Purpose of report
To consider and endorse the Council’s response to the CSPL Recommendations.

Appendix A – Letter received, July 2020
Appendix B – Draft Council response

1.0 Background

1.1 The Committee for Standards in Public Life (CSPL) was established in 1994. The Committee previously reviewed ethical arrangements in local government in 1997 and has touched on them in several reports. The latest review was in 2017 and Reported in January 2019.

1.2 Attached at Appendix A to this report is a letter received by the Chief Executive in July 2020 from CSPL which states that it is following up on recommendations made in their January 2019 report on local government ethical standards. In that report, they identified some best practice recommendations which represent a benchmark for ethical practice and which they expect any local authority should implement. They go on to give advance notice that they will be contacting us again in the Autumn to ask for progress against the recommendations.

2.0 Considerations

2.1 At Appendix B to this report the Interim Deputy Monitoring Officer has prepared a response from the Council in respect of each recommendation. It can be seen that good progress has been made.

2.2 Further actions in relation to the recommendations and best practice suggestions would normally be appropriate. However, given that the new North Northamptonshire Council will come into existence from the 1 April 2021 the focus is now on ensuring the Unitary Council will be in a position to deliver a comprehensive standards regime from vesting day.

2.3 At the current time, as previously stated in the Activity Report elsewhere on the Agenda for this meeting, the Local Government Associations new Model Code of Conduct has still not been finalised and no timescale has been indicated as to when this will be.
3.0 Equality and Diversity Implications

3.1 There are no known negative equality and diversity issues arising from this paper.

4.0 Privacy Impact Implications

4.1 There are no privacy implications arising from this report.

5.0 Legal Implications

5.1 This report outlines activities undertaken under local arrangements which reflect the Localism Act 2011 and related regulations.

6.0 Risk Management

6.1 The preparation of this report enables the Committee to maintain an overview of the standards regime and reduced the risk of non-compliance with legislation.

7.0 Resource and Financial Implications

7.1 There are no new financial or resource implications arising from this report.

8.0 Constitutional Implications

8.1 Any changes to the Code of Conduct would result in the need for Council to adopt the new Code. Changes would then be incorporated into the Council’s Constitution. At the current time there are no constitutional implications arising from this report.

9.0 Implications for our Customers

9.1 There are no obvious new implications on customers as a result of this report.

10.0 Corporate Outcomes

10.1 The work reported here contributes to the Corporate Outcome of Effective Management.

11.0 Recommendations

11.1 The Committee is recommended to endorse, and agree that the Monitoring Officer submit at the appropriate time, the responses contained in Appendix B to this report.
LOCAL GOVERNMENT ETHICAL STANDARDS

I am writing from the Committee on Standards in Public Life to follow up recommendations made in our January 2019 report on local government ethical standards.

In that report, we identified some best practice recommendations which represent a benchmark for ethical practice and which we expect any local authority should implement.

We said in our report that we would review the implementation of those best practice recommendations in 2020. We completely understand the unexpected and unprecedented pressures that local authorities are facing this year with COVID-19, so we are not of course asking for an immediate response. The purpose of this email is to let you know that we will be writing again in the autumn to ask you for your progress against these recommendations. I have attached a list of the best recommendations for ease of reference, but they are of course also set out in the report.

If you have any questions, please do just let us know. Otherwise, we wish you well and look forward to being in touch again later this year.

Secretariat
Committee on Standards in Public Life
List of Best Practice Recommendations

Our best practice recommendations are directed to local authorities, and we expect that any local authority can and should implement them. We intend to review the implementation of our best practice in 2020.

**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 councillors 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.
Committee on Standards in Public Life – ENC response to Best Practice Recommendations
July 2020

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<tr>
<th>Best Practice</th>
<th>ENC response</th>
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<td><strong>Best practice 1:</strong> 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.</td>
<td>The current Code of Conduct can be found at <a href="https://www.east-northamptonshire.gov.uk/site/scripts/download_info.php?downloadID=1516&amp;fileID=4348">https://www.east-northamptonshire.gov.uk/site/scripts/download_info.php?downloadID=1516&amp;fileID=4348</a>. This Code is based on the Nolan Principles and was last reviewed in October 2018. Each principle is set out with a commentary explaining it. Other obligations at paragraph 3 talk about member and officer relationships; the need to adhere to the law; not to disclose or use confidential information other than provided for by the law and the use of resources. There are no specific provisions relating to the definition of bullying and harassment as these are set out in law and guidance. The ENC Code references the need to strive to establish respectful and courteous relationships with everyone you come in contact with as Councillors. The Joint Standards Committee at their July 2020 meeting were supportive of including the provisions suggested in the LGA Model Code in the future. It is considered that in light of the imminent new Code and the fact that the Authority will be abolished in April 2021 that in the current circumstances the inclusion could be delayed until the LGA Model Code is finalised. ENC can then be asked to adopt the Code if that is prior to its abolition. The plans are already in process for developments of the standards regime in the new North Northamptonshire Unitary Council and they are developing a Code of Conduct for members. Any model code recommendation will be picked up in that process.</td>
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<td><strong>Best practice 2:</strong> 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.</td>
<td>Although this is not in the current Code reference can be found in the document entitled “Procedures for Assessment, Investigation, Determination and Appeal of Complaints against Councillors and Dispensations” at Annexe 1 Paragraph 3 c in respect of trivial or malicious allegations. “Does the complaint appear to be simply malicious, politically motivated, vexatious, or tit-for-tat? If the answer is Yes, the Monitoring Officer is likely to decide that further action is not warranted.” <a href="https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment">https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment</a></td>
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<td><strong>Best practice 3:</strong> 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.</td>
<td>The ENC Code of conduct has been reviewed three times since 2023 with the last review taking place in October 2018. The Council’s Joint Standards Committee have been following closely CSPL Consultation and subsequent Report and Recommendations which were reviewed at its Meeting on 19 March 2019. In particular the LGA Model Code of Conduct developments were of great interest. The JSC at its meeting on 15 July 2020 debated at length the proposed Model which in general was well received. A response was formulated and was submitted by 17 August 2020. A new Model Code will be welcomed as it will provide uniformity across the regime.</td>
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<td><strong>Best practice 4:</strong> 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.</td>
<td>The ENC Code is available to all on our Website together with Guidance on the Standards Regime and contact details for the Monitoring Officer. Elected Members all sign up to the Code on election and are asked to review it. Updates and changes are noted on the website for transparency. Town and Parish Councils are also reminded of the need to review the Code. Quarterly meetings with Town and Parish Clerks discuss all Code related issues.</td>
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<td><strong>Best practice 5:</strong> Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.</td>
<td>The Gifts and Hospitality Register is constantly being updated and published as required when the Monitoring Officer receives notification.</td>
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<td><strong>Best practice 6:</strong> Councils should publish a clear and straightforward public interest test against which allegations are filtered.</td>
<td>These can be found in Part 9 of the Council's Constitution in a document entitled “Procedures for Assessment, Investigation, Determination and Appeal of Complaints against Councillors and Dispensations”. <a href="https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment">https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment</a></td>
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<td><strong>Best practice 7:</strong> Local authorities should have access to at least two Independent Persons.</td>
<td>The Council has an Independent Person and Reserve Independent Person available.</td>
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<td><strong>Best practice 8:</strong> 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.</td>
<td>Consultation does take place in accordance with our procedures as set out in part 9 of The Council’s Constitution at Initial Assessment stage. <a href="https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment">https://www.east-northamptonshire.gov.uk/downloads/file/4455/part_9_-_procedure_for_assessment</a></td>
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<td><strong>Best practice 9:</strong> 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.</td>
<td>Examples of this can be found at <a href="https://www.east-northamptonshire.gov.uk/info/200033/councillors_democracy_and_elections/1395/complaints_about_councillors">https://www.east-northamptonshire.gov.uk/info/200033/councillors_democracy_and_elections/1395/complaints_about_councillors</a></td>
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<td><strong>Best practice 10:</strong> 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.</td>
<td>The Complaints process includes estimated timescales for each stage of the process. A complaints matrix monitors complaints. A report is periodically taken to JSSC. <a href="https://www.east-northamptonshire.gov.uk/info/200033/councillors_democracy_and_elections/1395/complaints_about_councillors">https://www.east-northamptonshire.gov.uk/info/200033/councillors_democracy_and_elections/1395/complaints_about_councillors</a></td>
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<td><strong>Best practice 11:</strong> Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by</td>
<td>No examples of this in the last 5 years.</td>
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<td>the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.</td>
<td>The Monitoring Officer is a Senior Executive Officer and a member of the Council’s Management Team. They also meet quarterly with Town and Parish Clerks about Standards issues. The Monitoring Officer role has been shared across 3 authorities since December 2019. A Monitoring Officer Protocol is contained in The councils Constitution at <a href="https://www.east-northamptonshire.gov.uk/downloads/file/458/part_58_-_protocol_for_the_monitoring_officer">https://www.east-northamptonshire.gov.uk/downloads/file/458/part_58_-_protocol_for_the_monitoring_officer</a></td>
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<td><strong>Best practice 12:</strong> 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.</td>
<td>The Monitoring Officer has appointed the Democratic Services Manager as Deputy Monitoring Officer. Also other Deputies are appointed if needed. These are normally external providers.</td>
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<td><strong>Best practice 13:</strong> 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.</td>
<td>ENC does not have any separate bodies that it owns. The Council’s Annual Governance Statement is attached as Annex A.</td>
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<td><strong>Best practice 14:</strong> 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.</td>
<td>The Monitoring Officer meets informally on a regular basis with the Leader of the Council and other Council members for advice and guidance.</td>
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<td><strong>Best practice 15:</strong> Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.</td>
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