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COMMITTEE: AUDIT & GOVERNANCE REF NO: AG/18/20
DATE: 11 DECEMBER 2018
SUBJECT: STANDARDS UPDATE
PORTFOLIO HOLDER: COUNCILLOR MARTIN COOK
HEAD OF SERVICE: SHIRLEY JARLETT

Short description of report content and the decision requested:

This report provides an update on matters related to the Code of Conduct for Councillors.

Ward(s) affected:

All

List of Appendices included in this report

None

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This report was prepared after consultation with:

Internal consultee

External consultees

The following policies form a context to this report:

(all relevant policies must also be referred to in the body of the report)

Building a Better Ipswich 2017

LIST OF BACKGROUND PAPERS AS REQUIRED BY LAW

(papers relied on to write the report but which are not published and do not contain exempt information)

1. none

OTHER HELPFUL PAPERS

(papers which the report author considers might be helpful – this might include published material)

1. Code of Conduct for Members
2. Localism Act 2011

1. Introduction

- 1.1 This report provides an update to the Committee on matters concerning the Code of Conduct for Councillors (standards).
- 1.2 The current Code of Conduct was introduced following changes to the law by the Localism Act 2011. On 12 June 2012, the Council resolved to adopt the Suffolk Local Code of Conduct for the purposes of discharging its duty to promote high standards of conduct and this was implemented on 1 July 2012.

2. Current Position

- 2.1 This year, there has been one complaint against a Councillor. The Monitoring Officer decided the alleged behaviour would not amount to a breach of the Code of Conduct even if proven and the complainant was notified accordingly.
- 2.2 The Induction Programme offered to newly elected Councillors included training on the Code of Conduct for Councillors.
- 2.3 Recruitment of a pool of Independent Persons in conjunction with Suffolk County Council and Babergh and Mid Suffolk councils has taken place and their appointment was confirmed by Council on 19 September 2018. Induction training of the Independent Persons took place on 3 October 2018 and further training is planned.
- 2.4 Regular meetings of Suffolk Monitoring Officers take place to discuss code of conduct issues and emerging case law.

3. Relevant Policies

- 3.1 Building a Better Ipswich 2017 underlying principles

4. Risk Management

Risk Description	Consequence of risk	Risk Controls	Probability of risk occurring taking account of controls (scale 1-6) 1 – almost impossible 6 – very high	Impact of risk, if it occurred taking account of actions (scale 1 – negligible; 4 – catastrophic)	Actions to mitigate risk
1. Failure to appoint an independent member	Failure to comply with statutory duty	Recruitment process			Council makes the appointment

Appointees have Insufficient experience or are not available to deal with complaints due to absence or conflicts	Complaints are handled badly or are delayed	Appoint a pool including some experienced ex standards committee independent members			Ensure that all members of the pool are given training on the code of conduct and complaints handling
Failure to have in place a code of conduct and deal with Code of Conduct complaints	Breach of statutory duties leading to legal challenges and adverse impact on the Council's reputation	Adoption of Suffolk Code of Conduct and regular reviews of code and processes			Regular meetings with other Suffolk Monitoring Officers. Review of Constitution currently in process

5. Environmental Impact Assessment

- 5.1 There are no direct environmental impacts arising out of the recommendations in this report.

6. Equalities and Diversity Implications

- 6.1. Under the general equality duty as set out in the Equality Act 2010, public authorities are required to have due regard to the need to eliminate unlawful discrimination, harassment and victimisation as well as advancing equality of opportunity and fostering good relations between people who share a protected characteristic and those who do not.
- 6.2. The protected grounds covered by the equality duty are: age, disability, sex, gender reassignment, pregnancy and maternity, race, religion or belief, and sexual orientation. The equality duty also covers marriage and civil partnership, but only in respect of eliminating unlawful discrimination.
- 6.3. The law requires that this duty to have due regard be demonstrated in decision making processes. Assessing the potential impact on equality of proposed changes to policies, procedures and practices is one of the key ways in which public authorities can demonstrate that they have had due regard to the aims of the equality duty.
- 6.4. There are no Equality and Diversity issues arising from this report.

7. Financial Considerations

- 7.1 There are financial implications arising from the appointment of the Independent Persons, which is a cost of £300 per year. The Council additionally pays the individual Independent Person £50 per complaint referral, but only in respect of those complaints that are the subject of a formal investigation.
- 7.2 Any expenses claims from the Independent Persons are minimal.
- 7.3 The newspaper advertising costs for the recruitment campaign carried out was shared equally among the four Councils (Suffolk County Council, Ipswich Borough Council, Babergh and Mid Suffolk Councils).

8. Legal Considerations

- 8.1. The Localism Act 2011 imposes a statutory duty on local authorities to promote and maintain high standards of conduct and to adopt a code of conduct consistent with the (Nolan) principles of high standards of conduct in public office.

9. Performance Monitoring

- 9.1 Regular meetings of Suffolk Monitoring Officers review performance of the Code of Conduct and Independent Persons.

10. Conclusions

- 10.1. The Council has in place a Code of Conduct for Councillors and procedures for dealing with complaints, including the recruitment, appointment and appraisal of Independent Persons. Regular meetings and training events for the Monitoring Officer, Independent Persons and Councillors ensure that the Code of Conduct is embedded in the culture of the Council.

11. Recommendations

- 11.1. To note the contents of the report.