

TITLE OF REPORT : REVIEW PROMOTING HIGH STANDARDS OF CONDUCT

REPORT OF THE MONITORING OFFICER

1. SUMMARY

- 1.1 At its meeting on 26 February 2013 the Committee resolved that a future meeting should include an item for discussion on methods of promoting high standards of Member conduct. The report is therefore written to be a starting point for a discussion, rather than provide a definitive approach as to how the Council should promote high standards of Member conduct.

2. RECOMMENDATIONS

- 2.1 That Standards Committee note and discuss the content of the report.

3. REASONS FOR RECOMMENDATIONS

- 3.1 To meet the request from the previous meeting of the Committee.

4. ALTERNATIVE OPTIONS CONSIDERED

- 4.1 Various methods are included within the report.

5. CONSULTATION WITH EXTERNAL ORGANISATIONS AND WARD MEMBERS

- 5.1 None.

6. FORWARD PLAN

- 6.1 This report does not contain a recommendation on a key decision and has not been referred to in the Forward Plan.

7. BACKGROUND

- 7.1 At its last meeting on 26 February 2013 the Committee felt that it would be useful if there was an agenda item for discussion at a future meeting regarding methods of promoting high standards of Member conduct
- 7.2 Within its terms of reference the Standards Committee has a function of “to promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”. This function reflects section 27 of the Localism Act 2011 requires relevant authorities to promote and maintain high standards of conduct by members and co-opted members of the authority. There is considerable local power to determine how do to do this, but it must be done within the context of a code of conduct.

7.3 The Committee on Standards in Public Life published the findings of its review of best practice in promoting high standards of behaviour in public life on 17 January 2013. The Report noted that:

“We are in no doubt that as a result standards of behaviour in many areas of public life have improved. But it is disturbing that concerns continue to be raised about the integrity of so many of our key institutions or those within them; and the evidence of the last few years and months suggests that there is still much to do before the high standards in public life to which we all aspire are fully internalised in the cultures of all our public institutions. The report concludes that the need now is not for more principles, codes or regulators but rather for the existing arrangements to be more consistently and actively implemented. The promotion of good behaviour can never be just about ticking boxes. It requires expected standards to be embedded throughout an organisation and its processes, with everyone taking ownership of high standards and regular monitoring of whether they are being met..... High standards are a public good. They improve predictability and promote better outcomes for society, increasing public confidence and the functioning of the economy.”

7.4 The Report references that low and declining levels of confidence in the integrity of public institutions should remain a matter of concern. It is important that the public and organisations in our district have confidence in local democracy, and in those of our community who have been elected or appointed to serve on our local councils. Our councillors are expected to live up to high standards of behaviour and demonstrating that they do so underpins that confidence in local democracy.

7.5 There are many other examples of the need for high standards, in addition to the one relating to reputation. Examples would include buying goods and services where the function must be demonstrably fair, transparent and compliant. The Council also has regulatory duties, for example with planning and licensing. A failure to maintain standards of behaviour in these areas could expose the Council to the risk of legal challenge and the media scrutiny and costs which may follow.

7.6 Whilst the current media spotlight is on standards at a national level, there have been recent examples of standards matters at district level which reached the national press, particularly in the context of planning. Examples include district councillors being paid planning consultants and allegedly seeking to use their position as a councillor to the advantage of their clients; or where a councillor declared no interest on a planning committee matter and their spouse spoke against that application, including making the point that the application would affect property value of the marital home.

8. ISSUES

8.1 Attached at Appendix A is an extract from the report of the Committee on Standards in Public Life. The extract sets out the four conclusions of the Committee in their recent report, which are described as *“some practical steps which organisations can take to help ensure that they establish and maintain high standards”*. Whilst not all of the points raised within the extract are ones which the Standards Committee can control or influence, this is considered a good starting point for discussion. Points which the Standards Committee could influence (some of which it already does) include:

- actively review current practices as a matter of routine;
- ethical issues should feature regularly on agendas;
- actively monitor standards of behaviour of Members;
- by being more attentive to, and active in, addressing emerging issues;
- consistently and reliably exemplifying high standards of ethical behaviour.

- 8.2 The quote from the report set out at paragraph 7.3 above includes the lines “*The promotion of good behaviour can never be just about ticking boxes. It requires expected standards to be embedded throughout an organisation and its processes, with everyone taking ownership of high standards and regular monitoring of whether they are being met*”. This is clearly where Standards Committee collectively and the members of the Committee individually can play a lead role by, for example:-

Formulating Policy

- ensure that the Member Code of Conduct is fit for purpose;
- ensure that other policies which govern member conduct are fit for purpose;
- identify any gaps in policy or guidance.

Acting as Standards Champions

- on other committees of the Council on which you sit;
- across the district, including with any parishes within your ward;
- within your political groups;
- by leading by example;
- by encouraging, challenging, mentoring or assisting other members.

Identifying Training Needs

- identifying potential issues and making officers aware of training needs of members;
- encouraging attendance at training by other members;
- using the Councillor training budget;
- identify alternative methods of delivery eg MIS bulletins.

- 8.3 The Committee is invited to discuss and suggest methods by which it can promote and maintain high standards of conduct by Members.

9. LEGAL IMPLICATIONS

- 9.1 Under the Council’s constitution, the terms of reference of Standards Committee include “To promote and maintain high standards of conduct by Members and Co-Opted Members of the authority”.
- 9.2 Section 27 of the Localism Act 2011 states that there remains a duty on the Council and the Monitoring Officer to promote high standards of conduct. Section 27(2) requires that relevant authorities must, in particular, adopt a code dealing with the conduct that is expected of members and voting co-opted members of the authority.

10. FINANCIAL IMPLICATIONS

- 10.1 This report has no direct capital or revenue implications for the Council.

11. RISK IMPLICATIONS

- 11.1 This report has no direct risk implications for NHDC.

12. EQUALITIES IMPLICATIONS

- 12.1 The Equality Act 2010 came into force on the 1st October 2010, a major piece of legislation. The Act also created a new Public Sector Equality Duty, which came into force on the 5th April 2011. There is a General duty, described in 12.2, that public

bodies must meet, underpinned by more specific duties which are designed to help meet them.

- 12.2 In line with the Public Sector Equality Duty, public bodies must, in the exercise of its functions, give **due regard** to the need to eliminate discrimination, harassment, victimisation, to advance equality of opportunity and foster good relations between those who share a protected characteristic and those who do not.
- 12.3 The contents of this report do not directly impact on equality, in that it is not making proposals that will have a direct impact on equality of access or outcomes for diverse groups.

13. SOCIAL VALUE IMPLICATIONS

- 13.1 As the recommendations made in this report do not constitute a public service contract, the measurement of 'social value' as required by the Public Services (Social Value) Act 2012 need not be applied, although equalities implications and opportunities are identified in the relevant section at paragraphs 12.

14. HUMAN RESOURCE IMPLICATIONS

- 14.1 This report has no direct HR implications for the Council with regard to workload as Members are aware of the need to follow the existing Code. Advice on, and enforcement of, the Code of Conduct by the Monitoring Officer is factored into existing workloads. There is a specific budget for Member training which is held by Democratic Services.

15. APPENDICES

- 15.1 Appendix A – Extract from 'Standards Matters' report of the Committee on Standards in Public Life, January 2013.

16. CONTACT OFFICERS

Anthony Roche, Acting Corporate Legal Manager and Monitoring Officer
Tel : 01462 474588 Email anthony.roche@north-herts.gov.uk

17. BACKGROUND PAPERS

None