

RESPONSE TO COMMITTEE ON STANDARDS IN PUBLIC LIFE

Report of the Monitoring Officer

1. INTRODUCTION AND PURPOSE OF REPORT

- 1.1 On 8 July 2020 the Committee on Standards in Public Life wrote to the Chief Executive to follow up on recommendations it had made in its January 2019 report on Local Government ethical standards.
- 1.2 This report sets out the proposed draft response for agreement by the Chief Executive and the Standards Committee as the response will come from the Chief Executive.

2. BACKGROUND

- 2.1 In January 2019 the Committee on Standards in Public Life published the report that can be found at this hyperlink: [report](#). The report was taken to the Council's Standards Committee on 11 February 2019 for discussion. Various of the recommendations in the report were agreed and proposals were made to amend the Council's constitution to reflect this at the Standards Committee on 2 September 2019. Those proposed amendments then proceeded through the Council's governance process and were ultimately approved at the Council meeting on 9 July 2020.

3. PROPOSED RESPONSE

- 3.1 Annex 1 contains the proposed draft response.

4. RECOMMENDATIONS

- 4.1 That the Standards Committee consider the proposed response and agree to it being sent and/or provided suggested amendments.

BACKGROUND PAPERS

There are none

Anyone requiring further information should contact Vicki Bates on telephone number Tel: 0161 474 3219 or alternatively email vicki.bates@stockport.gov.uk

ANNEX 1

Proposed draft response to Committee on Standards in Public Life from Pam Smith (Chief Executive Officer)

Ms Lesley Bainsfair
Head of the Secretariat
Committee on Standards in Public Life

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[date]

Dear Ms Bainsfair

Thank you for your email letter of 8 July 2020 requesting an update on how Stockport Metropolitan Borough Council had progressed with the implementation of the 15 best practice recommendations contained in the January 2019 report of the Committee on Standards in Public Life.

I am pleased to confirm that following a detailed discussion with the Council's Standards Committee in February and September 2019, all of the best practice recommendations were implemented or were already in place. The below sets out the table of recommendations and the Council's response to each of the 15 best practice recommendations. Those which required an amendment to the Council's constitution in order to implement them, proceeded through the Council's governance process and were ultimately approved at the Council Meeting on 9 July 2020.

	Best Practice Recommendation	Stockport Metropolitan Borough Council's Response
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.	The Code of Conduct has been updated to include an ACAS definition of Bullying and harassment and examples of such.
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.	These provisions are already included in the Protocol for investigating complaints/allegations under the Members Code of Conduct.

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.	The code has been amended to confirm that it will be reviewed annually and that the view of neighbouring authorities will be sought periodically.
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.	We already comply with this.
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.	We already comply with this.
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered.	The Constitution sets out how a complaint is dealt with in the Monitoring Officer Protocol and includes why a claim would be rejected in the first instance. It does not set out a test against which allegations are filtered further than that stage. No further amendments have been made as the current information is deemed to be sufficient as every complaint is dependent on its own facts and a prescribed test, past a certain stage, is not be appropriate.
7	Local authorities should have access to at least two Independent Persons.	We have two Independent Persons
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.	The Independent Persons are already consulted on this basis.
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	In accordance with our procedures for dealing with complaints the Standards Sub-Committee's decision and the minutes of the meeting are published on the website. The views of the Independent Person are not

	<p>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.</p>	<p>published and the Monitoring Officer and Standards Committee did not consider it was appropriate to do so.</p>
10.	<p>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.</p>	<p>We already comply with this.</p>
11	<p>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.</p>	<p>Not applicable as Stockport do not have parish councillors.</p>
12	<p>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.</p>	<p>Not applicable as above.</p>
13	<p>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.</p>	<p>This is already provided for in our Constitution (Monitoring Officer Protocol).</p>

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.	Our annual governance statement does include reference to separate bodies wholly owned by the Council and agendas and minutes of relevant meetings are published on the Council's website, where they do not contain commercially sensitive information.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.	The Chief Executive and senior officers regularly meet with the political group leaders.

Please do not hesitate to contact me or the Council's Monitoring Officer, Vicki Bates (vicki.bates@stockport.gov.uk) if you wish to discuss further.

Yours sincerely

Pam Smith

Chief Executive