



**ST HELENS**  
BOROUGH COUNCIL

## Standards Committee

12 January 2021

<b>Report Title:</b>	<b>Review of Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members</b>
<b>Cabinet Portfolio</b>	Finance & Governance
<b>Cabinet Member</b>	Councillor Martin Bond
<b>Exempt Report</b>	No
<b>Reason for Exemption</b>	N/A
<b>Key Decision</b>	No
<b>Public Notice issued</b>	N/A
<b>Wards Affected</b>	None
<b>Report of</b>	Jan Bakewell Director of Legal & Governance / Monitoring Officer janbakewell@sthelens.gov.uk 01744 673209
<b>Contact Officer</b>	Jan Bakewell Director of Legal & Governance janbakewell@sthelens.gov.uk

<b>Borough priorities</b>  Please mark <b>X</b> for any priority supported by this report  <b>NB</b> Use Section 4 - Background Information to explain how each selected priority is supported	Ensure children and young people have a positive start in life	
	Promote good health, independence and care across our communities	
	Create safe and strong communities for our residents	
	Support a strong, diverse and well-connected local economy	
	Create a green, thriving and vibrant place to be proud of	
	Be a modern, efficient and effective Council	X

## 1. Summary

- 1.1 Some of the Committee on Standards in Public Life (“CSPL”) best practice recommendations relate to the Council’s existing agreed Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members.

## 2. Recommendations for Decision

**The Committee is recommended to:**

- i) **approve the proposed amendments to the existing Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members to address the Committee on Standards in Public Life best practice recommendations.**

## 3. Purpose of this Report

- 3.1 To set out the Standards Committee Working Group recommendation for proposed amendments to the existing Procedure for Dealing with Complaints to address the relevant CSPL best practice recommendations.

## 4. Background /Reasons for the recommendations

- 4.1 In January 2019, the CSPL published its Local Government Ethical Standards report, which included best practice recommendations to improve ethical standards in local government. The best practice represents a benchmark for ethical practice which the CSPL expect any local authority can and should implement.
- 4.2 The CSPL undertook in that report to follow up and review the implementation of the best practice with local authorities this year. The CSPL contacted all local authority Chief

Executives earlier this year requesting a response by 30 November 2020 on the Council's progress to implement the recommendations.

- 4.3 At its last meeting on 19 October 2020, Standards Committee considered a position statement on the Council's progress so far. The Chief Executive responded to the CSPL in November 2020 with a progress update for the Council (Appendix 1).
- 4.4 Standards Committee also agreed at its last meeting for a Working Group from the Committee membership to consider the implications of those recommendations that relate to the Council's existing agreed Procedure for Dealing with Complaints.
- 4.5 The Working Group met on 16 December 2020 to consider some proposed amendments to the existing Procedure highlighted in red (Appendix 2). The proposed amendments seek to address the following recommendations:

- Best Practice Recommendation 6 - a clear and straightforward public interest test against which allegations are filtered has been added.
- Best Practice Recommendation 8 – wording has been added to clarify the role of the Council's Independent Person who 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 Monitoring Officer is minded to dismiss as being without merit, vexatious, or trivial.
- Best Practice Recommendation 10 – estimated timescales for investigations and outcomes have been included.
- Best Practice Recommendation 11 – wording has been added to encourage formal standards complaints about the conduct of a parish councillor towards a clerk to be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.
- Best Practice Recommendation 13 – the Procedure now explicitly states what would happen in practice to address any conflicts of interest when undertaking a standards investigation i.e. asking the Monitoring Officer from a different authority to undertake the investigation.

- 4.6 The Working Group agreed to recommend the proposed amendments to the Committee and was satisfied that the existing Procedure was otherwise fit for purpose.

## **5. Community Impact Assessment**

- 5.1 N/A

## **6 Consideration of Alternatives**

- 6.1 None. All local authorities were required to respond to the CSPL with an update on progress in relation to the best practice recommendations. Council responses will be published on the CSPL website in the new year. The Council has indicated it intends to review its existing Procedure for Dealing with Complaints.

## **7 Conclusions**

7.1 The recommendations in the report aim to improve the Council's existing Procedure for dealing with Complaints.

## **8. Implications**

### 8.1 Legal Implications

8.1.1 The Council has delegated to the Standards Committee the statutory function to promote and maintain high standards of conduct by members and co-opted members.

### 8.2 Community Impact Assessment (CIA) Implications

#### 8.2.1 Social Value

8.2.1.1 N/A

#### 8.2.2 Sustainability and Environment

8.2.2.1 N/A

#### 8.2.3 Health and Wellbeing

8.2.3.1 N/A

#### 8.2.4 Equality and Human Rights

8.2.4.1 The Council's Procedure for Dealing with Complaints is aimed to ensure equality of access by all.

### 8.3 Customers and Residents

8.3.1 The Council's Procedure for Dealing with Complaints is published on the Council's website and aims to provide a clear process for all customers and residents.

### 8.4 Asset and Property

8.4.1 N/A

### 8.5 Staffing and Human Resource

8.5.1 N/A

### 8.6 Risks

8.6.1 None. The recommendations in the report aim to strengthen the Council's procedure for dealing with complaints.

### 8.7 Finance

8.7.1 N/A

8.8 Policy Framework Implications

8.8.1 N/A

**9. Background papers**

9.1 Review by the Committee on Standards in Public Life – Local Government Ethical Standards: January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

**10. Appendices**

Appendix 1 – Council’s Response with Progress Update to CSPL Best Practice Recommendations: November 2020

Appendix 2 – Proposed Amendments to the Procedure for Dealing with Complaints regarding breach of the Code of Conduct for Members