

PETERBOROUGH CITY COUNCIL

CSPL Local Government ethical standards – progress against 15 best practice recommendations

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.

Progress: Pending – awaiting issue of LGA revised Code of Conduct and further national guidance.

The current PCC code [PCC Code of Conduct](#) does not make specific reference to bullying and intimidation.

As you know the Local Government Association (LGA) is currently reviewing the national model code of conduct. The links below show that the Council's Constitution and Ethics Committee has received a number of reports on this issue, most recently on 12th October 2020. Councillors and officers were asked to respond to the consultation which ended on 17 August 2020.

The proposed new Code from the LGA includes a whole section on bullying and harassment. Once the LGA publishes a new national model of code of conduct, the Council will take a new Code to its Constitution and Ethics Committee and then full Council for approval.

[Constitution and Ethics Committee 11 March 2019](#) (Item 5)
[Constitution and Ethics Committee 12 October 2020](#) (Item 11)

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.

Progress: Partially complete

See response to Section 1 – there is currently no reference to councillors being required to comply with formal standards investigations and we await the outcome of the revised national code.

The council's current complaint handling procedure applies a preliminary sift to trivial and malicious/tit-for-tat complaints.

<https://www.peterborough.gov.uk/council/councillors/complain-about-a-councillor>

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.

Progress: Partially complete.

The council does not currently formally review its code of conduct each year. However the Monitoring Officer keeps the council's constitution under constant review and as part of this proposes amendments to the Code of Conduct as and when considered necessary, eg reviewing the gifts and hospitality policy on 12th October 2020 and rewriting the advice for members on this issue. We have also had a number of reports in the last two years on the social media conduct of members and adopted a social media policy in March 2019, which is cross-referenced in Part 3 of the council's Code of Conduct.

[Constitution & Ethics Committee March 2019](#)

When reviewing and amending its Code of Conduct it does take it to two formal decision making bodies (Constitution & Ethics Committee and then to Full Council) where all members of the public have the right to ask questions. Again see response to Section 1.

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.

Progress: Complete

The council's code of conduct is easily accessible on our website –

<https://www.peterborough.gov.uk/council/councillors/complain-about-a-councillor>

and at the council's offices on request.

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.

Progress: Complete

<https://www.peterborough.gov.uk/council/councillors/councillor-information>

The Code of Conduct requires all Councillors and co-opted members to register various interests, such as membership of other organisations, the ownership of land, the receipt of gifts and hospitality, and significant financial interests. Individual declarations of Interests can be found under "Members Interests" for each Councillor, and declarations in respect of gifts and hospitality (where received) are also listed under "Gifts and Hospitality", on our [Councillors](#) page.

The Council updates a Councillor's page immediately it receives notice of a gift or hospitality received. The Gifts and Hospitality Policy has recently been updated and is an appendix to the Code of Conduct – see link at Q1. We are currently preparing one overall register in an accessible format.

6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Progress: Complete

<https://www.peterborough.gov.uk/council/councillors/complain-about-a-councillor>

[PCC Councillor Conduct Complaint guidance](#)

The complaints flowchart (Appendix of the guidance) details clearly the preliminary tests a complaint needs to go through, including assessment of public interest.

7: Local authorities should have access to at least two Independent Persons.

Progress: Complete.

The Council has one independent person – Gillian Holmes – who is appointed by the Council on an annual basis at the Annual General Meeting. The Council is required under the Localism Act 2011 to appoint at least one independent person.

This is stated on the council's website in the Appointments report to Council (2.3.5 – 2.3.6): [Appointments report 2019 AGM](#)

which was automatically rolled over for another year under the Covid-19 legislation.

The council would have access to other Independent Persons via its county Monitoring Officer group should the need arise.

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.

Progress: Complete

The IP is consulted at all stages of the process. The process is set out in the two documents below.

<https://www.peterborough.gov.uk/council/councillors/complain-about-a-councillor>

[PCC Councillor Conduct Complaint guidance](#)

The IP was invited to give written comments on the last complaint that carried on to a hearing – 1st April 2019 Appendix E.

<https://democracy.peterborough.gov.uk/ieListDocuments.aspx?CId=712&MIId=4254&Ver=4>

9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Progress: Complete

This is in place – see decision notice from the Conduct hearing in April 2019.

[Decision Notice](#)

10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Progress: Complete

Available at this link –

<https://www.peterborough.gov.uk/council/councillors/complain-about-a-councillor>

[PCC Councillor Conduct Complaint guidance](#)

11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Progress: Partially Complete

Guidance for parish councils and clerks on code of conduct issues is available here:

<https://www.peterborough.gov.uk/council/councillors/parish-councils>

There is no specific guidance about how to deal with such complaints but there is general guidance and a model protocol in the Parish Governance Toolkit and the Monitoring Officer also provides advice on how to make such complaints.

<https://www.peterborough.gov.uk/asset-library/imported-assets/Parish%20Council%20Toolkit.pdf>

12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Progress: Complete

Guidance for parish councils and clerks on code of conduct issues is available here:

<https://www.peterborough.gov.uk/council/councillors/parish-councils>

Advice is regularly given by the Monitoring Officer to parish council chairmen and clerks although there is no separate budget for this work.

13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Progress: Complete

The Monitoring Officer would either ask the Deputy Monitoring Officer to manage an investigation if a conflict arose and vice versa, or ask another Monitoring Officer (we have a Cambridgeshire & Peterborough Monitoring Officer's Group) or commission an external investigation.

14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Progress: Complete.

The council's Annual Governance Statement includes reference to the council's partnerships and an overview of the council's companies (Item 5 Appendix s19.02) is published as part of the statement of accounts.

[Audit Committee July 2020 Annual Governance Statement](#)

The Council has a Cabinet Shareholder Committee which oversees all the Council's companies and outside bodies – all issue reports to the committee and attend to present reports and answer questions.

[Cabinet Shareholder Committee](#)

Detailed advice has also been issued by the Monitoring Officer to all councillors on outside bodies, which is reviewed by the committee on an annual basis.

[Guidance for members and officers on outside bodies](#)

15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

Progress: Complete

The Chief Executive and Monitoring Officer have regular meetings with political group leaders as a whole and with individual group leaders as necessary regarding any standards issues relating to particular members.

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