

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE
Date:	8 DECEMBER 2021
Heading:	ETHICAL GOVERNANCE UPDATE
Portfolio Holder:	NOT APPLICABLE
Ward/s:	NOT APPLICABLE
Key Decision:	NO
Subject to Call-In:	NO

Purpose of Report

The purpose of this report is to provide the Standards and Personnel Appeals Committee with updates on the following:

- Politically Restricted Posts
- Code of Conduct guidance documents
- Gifts and Hospitality – revised guidance and reporting arrangements
- Code of Conduct complaints

Recommendation(s):

Committee is asked to:

- 1. Note the updates provided regarding the review of the Politically Restricted Posts list, the Code of Conduct documents and outstanding complaints; and**
- 2. Approve the revised Gifts and Hospitality guidance and declaration form and note the new reporting arrangements.**

Reasons for Recommendation(s)

Update in respect of Gifts and Hospitality – relates to a best practice recommendation from the Committee on Standards in Public Life – as part of ongoing work of the Committee.

Politically restricted posts - to comply with the requirements of the Local Government and Housing Act 1989.

Code of Conduct complaints update - to reflect good practice. To enable Members to monitor the volume and progress of complaints.

Alternative Options Considered

Guidance relating to Gifts and Hospitality – there is a duty under the Code of Conduct to declare gifts and hospitality; it is good practice to assist Members when making decisions and declarations regarding gifts and hospitality by providing guidance. Members may consider amending the draft documents attached to the report.

Politically restricted posts - none considered. The Council is under a duty to comply with the legislation and review the list regularly.

Code of Conduct complaints update and update regarding Code of Conduct Guidance – none considered. The updates are for noting.

Detailed Information

Politically Restricted Posts

Members will recall at the last meeting that authority was given for the Monitoring Officer to review the existing list of Politically Restricted Posts in conjunction with HR before consulting with the Trade Unions and Corporate Leadership Team. It was agreed that, following this exercise, a revised list would be reported to the next meeting of this Committee.

During consultation with the Trade Unions, a number of posts have been queried regarding their inclusion in the list – the posts identified meet the remuneration level criteria, but the Trade Unions consider that the postholders on the grounds that they do not influence policy or speak on behalf of the authority to journalists or broadcasters.

Procedure on Appeal

Employees included in the list on either remuneration-related or duties-related grounds can appeal against their inclusion, if they feel that they cannot influence policy, or that the local authority has incorrectly applied the duties-related criteria.

All such appeals require a letter from the applicant formally seeking exemption and a full job description of the post (a 'certificate of opinion' from the authority will also be required in the case of a post holder at or above the remuneration ceiling).

The Monitoring Officer is now working with the Trades Unions regarding the process for appealing to the Committee.

Committee is asked to note the progress made regarding politically restricted posts and what will happen next.

Gifts and Hospitality

The Committee has committed to continuing to consider and implement the best practice recommendations of the Committee on Standards in Public Life.

Best practice recommendation 5 states:

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

The Committee has previously agreed to:

- Develop a Register on the Council's Website.
- Introduce quarterly reporting through Committee (albeit that Members were concerned this is disproportionate to the number of declarations made on an annual basis).
- Produce a Guidance Note for Members (in line with the annual reminder).

A revised declaration form for Gifts and Hospitality is attached to the report as Appendix 1 together with a revised Guidance for Members which is attached as Appendix 2. Declarations of gifts and hospitality can now be publicly reported through modern.gov.

The revised declaration form and guidance has been developed alongside guidance released by the LGA in relation to registration of gifts, hospitality, and interests. In this guidance, the LGA sets out how declaring gifts and hospitality is a mechanism to protect councillors and the reputation of a local authority. Caution should be exercised when accepting any gifts or hospitality. The guidance expands on what hospitality means, how much detail should be included in a declaration, and what action to take if a gift or hospitality has not been accepted.

No declarations of gifts and hospitality have been received since the last report to Committee in June; the last declaration was made in January 2020.

Committee is asked to approve the revised Gifts and Hospitality Guidance and Form and to note the update regarding reporting arrangements.

Code of Conduct Guidance

The Local Government Association has recently published detailed guidance regarding the Members' Model Code of Conduct. The full guidance document may found at:

<https://www.local.gov.uk/publications/guidance-local-government-association-model-councillor-code-conduct>

All Members were e-mailed a link to the guidance. Members of the Committee were given the opportunity to consider the guidance document at recent informal meetings of the Committee. Members endorsed the suggestion to create a series of guidance notes for Members, Officers and the public incorporating elements from the Council's Code of Conduct and the LGA's guidance document so that the information was more manageable. Permission is being requested from the LGA to use its guidance document in this way. If permission is given, it is hoped that a series of guidance documents will presented to the next meeting of this Committee.

Committee is asked to note the LGA's Guidance for the Model Code of Conduct.

Code of Conduct Complaints Update

This report outlines in Appendix 3 the number of complaints of alleged Member misconduct which remain outstanding and a summary overview of the status of ongoing complaints.

Since the last update to the Committee:

- 5 complaints relating to District Councillors has been concluded with summary details contained in the report.
- There have been 3 new formal complaints in this period regarding District Councillors.

The Committee is requested to note the updated position in respect of Members' Code of Conduct complaints.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

Legal:

Politically restricted posts are governed by legislation set out in the body of the report and the draft list has been developed taking the statutory criteria into account.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	The Authority incurs costs in investigating complaints of alleged Member misconduct if investigations are carried out externally, and these charges are borne by the General Fund. The Council investigates complaints in house as far as possible to reduce costs. Where complaints need to be investigated externally these costs are expected to be contained within existing budgets.
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

Risk:

Risk	Mitigation
The Council has recognised the following Corporate Risk: Ethical Governance – failure/delay to implement changes to the Members' Code of	Ongoing work by the Standards and Personnel Appeals Committee in relation to the Committee on Standards in Public Life – report on Local Government Ethical Standards

<p>Conduct and recommendations of the Committee on Standards in Public Life (CSPL) and Peer Challenge (CR003)</p> <p>Significant resource to deal with implications of proposed Code of Conduct changes.</p> <p>Significant resource to deal with implications of implementing the recommendation of the CSPL.</p> <p>Potential for negative perception of the Council which impacts upon the Council's reputation.</p> <p>Potential for adverse impact upon the workings of the Council.</p> <p>Without new legislation does not provide holistic response to the recommendation of the CSPL.</p>	<p>Present Quarterly Complaint Monitoring reports to Standards and Personnel Appeals Committee</p> <p>Members received training regarding the Code of Conduct, their behaviours and roles and responsibilities as part of the induction in May 2019. In line with the Corporate Peer Challenge recommendation and the adoption of a new Code of Conduct at the AGM on 20 May 2021 further training will be organised.</p>
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Human Resources:

The review of politically restricted posts will be undertaken with Human Resources.

Environmental/Sustainability

There are no Environmental/Sustainability implications in the report.

Equalities:

The review of politically restricted posts will be carried out in accordance with legislation and consideration of the Council's commitment to equality and diversity implications.

Other Implications:

Trades Unions and Corporate Leadership Team will be consulted on the list of politically restricted posts before reporting back to the Standards and Personnel Appeals Committee at their next meeting.

Background Papers

None

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