

**STROUD DISTRICT COUNCIL**  
**AUDIT AND STANDARDS COMMITTEE**

**AGENDA  
ITEM NO**

**29 JANUARY 2019**

**5c**

<b>Report Title</b>	<b>REPORT OF THE ETHICAL AUDIT TASK &amp; FINISH GROUP</b>
<b>Purpose of Report</b>	To update Members of the activities and conclusions of this Task & Finish Group
<b>Decision(s)</b>	The Committee <b>RESOLVES</b> to note the report's findings.
<b>Financial Implications and Risk Assessment</b>	There are no financial implications arising from this report. Andrew Cummings Head of Finance and Section 151 Officer Email: <a href="mailto:andrew.cummings@stroud.gov.uk">andrew.cummings@stroud.gov.uk</a>
<b>Legal Implications</b>	The risk of failure of the Council to meet its legal duty to promote and maintain high standards of conduct as required by the Localism Act 2011 is a reputational risk as well as potentially involving legal challenge to decisions that might incur time and expense.  Nicola Swan Interim Head of Legal Services & Monitoring Officer Email: <a href="mailto:nicola.swan@stroud.gov.uk">nicola.swan@stroud.gov.uk</a>
<b>Report Author</b>	Nicola Swan on behalf of the Committee's Task and Finish Group (Chair: Cllr Studdert-Kennedy; Cllr Baxendale: Cllr Pearson; Cllr Tom Williams; Cllr Wride). To be presented jointly by Cllr Studdert-Kennedy and Cllr Pearson.

**1. INTRODUCTION**

1.1 In pursuit of this Committee's responsibility in relation to review of standards of conduct applicable to all Councillors, a Task & Finish Group was appointed to look at the Council's ethical framework. Meetings of this Committee on 6 February and 10 April 2018 produced the terms of reference for the review, namely (a) the content of the Member Code of Conduct (in particular the general requirements); and (b) the existing investigations and determinations procedure. Recommendations on changes (if any) to the framework to ensure standards are promoted and upheld by the Council were to be reported back to this Committee.

- 1.2 The work of the Task & Finish Group was led and supported by the previous Monitoring Officer, Karen Trickey. The starting point had been to check Member understanding and perceptions of the Code including knowledge of complaint handling procedures and whether those were effective and had positively impacted on Member behaviour. Some reporting to Political Groups was also included, given there is a role for probity governance at Group. To encourage as full engagement as possible, all Members were circulated with a questionnaire sent out on the basis that responses would be confidential. High levels of engagement with the questionnaire were achieved as well as high levels of engagement at the workshop on 27 September 2018. The usefulness of Members meeting periodically to work through Conduct Code issues was acknowledged, using workshops or formal training.
- 1.3 Meetings were scheduled to take place with an original report back to the 26 July 2018 meeting of this Committee. Given changes in personnel with an Interim Head of Legal & Monitoring Officer starting at the end of October 2018, the work schedule inevitably slipped a little and this is the first Committee meeting to which an updating report could be brought. A workshop was held on 27 September 2018 at which Officers and Members met to discuss the findings and recommendations.

## **2.0 FINDINGS**

- 2.1 The previous Monitoring Officer had noted the findings to be as follows:
- 2.1.1 there are some similarities between the views of the two main groups as to what is important in securing high standards of conduct (eg. both groups considered the rules regarding declaration of interest to be most important);
  - 2.1.2 there were also some notable differences (eg importance of having regard to officer advice);
  - 2.1.3 some evidence from the survey responses that Member behaviour had slightly fallen over the previous 12 months;
  - 2.1.4 some discrepancy between Member and Officer views as to level of understanding of what is expected of Members.
- 2.2 There was consensus that the main issue was felt to be that work was needed on the Member/Officer Protocol and suggested points for Members and for Officers to adopt to address issues were as follows:

### Members

- The acknowledgment and appreciation that Officers are there in a professional capacity to give professional advice in discharge of professional duties owed to the Council;

- Need for guidance to Members on how best to interact with Officers (eg the practice of making appointments, especially when seeking to deal with more junior staff, and to arrive at meetings with Officers prepared).

#### Officers

- To understand the concerns of Members;
- To follow up discussions with Members to confirm advice on matters discussed to aid clarity and prevent misunderstanding (which some Members regarded as “back-tracking”)

2.3 A workshop was held on 27 September 2018 at which Members and Officers to facilitate better understanding of the Code and, importantly, how to apply it by looking at various situations for those attending to analyse and check accuracy of their application of the Code to those situations.

### **3.0 CONCLUSIONS**

3.1 Notes of the conclusions from the work of the Task & Finish Group to how best to secure compliance with the Code were:

- 3.1.1 To simplify the Code where possible to focus only on the Nolan principles, eg. treating each other with respect;
- 3.1.2 When a Mission Statement is identified for the Council, to make clear that Members represent local needs of all constituents of the district and not just needs of their own ward;
- 3.1.3 To monitor ethical standards (the annual report of the Monitoring Officer would usually detail the work of the past year dealing with Code matters);
- 3.1.4 Review the Member and Officer Protocol to ensure provisions regarding improvements for Member interaction with Officers (data governance and GDPR compliance).

### **4.0 RECOMMENDATIONS**

4.1 To undertake work on the Member/Officer Protocol to deal with matters set out at 2.2 above to improve clarity around those relationships and enhance the efficacy of the Council.

**5.0** It is clear that considerable time and effort was input by the previous Monitoring Officer to produce high quality materials for this review. Committee may wish to acknowledge by formally noting their thanks in the Minutes resulting from this meeting.