

Classification: Public

Key Decision: No

Gravesham Borough Council

Report to: Council

Date: 6 October 2020

Reporting officer: Perry Holmes, Monitoring Officer

Subject: Update on a Review of Local Government Ethical Standards

Purpose and summary of report:

This report provides an update on the Council's response to the best practice recommendations made by the Committee on Standards in Public Life following its review of ethical standards in local government, which was published in January 2019.

Recommendations:

1. The Standards Committee recommends Council to:
 - (i) approve the proposed changes to the Members Code of Conduct, as demonstrated as tracked/highlighted changes at Appendix 4 to the report.
 - (ii) approve the changes to the procedure for dealing with Member Conduct complaints, as demonstrated as tracked/ highlighted changes at Appendix 5 to the report.
 - (iii) agree to review the Member Code of Conduct on an annual basis and make recommendations to full Council as necessary, and that where possible when substantial changes are proposed, the views of the public, community organisations and neighbouring authorities are sought.
 - (iv) agree that decision notices relating to the outcome of formal investigations be produced and published, 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 and that these be kept on the website for a period of 12 months, subject to that when the outcome of a hearing is a Committee finding of no breach, the subject member is given the option as to whether the decision notice includes their names or whether it remains anonymous and does not provide information that could identify the subject member.
 - (v) agree that the Monitoring Officer request the 6 parish councils in Gravesham to formally acknowledge the expectation that formal 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 and confirm their commitment to adhere to this in relation to any future complaints of this nature.
 - (vi) agree that the Monitoring Officer ask all alternative delivery models set up by the local authority to publish board agendas, minutes and annual reports.
 - (vii) note all other responses set out in the table at Appendix 3 where no specific or additional action is required.

1. Budget and Policy Framework

- 1.1 The Standards Committee is responsible for promoting and maintaining high standards of conduct by Councillors and voting co-optees serving on the Council Committees. The Committee may make recommendations to the Council on revisions to the Councillor Code of Conduct and is responsible for adopting any procedures necessary in order to undertake its functions including the assessment, investigation and hearing of allegations of Councillor misconduct.

2. Background

- 2.1 High standards of conduct in local government are needed to protect the integrity of decision making, maintain public confidence and safeguard local democracy.
- 2.2 The Committee on Standards in Public Life (CPSL) was established in 1994 as an independent advisory non-departmental body. The Committee is responsible for advising the Prime Minister on ethical issues relating to standards in public life, conducting broad enquiries into standards of conduct and promoting the Seven Principles of Public Life: selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.3 The CSPL published its' 20th report in January 2019 on the subject of ethical standards in local government following a review of the effectiveness of the current arrangements for standards in local government, particularly following the changes made by the Localism Act 2011. An overview of the Highlights and Recommendations of the CSPL report is attached at Appendix 2. The full report can be found via the following link:
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>
- 2.4 This report concerns the 15 best practice recommendations that the Committee expects all local authorities to fully implement. The Committee intends to review the implementation of these in 2020, recently confirmed to be in Autumn/Winter of 2020 due to the impact of responding to the Covid-19 pandemic. This report does not comment on the recommendations made to central government.
- 2.5 The Standards Committee considered the findings of the CSPL report at its meeting on 1 August 2019 and the Standards Committee authorised the Monitoring Officer to review and propose amendments to the Councillor Code of Conduct and its processes and procedures in order to comply with the best practice recommendations.
- 2.6 That review has now been undertaken and considered by the Standards Committee. The purpose of this report is for Council to consider a draft council response to each of the best practice recommendations. The Council Response to each of the 15 best practice recommendations for local authorities is set out in a table at Appendix 3.
- 2.7 The CSPL Report recommended that 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 (see paragraph 4 d) of the Highlights and Recommendations document at Appendix 2). The subsequent Local Government Association draft Model Code of Conduct reduced the threshold to £25. The GBC Code currently has a threshold of £100 or more for a single or for a series of gifts and benefits. It is therefore recommended that the GBC code is amended to reflect the CSPL recommended

thresholds of £50 and £100 for now which can be reviewed once the outcome of the LGA consultation on the model code of conduct is known. If the LGA recommend the threshold should be reduced further to £25, this can be reconsidered by members.

2.8 The responses comprise of:

2.8.1 suggested amendments to the Members' Code of Conduct within the constitution shown as track changes/highlighted attached as Appendix 4;

2.8.2 suggested amendments to the Procedure for dealing with Councillor Conduct complaints and Screening Assessment shown as track changes/highlighted and attached as Appendix 5;

2.8.3 Suggested further work or confirmation that the recommendation is already met, as set out in the table at Appendix 4.

3. BACKGROUND PAPERS

3.1 All relevant background papers are attached as appendices, listed below:

- Appendix 1 – Implications, appears within the report
- Appendix 2 – Highlights and Recommendations
- Appendix 3 – Table detailing Council's response to the best practice recommendations
- Appendix 4 – Members Code of Conduct
- Appendix 5 – GBC's Procedure for dealing with Councillor conduct complaints

Anyone wishing to inspect background papers should, in the first place, be directed to Committee & Electoral Services who will make the necessary arrangements.

IMPLICATIONS	APPENDIX 1
Legal	The Committee on Standards in Public Life will review the implementation by local authorities of the best practice recommendations in 2020. The Council could suffer reputational damage and public lack of confidence if it does not fully comply with recommendations.
Finance and Value for Money	There are no financial implications arising from this report.
Risk Assessment	<p>Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.</p> <p>A review of the Code of Conduct in accordance with the best practice recommendations will ensure the Code is compliant and therefore minimise the risk of reputational damage arising.</p>
Data Protection Impact Assessment	<p><i>A data protection impact assessment (DPIA) should be carried out at the start of any major project involving the use of personal data or if you are making a significant change to an existing process.</i></p> <p>a. Does the project/change being recommended through this paper involve the processing of personal data or special category data or criminal offence data? A definition of each type of data can be found on the Information Commissioner's Office website via the above links.</p> <p>b. If yes to question a, have you completed and attached a DPIA including Data Protection Officer advice? N/A</p> <p>c. If no to question b, please seek advice from your nominated DPIA assessor or the Information Governance Team at gdpr@medway.gov.uk. N/A</p>
Equality Impact Assessment	<p>a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community? If yes, please explain answer. No</p> <p>b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality? If yes, please explain answer. No</p> <p><i>In submitting this report, the Chief Officer doing so is confirming that they have given due regard to the equality impacts of the decision being considered, as noted in the table above</i></p>
Corporate Plan	N/A
Climate Change	N/A
Crime and Disorder	N/A

Digital and website implications	N/A
Safeguarding children and vulnerable adults	N/A