



Meeting or Decision Maker:	Standards Committee
Date:	12 July 2019
Classification:	For General Release
Title:	Local Government Ethical Standards - implementation of recommendations of the Committee on Standards in Public Life
Report of:	Tasnim Shawkat, Monitoring Officer

1. Executive Summary

- 1.1. This report sets out the proposed action for the Council to implement following the review of Local Government Ethical Standards by the Committee on Standards in Public Life (CSPL).
- 1.2. The proposed actions in this report reflect the discussion at the Standards Committee meeting on 21 March 2019, when the Committee considered the report of the CSPL.

2. Recommendations

- 2.1. To note the CSPL recommendations and best practice which are already adopted by the Council (Appendix 1)
- 2.2. To agree to enhance the wording of the provision in relation to bullying and harassment in the Code of Conduct as proposed by the CSPL, and as set out in the proposed draft amendments to the Code (Appendix 2)
- 2.3. To adopt the Cabinet Office principles for accepting gifts or hospitality, as recommended by CSPL, and as set out in the proposed draft amendments to the Code (see appendix 2)
- 2.4. To refer the changes to the Code of Conduct to the General Purposes Committee to recommend for adoption by the Council

3. Background

- 3.1. At the meeting on 12 March 2019 the Monitoring Officer presented a report on the key findings of the review by CSPL on ethical standards in local government. The report asked Members to:

- Note the 26 recommendations made by the review and the 15 best practice points.
 - Note the Council already practices many of the recommendations which do not require legislative changes as a matter of good practice
 - To consider what further changes could be made to the Council's Code of Conduct and Arrangements for dealing with complaints alleging a breach of the members Code of Conduct, which would not require legislative change
- 3.2. The purpose of this report is to set out the changes the Monitoring Officer proposes to make, following the review, to its Code of Conduct and guidance to Members.
- 3.3. A list of the CSPL 26 recommendations and 15 best practice points is appended to this report (**Appendix 1**). The list is in tabular format and sets out:
- Recommendation of the CSPL
 - Responsible body i.e whether it can already be implemented by the Local Authority or if it requires legislative change.
 - Whether or not the Council has already adopted the recommendation or best practice (where it does not require legislative change)
- 3.4. At the meeting on 12 March 2019 Members discussed in detail some particular sections of the CSPL report
- Bullying and harassment
 - Role of Ward Councillors and Planning Committee Members in relation to planning matters (particularly in relation to the acceptance of gifts and hospitality)
 - Social Media
- 3.5. At the meeting on 12 March 2019 the Leader attended for a question and answer session. The Leader said that leadership was essential in embedding an ethical culture. The Leader spoke of her regular meetings with the Group Whips and the Monitoring Officer.
- 3.6. The Monitoring Officer confirmed that training on Code of Conduct is mandatory for all Members and that annual training for Members in relation to ethical governance would also be provided.

4. Proposals for changes in the light of the CSPL Report

Bullying and Harassment

- 4.1. The CSPL review found that most allegations of code breaches related to bullying and harassment. The review further states it is best practice for Local Authorities to 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.

- 4.2. The Council Code of Conduct already includes bullying and harassment as a ground for complaint. Recently this has been strengthened by an amendment in the Arrangements for Dealing with Complaints, which extends the time allowed for complaints in relation to bullying and harassment to be submitted from three months to six months. It was agreed by the Committee on 21 March that the CLSP recommendation that a definition should be included in the Code.
- 4.3. There is no statutory definition of bullying. Harassment is defined in the Equality Act 2010 as “unwanted conduct related to a relevant protected characteristic”, which has the purpose or effect of violating an individual’s dignity or “creating an intimidating hostile, degrading, humiliating or offensive environment” for that individual”

“Bullying may be characterised as: offensive, intimidating, malicious or insulting behaviour; or any abuse misuse of power in a way that intends to undermine, humiliate, criticise unfairly or injure someone.

Harassment may be characterised as unwanted conduct which has the purpose or effect of violating an individual’s dignity or creating an intimidating, hostile, degrading, humiliating or offensive environment for an individual”
- 4.4. The review referred to an example of a Code of Conduct which has a definition of bullying and harassment.

- 4.5. It is proposed the Council adopts the above definition of bullying and harassment in its code of conduct. The proposed wording has been incorporated in the Code as a draft for approval. Please see Appendix 2, which sets out the proposed definition.

Gifts and Hospitality and Planning matters

- 4.6. The CSPL review highlighted that planning is an area of decision-making where a small number of councillors can have a significant impact on the financial interests of specific individuals or firms. The review stated that Councillors involved in planning decisions should generally not accept over-frequent or over-generous hospitality and should always ensure that acceptance of such hospitality does not constitute a conflict of interest.
- 4.7. The review recommended that local authorities establish a register of gifts and hospitality to record gifts and hospitality received over a value of £50 or totalling £100 over a year from a single source.
- 4.8. Westminster’s Code of Conduct is more stringent and has a provision for members to register gifts, benefits or hospitality with a value more than £25. This must be done within 28 days of receiving. The register is published on the Council’s website and is continually updated.
- 4.9. At the meeting of this Committee on 21 March the Monitoring Officer suggested that the Cabinet Office guidance on gifts and hospitality should be adopted by the City Council, as it is highlighted by the CSPL as a good model.

- 4.10. The Monitoring Officer stressed that it is a judgment call for individual councillors to make when deciding whether to accept gifts and responsibility, but the guidance provided by the Cabinet Office would be helpful for members to have regard to. These principles require members to consider the following before accepting any gift, benefit or hospitality:
- “*Purpose*” – acceptance should be in the interests of Council departments and should further Council objectives”
 - “*Proportionality*” – hospitality should not be over-frequent or over-generous. Accepting hospitality frequently from the same organisation/ individual may lead to an impression that the organization/ individual is gaining influence. Similarly, hospitality should not seem lavish or disproportionate to the nature of the relationship with the provider
 - “*Avoidance of conflict of interest*” Members should consider the provider’s relationship with the Council, whether it is bidding for work or grants or being investigated or criticized, and whether it is appropriate to accept an offer from a taxpayer-funded organization”
- 4.11. It is recommended that the above wording/ guidance is incorporated into the Council’s Code of Conduct as an additional para 29.10(4) as proposed in **Appendix 2**.
- 4.12. In addition, the Committee is asked to note that the guidance for Planning Committee is also being enhanced and that is the subject of a separate report.

Social Media Guide

- 4.13. At its meeting on 6th December 2018 the Standards Committee approved the Guidance on the use of social media by Members. This Guidance has been circulated to all Members.
- 4.14. The CSPL report deals with the issue of social media and its impact. Therefore, the Standards Committee Members at their meeting on 12 March 2019 Members agreed that the social media policy should be discussed at a Council meeting, to ensure all Members are aware of the Guidance.
- 4.15. At the meeting on 12 March Members agreed that the social media policy should be discussed at a Council meeting. At the Council meeting on 26 June. At the meeting some Councillors suggested proposed amendments to the guidance. Following the Council meeting Councillors were asked to provide their comments on the guidance to committee and governance services. A separate report has been prepared in relation to social media for Members to discuss.

5. Financial Implications

- 5.1. There are no financial implications for this report.

6. Legal Implications

- 6.1. The Council and individual Members are required to promote and maintain high standards of ethical behaviour as is required under section 27 of the Localism Act 2011 (“the Act”). Under section 28 of the Act, the Council must have in place “arrangements” under which allegations that a member or co-opted member of the Council, or of a Committee or Sub-Committee of the Council, has failed to comply with the Code of Conduct can be investigated and decisions made on such allegations
- 6.2. The Monitoring Officer has reviewed the Code of Conduct following the CSPL review of ethical standards in local government and made some proposed amendments.
- 6.3. If members of the Standards Committee agree with the proposed amendments the revised Code of Conduct will have to be referred to the General Purposes Committee for consideration before seeking approval from Council to update the Constitution.

Background papers

Report for Standards Committee on review of Local Government Ethical Standards by Committee on Standards in Public Life 21 March 2019
<https://committees.westminster.gov.uk/documents/s31769/5a%20-%20Report%20on%20Committee%20on%20Standards%20in%20Public%20Life%20Local%20Government%20Ethical%20Standards.doc.pdf>

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