

# Crawley Borough Council

## Report to Governance Committee

19<sup>th</sup> June 2019

### **Local Government Ethical Standards: Review by the Committee on Standards in Public Life (CSPL) Implementation of Best Practice Recommendations**

Report of the Head of Legal, Democracy & HR – *report number LDS/154*

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#### **1. Purpose**

##### 1.1 The report:

- Sets out the Best Practice Recommendations as detailed in the Report of the Committee on Standards in Public Life (CSPL) on its Review of Local Government Ethical Standards.
- Details how the Council complies with those standards.
- Seeks Members views on a number of these practice recommendations in respect of the Council's current *Code of Conduct for Councillors* and *Arrangements for Dealing with Code of Conduct Complaints*.

#### **2. Recommendations**

##### 2.1 The Committee is asked to:

- (a) Provide a clear direction on the Monitoring Officer's proposals regarding the Practice Recommendations.
- (b) Instruct the Monitoring Officer to review the *Code of Conduct for Councillors* and *Arrangements for Dealing with Code of Conduct Complaints* in line with the work currently being undertaken on the revised Constitution and make any appropriate changes relating to recommendation 2.1(a) above.

#### **3. Background**

- 3.1 The Committee at its meeting on 5<sup>th</sup> March 2019 received a report (LDS/145) that summarised the Review on Local Government Ethical Standards undertaken by the Committee on Standards in Public Life (CSPL) including its 26 Recommendations which require reference to the Government and 15 areas of Best Practice Recommendations for Local Authorities. The Best Practice Recommendations represent a benchmark for ethical practice and there is an expectation that Local Authorities should comply. Ultimately the CSPL believe that responsibility for ethical standards rests with and should remain with Local Authorities. The CSPL intend to evaluate the extent to which their best practice recommendations have been

implemented in 2020, it is timely for the Council to review its existing arrangements against the benchmarked areas. This report reviews the Council's existing arrangements against the Best Practice Recommendations and seeks member's views on a number of those where the Council is currently non-compliant or where a steer is required from members

#### **4. Main Issues**

- 4.1 The Ethical Framework for the Council comprises the [Code of Conduct for Councillors](#) and the [Arrangements for Dealing with Code of Conduct Complaints](#).

##### **Code of Conduct for Councillors**

- 4.2 The current Code of Conduct was adopted in July 2012 and was based on a previous model Code of Conduct, the current Code reflects those adopted by the other West Sussex Authorities. As the Local Government Association has been tasked with developing a new model Code, there are no plans to materially change the content of the current Code of Conduct other than for officers to review it in light of the structure and ethos of the drafting of the new/revised Constitution which is currently being drafted.
- 4.3 The current arrangements for dealing with Code of Conduct complaints have been in place since July 2012. The arrangements have worked well in practice. The Monitoring Officer considers that whilst not changing the content/substance of the arrangements, officers would like to review the documentation in a similar format as to that being suggested for the Code. It is proposed that the documentation would be circulated to the members of the Constitutional Review Working group.

##### **Arrangements for Dealing with Code of Conduct Complaints**

- 4.4 Following the decision of the Committee on 5 March 2019, the arrangements for dealing with standards matters were amended to make a public record of any complaint which was upheld. The publication of information on Code of Conduct complaints at other Councils in Sussex varies between Authorities. Some Local Authorities take information on complaints via reports to Standards Committees and/or by way of an annual report. Some reports cover all complaints regardless of whether the complaint was upheld or not. Information has both been published in the public domain, where possible, otherwise as exempt information.
- 4.5 The CSPL commented that Council's do not publish data and decisions on standards issues in a regular or open way, their findings are that Council's should be recording allegations and complaints they receive even if they do not result in an investigation, and should publicise decisions that have been the subject of an investigation. On the point of anonymity, there are a number of Tribunal decisions relating to the degree of transparency to be applied to standards complaints, to the effect that details of unsubstantiated complaints against Councillors should not be disclosed.
- 4.6 The Committee's views are sought on the publication of an annual report to the Governance Committee which sets out the number of complaints received, details of each complaint, the numbers, what they broadly relate to (eg not treating others with respect, bullying etc), the outcome of each complaint (including where they are rejected as trivial or vexatious) and any sanctions applied.

## CSPL's Best Practice Recommendations

- 4.7 Members' attention is drawn to Appendix A of this report where an assessment of the Best Practice Recommendations set out by the CSPL is provided against a commentary of the arrangements currently operating at Crawley.
- 4.8 The Committee views are sought particularly to the Best Practice Recommendations:
- **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 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 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 Fact, the provisions of the Code engaged by the allegations, the reasoning of the decision making and any sanction applied.
  - **Best Practice 10:** A Local Authority should have straight forward and accessible guidance on its website on how to make a complaint under the Code of Conduct, the process for handling complaints and estimated time scales for investigations and outcomes.
- 4.9 Any proposed changes to the *Code of Conduct for Councillors* and *Arrangements for Dealing with Code of Conduct Complaints* made as a consequence of tonight's meeting will be incorporated into the new Constitution which is due to be taken before Full Council for its adoption in October 2019 via the Governance Committee in September 2019.

## 5. Background Papers

- [Code of Conduct for Councillors](#).
- [Arrangements for Dealing with Code of Conduct Complaints Under The Localism Act 2011](#).
- Report [LDS/145](#): "Update Report on Standards, Including the Review of Local Government Ethical Standards by the Committee on Standards in Public Life".
- [Governance Committee minutes for 5 March 2019](#).

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