

**TO: Governance and Audit Committee  
24 June 2020**

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**STANDARDS ANNUAL REPORT  
(Executive Director - Delivery - Legal)**

**1. PURPOSE OF REPORT**

- 1.1 The attached report (**APPENDIX A**) advises Council of activity within its Standards framework from 1 April 2019 to 31 March 2020

**2. RECOMMENDATIONS**

That the Council **NOTES:**

- 2.1 The Standards outputs in 2019/20 as set out in (**APPENDIX B**) of this report
- 2.2 The update in respect of the work of the Local Government Association (LGA) in developing a new Model Code of Conduct further to one of the recommendations set out in the January 2019 Committee for Standards in Public Life report into Ethical Standards in Local Government

**3. REASONS FOR RECOMMENDATIONS**

- 3.1 To keep Council apprised on an annual basis of activity relating to its Standards Regime

**4. SUPPORTING INFORMATION**

- 4.1 The Standards Framework comprises a number of elements including the code of conduct for Councillors, rules around disclosure of interests, procedure for dealing with complaints and sanctions for breach. Until its dissolution in November 2016 responsibility for oversight of the Standards Framework vested in the Standards Committee. Subsequently this has transferred to the Governance & Audit Committee.
- 4.2 The attached report appraises the Council of Standards related activity from 1 April 2019 to 31 March 2020.

**5. ADVICE RECEIVED FROM STATUTORY AND OTHER OFFICERS**

Borough Solicitor

- 5.1 The Borough Solicitor is the author of this report.

Director :Finance

- 5.2 There are no financial implications arising.

**6. STRATEGIC RISK MANAGEMENT ISSUES**

- 6.1 None.

Background Papers

None.

Contact for Further Information

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## APPENDIX A

### STANDARDS ANNUAL REPORT 2019/20

1. The Council's Standards Committee was dissolved in 2016 and its functions incorporated into the terms of reference of the Governance and Audit Committee.

#### Complaints

2. Under the current procedure for the handling of complaints alleging a breach of the Code of Conduct for Members, a complaint is first considered by the Monitoring Officer. The options available to the Monitoring Officer at that stage are:-
  - refer for investigation
  - refer for some other form of action ("other action")
  - determine that no further action is required. ("no action")
3. If a complaint is referred for investigation the ensuing report is considered by the statutory Independent Person and the Monitoring Officer. At that stage the options are:-
  - refer to a Code of Conduct Panel for consideration.
  - refer for resolution by some other form of action (e.g. if the investigation finds that there has been a breach and the Member agrees to apologise)
  - no further action required (investigation finds no breach which conclusion is agreed by the independent person and Monitoring Officer)
4. In the period between 1 April 2019 and 31 March 2020 the Monitoring Officer received 7 complaints alleging breaches of Codes of Conduct for Members. The grounds of each complaint and its outcome are set out in the table attached **(Appendix B)**
5. The table reflects the growing trend of relatively low level complaints which do not warrant the time and expense of investigation under the Standards Framework .In each case where no action was taken this decision was preceded by consultation with the Independent Person (Dr Louis Lee) before being shared with the Complainant and subject member. In accordance with a protocol adopted in 2016, the Party whip was also notified.

#### Previous years data

<b>Year</b>	<b>No. of Complaints</b>	<b>Upheld</b>
2008/09	0	0
2009/10	6	2
2010/11	1	0
2011/12	2	0
2012/13	4	0
2013/14	6	0
2014/15	5	0
2015/16	2	0

2016/17	7	0
2017/18	6	0
2018/19	8	1

6. Whilst the adequacy of sanctions within the Standards regime continues to attract debate nationally there are currently no proposals flowing from the Ministry of Housing, Communities and Local Government to introduce further legislation.
7. As set out in last year's Annual Standards report the Committee for Standards in Public Life (CSPL) published a report in January 2019 relating to Standards of Councillor Conduct in Local Government since the introduction of a new national framework for Standards in 2012. The paper made a number of recommendations and identified best practice to improve ethical standards in local government. The recommendations were made to government and to specific groups of public office holders. These included a number of changes to primary legislation, which would be subject to Parliamentary timetabling, but also to secondary legislation and the Local Government Transparency Code, which the CSPL envisaged could be implemented more swiftly. The best practice recommendations for local authorities were presented as a benchmark of good ethical practice, which the CSPL expected that all local authorities can and should implement.
8. By way of background information, a link to the report is included below.  
  
[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)
9. The recommendations were considered by the Governance & Audit Committee on 26 June 2019. The Committee accepted that they broadly reflected current arrangements within the Bracknell Forest Council Standards Framework and that therefore no changes needed to be made to the Councillor Code of Conduct or the existing corporate arrangements for dealing with Standards Complaints
10. It will be noted that one of the CSPL recommendations was for the Local Government Association *"to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government."*
11. The Board of the LGA at its meeting on 11 September considered and agreed to commence work on a new Model Code ahead of central government's response to the recommendations of the CSPL report. This work is part of a wider programme of work on civility in public life and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. The LGA appointed consultants Hoey Ainscough through a competitive exercise to work with it to review the Code.
12. The LGA's Code drafting timetable envisaged a draft Code being released for a 6week consultation from 16 March 2020 with a final version being published at the launch of the LGA annual Conference in Harrogate on 30 June. However this work has been paused due to the impact of Covid 19 and it is anticipated that the publication of the final version of the Model Code will therefore be moved back. Once

it is published the Model Code will be brought before the Governance and Audit Committee for a discussion of whether to adopt it or to retain the Council's current Code.

**Councillors are reminded of their duties both in respect of the rules relating to the registration and disclosure of Interests set out in the Code of Conduct and their behavioural obligations under the Code.**

## Appendix B

	<b>Date of Complaint</b>	<b>Status of Complainant</b>	<b>Borough or Parish Councillor</b>	<b>Grounds of Complaint</b>	<b>Outcome</b>
1	23 April 2019	Resident	Town	Failing to treat complainant with respect	<b>No breach-No further action</b>
2	26 April 2019	Resident	Parish	Failing to treat complainant with respect  Bringing the Council or office of councillor into disrepute  Discriminating against me and/or others	<b>No breach-No further action</b>
3	31 July 2020	Resident	Borough	Bringing the council or the office of councillor into disrepute  Failing to treat complainant with respect	<b>No breach-No further action</b>
4	23 Nov 2019	Resident	Borough	Compromising or acting in a way likely to compromise the impartiality of those working for or on behalf of the Council.	<b>No breach-No further action</b>

5	3 February 2020	Resident	Borough	<p>Bullying complainant</p> <p>Compromising or acting in a way likely to compromise the impartiality of those working for or on behalf of the council.</p>	<b>No breach-No further action</b>
				<p>Discriminating against complainant.</p> <p>Failing to treat complainant with respect,</p> <p>Improperly disclosing confidential information.</p> <p>By improperly using their position to secure an advantage for themselves and/or others or to disadvantage another person.</p>	
6	28 February 2020	Resident	Borough	<p>Bullying complainant</p>	<b>Not referred to Monitoring Officer</b>
7	12 March 2020	Resident	Town	<p>Bullying complainant</p> <p>Failing to treat Complainant with respect</p>	<b>Code breachedInformal resolution</b>