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Our reference:
Your reference:
Date: Monday, 4 March 2019



**Rushcliffe Community
Contact Centre**
Rectory Road
West Bridgford
Nottingham
NG2 6BU

To all Members of the Standards Committee

Dear Councillor

A Meeting of the Standards Committee will be held on Tuesday, 12 March 2019 at 5.00 pm in the Committee Room 1, Rushcliffe Arena, Rugby Road, West Bridgford to consider the following items of business.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Sull'.

Sanjit Sull
Monitoring Officer

AGENDA

1. Apologies for Absence
2. Minutes of the Meeting held on 26 November 2018 (Pages 1 - 2)
3. Declarations of Interest

4. Presentation from the Chief Executive
5. Cases Update 2018 -19 (Pages 3 - 6)
The report of the Monitoring Officer is attached.
6. Committee on Standards in Public Life - Review of Local Government Ethical Standards (Pages 7 - 12)
The report of the Monitoring Officer is attached.
7. Revisions to Councillors Code of Conduct
A verbal update will be provided by the Monitoring Officer.

In person
Monday to Friday
8.30am - 5pm
First Saturday of
each month
9am - 1pm

By telephone
Monday to Friday
8.30am - 5pm

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Membership

Chairman: Councillor J Wheeler

Councillors: S Bailey, M Buckle, R Inglis, S Mallender, F Purdue-Horan,
G Norbury, K White and A Wood

Meeting Room Guidance

Fire Alarm Evacuation: in the event of an alarm sounding please evacuate the building using the nearest fire exit, normally through the Council Chamber. You should assemble at the far side of the plaza outside the main entrance to the building.

Toilets: are located to the rear of the building near the lift and stairs to the first floor.

Mobile Phones: For the benefit of others please ensure that your mobile phone is switched off whilst you are in the meeting.

Microphones: When you are invited to speak please press the button on your microphone, a red light will appear on the stem. Please ensure that you switch this off after you have spoken.

Recording at Meetings

The Openness of Local Government Bodies Regulations 2014 allows filming and recording by anyone attending a meeting. This is not within the Council's control.

Rushcliffe Borough Council is committed to being open and transparent in its decision making. As such, the Council will undertake audio recording of meetings which are open to the public, except where it is resolved that the public be excluded, as the information being discussed is confidential or otherwise exempt.



**MINUTES
OF THE MEETING OF THE
STANDARDS COMMITTEE
MONDAY, 26 NOVEMBER 2018**

Held at 7.00 pm in the Council Chamber Area B, Rushcliffe Arena, Rugby Road,
West Bridgford

PRESENT:

Councillors J Wheeler (Chairman), S Bailey, R Inglis, S Mallender and
F Purdue-Horan

ALSO IN ATTENDANCE:

G Norbury, K White, A Wood (Independent Members)

OFFICERS IN ATTENDANCE:

T Coop

Constitutional Services Officer

S Sull

Borough Solicitor and Monitoring
Officer

APOLOGIES:

Councillors M Buckle

J Baggaley (Independent Person for Standards Matters)

9 Declarations of Interest

There were no declarations of interest.

10 Minutes of the Meeting held on 1 October 2018

The minutes of the meeting held on 1 October 2018 were approved as a
correct record and signed by the Chairman.

11 Cases Update 2018-19

The Monitoring Officer provided a report to update the committee on
complaints received. The Monitoring Officer advised the committee of five
complaint cases regarding alleged breaches of the Councillors' Code of
Conduct since the last meeting. One complaint had been reviewed and no
formal action taken following initial assessment. The four remaining were at the
initial assessment stage and were being dealt with by the Monitoring Officer,
giving due regard to the Councillors Complaint Procedure and, where
appropriate the Independent Person had been consulted. The Monitoring
Officers report was revised accordingly.

The Monitoring Officer reported that since the last meeting, letters had been
sent to the Town and Parish Councils in respect of adopting a universal Code
of Conduct. No comments had been received.

It was RESOLVED that the report be noted.

12 **Revision to the Councillors' Code of Conduct**

The Monitoring Officer provided a verbal update for the committee to consider potential amendments to the Borough Council's Code of Conduct, including the incorporation of a Social Media guide. The Monitoring Officer recommended that revisions to the Code be drafted to incorporate these changes prior to being circulated to stakeholders for comment, with their responses reported back to the committee.

The committee agreed a timeline to progress the amendments as follows:

- Town and Parish Forum - (date to be confirmed - preferably before next Standards Committee) – Monitoring Officer to present amended draft Councillor's Code of Conduct.
- Standards Committee, 25 February 2019 – Monitoring Officer to report feedback and comments from Town and Parish Forum.
- Full Council, 7 March 2019 – Monitoring Officer to provide a report on the Revised Councillor Code of Conduct for the Council, Town and Parish Council's to adopt.

Members of the Committee agreed that particular attention was required to ensure clarity on critically important areas such as recording Councillor's registration of interests and on declaration of pecuniary and non-pecuniary Interests at meetings.

The Committee also agreed that an induction programme for new Councillor's was essential, and that the Councillor Code of Conduct and the recording of Councillor's Registration of Interests would form part of the induction. The Monitoring Officer advised the Committee that this is currently being looked at and developed by the Performance, Reputation and Constitutional Services Manager.

It was RESOLVED that:

- a) The revised Councillor's Code of Conduct and draft Social Media guidelines be approved for circulation to the Town and Parish Forum for comment.
- b) Comments from the Town and Parish Forum on the draft revisions to the Code of Conduct and Social Media guidelines are reported to Standards Committee on 25 February 2019 for consideration.
- c) The revision to the Code of Conduct and Social Media guidelines are reported to Full Council on 7 March 2019 for approval.

The meeting closed at 7.18 pm.

CHAIRMAN



Rushcliffe
Borough Council

Standards Committee

12 March 2019

Cases and Work Update 2019 -2020

Report of the Monitoring Officer

1. Summary

- 1.1. This report provides information on the number of complaints received since Standards Committee 26th November 2018. This report will also update members on the revisions to the Code of Conduct and Social Media Guidance. It also aims to help in identifying areas where training or education may assist Councillors' understanding of the regime's requirements.

2. Recommendation

It is RECOMMENDED that the report be noted.

3. Details

- 3.1 A summary of the complaints received since the implementation of the existing Standards regime (June 2012) are set out in the table at Appendix 1.
- 3.2 Since the implementation of the existing standards regime (from the 1 July 2012), there have been a total of 60 cases (to include cases mentioned herein). Details of these cases have been periodically reported to the Committee, with the last report in November 2018.
- 3.3 Since the date of the last meeting six complaints have been received.
- 3.4 The table at **Appendix A** indicates the date of complaint, if it related to a Borough, Parish or Town Councillor, if the complaint was made by another Borough, Parish or Town Councillor and what action was taken to address the complaint. Historical information is in shaded boxes, and fresh information is in white background boxes.

4 Other Work

- 4.3 During the year, the Monitoring Officer has been available to provide support to questions raised by individuals.
- 4.4 Since the last meeting invitations have been made for presentations to Parish Councils to comment on the draft Code of Conduct and Social Media Guidance. In addition to the responses referred to in the report to committee on the 26th November 2018, a further response has been received:

To include Gender Reassignment be changed to Gender Identity.

- 4.5 The member induction programme is under review and is programmed to deliver induction training following the May 2019 elections

4.6 Proposals in relation to the Code of Conduct and Social Media Guidance are the subject of a separate report on this agenda.

5 Implications

5.1 Finance

There are no direct financial implications.

5.2 Equalities

All complaints are considered with reference to the Council's Equality scheme

5.3 Legal

There are no specific legal implications.

5.4 Corporate Priorities

Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life –Our residents'*

5.5 Other Implications

None

For more information contact:	Sanjit Sull Monitoring Officer ssull@rushcliffe.gov.uk 0115 9148215
Background papers Available for Inspection:	None.
List of appendices (if any):	Appendix A - Code complaints

Appendix A

Update on cases from 26th November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	02/10/2018	Keyworth Parish Council	Parish Councillor	Yes	Investigation report received, MO and IP reviewing resolution with Subject Member.
	25/10/2018	Borough Council and Bingham Town Council	Borough/Town Councillor	Yes	Complaint review, no formal action.
	23/10/2018	Gotham Parish Council	Members of the public (three complainants)	Yes	Complaint review, no action.
	05/11/2018	Borough Council and Bingham Town Council	Borough /Town Councillor/ County Councillor	Yes	Complaint review, no formal action.

Summary of new cases from report to committee 26th November 2018

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	07/11/2018	RBC	Member of the Public	Yes	Complaint review, no action.
	15/11/2018	Borough Council and Bingham Town Council	Town Councillor	No	Complaint review, no action.
	14/11/2018	Bingham Town Council	Borough /Town Councillor	No	Complaint review, no action.

Case Ref	Date received	RBC/Parish Council	Complainant	Independent Person consulted	Decision and date
	03.12.2018	Wysall and Thorpe in the Glebe PC	Member of the public	Yes	Complaint review, no action.
	18.12.2018 (linked complaint received 13.11.18)	Bingham Town Council x 3	Member of the public	Yes	1 x Complaint: no action, 1x Complaint, local resolution (apology) 1x Complaint review complete, options for determination being considered
	21.01.2019	Newton PC	Parish Councillor	Yes	Initial assessment stage



Rushcliffe
Borough Council

Standards Committee

12th March 2019

Committee on Standards in Public Life – Review of Local Government Ethical Standards

Report of the Monitoring Officer

1. Summary

This report presents the findings of the Committee on Standards in Public Life, review of Local Government Ethical Standards. This report will also update and support members on deciding what action to take in respect of the report.

2. Recommendation

It is recommended that:

- a) The Committee on Standards in Public Life report be noted: and
- b) Steps be taken to introduce all the best practice recommendations set out in the Committee on Standards in Public Life report.

3. Details

- 3.1 On the 30th January 2019, The Committee on Standards in Public Life (“CSPL”) released its report: Local Government Ethical Standards. The CSPL review is across the breadth of local government in England, including Town and Parish Councils, Principal Authorities, Combined Authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London). CSPL is an independent advisory non-departmental public body.
- 3.2 The purpose of the review was to review the standards arrangements support and safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government, particularly in light of the changes made by the Localism Act 2011. The terms of reference for the review were to examine the structures, processes and practices in local government in England for:
 - 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
 - Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 - Make any recommendations for how they can be improved;
 - 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.

3.3 The key recommendations of the report include:

- 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
- 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

3.4 A copy of the full CSPL report is a background paper to this report and is available at:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

3.5 A copy of the Best Practice appears at Appendix 1.

3.6 Many of the committee's recommendations will require primary legislation; implementation is therefore subject to Parliamentary timetabling. However some of the recommendations can be achieved through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly.

3.7 The best practice list is a matter for individual local authorities and can be introduced by the Council straightway. The Council already has some of the best practice in place:

- Prohibition on bullying and harassment in the code of conduct,
- The code of conduct and arrangements under the Localism Act 2011 is clearly published on the website,
- Independent Person arrangements

4. **Implications**

4.1. **Finance**

There are no direct financial implications.

4.2. **Equalities**

All complaints are considered with reference to the Council's Equality scheme

4.3. **Legal**

There are no specific legal implications.

4.4. Corporate Priorities

Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life –Our residents'*

4.5. Other Implications

None

For more information contact:	Sanjit Sull Monitoring Officer ssull@rushcliffe.gov.uk
Background papers Available for Inspection:	None
List of appendices (if any):	Appendix 1 - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life Appendix 2 - List of Best Practice.

Appendix 1

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

Appendix 2

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 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.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

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 7: Local authorities should have access to at least two Independent Persons.

Best practice 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

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 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.

Best practice 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.

Best practice 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.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 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.

Best practice 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.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.