

Corporate Governance and Standards Committee Report

Ward(s) affected: n/a

Report of Director of Finance

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Consideration of various Corporate Governance related Matters

Executive Summary

Arising from a number of concerns raised by councillors in relation to ethical standards and transparency, the Committee is asked to consider setting up a cross-party task group with a wide remit to consider, review and make recommendations on these matters.

At its meeting on 28 March 2019, this Committee received the Monitoring Officer's Annual Report on allegations of misconduct against borough and parish councillors for 2018. Part of that report included reference to recommendations contained in a report published by the Committee on Standards in Public Life (CSPL) on *Local Government Ethical Standards*¹. Although some of the recommendations required primary legislation to implement the changes sought, the CSPL also put forward a number of best practice recommendations for local authorities to consider which did not require changes in the law. The Committee noted that the Council already complied, or partially complied, with some of the best practice recommendations and authorised the Monitoring Officer to take the necessary steps to ensure compliance with them and submit reports as appropriate to this Committee in due course. It is suggested that the task group proposed in this report could look at these best practice recommendations and report back to the Committee on whether the Council should adopt those with which it does not currently comply.

In early 2019, a task group of the Corporate Governance and Standards Committee reviewed the Protocol on Councillor/Officer Relations but did not report back on its findings as it was felt that the new Council should have the opportunity of providing input into the review. It is suggested that the task group proposed in this report should review the work by the previous task group.

It is also suggested that this task group undertakes the work agreed by the Council at its

¹ <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

meeting on 8 October 2019, following the adoption of a motion which, amongst other matters, requested the establishment of a task group to examine the effectiveness of internal communications and promote transparency.

Clearly, there is a great deal of work for this task group to carry out. At its first meeting, it will prioritise the matters under its remit and, after consideration of each matter, it should submit a report back to this Committee.

Recommendation to Committee:

- (1) That a task group be established to examine, review, and report back initially to this Committee on the following matters:
 - (a) the Councillors' Code of Conduct, including the policy on acceptance of gifts and hospitality by councillors;
 - (b) the best practice recommendations of the Committee on Standards in Public Life contained within its Report on *Local Government Ethical Standards*
 - (c) the Council's guidance on the use of social media by councillors;
 - (d) the revised draft Protocol on Councillor/Officer Relations
 - (e) the effectiveness of internal communications, between officers and councillors; and
 - (f) proposals to promote transparency, and effective communications and reporting, including the Council's Communications Protocol.

- (2) That the task group shall comprise one councillor from each of the political groups on the Council, plus the independent councillor (Cllr Jackson), an independent member of this Committee, and appropriate officers.

Reason for Recommendation:

To facilitate proper consideration of a number of important corporate governance related matters.

Is the report (or part of it) exempt from publication?

No

1. Purpose of Report

- 1.1 To agree to set up a task group to examine, review, and report back on a number of corporate governance related matters.

2. Strategic Priorities

- 2.1 Consideration of the various matters suggested in this report by a cross party task group, which will report its findings and recommendations back to this Committee in a public forum is an important element of good corporate governance and reinforces the Council's commitment to be open and accountable to its residents.

3. Background

- 3.1 Arising from a number of concerns raised by councillors in relation to ethical standards and transparency, the Committee is asked to consider setting up a cross-party task group with a wide remit to consider, review and make recommendations on these matters.
- 3.2 At its meeting on 28 March 2019, this Committee received the Monitoring Officer's Annual Report on allegations of misconduct against borough and parish councillors for 2018. Part of that report included reference to recommendations contained in a report published by the Committee on Standards in Public Life (CSPL) on *Local Government Ethical Standards*². Although some of the recommendations required primary legislation to implement the changes sought, the CSPL also put forward a number of best practice recommendations for local authorities to consider which did not require changes in the law. The Committee noted that the Council already complied, or partially complied, with some of the best practice recommendations and authorised the Monitoring Officer to take the necessary steps to ensure compliance with them and submit reports as appropriate to this Committee in due course. It is suggested that the task group proposed in this report could look at these best practice recommendations and report back to the Committee on whether the Council should adopt those with which it does not currently comply.
- 3.3 The table in Appendix 1 shows each of the 15 best practice recommendations, together with commentary regarding the Council's current practices and an assessment of the extent to which they are compliant with best practice.
- 3.4 In early 2019, a task group of the Corporate Governance and Standards Committee reviewed the Protocol on Councillor/Officer Relations but did not report back on its findings as it was felt that the new Council should have the opportunity of providing input into the review. It is suggested that the task group proposed in this report should review the work undertaken by the previous task group.
- 3.5 It is also suggested that this task group undertakes the work agreed by the Council at its meeting on 8 October 2019, following the adoption of a motion which, amongst other matters, requested the establishment of a task group to examine the effectiveness of internal communications and promote transparency.

Setting up a task group

- 3.6 In accordance with the provisions of Council Procedure Rule 24 – Appointment of Working Groups and Task Groups, this Committee may appoint a task group for such purpose(s) as it shall specify. As the appointing body, the Committee shall determine:

- (i) the terms of reference of a task group,

² <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- (ii) the number of councillors on a task group,
- (iii) whether such task group should be cross-party (i.e. include councillors from more than two political groups), and
- (iv) the time for which the task group is expected to operate

3.7 It is suggested that the terms of reference of this task group should be as follows:

To examine, review, and report back initially to this Committee on the following matters:

- (a) the Councillors' Code of Conduct, including the policy on acceptance of gifts and hospitality by councillors;
 - (b) the best practice recommendations of the Committee on Standards in Public Life contained within its Report on *Local Government Ethical Standards*
 - (c) the Council's guidance on the use of social media by councillors;
 - (d) the effectiveness of internal communications, between officers and councillors; and
 - (e) proposals to promote transparency, and effective communications and reporting, including the Communications Protocol
- 3.8 The Committee may appoint individual councillors to the task group proposed in this report, or ask political group leaders to nominate councillors for membership of the task group in accordance with the number of seats each political group has been allocated to that task group.
- 3.9 Membership of a task group will normally comprise councillors, but the appointing body may, if it considers it appropriate, appoint officers of the Council or persons from outside the authority to a task group, but only in an advisory capacity. It is suggested that this task group should comprise one councillor to be nominated by each of the five political groups on the Council, plus the independent councillor (Cllr Jackson), an independent member of this Committee, and appropriate officers.
- 3.10 The task group shall elect its own chairman and, unless otherwise decided by this Committee, substitutes shall be permitted to serve as members of the task group at any meeting at which another member of the same political group is absent for the entire meeting.
- 3.11 As the task group would clearly have a great deal of work to do, it is suggested that, at its first meeting, the task group should prioritise the matters under its remit and, after consideration of each matter, it should submit a report back to the Committee.

4. Consultations

4.1 The Leader of the Council and the Chairman of this Committee were consulted in respect of the proposals in this report.

5. Key Risks

5.1 There are no key risks associated with the proposals contained in this report.

6. Financial Implications

- 6.1 There are no financial implications associated with the proposals contained in this report. Any recommendation made by the task group which has financial implications for the Council will be highlighted when it reports back to this Committee.

7. Legal Implications

- 7.1 There are no legal implications associated with the proposals contained in this report. Any recommendation made by the task group which has legal implications for the Council will be highlighted when it reports back to this Committee.

8. Human Resource Implications

- 8.1 There are no human resource implications associated with the proposals contained in this report. Any recommendation made by the task group which has human resource implications for the Council will be highlighted when it reports back to this Committee.

9. Equality and Diversity Implications

- 9.1 Public authorities are required to have due regard to the aims of the Public Sector Equality Duty (Equality Act 2010) when making decisions and setting policies. This duty has been considered in the context of the proposals in this report and it has been concluded that there are no equality and diversity implications arising directly from it.

10. Sustainability Implications

- 10.1 There are no sustainability implications associated with the proposals in this report.

11. Summary of Options

- 11.1 Option 1:
To adopt the recommendation in this report and set up a task group to examine, review, and report back on the various corporate governance related issues referred to. The Committee may wish to consider refining the task group's remit.

Option 2:
Do nothing.

12. Background Papers

Annual Report to the Corporate Governance and Standards Committee (28 March 2019) from the Monitoring Officer on Allegations of Misconduct by Councillors:
<http://www2.guildford.gov.uk/councilmeetings/ieListDocuments.aspx?CId=145&MId=799&Ver=4>

13. Appendices

Appendix 1: List of best practice identified by the Committee on Standards in Public Life and current practice at GBC