

Committee: Standards Committee

Date:

Title: Best Practice Points and the Government response to the Committee on Standards in Public Life's review of Local Government Ethical Standards.

21 September 2022

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Summary

1. On the 30th January 2019 the Committee on Standards in Public Life published a report on Local Government Ethical Standards. That report was taken to the Council's Standards Committee for noting on the 16th March 2020.
2. The report recommended amongst other matters that the Local Government Association (LGA) consult and produce a new Code of Conduct for Councillors in Local Government (the Model Code). The Model Code is the subject of a separate report to this Committee today.
3. In addition to the above recommendation the report provided fifteen "Best Practice Points" for Local Authorities and made a total of twenty-six recommendations to Government.
4. On the 22nd March 2022 the Government provided a response to the twenty-six recommendations. (Appendix 1)
5. The purpose of this report today is to provide Committee with an update on both the Best Practice Points and the Governments response to the twenty-six recommendations.

Recommendations

6. That Committee note the Best Practice Points and agree that the Monitoring Officer progress implementation of those not already implemented as laid out in the report below and report back to Committee at its next meeting
7. That the Committee receive the Government's response of March 22nd 2022.

Financial Implications

8. None.

Background Papers

[\(Public Pack\)Agenda Document for Standards Committee, 16/03/2020 17:00 \(moderngov.co.uk\)](#)

2019 Report:

<https://assets.publishing.service.gov.uk/government/uploads/system/uploads/atta>

2022 Report: <https://www.gov.uk/government/publications/local-government-ethical-standards-government-response-to-the-committee-on-standards-in-public-life-report>

Impact

9.

Communication/Consultation	None
Community Safety	None
Equalities	None
Health and Safety	None
Human Rights/Legal Implications	None
Sustainability	N/A
Ward-specific impacts	None
Workforce/Workplace	None

Situation

10. The report on “Local Government Ethical Standards of the 30th of January 2019 was presented to this Committee on the 16th of March 2020. It contained fifteen Best Practice Points for Local Authorities and twenty-six recommendations for Government.

11. The fifteen Best Practice Points are laid out below and the Council already complies with recommendations 2,4, 5, 7, 8, 10,12, and 13. It is advised that the remaining recommendations highlighted below are implemented.

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.

12. The twenty-six recommendations have been addressed by Government in its response provided on the 20th of March 2022 (appendix 1) and are provided to Committee for noting.

Risk Analysis

13.

Risk	Likelihood	Impact	Mitigating actions
2 there is some risk of not implementing the Best Practice Points	2 some risk that complaints and legal action could arise if procedures are not in line with best practice.	2 some risk	1 if all best practice points are implemented then procedures and the management of code of conduct complaints will be become clearer and there will be little or no risk complaints about the process or legal action resulting.

- 1 = Little or no risk or impact
- 2 = Some risk or impact – action may be necessary.
- 3 = Significant risk or impact – action required
- 4 = Near certainty of risk occurring, catastrophic effect or failure of project.