

TELFORD & WREKIN COUNCIL

STANDARDS COMMITTEE – 13 FEBRUARY 2018

UPDATE REPORT

REPORT OF THE ASSISTANT DIRECTOR: GOVERNANCE, PROCUREMENT & COMMISSIONING

PART A) – SUMMARY REPORT

1. SUMMARY OF MAIN PROPOSALS

- 1.1 To update the Standards Committee on (i) matters relating to the ethical framework since the last Standards Committee meeting; (ii) on the training plan for Members' Standards and Code of Conduct Training; and (iii) the Committee on Standards in Public Life consultation paper.

2. RECOMMENDATION

- 2.1 That the Committee note the contents of this report including the proposed Members' Standards and Code of Conduct training plan.
- 2.2 That the Committee delegate authority to the Monitoring Officer, in consultation with the Chair, to submit a response on behalf of the Committee, to the Committee on Standards Life in relation to their consultation paper at Appendix 2 taking into account comments made by members during the consideration of this item.

3. SUMMARY IMPACT ASSESSMENT

COMMUNITY IMPACT	Do these proposals contribute to specific Priority Plan objective(s)?	
	Yes	The Committee is part of the Council's decision making framework and therefore contributes to all of the Council's priorities.
	Will the proposals impact on specific groups of people?	
	No	
TARGET COMPLETION/DELIVERY DATE	None	
FINANCIAL/VALUE FOR MONEY IMPACT	No	Costs associated with the training will be met from existing budgets.
LEGAL ISSUES	No	This report meets the statutory requirements relating to the Code of Conduct and ethical framework.
OTHER IMPACTS, RISKS & OPPORTUNITIES	No	There are no other specific impacts arising from this report.

IMPACT ON SPECIFIC WARDS	No	
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PART B) – ADDITIONAL INFORMATION

4. INFORMATION

4.1 Complaints

Since the last update report to this meeting in October 2017, the Monitoring Officer has received no complaints and there are no complaints outstanding.

See Appendix 1 for a selection of recent national conduct cases/matters.

4.2 Training

At the Standards Committee meeting on the 25th April 2017 it was resolved that officers would develop an “Ollie” training programme on Standards and the Code of Conduct. Works has started to develop the Ollie training. Alongside the Ollie training course, a series of short videos are being developed explaining various elements of the code and Standard Regime. The video will cover the following themes:

- The Ethical Framework;
- Consequences on non-compliance for Councillors;
- Councillor's responsibilities;
- The key aspects of the Members' Code of Conduct including the general rules which need to be followed;
- What to do if you have an interest;
- Predisposition and predetermination;
- Bias; and
- How the Code is policed.

The ‘Ollie’ training will entail a number of problem solving exercises in relation to Standards and the Code of Conduct.

The “Ollie” training and videos shall be completed early spring and will go live shortly thereafter. There will be regular communications encourages members to complete the training. The take up of the training will be reported at the next Standards Committee.

4.3 Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards. As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:

- a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 3. Make any recommendations for how they can be improved; and
 4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

The consultation paper is attached at Appendix 2.

5. PREVIOUS MINUTES

- 5.1 Standards Committee – 20 January 2015, 7 July 2015, 9 February 2016, 5 July 2016, 25 April 2017, 31 Oct 2017.

6. BACKGROUND PAPERS

- 6.1 None

Report prepared by Suzanne Dodd Deputy Monitoring Officer – Governance, Procurement & Commissioning 01952 380014

Appendix 1

Update on national conduct matters

Taylor v Honiton Town Council [2016]

A town councillor (Taylor) was concerned about the funding of a building project in Honiton, and in the process of expressing his concern failed to treat the Town Clerk with due respect, and his allegations were repeated in the local media. She claimed she had been slandered, and so East Devon conducted an investigation which concluded that the Town Clerk had acted following relevant advice and on direction of the Council. The East Devon Standards Sub-Committee reviewed the report produced and subsequently recommended sanctions to be imposed on Cllr. Taylor for the breach of the code of conduct, including censure and sending him for re-training.

Cllr. Taylor challenged the decision of Honiton Town Council to implement these suggestions through a claim of judicial review, claiming they were illegal, that they hadn't been implemented on a proper basis, and that the hearing was unfair. In response, Honiton withdrew the sanctions, conceding they had overstepped their boundaries, but Taylor did not withdraw his claim. It was found that, whilst East Devon had made the recommendations, Honiton Town Council had made the decision to impose them and so they were the defendants in the case.

At the review, the appeal judge found that Honiton's requirement that Cllr. Taylor attend training sessions was unlawful, following a decision in 2014, but that East Devon Standards Sub-Committee had correctly identified a breach of the code of conduct by Cllr. Taylor and the sanctions they recommended were lawful. Honiton was not required to follow East Devon's recommendations, and so the Decision was quashed.

East Riding Council (2018)

East Riding council imposed sanctions on Cllr Andy Strangeway after the Standards Committee upheld an allegation of bullying, after he contact a council member's wife's employer to complain about her harassing him, and an allegation of making a confidential email public. Cllr Strangeway claimed that by publishing the email, regarding child safeguarding, he was attempting to highlight concerns over IT security at the Council. He also denied all allegations of bullying.

Cllr Strangeway was censured, and the Committee also recommended that the Council ask for a full letter of apology and that he take the blog posts containing the harassing material down. Regarding the confidentiality breach, they recommended that his access to future confidential council papers be refused and his membership of the authority's pension committee be revoked. A full council then voted almost unanimously (with Strangeway himself the only dissenter) to follow the Committee's recommendations.

Official defends delay over standards recommendation that Derby Councillor should lose £7k-a-year post (2017)

A council member in Derby was heavily criticised after he gave a reference to a taxi-driver with previous convictions. It was recommended by the Standards Committee that Cllr Nawaz be stripped of his chairmanship of the personnel committee, and that he be removed from the other two committees that he sat on, but four months later no action had been taken. A vote of no confidence in Cllr Nawaz's chairmanship was attempted, but it lost by one vote, and many Labour members of the committee walked out.

Some investigation has been prompted into the delay of implementing the Committee's recommendations, but gathering the Labour executive has proven difficult due to members' leave and other work commitments. There have been complaints that by ignoring the recommendations of the Standards committee, it makes the council ineffectual as a check on councillor behaviour. A more thorough review of the procedure of sanctioning a councillor is now ongoing.

Appendix 2

Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are to:

2. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.
5. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
6. Make any recommendations for how they can be improved; and
7. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions

do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?

- i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).

