

TO: Council
13 July 2022

STANDARDS ANNUAL REPORT
(Executive Director - Delivery - Legal)

1. PURPOSE OF REPORT

- 1.1 The attached report advises Council of activity within its Standards framework from 1 April 2021 to 31 March 2022.

2. RECOMMENDATIONS

That the Council **NOTES:**

- 2.1 The Standards outputs in 2021/22 as set out in this report

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 2021 to 31 March 2022.

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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STANDARDS ANNUAL REPORT 2021/22

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 2021 and 31 March 2022 the Monitoring Officer received **0** complaints alleging breaches of Codes of Conduct for Members. The grounds of each complaint and its outcome are set out in the table below.

Previous years data

Year	No. of Complaints	Upheld
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
2019/20	7	0
2020/21	9	0

6. Whilst the adequacy of sanctions within the Standards regime continues to attract debate nationally there are currently no proposals flowing from Government to introduce further legislation.
7. It will be noted that one of the recommendations flowing from a report of the Committee for Standards in Public Life (CSPL) published in January 2019 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.”*
8. The Governance & Audit Committee considered the Council’s existing Code in June 2019 pursuant to the recommendations of the CSPL and determined that no changes were necessary. A model Code was published by the LGA in late December 2020. It was left to individual Councils to determine whether to adopt it. The Council’s existing Code was therefore reviewed by the Code of Conduct Working Group in January 2022 in light of the publication of the Model Code. The Working Group determined that no substantive changes were required save for the following amendments.
 - The Code to be redrafted in the first person
 - The inclusion of reference to the Mayoral Charter (see below)
 - A link to the Model LGA Guidance to be referenced in the Code
9. The 2019 CSPL report also made a number of specific recommendations requiring legislation in order to be implemented at a local level. The government issued a belated response to the recommendations in early 2022. The response can be accessed via the following link. [Government response to the Committee on Standards in Public Life review of local government ethical standards \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/consultations/standards-in-public-life-review-of-local-government-ethical-standards) It will be noted that there are no immediate plans to introduce legislation to enact any of the CSPL recommendations though the government have agreed to keep some aspects under review.
10. It is commendable that for the first time since the current Code was introduced in 2012 that there have been no complaints issued. This may be partly attributable to limited interactions during the Covid pandemic. However data received from West Berkshire and Windsor and Maidenhead Councils indicate 32 and 39 complaints respectively during a comparable 12-month period. An alternative factor may have been the work of the Member Equalities Working Group which culminated in the establishment of a Mayors Charter to complement the Code by introducing minimum standards of behaviour expected of all Councillors at all times in addition to a set of associated recommendations. **(Appendix A)**
11. The existing Independent Person for complaints, Dr Louis Lee resigned from his role in May 2022. The Council is currently advertising for a replacement. An Independent Person is a statutory role whom the Monitoring Officer is required by law to consult with prior to making a determination on whether or not to investigate a complaint.

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 A

BFC Mayor's Charter

Statement of minimum standards of behaviour expected from all Councillors at all times.

The Seven Principles of Public Life (the Nolan Principles) - selflessness, integrity, objectivity, accountability, openness, honesty, and leadership - have long been the basis for ensuring high standards in public life. These are the basis for the behaviours this Council and all its Councillors will adopt.

Our Councillors will:

- encourage and foster constructive democratic debate and tolerance of other points of view
- promote and defend the dignity of others, treating all with courtesy and respect
- not engage in bullying, harassment, or victimisation, nor unlawfully discriminate against another member or group
- challenge unacceptable behaviour whenever it occurs.

Any behaviour that falls short of that included in the above statement will be dealt with under the Council's Standards and Code of Conduct processes. If any breach appears to break the criminal law, it will be referred to the police.