

BABERGH DISTRICT COUNCIL and MID SUFFOLK DISTRICT COUNCIL

TO: Joint Audit and Standards Committee	REPORT NUMBER: JAC/20/6
FROM: Monitoring Officer	DATE OF MEETING: 30 November 2020
OFFICER: Emily Yule – Assistant Director for Law & Governance and Monitoring Officer	

PROGRESS UPDATE ON THE COMMITTEE ON STANDARDS IN PUBLIC LIFE'S BEST PRACTICE RECOMMENDATIONS

1. PURPOSE OF REPORT

- 1.1 In January 2019, the Committee on Standards in Public Life (CSPL) published its report "[Local Government Ethical Standards](#)". This report included fifteen best practice recommendations for Local Authorities (appendix A). The CSPL has recently written to all Local Authority Chief Executives requesting an update on progress with implementing the best practice recommendations, the responses to which will be published on their website in 2021.
- 1.2 The purpose of this report is to obtain the Committee's approval to submit the proposed progress update on the best practice recommendations to the CSPL, as attached at appendix B. Furthermore, to endorse the draft Code of Conduct Complaints Procedure (appendix C), the adoption of which will support the Monitoring Officer in the implementation of the best practice recommendations.

2. RECOMMENDATIONS

- 2.1 That the proposed progress update on the best practice recommendations of the Committee on Standards Life (appendix B) be approved and that the Monitoring Officer be authorised to submit the agreed update on behalf of Babergh District Council and Mid Suffolk District Council.
- 2.2 That the draft Code of Conduct Complaints Procedure (appendix C) be endorsed and that the Monitoring Officer be authorised to implement the procedure from 01 January 2021, subject to an equality impact assessment being undertaken and ensuring that the procedure is consistent with the Councils' general complaints policy.

3. KEY INFORMATION

- 3.1 The CSPL published the fifteen best practice recommendations for Local Authorities in January 2019 following its review of ethical standards in public life during 2018. These best practice recommendations were published alongside a recommendation for a new model code of conduct for elected councillors. The new model code of conduct is awaiting approval by the Local Government Association and is expected to be published in December 2020.

- 3.2 An initial self-assessment against the best practice recommendations was submitted to the Joint Audit and Standards Committee on 29 July 2019. The Councils were already compliant with the majority of the best practice recommendations, however there were a few areas where improvement could be made to the way complaints were processed in order to better meet the recommendations.
- 3.3 The CSPL has now requested that Local Authorities provide a formal update report on implementing the best practice recommendations. The Monitoring Officer has prepared a proposed return to the CSPL, which is included with this report at appendix B, for the Committee's approval. The progress update contains a few minor amendments compared to the self-assessment made in July 2019, reflecting the latest practice and procedures followed by the Monitoring Officer when dealing with code of conduct complaints.
- 3.4 To assist in better meeting some of the recommendations, namely recommendations 1, 2, 6 and 10, the Monitoring Officer has prepared a draft Code of Conduct Complaints Procedure (appendix C). The procedure pulls together into one document the processes currently followed by the Monitoring Officer as well as adopting the best practice contained in the recommendations where it was not already in place. The Committee is asked to endorse this procedure which will then be implemented for new complaints from 01 January 2021. This slightly delayed implementation will ensure that the Monitoring Officer can fully equality impact assess the procedure and check that it is compatible with the Councils' general complaints procedure.
- 3.5 The Code of Conduct Complaints Procedure will also address the recommendations to have a description of bullying and harassment within the code of conduct (number 1) and to include provisions in the code of conduct which compel Councillors to comply with investigations and to prohibit vexatious and trivial complaints (number 2). There is no proposal to amend the Suffolk Local Code of Conduct before the new Model Code of Conduct is published and therefore it makes sense to incorporate these provisions into the complaints procedure in the meantime.
- 3.6 There are also some recommendations which the Councils do not currently follow and which the Monitoring Officer does not recommend adopting. These are:

Recommendation 3 – to conduct an annual review of the code of conduct. It would seem unnecessary to review the Suffolk Local Code of Conduct on an annual basis, especially if there have been no legislative or best practice changes. Furthermore, as we have adopted a Suffolk-wide code of conduct significant consultation and collaborative working would be required with all tiers of Councils throughout Suffolk to amend the code each time.

Recommendation 9 – to publish a decision notice and report of all complaints where misconduct is found to have occurred. The Monitoring Officer does not recommend adopting a system of automatically publishing decision notices in the interests of protecting the privacy of both the Councillor and the complainant. Each complaint should be considered on its own merits and only published where appropriate.

Recommendation 11 – that complaints made by the clerk against a Councillor should be submitted by the Council as a whole rather than by the clerk personally. The Monitoring Officer does not support this recommendation as it unfairly removes the clerk's right to raise a complaint and could potentially further exacerbate the complexities of clerk complaints where there are also employment issues.

3.7 The Committee is invited to make additional comments and amendments to the proposed progress update report before authorising the Monitoring Officer to submit the responses on behalf of the Councils.

4. LINKS TO CORPORATE PLAN

4.1 There are no specific links to the corporate plan, however the Code of Conduct process is a key part of the Councils' governance arrangements.

5. FINANCIAL IMPLICATIONS

5.1 There are no financial impacts arising from these recommendations.

6. LEGAL IMPLICATIONS

6.1 The Councils must be compliant with the standards regime set out in the Localism Act 2011. Our responses to the best practice recommendations and the draft Code of Conduct Complaints Procedure strengthen our ability to fulfil the requirements set out in this legislation.

7. RISK MANAGEMENT

7.1 Key risks are set out below:

Risk Description	Likelihood	Impact	Mitigation Measures
That the complaints procedure is unfair or leads to a flawed assessment and determination of the complaint	1 – highly unlikely	2 – noticeable	Adopt a procedure which is consistent with the best practice recommendations and the Councils' general complaints policy
That members of the public and Councillors do not understand the Code of Conduct, how to make complaints and the process that will be followed.	3 - probable	1 – minimal	Adopt a clear complaints procedure and publish information on the Councils' website.

8. CONSULTATIONS

8.1 No formal consultations are required for the purposes of this report.

9. EQUALITY ANALYSIS

9.1 An Equality Impact Assessment will be undertaken on the proposed Code of Conduct Complaints Procedure before it is implemented.

10. ENVIRONMENTAL IMPLICATIONS

10.1 There are no environmental impacts relating to this report.

11. APPENDICES

Title	Location
(a) Committee on Standards in Public Life best practice recommendations for Local Authorities	Attached
(b) Response to the Committee on Standards in Public Life's request for a progress update on their best practice recommendations	Attached
(c) Draft Code of Conduct Complaints Procedure	Attached

12. BACKGROUND DOCUMENTS

12.1 None