

STROUD DISTRICT COUNCIL
AUDIT AND STANDARDS COMMITTEE

**AGENDA
ITEM NO**

6 FEBRUARY 2018

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Report Title	REVIEW OF ETHICAL FRAMEWORK
Purpose of Report	To establish a member group which will undertake a review / audit of the Council's ethical framework and make recommendations to committee
Decision(s)	The Committee RESOLVES to establish a task and finish group to consider member standards of conduct as outlined in the Report
Financial Implications	<p>The report recommends the establishment of a task and finish group to consider member standards of conduct.</p> <p>Whilst there are no direct financial implications arising from this report, point (d) under paragraph 2.2 does ask members to consider whether (financial) penalties should be considered if a member accepts a breach in the code of conduct.</p> <p>There is a cost to the Council in undertaking reviews into potential breaches of the code of conduct in terms of officer time and other expenditure that may be required.</p> <p>David Stanley – Accountancy Manager Tel: 01453 754100 Email: david.stanley@stroud.gov.uk</p>
Legal Implications	Failure of the Council to meet its legal duty to promote and maintain high standards of conduct opens the Council to legal challenge as well as reputational risk.
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1. INTRODUCTION

- 1.1 The Council is subject to a duty to promote and maintain high standards of conduct amongst its members. The Council's ethical framework which exists to help meet that duty comprises:

- a. the Council's Member Code of Conduct (including its complaints procedure) which sets the overall standards of conduct required of members, and was last reviewed in 2016;
 - b. the Planning Code (last reviewed in 2015); and
 - c. the Member / Member Relations Protocol and the Member / Officer Protocol (both adopted in 2004, but apparently not reviewed since).
- 1.2 In recent years, changes to this ethical framework have centred around the rules for declaring interests. Other provisions regarding the general behaviour expected and required of all members set out in Part 3 of the Code and Item 1.1c above in particular, having not been reconsidered in any detail.

2. PROPOSED REVIEW

- 2.1 It is recommended that the committee should carry out a review / audit of the Council's ethical framework. Given the need to seek full and frank views on the behaviour of members, a small task and finish group should be established (comprising say, two or three members experienced in advising on conduct issues) including the Chair of the Committee, with support being provided by the Monitoring Officer. Such a small and experienced group should be able to convene quickly to consider pertinent issues, seek views of key stakeholders (e.g. officers, complainants and members who have been the subject of complaints) and report back to committee in April on progress / its findings. Any recommendations from the committee on substantive changes to the Constitution (e.g. to the Code of Conduct) will need to be referred to full Council for approval.
- 2.2 It is suggested that the group consider a range of issues including the contents of the Code itself; the extent of member engagement in promoting and upholding high standards; and the value of the complaints process and sanctions in terms of discouraging breaches. Questions which might be investigated include:
- a) What do members consider when reference is made to the Code? Is it simply interests as opposed to behaviour in a wider sense, including the key principles (e.g. integrity, honesty, respect for others) and specific obligations (e.g. not to disclose confidential information; not to bully / intimidate any

person; not to bring the Council into disrepute). If so, is this a training issue; or does the Code need redrafting / strengthening in this respect?

- b) The obligation not to bring the Council into disrepute within the existing Code is largely a 'catch all' provision, but is that sufficient to make it clear what is expected of members? For example, would it be recognised as including a situation where individuals present information knowingly in a misleading or inappropriate manner without consideration of the consequences for the Council and the wider public interest (or are reckless as to whether such is the case). Would a guide to members or more specific provisions in the Code help improve behaviour?
- c) Is the Code given appropriate regard? If not, what would address such? Would strengthening the consequences of breaching the Code help?
- d) Do the various protocols within the Constitution add value? Would it be helpful to include key protocol provisions within a revised Code so there is only one point of reference for standards?
- e) Would it help if the Council better engaged senior members (e.g. Group Leaders) in promoting and upholding high standards of conduct?
- f) Should Audit and Standards Committee members be involved at a preliminary stage of the complaint process via a small informal panel which would convene at short notice to review complaints which the Monitoring Officer considered indicated a breach?
- g) If a member accepts he / she has breached the Code, should lesser penalties be imposed in appropriate cases to quickly remedy the issue (e.g. training, public apology) rather than requiring a Standards Panel investigation and hearing in all cases; and only failing that, should the complaint proceed to a full hearing of the Standards Panel with new and substantial financial penalties (e.g. the costs to the public purse of undertaking the investigation to be borne by the member if a breach was upheld)?