

Recommendations to the Council

Audit and Standards Committee

Revisions to the Members' Code of Conduct and Standards Complaints System

The Audit and Standards Committee have recently reviewed the Members' Code of Conduct and the Standards Complaints System in the light of a Report by the Committee for Standards in Public Life (CSPL) on their Review of Ethical Standards in Local Government. The full report and Appendices are shown as Attachment 1.

The CSPL made 26 recommendations covering all aspects of the Standards Regime applied to Local Government. For the County Council the recommendations were most relevant in the following three areas:

1. Use of Social Media

Members supported the inclusion of an additional General Undertaking in the Members' Code of Conduct (see paragraph 11 of the attached report), the publication of guidelines for members on the use of social media and the adoption of criteria for use by the Monitoring Officer when assessing complaints about information posted on social media by members. (see Appendices 2 and 3 to the attached report)

2. Declarations of 'Other Interests'

Acknowledging the CSPL recommendations that local authorities in the same geographical area should endeavour to achieve consistency amongst their Codes of Conduct, the Audit and Standards Committee agreed to the extension of the current Code to cover general pecuniary interests and to include a section on 'Other Interests' as referred to in the Localism Act 2011. These relate to membership of organisations, whether as the Councils representative or through personal interest. These additional Declarations require minor changes to the Council's Procedural Order no. 16. An updated version is shown as Attachment 2 to this report for approval. A general advice note will be made available to members on declaring these additional interests.

3. The process for considering alleged breaches of the Code and the sanctions available

The first meeting of a Standards Panel to consider a complaint against an elected member had taken place in Spring 2019. It highlighted the need to better define the stages and actions involved in that process. Consequently, proposed revisions are supported by the Audit and Standards Committee as are suggested additional sanctions for cases where the Code is found to have been breached. Details are shown at paragraph 18 of the attached report and Appendix 5.

Other Issues:

(a) Independent Persons (IPs)

Term of Office - The complaints handling process provides for both the Monitoring Officer and member against whom a complaint has been made to seek an opinion from an IP. The CSPL report suggested that to ensure full independence, IPs should only serve for a 2 year period. However, the Audit and Standards Committee felt that the current practice of having a 4 year term of office, renewable once, should continue. In reaching this view the Committee felt that 2 years did not provide sufficient opportunity for IPs to develop their knowledge and understanding of the Standards Regime and political context to be able to make a meaningful contribution to discussions on complaints.

Contribution to Decision -making/Indemnity Insurance – At present IPs are consulted by the Monitoring Officer on if/how a complaint against an elected member should be taken forward. The IP has no formal involvement in the later stages on the complaints process. The Audit and Standards Committee agreed with the CSPL recommendations that the IPs views should contribute to the formal decision making process. The provision of indemnity insurance was supported to protect IPs against any challenge against a decision where their views have been taken into account.

(b) Publication of information on complaints against elected members

The CSPL calls for legislation to require Councils to publish annually details of the number of code of conduct complaints they receive, what they broadly relate to (eg conflict of interest), the outcome of those complaints and any sanctions applied.

This Council already voluntarily publishes some elements of that information as an Annual Report to the Audit and Standards Committee. That Committee supported the extension of the Annual Report to cover the 4 elements listed above, and its publication on the 'Contact, Compliments and Complaints' section of the Council's website.

Recommended -That approval be given to:

(a) the inclusion in the Code of Conduct of an additional Undertaking relating to the use of social Media as detailed in paragraph 11 of the report and the adoption of the updated guide on the Use of Social Media and the criteria for determining alleged breaches of that Code in relation to social media (as shown at Appendices 2 and 3)

(b) the update to the Declaration of Interest Form completed by members to include general pecuniary interests and a section on 'Other Interests' and as shown at Appendix 4 and to the necessary amendments to Procedural Standing Order No. 16.

(c) the updates to the process chart for dealing with allegations of breaches of the Code of Conduct, including the addition of 2 further sanctions, as shown at Appendix 5

(d) the period of office for Independent Persons appointed under the Localism Act 2011 being four years, renewable once.

(e) the views of an Independent Person consulted by the Monitoring officer, being included in any formal member level consideration of a complaint and recorded accordingly; appropriate indemnity insurance to be provided to all IPs.

(f) The publication of information on complaints received against elected members in accordance with the recommendations of the CSPL.