

BRECKLAND DISTRICT COUNCIL

Report of: Executive Director of Strategy & Governance/Monitoring Officer - Maxine O'Mahony

To: Governance & Audit Committee – 8th October 2020

Author: Rory Ringer, Democratic Services Manager

Subject: Annual report on Standards Arrangements and update on Model Code of Conduct Consultation

Purpose: To update Members on the work undertaken on standards matters and complaints received against District, Town, and Parish Councillors from 1 April 2019 to 31 March 2020 and to receive an update on the LGA Model Code of Conduct Consultation.

Recommendation(s):

- 1) That members note the contents of the report.

1.0 BACKGROUND

- 1.1 At the meeting of full Council on 5 July 2012, the arrangements for dealing with complaints against members were approved in line with the requirements of the Localism Act 2011.
- 1.2 As part of the arrangements it was agreed that the role of monitoring Standards issues would be delegated to the Governance and Audit Committee.
- 1.3 This report updates members on the work undertaken on Standards complaints received from 1 April 2019 to 31 March 2020.
- 1.4 The current arrangements for dealing with complaints against Members were approved at the meeting of full Council on 6 April 2017. These arrangements can be found on the Council's website at: <https://www.breckland.gov.uk/article/6697/Complaints-about-Councillors>
- 1.5 At full Council on 16 May 2019, Bob Davis was re-appointed as the Council's Independent Person until the Annual Council meeting in May 2023.

2.0 ANNUAL REPORTS ON STANDARDS 2019/20

- 2.1 Details of the number of complaints that have been received, and the relevant outcomes are as follows.

	Number of complaints (1 April 2018 – 31 March 2019)	Number of complaints (1 April 2019 – 31 March 2020)
Stage 1 (Initial consideration of a complaint)		

Complaints received	21	28
Complaint does not relate to a breach of the code	17	8
Resolved under informal resolution and matter closed	0	0
Referred to Police	1	0
Case file still open as of 1 September 2020	3 (inc 1 referred to Police)	13 (11 relate to one particular parish)
% of complaints completed within 3 months	61%	86%
Stage 2 (Formal consideration of a complaint)		
Considered by Monitoring Officer to not merit further consideration	0	6
Referred to Standards Panel as deemed inappropriate for Monitoring Officer to consider	0	0
Resolved through informal resolution	0	0
Stage 3 (Investigation)		
Referred for investigation	1	1
No failure to comply found by the Monitoring Officer following investigation.	0	1
Hearing Panel held and finds failure to comply	0	0
Hearing Panel held and finds no failure to comply	1	0
Resolved through informal resolution	0	0
Of the above cases where sanctions recommended and accepted by District/Town/Parish council	0	0

3.0 LGA MODEL CODE OF CONDUCT CONSULTATION

3.1 The Committee on Standards in Public Life published a report in 2019 following its review of Local Government Ethical Standards, the report highlighted a number of

recommendations, one of which was that the Local Government Association (LGA) should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government

- 3.2 The current work by the LGA is part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member to member and officer/member intimidation and abuse and overall behavioural standards and expectations in debate, decision making and engagement.
- 3.3 It is intended that the LGA will produce a code that would act as a template for all local authorities to adopt, as a whole, with or without the addition of local amendments. The LGA would conduct annual reviews of the code to ensure it continued to be fit for purpose, particularly with regard to advances in technology, social media and relevant changes in legislation.
- 3.4 A subsequent report will be brought before this committee at a later date, following the implementation of the new Code to consider any changes to the council's current arrangements as a result of the introduction of a national code.
- 3.5 The consultation on the draft member code of conduct ran for 10 weeks from Monday 8 June until Monday 17 August and all members were sent a link to the consultation documents and encouraged to respond direct. to the LGA through their consultation portal.
- 3.6 Hoey Ainscough Associates were appointed to work with the LGA to review the Code. The first stage of the review consisted of a series of workshops with national representatives of Monitoring and Democratic Services Officers and elected members from the main parties to review what worked and to develop some broad principles.
- 3.7 The LGA's objectives in reviewing the model code of conduct are to:
 - Articulate what local government believes are good standards for all in public office.
 - Show leadership in good standards of conduct for those in public office, both elected and as employees.
 - Achieve consensus between the stakeholders affected by local government conduct.
 - Support its member councils and partners in achieving good standards of conduct.
 - Produce a code that is fit for purpose, useful and held in high regard.
 - Enhance the reputation of local government and local politicians.
 - Support the good running of councils.
 - Support all democratically elected local representatives to deliver their best of behalf of their local communities.
 - Build on the good practice that already exists within member councils
- 3.8 The LGA held an event on Civility in Public Life with a range of stakeholders at the end of last year and three consultation workshops at the beginning of this year. Their consultants examined examples of good practice, both in local government and other professions. The LGA consultation draft model Member Code of Conduct is the result of this initial work. The intention is to create additional guidance, working examples and explanatory text to go with the new model Code.
- 3.9 The Model Member Code is designed to aid members in all tiers of local government and sets the behaviours and high standards that anyone would expect from a person

holding public office. Equally, it articulates behaviour which falls below the standards that would be expected of council members. It is designed to help set a framework for public and councillor interaction, emphasising the importance of civility and that councillors should be protected from bullying, intimidation and abuse”.

- 3.10 The LGA intends to develop a final draft, based upon the feedback received. The draft will then be presented to the LGA General Assembly in Autumn 2020. The LGA also intends to create additional guidance, working examples and explanatory text.

4.0 **OPTIONS**

- 4.1 None, the report is for information

5.0 **REASONS FOR RECOMMENDATION(S)**

- 5.1 None, the report is for information

5.0 **EXPECTED BENEFITS**

- 5.1 The agreed arrangements for dealing with complaints received against elected members within the Breckland area requires the Monitoring Officer to provide an annual report to the Governance & Audit Committee.
- 5.2 This enables the committee to monitor the number of complaints received and whether the arrangements are fit for purpose.
- 5.3 Bringing the report to members ensures compliance with the Standards arrangements of Breckland Council in line with the requirements of the Localism Act 2011.

6.0 **IMPLICATIONS**

In preparing this report, the report author has considered the likely implications of the decision - particularly in terms of Carbon Footprint / Environmental Issues; Constitutional & Legal; Contracts; Corporate Priorities; Crime & Disorder; Data Protection; Equality & Diversity/Human Rights; Financial; Health & Wellbeing; Reputation; Risk Management; Safeguarding; Staffing; Stakeholders/Consultation/Timescales; Other. Where the report author considers that there may be implications under one or more of these headings, these are identified below.

6.1 **Constitution & Legal**

- 6.1.1 The principal statutory provisions relating to standards of conduct for Members are contained in the Localism Act 2011. Section 27(1) of the 2011 Act provides that the Council must promote and maintain high standards of conduct by Members and Co-opted members of the authority.
- 6.1.2 Section 27 and 28 of the Localism Act require the Council to adopt a Code of Conduct consistent with the Nolan principles of good governance
- 6.1.2 The Terms of Reference for the Governance & Audit Committee can be found in the Council's Constitution and they outline the Committee's duties to monitor standards arrangements and receive updates.

6.2 Equality/Diversity

6.2.1 There are no direct equality implications of this report but the LGA aims to ensure that a diverse range of people are undertake the public role of councillor to be representative of society as a whole. Having an effective Code of Conduct should encourage people to enter into public life.

7.0 WARDS/COMMUNITIES AFFECTED

7.1 All wards are potentially affected by the contents of this report.

8.0 ACRONYMS

8.1 None.

Background papers:- None

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Key Decision: No

Exempt Decision: No

This report refers to a Mandatory Service

Appendices attached to this report: None