

Blackpool Council

27 August 2019

To: Councillors Benson, Collett, Mrs Henderson MBE, I Taylor and Wing

The above members are requested to attend the:

STANDARDS COMMITTEE

Thursday, 5 September 2019 at 6.00 pm
in Committee Room A, Town Hall, Blackpool

A G E N D A

1 DECLARATIONS OF INTEREST

Members are asked to declare any interests in the items under consideration and in doing so state:

(1) the type of interest concerned either a

- (a) personal interest
- (b) prejudicial interest
- (c) disclosable pecuniary interest (DPI)

and

(2) the nature of the interest concerned

If any member requires advice on declarations of interests, they are advised to contact the Head of Democratic Governance in advance of the meeting.

2 MINUTES OF THE LAST MEETING HELD ON 12 JUNE 2018 (Pages 1 - 2)

To agree the minutes of the last meeting held on 12 June 2018 as a true and correct record.

3 STANDARDS UPDATE REPORT (Pages 3 - 6)

To consider an update report from the Monitoring Officer on standards issues and the recent training on behaviours.

4 COMMITTEE ON STANDARDS IN PUBLIC LIFE - LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW

(Pages 7 - 28)

To present the findings of the Committee on Standards in Public Life review of local government ethical standards and agree what action to take in respect of the best practice recommendations.

5 DATE OF NEXT MEETING

To note the date of the next meeting as 19 November 2019, to be held in Committee Room A, Town Hall, Blackpool.

Venue information:

First floor meeting room (lift available), accessible toilets (ground floor), no-smoking building.

Other information:

For queries regarding this agenda please contact Chris Williams, Democratic Governance Adviser, Tel: (01253) 477127, e-mail: chris.williams@blackpool.gov.uk

Copies of agendas and minutes of Council and committee meetings are available on the Council's website at www.blackpool.gov.uk.

Present:

Councillor Jackson (in the Chair)

Councillors

Clapham	Mrs Henderson	L Williams
Collett	Hunter	

In Attendance:

Mrs Lorraine Hurst, Head of Democratic Governance

Mr Mark Towers, Director of Governance and Partnerships/ Monitoring Officer

Mr Chris Williams, Democratic Services Adviser

1 DECLARATIONS OF INTEREST

There were no interests declared on this occasion.

2 MINUTES OF THE LAST MEETING HELD ON 22 JANUARY 2018

The Committee agreed that the minutes of the meeting held on 22 January 2018 be signed by the Chairman as a correct record.

3 STANDARDS UPDATE REPORT

Mr Mark Towers, Director of Governance and Partnerships/ Monitoring Officer, provided an update report on standards issues, including the recent response to the Local government ethical standards: stakeholder consultation and requested that the Committee consider training topics for the induction period for newly Elected Members following the 2019 local election. Also included in the update was the protocol between Lancashire Constabulary and the Monitoring Officer which had been revised following a number of suggestions from the previous Committee meeting.

The Committee noted the update of issues in the last 12 months and considered the actions which had been undertaken since the last meeting. It was also noted that elected members had access to the Employee Assistance programme should they need any support whilst the subject of a complaint. It was reported that elected members had recently been sent a request to undertake a review of their register of interest forms. This in the future would be repeated following each year's annual meeting. Mrs Hurst added that the deadline for submission of updated interest forms would be in mid-July 2018 and encouraged Members to prioritise the completion of the relevant paperwork.

Mr Towers advised that the Annual Council meeting had agreed to alter the constitution to reflect changes required to dealing with the declaration of interests in Executive Member reports at Council as had been recommended by the committee at its last meeting.

In relation to further training of Members on the Code of Conduct and related Protocols,

MINUTES OF STANDARDS COMMITTEE MEETING - TUESDAY, 12 JUNE 2018

Mr Towers advised that with the local election less than 12 months away, it had been suggested that further training be targeted at the new Council in 2019. The Committee noted that training on registering and declaring interests had been well received. Mr Towers welcomed feedback on the training delivered so far in order to improve and adapt it for future sessions. Committee members suggested that given the prominence of social media in contemporary society, perhaps more reference could be made to this in various training sessions and perhaps be incorporated more generally into standards as a whole. Members agreed that for them the use of social media represented a risk and could have an adverse effect on behaviour and standards if used incorrectly or maliciously.

The Committee discussed the consultation response to the Committee on Standards in Public Life review of local government ethical standards. A workshop had been held with Fylde Borough Council to formulate a joint response outlining the views of both groups. Those Members in attendance at the workshop favoured stronger sanctions being available for Standards Committees to deal with certain areas of misconduct such as bullying and intimidation. Praise was offered for the amount of joint working between Blackpool and Fylde Borough Councils as an example of good practice for other Councils to consider adopting. It was also suggested that there should be a 'model' code of conduct (as existed prior to the Localism Act) to ensure consistency across Councils and also some form of national guidance in relation to registering and declaring interests.

Mr Towers indicated that a formal response to the consultation was expected from the Committee on Standards in Public Life but no date had been set for this to be published.

The Committee considered the contents of the update report and the draft protocol between Lancashire Constabulary and the Monitoring Officer.

Resolved:

1. To note the update report.
2. To agree the draft protocol between the Lancashire Constabulary and the Monitoring Officer.
3. To support a focus on further standards training following the next election in 2019.

4 DATE OF NEXT MEETING

The Committee noted the date of the next meeting.

Chairman

(The meeting ended at 6.27 pm)

Any queries regarding these minutes, please contact:
Chris Williams, Democratic Governance Adviser
Tel: (01253) 477127
E-mail: chris.williams@blackpool.gov.uk

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	5 September 2019

STANDARDS UPDATE REPORT

1.0	Purpose of the report:	
1.1	To consider an update report from the Monitoring Officer on standards issues and the recent training on behaviours.	
2.0	Recommendation(s):	
2.1	To consider the update report, note the issues raised to date and support the roll out of training on behaviours.	
3.0	Reasons for recommendation(s):	
3.1	To make Standards Committee members aware of the type of issues raised.	
3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No
3.2b	Is the recommendation in accordance with the Council's approved budget?	Yes
3.3	Other alternative options to be considered:	
	None, this is an update report.	
4.0	Council Priority:	
4.1	This report covers all of the Council's priorities.	
5.0	Background Information	
5.1	The Monitoring Officer has been appointed as Proper Officer to receive allegations of failure to comply with the Code of Conduct regarding elected members and co-opted members. The Monitoring Officer has delegated authority, after consultation with an Independent Person, to determine whether an allegation of a member's misconduct requires investigation and to arrange such an investigation.	

5.2	However, the Monitoring Officer should seek resolution of complaints without formal investigation wherever practicable and he has the discretion to refer matters to the Standards Committee where he feels it is inappropriate to take a decision on a referral for investigation. He should also periodically prepare reports for the Standards Committee on the discharge of this function.
5.3	It should be noted that there are a number of stages in dealing with reported matters. Some matters are brought to the attention of the Monitoring Officer without merit. In instances where a breach may have been considered to arise and in line with agreed procedures, wherever possible the Monitoring Officer should seek the resolution of complaints without the need for formal investigation.
5.4	Periodic reports to the Standards Committee show all the matters, which have been brought to the attention of the Monitoring Officer for review in order that members of the Standards Committee have an appreciation of all matters arising.
5.5	<p><i>Update on standards issues raised</i></p> <p>The schedule below sets out the issues raised on a category basis since the last report to the Committee in June 2018.</p> <p><i>Treating others with respect</i> – one Councillor. Councillor spoken with and apology given at next scheduled meeting. (July 2018).</p> <p><i>Bringing office into disrepute and treating others with respect</i> – three complaints received. Councillor spoken with, Independent Person consulted and an apology given at next scheduled meeting. (July 2018).</p> <p><i>Treating others with respect</i> – two Councillors – email apology given to subject member. No further action needed (March 2019).</p> <p><i>Bringing office into disrepute/ Treating others with respect</i> – complaint about a councilor addressing a member of the public in a disrespectful way. On taking an initial assessment of this complaint, the allegations were found to be without foundation and no further action necessary (June 2019).</p>
5.6	There were also some complaints made in the run up to the local election which had no foundation and were not recorded. In addition to the above advice has been given to three Councillors in the last 12 months where no complaints were made but behaviour was noted.
5.7	There has only been one allegation recently received under the whistleblowing process and this is currently being reviewed.

5.8	In 2017/ 2018, training on registering and declaring interests was rolled out to all members. Following the recent election training regarding standards of behaviour have been the subject of a training topic with an initial focus on newly elected members. (this also covers a small section on use of social media which was referred to at the last meeting). This training will also be available to Standards Committee members immediately prior to the committee and sessions are being put on for other members in the weeks ahead.	
5.9	A session on registering and declaring interests was held for newly elected Councillors as part of the induction process.	
5.10	Does the information submitted include any exempt information?	No
5.11	List of Appendices:	
5.12	None	
6.0	Legal considerations:	
6.1	None.	
7.0	Human Resources considerations:	
7.1	None, this is an update report.	
8.0	Equalities considerations:	
8.1	None, this is an update report.	
9.0	Financial considerations:	
9.1	There are no financial implications associated with this report.	
10.0	Risk management considerations:	
10.1	Members attending training and becoming more aware of the standards of behaviour expected and understanding the criteria for registering and declaring interests will mean that there should be a reduced risk of breaches of the code of conduct.	
11.0	Ethical considerations:	
11.1	None.	

12.0	Internal/ External Consultation undertaken:
12.1	Yes – on one standards complaint, an Independent Person was consulted and advice sought.
13.0	Background papers:
13.1	Exempt.

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	5 September 2019

COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW

1.0	Purpose of the report:	
1.1	To present the findings of the Committee on Standards in Public Life review of local government ethical standards and agree what action to take in respect of the best practice recommendations.	
2.0	Recommendation(s):	
2.1	To consider the report of the Committee on Standards in Public Life, its recommendations and Best Practice issues.	
2.2	To agree that the Monitoring Officer liaises with the Monitoring Officer at Fylde Borough Council, other Monitoring Officers as appropriate and the three Independent Persons in respect of the best practice recommendations at Appendix 4d and provides an update report at the next meeting.	
3.0	Reasons for recommendation(s):	
3.1	To update members on the report of the Committee for Standards in Public Life and consider the best practice recommendations and how these may affect other associated documents and resources.	
3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No
3.2b	Is the recommendation in accordance with the Council's approved budget?	Yes
3.3	Other alternative options to be considered:	
	None, options are set out in the report.	

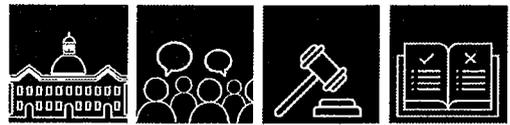
4.0	Council Priority:
4.1	This report covers all of the Council's priorities.
5.0	Background Information
5.1	Members will be aware that at the last meeting of the committee the issue of the consultation response to the Committee on Standards in Public Life review of local government ethical standards had been reported on.
5.2	<p>Members will recall the Localism Act 2011 implemented a new process and abolished the previous national body, Standards Board for England. The remaining elements of the previous Standards regime were revoked in July 2012.</p> <p>Local authorities are under the following duties:</p> <ul style="list-style-type: none"> • Duty to promote and maintain high standards of conduct by elected and co-opted members. • Duty to adopt a Code of Conduct based on Lord Nolan's Principles of Public Life. • Duty for the local authority to require registration and for members to register and disclose pecuniary interests and such other interests as the local authority may determine. • Duty to have arrangements in place to investigate allegations and to reach decisions in relation to allegations. • Duty to appoint at least two Independent Persons whose views must be sought before a decision is reached regarding an allegation of breach of the code.
5.3	However, concerns were raised by the Committee on Standards in Public Life in various reports following the implementation of the Localism Act 2011, as to whether the sanctions for breach of standards were adequate and that it would therefore be monitoring the implementation of the new local government standards regime.
5.4	The Committee advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. It is an independent advisory non-departmental public body.
5.5	<p>The terms of reference for the review were to:</p> <p>i. Examine the structures, processes and practices in local government in England for:</p> <ul style="list-style-type: none"> • Maintaining codes of conduct for local councillors. • Investigating alleged breaches fairly and with due process. • Enforcing codes and imposing sanctions for misconduct. • Declaring interests and managing conflicts of interest. • Whistleblowing

	<p>ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;</p> <p>iii. Make any recommendations for how they can be improved;</p> <p>iv. Note any evidence of intimidation of councillors and make recommendations for any measures that could be put in place to prevent and address such intimidation.</p>
5.6	<p>The review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors, and an estimated 10,000 parish councils, with around 80,000 parish councillors. The Committee did not take evidence relating to Combined Authorities, metro mayors, or the Mayor of London and so do not address these areas of local government in this report.</p>
5.7	<p>In formulating a response to this consultation, a workshop had been held with representatives from Fylde Borough Council to formulate a joint response outlining the views of both groups and this had been submitted prior to the consultation deadline and shared with Standards Committee members.</p>
5.8	<p>Those Members in attendance at the workshop favoured stronger sanctions being available for Monitoring Officers and Standards Committees to deal with certain areas of misconduct such as bullying and intimidation. Praise was offered for the amount of joint working between Blackpool and Fylde Councils as an example of good practice for other Councils to consider adopting. It was also suggested that there should be a 'model' code of conduct (as existed prior to the Localism Act) to ensure consistency across Councils and also some form of national guidance in relation to registering and declaring interests.</p>
5.9	<p>The Committee on Standards in Public Life has published its final report earlier this year following a year-long review and wide consultation and that can be accessed at the following link (a summary of the report is at Appendix 4b, as the full report has 108 pages):</p> <p>https://www.gov.uk/government/publications/local-government-ethical-standardsreport</p>
5.10	<p>The full recommendations from the report (at Appendix 4c) are made to government, the Local Government Association, Parish Councils and political parties.</p> <p>Key <u>recommendations</u> include:</p> <ul style="list-style-type: none"> • a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman. • revised rules on declaring interests and gifts and hospitality. • an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct. • a strengthened role for the Independent Person.

	<ul style="list-style-type: none"> Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded. greater transparency about the number and nature of Code complaints. Political groups set clear expectations of behaviour by their members and code of conduct training to be mandatory. 	
5.11	Many of the Committee for Standards in Public Life recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly. The best practice recommendations are a matter for individual local authorities.	
5.12	It is proposed that the Committee agrees to take steps to introduce all the best practice recommendations (set out in Appendix 4d). This will demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council. As this Council has reciprocal arrangements with Fylde Borough Council and in particular shares 3 Independent Persons, it is recommended that any review of the code and procedural documents to take in the best practice recommendations is done in conjunction with the Monitoring Officer and appropriate members from that Council as it was in 2012 and 2015. It is suggested that an update report on these be brought back to the next meeting of the committee.	
5.13	One of the recommendations in the report to government was concerning the term of office for the Independent Persons. In order to consider this issue after the Government response, Council at its meeting in June agreed that the term of office for its three statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, Mr Mozley, Mrs Broughton and Mr Horrocks be extended for a further 12 months from 30 September 2019 to 30 September 2020. This extension is also due to be considered by Fylde Borough Council at its September Council meeting.	
5.14	Does the information submitted include any exempt information?	No
5.15	List of Appendices:	
	Appendix 4a – 7 Principles of Public Life Appendix 4b – Executive Summary of the Local Government Ethical Standards Review Appendix 4c - Recommendations to Central Government from the Local Government Ethical Standards Review. Appendix 4d – Best Practice recommendations/ Monitoring Officer comments to Local Authorities from the Local Government Ethical Standards Review.	

6.0	Legal considerations:
6.1	None. The Council has to have in place a code of conduct. If Central Government agrees the recommendations put to it then there would need to be changes to it which would be brought back to this committee.
7.0	Human Resources considerations:
7.1	The Monitoring Officer is provided with adequate training, corporate support and resources to undertake this work.
8.0	Equalities considerations:
8.1	None.
9.0	Financial considerations:
9.1	There are no financial implications associated with this report.
10.0	Risk management considerations:
10.1	None.
11.0	Ethical considerations:
11.1	None.
12.0	Internal/ External Consultation undertaken:
12.1	There has been initial discussions with the Monitoring Officer at Fylde Borough Council but this report recommends further more detailed appropriate consultation.
13.0	Background papers:
13.1	Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life. https://www.gov.uk/government/publications/local-government-ethical-standardsreport

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The Seven Principles of Public Life

The Principles of Public Life apply to anyone who works as a public office-holder. This includes all those who are elected or appointed to public office, nationally and locally, and all people appointed to work in the Civil Service, local government, the police, courts and probation services, non-departmental public bodies (NDPBs), and in the health, education, social and care services. All public office-holders are both servants of the public and stewards of public resources. The principles also have application to all those in other sectors delivering public services.

Selflessness

Holders of public office should act solely in terms of the public interest.

Integrity

Holders of public office must avoid placing themselves under any obligation to people or organisations that might try inappropriately to influence them in their work. They should not act or take decisions in order to gain financial or other material benefits for themselves, their family, or their friends. They must declare and resolve any interests and relationships.

Objectivity

Holders of public office must act and take decisions impartially, fairly and on merit, using the best evidence and without discrimination or bias.

Accountability

Holders of public office are accountable to the public for their decisions and actions and must submit themselves to the scrutiny necessary to ensure this.

Openness

Holders of public office should act and take decisions in an open and transparent manner. Information should not be withheld from the public unless there are clear and lawful reasons for so doing.

Honesty

Holders of public office should be truthful.

Leadership

Holders of public office should exhibit these principles in their own behaviour. They should actively promote and robustly support the principles and be willing to challenge poor behaviour wherever it occurs.

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Local Government Ethical Standards

**A Review by the
Committee on
Standards in Public Life**

**Committee on
Standards in
Public Life**





Executive summary

Local government impacts the lives of citizens every day. Local authorities are responsible for a wide range of important services: social care, education, housing, planning and waste collection, as well as services such as licensing, registering births, marriages and deaths, and pest control. Their proximity to local people means that their decisions can directly affect citizens' quality of life.

High standards of conduct in local government are therefore needed to protect the integrity of decision-making, maintain public confidence, and safeguard local democracy.

Our evidence supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. The majority of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

We are also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.

Giving local authorities responsibility for ethical standards has a number of benefits. It allows for flexibility and the discretion to resolve standards issues informally. We have considered whether there is a need for a centralised body to govern and adjudicate on standards. We have concluded that whilst the consistency and independence of the system could be enhanced, there is no reason to reintroduce a centralised body, and that local

authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

We have made a number of recommendations and identified best practice to improve ethical standards in local government. Our recommendations are made to government and to specific groups of public office-holders. We recommend a number of changes to primary legislation, which would be subject to Parliamentary timetabling; but also to secondary legislation and the Local Government Transparency Code, which we expect could be implemented more swiftly. Our best practice recommendations for local authorities should be considered a benchmark of good ethical practice, which we expect that all local authorities can and should implement. We will review the implementation of our best practice in 2020.

Codes of conduct

Local authorities are currently required to have in place a code of conduct of their choosing which outlines the behaviour required of councillors. There is considerable variation in the length, quality and clarity of codes of conduct. This creates confusion among members of the public, and among councillors who represent more than one tier of local government. Many codes of conduct fail to address adequately important areas of behaviour such as social media use and bullying and harassment. An updated model code of conduct should therefore be available to local authorities in order to enhance the consistency and quality of local authority codes.



There are, however, benefits to local authorities being able to amend and have ownership of their own codes of conduct. The updated model code should therefore be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor's public behaviour, including comments made on publicly accessible social media, is in their official capacity.

Declaring and managing interests

The current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.

Investigations and safeguards

Monitoring Officers have responsibility for filtering complaints and undertaking investigations into alleged breaches of the code of conduct. A local authority should maintain a standards committee. This committee may advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. Independent members of decision-making standards committees should be able to vote.

Any standards process needs to have safeguards in place to ensure that decisions are made fairly and impartially, and that councillors are protected against politically-motivated, malicious, or unfounded allegations of misconduct. The Independent Person is an important safeguard in the current system. This safeguard should be strengthened and clarified: a local authority should only be able to suspend a councillor where the Independent

Person agrees both that there has been a breach and that suspension is a proportionate sanction. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

Sanctions

The current sanctions available to local authorities are insufficient. Party discipline, whilst it has an important role to play in maintaining high standards, lacks the necessary independence and transparency to play the central role in a standards system. The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, including parish councillors, who are suspended should be given the right to appeal to the Local Government Ombudsman, who should be given the power to investigate allegations of code breaches on appeal. The decision of the Ombudsman should be binding.

The current criminal offences relating to Disclosable Pecuniary Interests are disproportionate in principle and ineffective in practice, and should be abolished.



Town and parish councils

Principal authorities have responsibility for undertaking formal investigations of code breaches by parish councillors. This should remain the case. This responsibility, however, can be a disproportionate burden for principal authorities. Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding. Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils, including in undertaking investigations and recommending sanctions. Clerks should also hold an appropriate qualification to support them to uphold governance within their parish council.

Supporting officers

The Monitoring Officer is the lynchpin of the current standards arrangements. The role is challenging and broad, with a number of practical tensions and the potential for conflicts of interest. Local authorities should put in place arrangements to manage any potential conflicts. We have concluded, however, that the role is not unique in its tensions and can be made coherent and manageable with the support of other statutory officers. Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance.

Councils' corporate arrangements

At a time of rapid change in local government, decision-making in local councils is getting more complex, with increased commercial activity and partnership working. This complexity risks putting governance under strain. Local authorities setting up separate bodies risk a governance 'illusion', and should

take steps to prevent and manage potential conflicts of interest, particularly if councillors sit on these bodies. They should also ensure that these bodies are transparent and accountable to the council and to the public.

Our analysis of a number of high-profile cases of corporate failure in local government shows that standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture.

Leadership and culture

An ethical culture requires leadership. Given the multi-faceted nature of local government, leadership is needed from a range of individuals and groups: an authority's standards committee, the Chief Executive, political group leaders, and the chair of the council.

Political groups have an important role to play in maintaining an ethical culture. They should be seen as a semi-formal institution sitting between direct advice from officers and formal processes by the council, rather than a parallel system to the local authority's standards processes. Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups, working with them informally to resolve standards issues where appropriate.

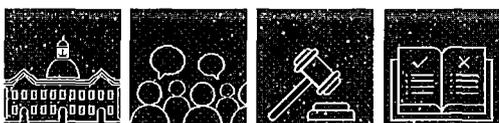
The aim of a standards system is ultimately to maintain an ethical culture and ethical practice. An ethical culture starts with tone. Whilst there will always be robust disagreement in a political arena, the tone of engagement should be civil and constructive. Expected standards of behaviour should be embedded through effective induction and ongoing training. Political groups should require their members to attend code of conduct training provided by a local authority, and this should also be



written into national party model group rules. Maintaining an ethical culture day-to-day relies on an impartial, objective Monitoring Officer who has the confidence of all councillors and who is professionally supported by the Chief Executive.

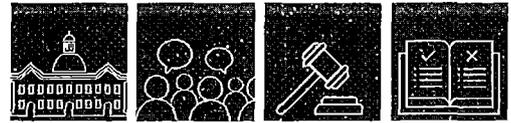
An ethical culture will be an open culture. Local authorities should welcome and foster opportunities for scrutiny, and see it as a way to improve decision making. They should not rely unduly on commercial confidentiality provisions, or circumvent open decision-making processes. Whilst local press can play an important role in scrutinising local government, openness must be facilitated by authorities' own processes and practices.

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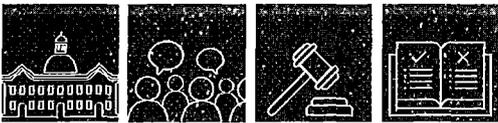


List of recommendations

Number	Recommendation	Responsible body
1	The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government.	Local Government Association
2	The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address. The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to clarify that a councillor does not need to register their home address on an authority's register of interests.	Government
3	Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly-accessible social media. Section 27(2) of the Localism Act 2011 should be amended to permit local authorities to presume so when deciding upon code of conduct breaches.	Government
4	Section 27(2) of the Localism Act 2011 should be amended to state that a local authority's code of conduct applies to a member when they claim to act, or give the impression they are acting, in their capacity as a member or as a representative of the local authority.	Government
5	The Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012 should be amended to include: unpaid directorships; trusteeships; management roles in a charity or a body of a public nature; and membership of any organisations that seek to influence opinion or public policy.	Government
6	Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source. This requirement should be included in an updated model code of conduct.	Government

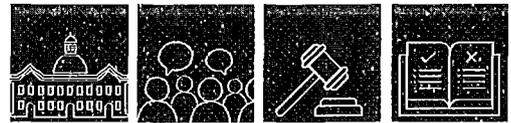


Number	Recommendation	Responsible body
7	Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".	Government
8	The Localism Act 2011 should be amended to require that Independent Persons are appointed for a fixed term of two years, renewable once.	Government
9	The Local Government Transparency Code should be updated to provide that the view of the Independent Person in relation to a decision on which they are consulted should be formally recorded in any decision notice or minutes.	Government
10	A local authority should only be able to suspend a councillor where the authority's Independent Person agrees both with the finding of a breach and that suspending the councillor would be a proportionate sanction.	Government
11	Local authorities should provide legal indemnity to Independent Persons if their views or advice are disclosed. The government should require this through secondary legislation if needed.	Government / all local authorities
12	Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting members from dependent parishes, to decide on allegations and impose sanctions.	Government
13	Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.	Government



List of recommendations

Number	Recommendation	Responsible body
14	The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.	Government
15	The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.	Government
16	Local authorities should be given the power to suspend councillors, without allowances, for up to six months.	Government
17	The government should clarify if councils may lawfully bar councillors from council premises or withdraw facilities as sanctions. These powers should be put beyond doubt in legislation if necessary.	Government
18	The criminal offences in the Localism Act 2011 relating to Disclosable Pecuniary Interests should be abolished.	Government
19	Parish council clerks should hold an appropriate qualification, such as those provided by the Society of Local Council Clerks.	Parish councils
20	Section 27(3) of the Localism Act 2011 should be amended to state that parish councils must adopt the code of conduct of their principal authority, with the necessary amendments, or the new model code.	Government
21	Section 28(11) of the Localism Act 2011 should be amended to state that any sanction imposed on a parish councillor following the finding of a breach is to be determined by the relevant principal authority.	Government
22	The Local Authorities (Standing Orders) (England) (Amendment) Regulations 2015 should be amended to provide that disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal.	Government



Number	Recommendation	Responsible body
23	The Local Government Transparency Code should be updated to provide that local authorities must ensure that their whistleblowing policy specifies a named contact for the external auditor alongside their contact details, which should be available on the authority's website.	Government
24	Councillors should be listed as 'prescribed persons' for the purposes of the Public Interest Disclosure Act 1998.	Government
25	Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.	Political groups National political parties
26	Local Government Association corporate peer reviews should also include consideration of a local authority's processes for maintaining ethical standards.	Local Government Association

Best Practice Recommendations

	Best Practice	Monitoring Officer Initial Comments
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.	<p>Recommend strengthening the wording within the Code of Conduct for Members, which currently reads:</p> <p>“Not to bully any person” perhaps drawing on good examples such as Newcastle City Council.</p> <p>The code of conduct has previously been drawn up with Fylde Borough Council as part of the reciprocal arrangements and to ensure where possible consistency of approach. A review should include that council. This will also assist with the role of the shared Independent Persons.</p> <p>Work on this should be informed by the proposed LGA model code.</p>
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.	<p>Suggest adding to the Code under General Obligations regarding a requirement to participate with any formal standards investigation notified by the Monitoring Officer</p> <p>The issue of making any allegation of a trivial or malicious nature, is a more difficult matter and suggest seeking input from other councils regarding their defining of malicious and trivial allegations. Very difficult to define. These suggestions will also be part of the consultation with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>
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.	<p>To conduct an annual review of the Code of Conduct for Members commencing in 2020 with consultation with others as appropriate. Again, this to be done if possible, in conjunction with Fylde Borough Council.</p> <p>Work on this should be informed by the proposed LGA model code.</p>

Appendix 4(d)

	Best Practice	Monitoring Officer Initial Comments
4	An authority's code should be readily accessible to both councillors and the public, in a prominent position on the council's website and available in council premises.	The Code of Conduct is available on the Council's website, as part of the constitution. However, it is suggested that a separate area be set up explaining how complaints can be made and what the standards and expectations are.
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.	Following the request at a recent council meeting arrangements are being made for this to happen. However, this will need to be available in a CSV format.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	Contained within Independent Person Protocol but should be added to complaint handling guidance (see point 10) . This should also be undertaken in conjunction with Fylde Borough Council.
7	Local authorities should have access to at least two Independent Persons.	Already have access to three Independent Persons.
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.	Usually consulted as a matter of course on most misconduct allegations Suggest strengthening the Independent Person Protocol. This should also be undertaken in conjunction with Fylde Borough Council.
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.	Decision Notice summary to be published on the website in cases where misconduct has been found following an investigation.
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.	To be picked up as part of 4 above.
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.	N/A

Appendix 4(d)

	Best Practice	Monitoring Officer Initial Comments
12	Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils with the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.	N/A
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.	Reciprocal investigation arrangements already in place with Fylde Borough Council supplemented by the use of an external investigator if necessary.
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.	To be picked up as part of the Annual Governance Statement through the Council's internal Good Governance Group chaired by the Monitoring Officer. Minutes of joint bodies published on the council's website (e.g. Economic Prosperity Board). With regard to Council companies the minutes and agendas from the Blackpool Coastal Housing Ltd are available on its website. The other companies are limited by shares and agendas and minutes contain commercially sensitive data and are not published.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	Suggest as this relates to themes of behaviour for group members the regular meetings be held with the Leader of the Council and Principal Opposition Leader and/ or their whips. Meetings with the two groups of two members to take place as and when necessary.

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