitoring Officer to report on progress against actions from previous meetings.

**8. BI-ANNUAL REPORT OF COMPLAINTS RECEIVED (JULY 2017 TO END JUNE 2019)**

**Appendix C  
(Pages 13 - 28)**

The Monitoring Officer to submit a draft Bi-Annual Report on complaints received for the period July 2017 to end June 2019.

Members of the Committee will be asked to comment on the report prior to it being submitted in its final form to a future full Council meeting.

In accordance with Rule 1 of Part 4B of the Constitution (Access to Information – Procedure Rules) the report is not available in the public domain as it is in “draft” form and is only circulated to Members of the Committee at this stage. Should Members wish to discuss specific individuals or circumstances, the Monitoring Officer may need to advise Members to exclude the public and press, in accordance with item 11 below, and discuss the issues in private session.

**9. CSPL - REVIEW INTO LOCAL GOVERNMENT ETHICAL STANDARDS AND REFRESH OF LEICESTER CITY COUNCIL'S CODE OF CONDUCT AND ARRANGEMENTS**

**Appendix D  
(Pages 29 - 38)**

Members of the Committee are invited to discuss the findings on the Committee on Standards in Public Life (CSPL) - Review into Local Government Ethical Standards and in light of that to consider the Council's Code of Conduct and Arrangements.

Link to full report:

**10. COMPLAINT AGAINST COUNCILLORS - UPDATE**

**Appendix E  
(Pages 39 - 42)**

The Monitoring Officer submits a report giving feedback on complaints against Councillors reviewed and/or determined since the last meeting and updating the Committee on progress with outstanding complaints against Councillors. The Committee is recommended to receive and note the report.

Members of the Public to note:

This report is a public document but during its consideration, Members may wish to discuss some of the issues in more detail. Under the law, the Committee is entitled to consider certain items in private. In this event, the Committee will resolve to exclude the press and members of the public, who will be asked to leave the meeting, in accordance with item 11 below, and discuss the issues in private session.

**11. PRIVATE SESSION**

For purpose of dealing with item 8 or 10 as appropriate

MEMBERS OF THE PUBLIC TO NOTE

Under the law, the Committee is entitled to consider certain items in private. Members of the public will be asked to leave the meeting when such items are discussed.

The Committee is recommended to consider the following reports in private on the grounds that they contain 'exempt' information as defined by the Local Government (Access to Information) Act 1985, as amended and consequently that the Cabinet makes the following resolution:-

“that the press and public be excluded during consideration of the following reports in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because they involve the likely disclosure of 'exempt' information, as defined in the Paragraphs detailed below of Part 1 of Schedule 12A of the Act and taking all the circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual.

Paragraph 2

Information which is likely to reveal the identity of an individual.

Paragraph 7c

The deliberations of a Standards Committee or of a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

**12. ANY OTHER URGENT BUSINESS**

# Appendix A

## STANDARDS COMMITTEE & SUB-COMMITTEES

### TERMS OF REFERENCE

1. To oversee and promote the Council's arrangements to ensure and maintain probity and the highest standards of governance in the conduct of business by members (including co-opted members) and officers.
2. To oversee and advise Full Council and the City Mayor on matters relating to the Council's corporate governance and ethical framework.
3. To receive the Council's annual Corporate Governance Review Statement.
4. To oversee, promote, monitor observance and recommend necessary change to Members' and officers' Codes of Conduct and Political Conventions.
5. To oversee and ensure the provision of appropriate training to Members and officers to enable them to adhere at all times to the provisions of the Council's Political Conventions and governance arrangements.
6. To appoint subcommittees (the Standards Advisory Board or where appropriate, a Hearing Panel) to scrutinise, hear and determine appropriate allegations (as set out in the Authority's "*Arrangements for dealing with Standards Complaints*") that a Member of the Council has failed, or may have failed, to comply with the Council's Code of Conduct.
7. Save in exceptional circumstances, to accept the recommendations of the subcommittee who have determined that an Elected or Co-opted Member of the Council has failed to comply with the City Council's Code of Conduct for Members, including its recommendations as to the appropriate remedy or sanction for such breach.
8. To consider under Sections 1 and 2 of the Local Government and Housing Act 1989:-
  - (a) any application received from any officer of the Council for exemption from political restriction in respect of the post held by that officer and may direct the Council that the post shall not be considered to be a politically restricted post and that the post be removed from the list maintained by the Council under Section 2(2) of that Act; and,
  - (b) upon the application of any person or otherwise, consider whether a post should be included in the list maintained by the Council under Section 2(2) of the 1989 Act, and may direct the Council to include a post in that list.
9. Temporary appointments of Independent Members may be made in accordance with the law and upon appropriate advice from the Monitoring Officer
10. The Standards Committee:

- Composition - The Standards Committee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted non-voting members of the Standards Committee, and it shall be chaired by an Elected Councillor. The Councillor make-up of the Committee will, wherever possible, reflect the political balance of the Council
  - Quorum – The quorum for a meeting of the Standards Committee shall be three Councillor Members
  - Frequency of Meetings –The Standards Committee will meet as and when required.
11. The subcommittee (Standards Advisory Board and Hearing Panel):
- Composition – The subcommittee shall comprise nine Members, made up of four Elected Councillors and five Independent Members. The Independent Members shall be co-opted voting members of the Board, and it shall be chaired by an Independent Member.
  - Quorum – The quorum for a meeting of the subcommittee shall be three, with a majority or equal number of Independent Members (with the Independent Chair having the casting vote)
  - Frequency of Meetings –The relevant subcommittee will meet as and when required.
12. The role of the Independent Person (IP) – the Independent Person is not a member of either the Standards Committee or its subcommittees. He/she remains completely neutral to the political and scrutiny process and works closely with the Monitoring Officer on individual complaints at the initial decision and review phases. He/she does remain a standing invitee to meetings of the relevant subcommittee and will attend subcommittee meetings to offer advice on the progression of individual complaints, which may or may not be adopted by the subcommittee.

**Matters Reserved to the Committee:**

1. All matters of significance in respect of policy, governance or training are reserved to the Committee.
2. All matters within the Terms of Reference of the Standards Committee which are not reserved to Full Council or this Committee, either by legislation, regulation or local determination, are delegated to the City Barrister and Head of Standards.









Leicester  
City Council

# Appendix B

## Minutes of the Meeting of the STANDARDS COMMITTEE

Held: TUESDAY, 13 NOVEMBER 2018 at 5:30 pm

### P R E S E N T:

Councillor Dr Barton (Chair)  
Councillor Shelton (Vice Chair)  
Councillor Dr Moore

#### Also present:

Ms Fiona Barber	Independent Member
Mr Mike Galvin	Independent Member
Ms Jayne Kelly	Independent Member
Ms Alison Lockley	Independent Member
Mr Simon Smith	Independent Member
Mr Mick Edwards	Independent Person
Mr David Lindley	Independent Person

\* \* \* \* \*

### **1. INTRODUCTIONS**

The Chair welcomed everyone to the meeting and led introductions.

### **2. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Rae Bhatia.

### **3. DECLARATIONS OF INTEREST**

Members were asked to declare any interests they may have in the business on the agenda.

There were no declarations of interest.

### **4. TERMS OF REFERENCE**

The Monitoring Officer submitted a copy of the Terms of Reference for the Standards Committee and its sub-committees which included minor modifications regarding procedural arrangements and referred more inclusively to the two sub-committees of the main committee and had been endorsed by full council.

NOTED:

The Terms of Reference for the Standards Committee and its sub-committees.

## **5. MEMBERSHIP OF THE COMMITTEE**

NOTED:

The membership of the Standards Committee for the 2018/19 municipal year as below:

Councillors:

Chair: Councillor Dr Barton

Vice-Chair: Councillor Shelton

Councillor Dr Moore

Councillor Rae Bhatia

Independent Members:

Ms Fiona Barber

Mr Mike Galvin

Ms Jayne Kelly

Ms Alison Lockley

Mr Simon Smith

Standing Invitees:

Mr Michael Edwards (Independent Person)

Mr David Lindley (Independent Person)

## **6. DATES OF MEETINGS 2018/19**

NOTED:

The dates of Standard Committee meetings for 2018/19 as follows:

- Tuesday 13<sup>th</sup> November 2018 at 5.30pm
- Tuesday 2<sup>nd</sup> April 2019 at 5.30pm

## **7. MINUTES OF PREVIOUS MEETING**

RESOLVED:

That the minutes of the Standards Committee meeting held on 28<sup>th</sup> November 2017 be confirmed as a correct record.

## **8. COMPLAINTS POLICY & PROCEDURE FOR MANAGING VEXATIOUS CUSTOMERS**

The Director of Finance submitted a report outlining details of the Complaints Policy & Procedure for Managing Vexatious Customers.

James Rattenberry, Principal Policy Officer and Nilkesh Patel, Service Improvement Manager introduced the report and it was noted that:

- The council had been operating a single stage non-statutory complaints regime since April 2016, this included a triage process to determine the route of the complaint and who would need to be involved.
- The aim now was to put in place a written policy for corporate non-statutory complaints to support the standardised regime.
- Complaints regarding Councillors, Children Services and Adult Social Care had their own complaints policy and procedure so would not be subject to this proposed policy.
- The policy would inform customers how the council defined and dealt with complaints with additional guidance drafted to manage vexatious customers.

Members were invited to provide feedback which included the following comments and suggestions:

- In relation to managing vexatious customers and recognising mental health issues once a customer was deemed vexatious, discussions were held with other departments to identify and address needs. Officers agreed to consider including some provision for that point within the policy
- Last financial year the council dealt with 98% of complaints within 10 working days, 2% of those were referred to the local government ombudsman. As far as the resolution process the council responded within 10 working days, if the customer remained unsatisfied they could refer to the local government ombudsman. Once the local government ombudsman contacted the council, the council responded again within 10 working days.
- The phrasing used on page 19 para 3.1 should be altered to something like “Complaints that are bound to fail” rather than “Complaints made that are groundless”.
- The policy did not include how to make a complaint about an officer’s conduct, behaviour or attitude.
- The policy did not mention the route for making a complaint via a councillor, although there was a separate procedure there should be reference to that. A flow chart would be helpful to show parallel processes for customer complaints and complaints taken up by Councillor’s.
- In terms of comments on page 17 para 6.1 those should be pitched to give assurance to complainants for example if their complaint related to a failure to provide service then they would want to be given confidence that the service would be provided.
- It would be helpful to explore how people’s expectations were managed and include that as part of Councillors induction process.

The Chair thanked officers.

RESOLVED:

That the contents of the report be noted and officers take account

of the feedback given above.

## **9. CODE OF CONDUCT FOR EMPLOYEES**

The Head of Human Resources submitted a report inviting the Standards Committee to review the Code of Conduct for Employees.

Craig Picknell, Head of Human Resources introduced the report explaining the original policy was developed in 2013 in consultation with unions. The purpose of the Code of Conduct for Employees was explained, and Members were advised that the policy was kept up to date where there was a legal requirement to do so. Members were assured that the policy was comprehensive, robust and frequently referenced in terms for example of information technology or dress code. The Code of Conduct for Employees formed part of the terms and conditions for all employees therefore any substantial variations would require consultation with unions and it would have to be very clear that it merited amending the code of conduct as it would be subject to an involved process.

Members noted that there were no significant changes to the Code of Conduct for Employees.

During discussion Members comments included the following:

- In relation to standards of dress there was no specific line on women wearing a burkha or niqab and there were no known cases where this had been an issue.
- In terms of Gifts and Hospitality, the Code of Conduct for Councillors specified an amount exceeding £25 whereas the Code of Conduct for Employees did not. It was recognised that whilst there was a case for consistency most people would realise if a gift was of trivial value that didn't merit registering or if a gift was inappropriate and should be declared.
- Referring to page 39 it was suggested that there was no clear statement about using council computers for inappropriate use. Members were assured that there were other policies in place that provided more detail for specific areas such as IT usage and Social Media Guidance and the council blocked access to various sites including social media such as Facebook.

RESOLVED:

That the contents of the report be noted, and no changes be made at this time to the Code of Conduct for Employees.

## **10. PRIVATE SESSION**

Into Private Session

RESOLVED:

That the press and public be excluded during the next 2 items on the agenda, in accordance with the provisions of Section 100A(4) of the Local Government Act 1972, as amended, because it involved the likely disclosure of “exempt” information, as defined in the Paragraph detailed below of Part 1 of Schedule 12A of the Act, and taking all circumstances into account, it is considered that the public interest in maintaining the information as exempt outweighs the public interest in disclosing the information.

Paragraph 1

Information relating to any individual

Paragraph 2

Information which is likely to reveal the identity of an individual

Paragraph 7a

Information which is subject to any obligation of confidentiality

Paragraph 7c

The deliberations of a standards committee or a sub-committee of a standards committee established under the provisions of Part 3 of the Local Government Act 2000 in reaching any finding on a matter referred under the provisions of section 60(2) or (3), 64(2), 70(4) or (5) or 71(2) of that Act.

**11. ANY OTHER URGENT BUSINESS**

**AOB 1**

With the approval of the Chair, the Monitoring Officer advised Members that Mr David Lindley, Independent Person had raised a point following a recent news story about a Councillor that was pertinent and relevant to be mentioned.

Mr David Lindley, Independent Person referred to the recent conviction of a Councillor following trial at Crown Court. He queried whether the fact of a police investigation resulting in conviction at court ended matters or whether there was a parallel with a Coroners Court for example, and at conclusion of criminal proceedings the inquest would reopen to fulfil its statutory process. Whilst some might say what was the point of an investigation of the Code of Conduct the issue was he remained a Councillor and so the council should consider the Code of Conduct, further the Code of Conduct for Employees included a requirement to disclose criminal convictions and that the authority reserved the right to further investigate.

Members discussed the points made and the feasibility to take this up within the Standards Regime.

The Chair commented that any investigation around the Code of Conduct could not go behind the conviction or have an opinion on incidents leading to the conviction although the incidents leading to the conviction would seem to have

happened whilst on council business and that would make it part of the Code of Conduct.

The Monitoring Officer advised it would be prudent to await the outcome of any appeal lodged and it could be checked, quite simply. If Members decided to take up the matter, there would have to be formed a subcommittee to go through proper process.

The Monitoring Officer advised that as this had seemed to happen whilst on council business it was legitimate for someone to challenge the council to look at the ethical conduct of the Councillor concerned and although there was no power to remove a Councillor there was the power of public censure.

RESOLVED:

That the Monitoring Officer reflect on this discussion and take due action with Independent Persons as to how this case should be treated in the Standards regime.

## **12. HEARING PANEL RECOMMENDATIONS - COMPLAINT 2018/05**

The Monitoring officer submitted a report seeking the Committee's endorsement of the recommendations of the Hearing Panel following their determination of the complaint 2018/05 by Mr X against Councillor Corral.

It was noted that the Hearing Panel had considered the investigators report on the complaint and Councillor Corral's open letter to the panel.

The Hearing Panel had found that there had been a breach of the Council's Code of Conduct for Elected Members and had recommended that:-

- a) Councillor Corral apologise directly to Councillor Z and Mr X in writing within 14 days of today for the offence caused,
- b) The Monitoring Officer publishes the Decision Notice of the Hearing Panel, and a suitably redacted version of the Investigator's Report, on the Council's website,
- c) The Labour Group and/or the Elected Mayor withdraws Councillor Corral's appointment to any outside bodies on which he serves as a representative of the Council.

The Monitoring Officer advised that the findings of the Hearing Panel were advisory, and the Standards Committee was required to consider those findings and either endorse or reject them. If the Standards Committee rejected the findings of the Hearing Panel, then that would be the end of the process for dealing with the complaint.

The Committee discussed the Investigators report and Councillor Corral's open letter together with the Decision Notice which set out the detailed findings of the Hearing Panel during which the Monitoring Officer responded to any questions regarding the complaints process.

18.41pm Members agreed and endorsed the findings of the Hearing Panel and



moved into Public Session to announce the resolutions of the Standards Committee.

RESOLVED:

1. That the findings of the Standards Hearing Sub-Committee held on 13<sup>th</sup> November 2018, as recorded in the Decision Notice of that meeting, be endorsed,
2. That Councillor Corrall apologise directly to Councillor Z and Mr X in writing within 14 days of today for the offence caused,
3. That the Monitoring Officer publish the Decision Notice of the Hearing Panel and a suitably redacted version of the investigators Report to the Council's website forthwith,
4. That the Labour Group and/or the Elected Mayor withdraws Councillor Corrall's appointment to any outside bodies on which he serves as a representative of the Council.

There being no further business the meeting closed at 18.43pm.



# Appendix C

By virtue of  
Rule 1 of Part 4B of the Council's Constitution  
(Access to Information Rules)

Document is Restricted



By virtue of  
Rule 1 of Part 4B of the Council's Constitution  
(Access to Information Rules)

Document is Restricted



## EXTRACT OF

Local government ethical standards report – a  
review by the committee on standards in public life

## **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 officeholders. 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	<i>(Responsible body)</i>
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.	<i>Local Government Association</i>
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.	<i>Government</i>
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.	<i>Government</i>
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.	<i>Government</i>
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.	<i>Government</i>
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.	<i>Government</i>
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".	<i>Government</i>

- 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*
- 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*
- 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. 19 List of best practice

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.



# Appendix E

By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

Document is Restricted

