

Southend-on-Sea Borough Council

Agenda
Item No.

Report of Monitoring Officer

to Standards Committee

on
3rd October 2019

Report prepared by: John Williams, Executive Director (Legal
& Democratic Services) & Monitoring Officer

Monitoring Officer's Report

Part 1 Public Agenda Item

1. Purpose of Report

To provide the Standards Committee with an update on ethical issues and the need to promote and maintain high standards of conduct for Councillors and Co-opted Members.

2. Recommendation

That the report be noted.

3. Background

3.1 Standards Regime

(a) On 19th July 2012 the Council adopted a new standards regime for Councillors and Co-opted Members pursuant to the provisions of the Localism Act 2011.

(b) The current standards regime:

- Requires Councils to promote and maintain high standards of conduct for its Councillors and Co-opted Members.
- Requires Councils to adopt their own Members' Code of Conduct, consistent with a new set of principles and the provisions of the Localism Act 2011.
- Defines "Disclosable Pecuniary Interests" which must be registered and declared by Councillors and Co-opted Members – and imposes criminal sanctions for non-compliance.

- Abolished the previous National Code, the Standards Board for England and the associated legislation.
 - Requires the compilation and publication on the internet of the Register of Members' Interests.
 - Requires Councils to put in place arrangements for dealing with breaches of the Code: However there are very limited sanctions if such a breach is found, essentially naming and shaming and possibly withdrawal of facilities in some cases.
 - Requires Councils to appoint at least one "Independent Person" to assist with dealing with complaints. Southend has appointed 2 Independent Persons.
 - Applies the same principles to parish and town councils, except that the principal council will operate the arrangements in respect of the Code.
- (c) The Committee on Standards in Public Life ("the CSPL") is a body which advises the Prime Minister on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders, including monitoring the impact of changes to the local government standards regime by the Localism Act 2011.

The CSPL published its Annual Report for 2018/19 in June 2019 (see **Agenda Item 4**) and attention is drawn to the section on Local Government Ethical Standards on page 8 with its reference to the CSPL's "Local Government Ethical Standards Review" published in January 2019.

3.2 Members' Code of Conduct

The key document agreed by Council on the 19th July 2012 was the new Members' Code of Conduct "**the Code**". (Leigh on Sea Town Council adopted essentially the same Code on the 12th September 2012).

The Code is contained in Part 5(a) of the Constitution and a copy is attached at **Appendix 1**.

The Code covers 4 matters:

- Some general obligations about Councillor conduct
- Rules on registration of interests
- Rules on declarations of interest
- Rules on gifts and hospitality.

The Code replaced a National Code which had existed previously. However to ensure some common standards across Essex, the new Code (and the associated documents for dealing with complaints) was developed by the Public Law Partnership, which is a partnership of local authority legal departments across Essex and beyond: This was at the request of the Essex Chief Executives and Leaders Group.

No legislative changes have required the Code to be amended. The Department for Communities and Local Government (DCLG) did issue revised guidance in September 2013 advising Councillors to register personal trade union interests, but this obligation was already included in the Code.

The Code is kept under review and the report at **Agenda Item 4** recommends a few changes in the light of the best practice recommendations from the CSPL Review referred to in 3.1(c) above.

There are 2 other documents contained within the Council's Constitution which provide further guidance on ethical conduct:

- Probity in Planning - Guidance for Councillors and Officers (Part 5(b)); and
- Protocol on Councillor/Officer Relations (Part 5(d)) – **Agenda Item 5** refers to the refresh of this Protocol.

3.3 Registration of Members' Interests

A public Register is kept by the Monitoring Officer of interests which Councillors and Co-opted Members are obliged to register pursuant to paragraph 11 of the Code and S.29 Localism Act 2011. The registration requirements include any gifts or hospitality accepted with a value in excess of £50.

All new Councillors must complete the Register. Furthermore at the start of each municipal year all existing Councillors are asked to confirm in writing that their registered interests are still correct, or to amend them as required. The same applies to Co-opted Members.

The Register is open to public inspection on the Council's website as required by S.29 (5) of the Localism Act 2011

The Register of interests of Councillors of Leigh on Sea Town Council is published on the Town Council's website.

3.4 Declarations of Interests at meetings

The Code contains specific requirements for Councillors and Co-opted Members to declare interests at meetings of the Council, Cabinet, committees, sub-committees etc.

There is an item at the start of every meeting for the declaration of interests. Councillors and Co-opted Members also complete a slip so that the declarations are accurately recorded in the minutes. More sophisticated arrangements operate at full Council Meetings.

3.5 Training

(a) Training for Councillors and Co-opted Members is provided in a number of ways. For example:

- New Councillor induction always includes a one-to-one session with the Monitoring Officer, where the ethical framework and the provisions of the Code are examined in detail. Other items considered include the Constitution and the Council's decision making processes. A copy of the letter sent to new Councillors in connection with the Code and associated issues is attached at **Appendix 2**.
- Planning Training sessions for the Development Control Committee at the start of each municipal year generally include a section on the Code, given the frequency of interest issues arising at the Committee.
- Ad hoc advice is provided to Councillors individually and collectively on the Code – see 3.6 below.

(b) The Committee is asked for ideas on what additional training it would like to see for all Councillors in 2019/20.

3.6 Ad hoc advice from the Monitoring Officer

The Monitoring Officer regularly gives advice to individual Councillors, including Co-opted Members, about the obligations in the Code and particularly in connection with the registration and declaration of interests.

Often such advice is given outside meetings, but when necessary it will be provided at the meeting.

In addition the Monitoring Officer will provide advice to a wider group of Councillors when this is required.

3.7 Complaints

Since the new Standards regime was introduced in July 2012 there have been a small number of complaints alleging that a Councillor has breached the Code.

However, following consultation with the Independent Person, as required by the relevant procedures in Part 4(i) of the Constitution, none of these complaints has passed the threshold to merit further investigation.

3.8 Councillor requests for dispensations

The Standards Committee has power to grant dispensations to permit a councillor to participate in Council business despite having a disqualifying pecuniary interest.

In November 2017 the Standards Committee granted such dispensations to eight Councillors who were residential landlords to permit them to speak and vote on two specific issues.

3.9 Promoting and maintaining high standards of conduct for Councillors & Co-opted Members

The previous sections of this report set out the various steps which have already been taken, or put in place, to promote and maintain high standards of conduct for Councillors and Co-opted Members.

Training is of course an on-going matter as is monitoring the Code and compliance with it.

However the views of the Committee on further action which might be taken would be welcome.

3.10 Other ethical matters

(a) On 25th February 2016 the Council agreed a new Employee Code of Conduct, replacing the outdated Code in Part 5(c) of the Council's Constitution. At the same time six new HR policies were adopted to support the new Code.

(b) The Local Code of Governance in Part 5(e) of the Constitution sets out the Council's governance framework and the systems of internal control. A report recommending revisions to this Local Code of Governance is programmed to be submitted to Cabinet on 5 November 2019.

4. Corporate Implications

4.1 Contribution to the Council's Southend 2050 Road Map

The promotion and maintenance of high standards of conduct for Councillors and Co-opted Members contributes to all aspects of the Southend 2050 Road Map. Also Values and Behaviours are an essential part of the agreed Transforming Together programme.

4.2 Financial Implications None

4.3 Legal Implications As set in the report

4.4 People Implications None

4.5 Property Implications None

4.6 Consultation None

4.7 Equalities and Diversity Implications None

4.8 Risk Assessment There are no significant risk issues associated with this report.

4.9 Value for Money No significant issues.

4.10 Community Safety Implications None

4.11 Environmental Impact None

5. Background Papers

None

6. Appendices

Appendix 1 – Members' Code of Conduct

Appendix 2 - Letter sent to new Councillors in connection with the Code

