

**Name of meeting: Standards Committee**

**Date: 29<sup>th</sup> September 2020**

**Title of report: Committee on Standards in Public Life Follow up**

**Purpose of report**

To brief the standards committee on the current review being undertaken by the Committee on Standards in Public Life (CSPL).

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	Not applicable
Key Decision - Is it in the <a href="#">Council's Forward Plan (key decisions and private reports?)</a>	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name	Yes – Rachel Spencer-Henshall – 10 <sup>th</sup> September 2020
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Yes – Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes – Julie Muscroft
Cabinet member <a href="#">portfolio</a>	Cllr Graham Turner

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

**Have you considered GDPR? Yes**

## **1. Summary**

- 1.1 This report is intended to brief members the current follow up being conducted by the CSPL.

## **2. Information required to take a decision**

### **2.1 The work of the Committee on Standards in Public Life**

- 2.1.1 The CSPL did indicate, when their report was originally published, that they would review the implementation of their best practice recommendations with local authorities to measure their progress.
- 2.1.2 The Cabinet Office has now written to the Chief Executives of local authorities in England reminding them of this and advising that they will be following up progress on the implementation of the recommendations in the Autumn of 2020. A copy of their letter is at Appendix A
- 2.1.3 A reminder of the recommended best practices was also sent and a copy of this is at Appendix B.

### **2.2 Kirklees progress on best practice recommendations**

- 2.2.1 There were a total of 15 best practice recommendations. Appendix C sets out the recommendations together with a summary of what we are doing in Kirklees in response to the recommendations. As members will note from previous reports about the report from CSPL and the table in Appendix C that we were already meeting most of the recommendations or have taken steps to do that.

## **3. Implications for the Council**

### **3.1 Working with People**

N/A

### **3.2 Working with Partners**

N/A

### **3.3 Place Based Working**

N/A

### **3.4 Climate Change and Air Quality**

N/A

### **3.5 Climate Change**

In order to minimise any impact, printing is kept to a minimum.

### 3.6 Other (eg Legal/Financial or Human Resources)

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

#### 4. Consultees and their opinions

N/A

#### 5. Next steps and timelines

- 5.1 The CSPL have indicated that they will write to the Chief Executive in the autumn, seeking an update on progress towards implementing the best practice recommendations.

#### 6. Officer recommendations and reasons

- 6.1 Members are asked to consider the report and comment on its contents (as applicable) and note its contents.

#### 7. Cabinet portfolio holder's recommendations

N/A

#### 8. Contact officer

David Stickley  
Senior Legal Officer  
01484 221000  
[david.stickley@kirklees.gov.uk](mailto:david.stickley@kirklees.gov.uk)

#### 9. Background Papers and History of Decisions

- 9.1 Agenda item 8

<https://democracy.kirklees.gov.uk/documents/g5638/Public%20reports%20pack%2006th-Mar-2019%2010.00%20Standards%20Committee.pdf?T=10>

- 9.2 Agenda item 8

<https://democracy.kirklees.gov.uk/documents/g6032/Public%20reports%20pack%2011th-Sep-2019%2010.00%20Standards%20Committee.pdf?T=10>

#### 10. Service Director responsible

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
01484 221000

[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)

## **Appendix A**

**Sent:** 06 July 2020 12:02

**To:** Jacqui Gedman <[Jacqui.Gedman@kirklees.gov.uk](mailto:Jacqui.Gedman@kirklees.gov.uk)>

**Subject:** Fwd: Best practice in local government, follow up by the Committee on Standards in Public Life

### **FOR THE ATTENTION OF THE CHIEF EXECUTIVE**

I am writing from the Committee on Standards in Public Life to follow up recommendations made in our January 2019 [report](#) on local government ethical standards.

In that report, we identified some best practice recommendations which represent a benchmark for ethical practice and which we expect any local authority should implement.

We said in our report that we would review the implementation of those best practice recommendations in 2020. We completely understand the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19, so we are not of course asking for an immediate response. The purpose of this email is to let you know that we will be writing again in the autumn to ask you for your progress against these recommendations. I have attached a list of the best recommendations for ease of reference, but they are of course also set out in the report.

If you have any questions, please do just let us know. Otherwise, we wish you well and look forward to being in touch again later this year.

Yours sincerely

Lesley Bainsfair (Ms)

Lesley Bainsfair  
Head of the Secretariat  
**Committee on Standards in Public Life**  
E: [lesley.bainsfair@public-standards.gov.uk](mailto:lesley.bainsfair@public-standards.gov.uk)  
T: 020 7271 0855 M: 07736 635281  
1 Horse Guards Road, London, SW1A 2HQ  
Follow us on Twitter [@publicstandards](#)

## Appendix B



List of best practice

# List of best practice

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**Best practice 1:** Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

**Best practice 2:** Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

**Best practice 3:** Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

**Best practice 4:** An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

**Best practice 5:** Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two independent persons.

**Best practice 8:** An independent person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.



**Best practice 9:** Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, 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.

**Best practice 10:** A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

**Best practice 11:** Formal standards 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.

**Best practice 12:** Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

**Best practice 13:** A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

**Best practice 14:** Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

## Appendix C

<b>CSPL best practice suggestion</b>	<b>Kirklees progress</b>
<p><u>Best practice 1:</u> Local authorities should include prohibitions on bullying and harassment in Codes of Conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.</p>	<p><u>Best practice 1:</u> The Code of Conduct already included a prohibition on bullying and harassment, but it has been updated to better define what is meant.</p>
<p><u>Best practice 2:</u> Councils should include provisions in their code of conduct requiring councillors to comply with any formal Standards investigation and prohibiting trivial or malicious allegations by councillors.</p>	<p><u>Best practice 2:</u> Councillors are already required by the Code of Conduct to engage with the standards process and the code makes it clear that a failure to do so is capable of being a breach in itself. There is currently no prohibition on trivial or malicious allegations, but all complaints made are subject to an initial assessment and any that are considered to be so are dismissed.</p>
<p><u>Best practice 3:</u> Principal authorities should review their Code of Conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.</p>	<p><u>Best practice 3:</u> In Kirklees the code is reviewed annually without a wider consultation, as well as when anything occurs that may prompt a review. A wider consultation will take place every other year as part of the annual review of the code of conduct.</p>
<p><u>Best practice 4:</u> An authority's Code should be readily accessible to both Councillors and the public, in a prominent position on a council's website and available in Council premises.</p>	<p><u>Best practice 4:</u> The Code is readily visible on the Council's website, with a link from the homepage to a dedicated complaints page that contains a link to the Code of Conduct from the 'Councillor Complaints' option. There was a project underway to check which Kirklees buildings held printed Codes and to ensure that all did, but this was interrupted by the pandemic and still needs to be completed.</p>
<p><u>Best practice 5:</u> Local authorities should update their Gifts and Hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</p>	<p><u>Best practice 5:</u> This is done and is administered by Councillor Support.</p>



<u>Best practice 6:</u> Councils should publish a clear and straightforward public interest test against which allegations are filtered.	<u>Best practice 6:</u> This is something that has been incorporated into the Standards process.
<u>Best practice 7:</u> Local authorities should have access to at least two Independent Persons.	<u>Best practice 7:</u> Authority was given to extend the appointment of the present Independent Person and to recruit a second. Work on this has been affected by the pandemic and the adverts still need to be placed and a recruitment exercise undertaken.
<u>Best practice 8:</u> An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.	<u>Best practice 8:</u> This is already part of the Kirklees standards process and consultation is routine.
<u>Best practice 9:</u> Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, 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.	<u>Best practice 9:</u> This has now been adopted and a webpage has been set up for the publication of decision notices.
<u>Best practice 10:</u> A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the Code of Conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.	<u>Best practice 10:</u> The Kirklees website has a dedicated Councillor Complaints page and this information is recorded there.
<u>Best practice 11:</u> Formal Standards complaints about the conduct of a Parish Councillor towards a clerk should be made by the Chair or by the Parish Council as a	<u>Best practice 11:</u> This is a matter for Town and Parish Councils and the Monitoring Officer has made chairs aware of this best practice point.

<p>whole, rather than the clerk in all but exceptional circumstances.</p>	
<p><u>Best practice 12:</u> Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.</p>	<p><u>Best practice 12:</u> The Monitoring Officer is involved with Standards matters in the Town and Parish Councils, providing advice, guidance and training. It is anticipated that, now that the majority of Town and Parish Councils have adopted the Kirklees code, that any training developed for Kirklees Councillors on the Code of Conduct can be offered to Town and Parish Council with a very minimal cost.</p>
<p><u>Best practice 13:</u> A local authority should have procedures in place to address any conflicts of interest when undertaking a Standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.</p>	<p><u>Best practice 13:</u> There are processes in place to deal with any conflicts of interest that arise within the standards process. The Monitoring Officer is able to call on one of her deputies or, if the circumstances require someone from outside Kirklees, one of the Monitoring Officers of the other West Yorkshire authorities. Whilst there is no formal deputy chair of the Standards Committee, the Committee is able to appoint one on a temporary basis should the chair be conflicted.</p>
<p><u>Best practice 14:</u> Councils should report on separate bodies they have set up or which they own as part of their annual governance statement and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness and publish their board agendas and minutes and annual reports in an accessible place.</p>	<p><u>Best practice 14:</u> Currently, KNH is Kirklees Council's only wholly controlled subsidiary company and the financial reports do contain relevant information. Kirklees Stadium Development Limited (Kirklees Council has a 40% share) and Calderdale and Kirklees Careers (Kirklees Council has a 50% share) are not currently reported on in any annual governance statement.</p>
<p><u>Best practice 15:</u> Senior officers should meet regularly with political group leaders or group whips to discuss Standards issues.</p>	<p><u>Best practice 15:</u> The Monitoring Officer meets with the GBMs on a regular basis. The Standards Committee meets twice yearly.</p>