

Subject:	Standards Update		
Date of Meeting:	21st July 2020		
Report of:	Executive Lead Officer, Strategy, Governance & Law (Monitoring Officer)		
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Ward(s) affected:	All		

FOR GENERAL RELEASE**1. PURPOSE OF REPORT AND POLICY CONTEXT**

- 1.1 This report seeks to update Members on Standards-related matters and is for noting only.

2. RECOMMENDATIONS

- 2.1 That the Committee note the information provided in this Report on Member complaints and on standards-related matters.

3. MEMBER COMPLAINTS

- 3.1 Information was provided in [the last update to this Committee](#) regarding the resolution of a number of complaints. At the time of that last update, only complaints designated E and K remained outstanding.
- 3.2 **Complaint E** has been previously reported as having been the subject of a formal investigation into a complaint alleging misconduct arising out of comments made on social media. The efforts made thus far to convene a dedicated Standards Panel to determine that complaint have not yet been successful, however steps to identify a date which all stakeholders can attend continue and the outcome of that formal process will be reported back to this Committee.
- 3.3 **Complaint K** alleged that a person who is an elected member had acted in such a way as to bring their office into disrepute. However as the conduct which was the subject of the complaint did not take place when the person concerned was acting in their capacity as a councillor, the Code of Conduct had no application and the complaint was determined without any action being taken.
- 3.4 A number of additional complaints have been received in since March 2020. **Complaint L** alleged a failure by an elected member to treat others with respect (amongst other things) at a council meeting. The member concerned apologised as soon as the complaint was brought to their attention and the matter was dealt with by a decision that it would not be in the public interest to take any further action.

- 3.5 The following additional complaints have been received in and are awaiting determination at preliminary assessment stage: **Complaints M and N** allege separate incidents of misconduct arising out of comments posted online, while **Complaints R & S** arose out of the same post. **Complaint Q** alleges misconduct arising as a result of conduct by an elected member during the Covid crisis, and **Complaints O and P** allege failures to respond to constituent communications and/or issues in the way in which responses were made.
- 3.6 At time of writing, all of the complaints referred to in para 3.5 above are being considered at preliminary assessment stage by the Monitoring Officer and one of the two Independent Persons pursuant to the Procedure for Dealing with Allegations of Misconduct. The sole exceptions to this are R and S, where the elected member concerned has sought input from the Independent Person. All the complaints will be the subject of further reports to this Committee in due course. They will also be reviewed in the annual review of complaints, which – in accordance with the direction of this Committee made in March 2020 – will review the complaints received in over the last year in January 2021 and will endeavour to identify any themes and trends.

4. LGA REVIEW ON A DRAFT MODEL CODE OF CONDUCT

- 4.1 Members will be aware that the Localism Act 2011 requires all local authorities to adopt a Code of Conduct for Members. While that Code must provide a framework for the registration and disclosure of interests, there is a broad discretion in terms of how it is framed and what provisions it makes in addition to the statutory minimum.
- 4.2 Members will recall that this authority most recently reviewed its Code of Conduct for Members during 2019. That process involved a root and branch review by a task and finish group of members of this Committee which considered in a very detailed way the report of the Committee on Standards in Public Life ('CSPL') into Local Government Ethical Standards, which was reported to this Committee last July. A gap analysis was prepared in order to assess this authority's arrangements against the CSPL's recommendations and as a result of that work, proposals to update the Council's Code of Conduct for Members were formally approved by this Committee in [January 2020](#).
- 4.3 Since then, the Local Government Association has also responded to the CSPL review, including by acting on the CSPL's specific recommendation that it review its current model member code of conduct. The LGA has created a draft which it now seeks comment on, with a view to creating additional guidance and explanatory text. They have signalled that they have a particular interest in whether their draft meets current needs, including whether it gives sufficient steer on social media and online activity. The LGA launched their consultation on 8th June, and are inviting input until 17th August. Details of it are provided here: <https://www.local.gov.uk/local-government-association-model-member-code-conduct-consultation>
- 4.4 It is noted that the draft template which has gone out for consultation differs from BHCC's existing Code in some key ways. For instance, it places a new emphasis on an expectation of (and a definition of) civility by members. There are also more detailed proposed provisions on the member relationship to officer impartiality.

- 4.5 It is considered that the LGA's work in this area may be of interest to this authority once it is finalised. However in view of the resource recently expended on a review of this authority's Code against the CSPL review, as well as the imminence of the LGA's deadline for responding to its consultation, it is suggested that this Committee simply note the existence of the LGA consultation and the potential for individual members, Groups or indeed any stakeholder(s) to respond directly to it if they wish.
- 4.6 It is anticipated that once the LGA model template and related guidances are finalised they will be the subject of a future report to this Committee, when members may also wish to note the other work being done by the LGA under the heading of its 'civility in public life' programme.

RECRUITMENT OF AN INDEPENDENT PERSON

- 4.7 The last meeting of this Committee was asked to note that a member-led recruitment process to appoint an additional Independent Person would begin in early summer 2020. That process is underway and the external advertisement of this key role has commenced.
- 4.8 Updates will be provided to this Committee on the recruitment when available.

5. ANALYSIS & CONSIDERATION OF ANY ALTERNATIVE OPTIONS

- 5.1 The Council is obliged under the Localism Act to make arrangements for maintaining high standards of conduct among members and to make arrangements for the investigation of complaints. The current arrangements and the proposals in this Report reflect this. No alternative proposals are suggested.

6. COMMUNITY ENGAGEMENT & CONSULTATION

- 6.1 No need to consult with the local community has been identified.

7. CONCLUSION

- 7.1 Members are asked to note the contents of this Report, which aims to assist the Committee in discharging its responsibilities for overseeing that high standards of conduct are maintained in a way which is compliant with local requirements.

8. FINANCIAL & OTHER IMPLICATIONS:

Financial Implications:

- 8.1 There are no additional financial implications arising from the recommendation in this Report. All activity referred to has been, or will be, met from existing budgets.

Finance Officer Consulted: James Hengeveld

Date: 28/06/20

Legal Implications:

- 8.2 These are covered in the body of the Report.

Lawyer Consulted: Victoria Simpson

Date: 26/06/20

Equalities Implications:

8.3 There are no equalities implications arising from this Report

Sustainability Implications:

8.4 There are no sustainability implications arising from this Report

Any Other Significant Implications:

8.5 None

SUPPORTING DOCUMENTATION

Appendices:

None

Background Documents:

None