

Decision Maker: **STANDARDS COMMITTEE**

Date: **Thursday 31st October 2019**

Decision Type: Non-Urgent Non-Executive Non-Key

Title: **CODE OF CONDUCT: CONSIDERATION OF BEST PRACTICE
FROM COMMITTEE ON STANDARDS IN PUBLIC LIFE**

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Chief Officer: Mark Bowen, Director of Corporate Services

Ward: All Wards

1. Reason for report

1.1 To update the Committee on the work that has been carried out to review the Council's Code of Conduct the publication of the report of the Committee on Standards in Public Life.

2. RECOMMENDATION

That the Committee notes and comments on the report, and recommends the updated Code of Conduct at Appendix 1 to full Council for approval and endorses the Public interest test at appendix 4.

Impact on Vulnerable Adults and Children

1. Summary of Impact: Not Applicable
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Corporate Policy

1. Policy Status: Existing Policy:
 2. BBB Priority: Excellent Council:
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Financial

1. Cost of proposal: No Cost:
 2. Ongoing costs: Not Applicable:
 3. Budget head/performance centre: Democratic Services
 4. Total current budget for this head: £358,740.
 5. Source of funding: 2019/20 revenue budget
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Personnel

1. Number of staff (current and additional): 6.79fte
 2. If from existing staff resources, number of staff hours: Not Applicable
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Legal

1. Legal Requirement: Statutory Requirement: Local Government Acts 1972 and 2000 and subsequent legislation.
 2. Call-in: Not Applicable: This report does not involve an executive decision.
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Procurement

1. Summary of Procurement Implications: Not Applicable
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Customer Impact

1. Estimated number of users/beneficiaries (current and projected): The standards system affects all Members of the Council, and potentially any member of the public who considers that a member may have breached the Code of Conduct.
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Ward Councillor Views

1. Have Ward Councillors been asked for comments? No
2. Summary of Ward Councillors comments: Not Applicable

3. COMMENTARY

- 3.1 At its meeting on 9th July 2019, the Standards Committee requested the Director of Corporate Services produce a revision to the Code of Conduct to reflect the best practice recommendations included in the report on Local Government Standards produced by the Committee on Standards in Public life.
- 3.2 These are set out below and a revised Code to cover Best Practice 1 and 2 is attached at [Appendix 1](#). Whilst it has never been an issue at Bromley some wording around Best Practice 2 has been added to the Code. The Council's current Code of Conduct is silent on inappropriate disclosure of confidential information and two options around this have been included for the Committee's consideration. The other matters are ones for the Committee to discuss and make recommendations as necessary.

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.

- 3.3 In 2012, Bromley adopted the DCLG model code with minor revisions. The original version of the DCLG model code and the LGA model code are attached at [Appendix 2](#) and [Appendix 3](#) for comparison.
- 3.4 It is worth noting that the Standards Commission for Scotland has adopted a definition/guidance on Bullying and harassment and this is appended to the end of the code.
- 3.5 Further work has been completed around setting out the criteria for considering complaints alleging breaches of the Code of Conduct and the Public Interest Test. Recommended criteria are attached at [Appendix 4](#) for approval by the Committee.

Non-Applicable Sections:	Impact on Vulnerable Adults and Children/Policy/Financial/ Personnel/ Legal/Procurement
Background Documents: (Access via Contact Officer)	None