



<b>Subject:</b>	Proposal to introduce new governance arrangements in relation to Standards
<b>Date:</b>	18 September 2020
<b>Reporting Officer:</b>	Suzanne Wylie, Chief Executive John Walsh, City Solicitor / Director of Legal & Civic Services
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<b>Restricted Reports</b>	
<b>Is this report restricted?</b>	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
<b>If Yes, when will the report become unrestricted?</b>	
<b>After Committee Decision</b>	<input type="checkbox"/>
<b>After Council Decision</b>	<input type="checkbox"/>
<b>Some time in the future</b>	<input type="checkbox"/>
<b>Never</b>	<input type="checkbox"/>

<b>Call-in</b>	
<b>Is the decision eligible for Call-in?</b>	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

<b>1.0</b>	<b>Purpose of Report or Summary of main Issues</b>
1.1	The purpose of this report is to seek approval from the SP&R Committee to propose the introduction of a new Standards Committee, the designation of the City Solicitor into a new "Monitoring Officer" role responsible for all issues in relation to standards to ensure the Council, its officers and elected Members maintain the highest standards of conduct in all that they do.
<b>2.0</b>	<b>Recommendations</b>
2.1	It is recommended that Members:  (i) note the attached report.

	(ii) provide approval in principle to establish a Standards Committee and to designate a Monitoring Officer as in the main report below.
<b>3.0</b>	<b>Main report</b>
3.1	<p><u>Background</u></p> <p>It is proposed that the Council introduces additional arrangements to ensure that the Council, its officers and elected Members maintain the highest standards of conduct in all that they do. Such arrangements could include the establishment of a new Standards Committee, the designation of a “Monitoring Officer” responsible for all issues in relation to standards, and the introduction of a number of new governance arrangements aimed at promoting and maintaining high standards of conduct by Councillors and officers.</p> <p>The establishment of such arrangements would demonstrate a firm commitment on behalf of the Council to promote, sustain and safeguard the conduct of Members within the Council and the probity of all the Council’s proceedings.</p> <p>Research into strong ethical leadership in the public sector (and local government in particular)<sup>1</sup> suggests that those councils with good records of ethical conduct show evidence of strong Member / officer relationships. They demonstrate a culture of partnership and joint ethical leadership led by a Standards Committee (including its independent/lay members) in concert with party group leaders (political) and senior officers (managerial).</p> <p>It is proposed to create a similar regime to the model used in Wales where the Public Sector Ombudsman has encouraged councils to introduce Local Resolution Arrangements to provide an opportunity for relatively minor complaints and issues to be resolved ‘in-house’ without the need for referral to the Ombudsman’s office.</p>
3.2	<p><u>Standards Committee</u></p> <p>It is proposed that the Council establish a Standards Committee whose main functions would be to promote, sustain and safeguard the conduct of Councillors within the Council and the probity of all the Council’s proceedings. This would include considering and making recommendations to the Council on the contents of the Code of Conduct for Members, the Members/Officer protocol and providing advice and guidance on standards in general across the Council. Appointment to such a Committee would be made in the normal way as prescribed by Schedules 1 and 2 of the 2014 Act. The size of the Committee will need to be agreed.</p>

<sup>1</sup> <https://www.cardiff.ac.uk/news/view/525252-the-importance-of-ethical-leadership-in-public-sector-organisations>

It is recommended that the Standards Committee appoint a number of independent Members whose views are to be sought and taken into account before any recommendations are made by the Committee (as is the case in similar Committees in England, Wales and Scotland). Such independents would be required to be impartial and they would be required to make the declaration at Schedule 3 of the 2014 Act that they will observe the Code of Conduct for Councillors. The Council may wish to include certain stipulations, for example that a person may not be appointed if they have been a councillor or officer of the Council in the past 5 years (or even a party worker or relative).

It is proposed that the Committee would meet quarterly and when required.

CIPFA guidance indicates that the role of a Standards Committee is distinct from that of the Audit Panel / Committee whose primary role in relation to standards and ethical conduct is to satisfy itself that there are appropriate arrangements in place, particularly in support of the Annual Governance Statement. Where a local authority does have a standards committee, the lead on promoting high standards of conduct may be taken by that committee, and the most appropriate role for the audit committee would be to consider the effectiveness of the standards committee as part of the annual governance review.

The Terms of Reference for the Standards Committee could therefore include the promotion and maintenance of high standards of conduct by Members and officers, oversight of any training required on all matters relating standards and conduct, advising the Council on the Code of Conduct for Councillors, oversight of the Member-Officer protocol (to be reviewed), oversight of the Members' Register and Declaration of Interests and associated procedures and oversight of the Council Constitution.

The Standards Committee would also have a role in deciding whether any issues reported to the Monitoring Officer under the Local Resolution Arrangements should be closed, dealt with in house or referred to the Local Government Standards Commissioner. In such cases, the Monitoring Officer would be responsible for facilitating the local resolution arrangements alongside the Chief Executive and any Members directly involved in such cases. Once initial enquiries have been completed the Monitoring Officer will make a recommendation to the Standards Committee, based on his/her professional opinion that either:

- i) there is no issue and the matter be closed
- ii) the matter has been sufficiently dealt with under Local Resolution Arrangements
- iii) the matter cannot be resolved in house and should be referred to the Local Government Commissioner for Standards

	<p>There would however be some element of flexibility in matters of urgency or potential criminal matters where a referral may need to be made directly by the Chief Executive.</p>
<p>3.3</p>	<p><u>Councillor Training on standards and conduct</u></p> <p>It is recommended that the Standards Committee would have oversight of Councillor training and development in relation to standards and conduct. This would include training on the Code of Conduct including the Register and Declaration of Interests but would extend to any aspect of the role of a Member that impacts on standards in general.</p> <p>Surveys conducted with existing Standards Committees in other jurisdictions indicate that the preferred training by Members is scenario-based and interactive, using real life examples in areas such as:</p> <ul style="list-style-type: none"> <li>- Training on the Member / Officer Protocol (to be reviewed with a joint declaration on protection to be developed and agreed)</li> <li>- Ethical leadership</li> <li>- Pecuniary and non-pecuniary interests</li> <li>- Unconscious bias</li> <li>- Role of members / Role of civic dignitaries</li> <li>- Interacting with the public</li> <li>- Interaction with the press</li> </ul>
<p>3.4</p>	<p><u>Monitoring Officer</u></p> <p>It is proposed that the Council designates a lead officer into a specific role, similar to the Monitoring Officer role introduced in Great Britain<sup>2</sup> to ensure that the Council, its officers and its elected Members maintain the highest standard of conduct in everything they do. It is proposed that the City Solicitor be designated as the Monitoring Officer and that they will also act as the lead officer in respect of servicing the Standards Committee.</p> <p>The Monitoring Officer will be responsible for ensuring that the Council operates within the law. Their principal responsibilities will be:</p> <ul style="list-style-type: none"> <li>• to report to the Council on matters they believe are, or may be, illegal or which amount to maladministration</li> <li>• to be responsible for all matters relating to the conduct of councillors, including oversight of any Local Resolution Arrangements</li> </ul>

<sup>2</sup> The Monitoring Officer role is provided for by the Local Government & Housing Act 1989 (England, Scotland and Wales) as amended by schedule 5, paragraph 24 of the *Local Government Act 2000*.

	<ul style="list-style-type: none"> <li>• to be responsible for the operation, review and updating of the constitution; this includes providing advice on the interpretation of the constitution, and making determinations where necessary.</li> <li>• to take steps to protect the integrity and reputation of the Council and Councillors in respect of Council functions and decision making.</li> </ul>
<p>3.5</p>	<p><u>Local Resolution Protocol for dealing with minor complaints</u></p> <p>The Standards Committee will not have the same powers of investigation and/or sanction that a similar Standards Committee in England would have. In Northern Ireland the powers of investigation, adjudication and sanction are vested in the Office of the Local Government Commissioner for Standards via Section 55 of the Local Government Act (Northern Ireland) 2014.</p> <p>The situation in Wales is similar to that in Northern Ireland where responsibility for investigating and adjudicating on potential breaches of the Code of Conduct remain with a centralised Standards Commissioner. In Wales the Public Services Ombudsman has encouraged councils to introduce Local Resolution Arrangements which provide an opportunity for relatively minor complaints and issues to be resolved ‘in house’ without the need for referral to the Commissioner. A Model Protocol has been adopted by the majority of councils in Wales. These Local Resolution arrangements are entirely voluntary and no individual councillor is obliged to participate and is free to make a complaint to the Ombudsman at any time. It is recommended that Belfast City Council introduce a similar Local Resolution Protocol as that in place in Wales which would provide a voluntary process within which the Standards Committee, the Chief Executive and the Monitoring Officer could act as a <b>facilitator</b> in dealing with complaints between Members or between officers and Members with a view to seeking an agreed resolution.</p> <p>If an agreement is reached during the facilitation stage then no further action is required. If agreement cannot be reached the aggrieved Member/officer would always have the opportunity of referring the matter to the Ombudsman / Local Government Commissioner for Standards. Examples of resolutions might include issue of a letter of apology, a written undertaking or commitment not to breach the Code of Conduct in the future, or a commitment to undertake training or an agreement that on the basis of the evidence that no further action should be taken and the matter be closed.</p>
<p>3.6</p>	<p><u>Next steps</u></p> <p>If agreed in principle a draft Terms of Reference and more details on the operation of this committee would be brought to the Strategic Policy &amp; Resources Committee for agreement.</p>

3.7	<p><u>Financial &amp; Resource Implications</u></p> <p>There will be minor financial implications associated with introducing a new Standing Committee. If the Standards Committee is to meet quarterly then it will require an associated Special Responsibility Allowance be allocated to the Chair and Deputy Chair positions of responsibility and funded from the reallocation of the existing Special Responsibility Allowance fund.</p> <p>The committee will be serviced by existing resources within Governance and Compliance; and Democratic Services.</p>
3.8	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>None.</p>
4.0	<p><b>Appendices – Documents Attached</b></p>
	<p>None</p>