
**Report of Helen Lynch, Head of Legal and Democratic Services and
Monitoring Officer**

Electoral division(s) affected:

None.

Purpose of the Report

1. To inform Members of the national picture on standards issues affecting Local Government.

Executive summary

2. This report is for information to update the Committee on national developments and cases which relate to the work of the Committee since the last meeting on 2 September 2022.

Recommendation(s)

3. The Standards Committee is recommended to:
 - a. note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated; and
 - b. consider any recommendations it wishes to make arising out of the content of the report.

Background

5. As agreed by the Committee on 10 June 2022, as part of the Annual Work Programme, this is a standing agenda item with a quarterly update to the Committee.

Lessons from recent Public Interest Reports

6. In September 2022, the auditing firm, Grant Thornton, said in their report, "*Lessons from recent Public Interest Reports*", that a common factor in recent auditor interventions has been weaknesses in council cultures (for example, poor behaviours, a lack of transparency) and weaknesses in governance (for example, a circumvention of governance procedures, poor quality review and decision-making).
7. Amongst other issues, the report highlighted cases where both members and officers had a limited understanding of declarations of interest and of gift and hospitality registers. These were not monitored, were often incorrect and rarely updated, the report suggested.
8. The auditing firm said:

"We have also seen a lack of appreciation of the Nolan principles and the requirements of the Members Code of Conduct,"

"Linked to this there has been a lack of understanding in how complaints against Members should be handled. Complaints were either not validated or considered appropriate for further formal action by the Monitoring Officer."
9. The report makes the following recommendations in relation to culture and governance:
 - Cultivate an open and transparent culture.
 - The views of statutory officers must be given appropriate regard and these statutory officers need to act in accordance with their statutory responsibilities.
 - Ensure staff can raise concerns/whistle blow, ensure this is encouraged and ensure this is independently investigated. Formal channels must be in place for the involvement of both the s151 and Monitoring Officers.
 - Embed an active review of all complaints and a zero-tolerance approach to inappropriate behaviours.
 - Undertake regular training to ensure members and officers are aware of the code of conduct and ensure that members understand their roles.

- Ensure members listen to challenge and take action to tackle long standing issues.
- If not already in place, councils should consider the introduction of regular reviews of key governance policies such as their Constitution, whistleblowing and confidential reporting, fraud prevention and anti-corruption policies.

Guidance for Councils and Councillors on use of Social Media

10. In November 2022, the Civility and Respect Project team established by the National Association of Local Councils, One Voice Wales, the Society of Local Council Clerks and county associations, produced a guide to the use of social media: “Actively addressing the issues of Civility and Respect on Social Media”.
11. The guide is designed to support councils and councillors through the challenges of social media “from handling trolling to legitimate challenge and scrutiny, from smear campaigns to politics”.
12. The guide also provides help on escalating issues, deleting and moderating comments, blocking abusive users, reporting online abuse and legal matters to the police or social media platforms and deciding when it is time to get off of social media.

CIPFA Review: Middlesbrough Council

13. Middlesbrough Council has agreed to address the findings of a review of culture and governance carried out by the Chartered Institute of Public Finance & Accountancy (CIPFA), which uncovered “significant issues” involving divisions between the unitary’s members and officers.
14. The report authors identified a number of issues, including “mistrust and dysfunction between Members and Officers” and reported that they were “struck” by the “adversarial” language used.
15. Issues arose following a change of administration and problems were said to have been compounded by an influx of newly elected members with “very limited” local government experience following the 2019 elections.
16. CIPFA found that, despite training taking place, there remains an issue with member and officer understanding of the scope of their roles and the boundaries between them.

17. According to the report, the discord has led to several personal attacks made by members against other members and some officers, both in the council chamber and on social media. Officers have also reported feeling bullied and intimidated.
18. Issues with communication were also highlighted by CIPFA. The report noted that, "Members and Officers can be quick to become defensive, and interviewees described scenarios where discussions have become confrontational".
19. The external auditor identified the following eight issues of concern:
 - Clash of cultures – "there is a disconnect between the 'administrative' style of the previous administration and the 'entrepreneurial' style of the new administration. Instead of these coming together to form a new culture, positions have become entrenched, leading to mistrust and dysfunction between Members and Officers."
 - Covid – "successive lockdowns have made it harder for positive relationships to be built and have contributed to miscommunication between Members and Members and Members and Officers."
 - Roles and responsibilities – "there is a lack of clarity around the roles and responsibilities of Members and Officers, which leads to blurring of boundaries, and some overreach."
 - Communication – "Language used is often adversarial, causing people to become defensive and more entrenched in their original position."
 - Member training – "all Members are offered training, but the take-up is inconsistent. Some Members complain about the quality of training and whether it meets their needs. Some Members do not demonstrate that they fully understand their role or that they have sufficient grasp of procedural issues."
 - Officer morale – "the issues highlighted in this report are having a negative impact on staff morale. This needs to be addressed as it is beginning to have an impact on staff turnover and recruitment."
 - Resolution of outstanding FOIs and complaints – "a large volume of FOI requests and complaints have been issued by Members. Officers report that this is higher than previously experienced and causes pressure on resource. The length of time taken to resolve these issues, adds to the mistrust between Members and Officers."
 - Focus on the past – "some Members are focused on issues that occurred in the past, sometimes many years ago, which is a blocker to making progress in the future."

CfGS Review: Southampton Council

20. The Centre for Governance and Scrutiny (CfGS) has published its findings and suggested action following their review of governance and decision-making at Southampton Council.

21. The review found no fundamental or systemic flaws in the council's governance framework overall, however, where improvements could be made, in most cases these related to tackling relationships between members and officers:

“In any council effective working is based on positive and constructive working relationships between members and officers. This relationship requires candour, frankness, respect and mutual challenge. It requires that officers have a clear understanding of members' motivations and objectives and that members understand where and how officers can assist them in delivering those objectives – and where the constraints might lie. Positive relationships rest on clarity on roles and responsibilities – a clear understanding between members and officers about who does what, where members lead and where and how officers should provide advice while also following members' directions.”

22. Recommendations included:

- As part of ongoing member induction activity, member development activity should incorporate mandatory training for all councillors on member and officer roles. This should be complemented by parallel workshops, also mandatory, for senior officers on the skills and expertise needed to operate in a political environment. These sessions should complement broader training on political awareness.
- This training should lead into dialogue between senior officers and all political groups to negotiate and agree a revised member-officer protocol that provides clarity on mutual roles and responsibilities, including setting out ways to resolve potential tensions and problems (and a set of scenarios to demonstrate examples of such tensions in practice). The protocol should also include commitments from parties on Group discipline around these issues.

Background papers

- Lessons from recent Public Interest Reports, Grant Thornton, September 2022: <https://www.grantthornton.co.uk/insights/lessons-from-recent-public-interest-reports/>
- Actively addressing the issues of Civility and Respect on Social Media: A Social Media Civility and Respect Guide and Policy Supplement, Civility and Respect Project: https://docs.google.com/document/d/1iftaoflxjGqrMj4kSiua_G3lh-E_wfR6onmemLR9rL0/edit#
- Middlesbrough Council culture and governance: Report, CIPFA, September 2022: <https://moderngov.middlesbrough.gov.uk/documents/s14452/Middlesbrough%20Council%20culture%20and%20governance%20CIPFA%20report%20-%20September%202022.pdf>
- Review of governance and decision-making at Southampton Council Findings and suggested actions, CfGS, October 2022: <https://www.southampton.gov.uk/modernGov/documents/s58297/Appendix.pdf>

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Appendix 1: Implications

Legal Implications

The Council has a duty under section 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Ensuring that the Standards Committee is kept up to date with national Standards issues is expected to facilitate compliance with this duty.

Finance

Not applicable.

Consultation

Not applicable.

Equality and Diversity / Public Sector Equality Duty

Not applicable.

Climate Change

Not applicable.

Human Rights

Not applicable.

Crime and Disorder

Not applicable.

Staffing

Not applicable.

Accommodation

Not applicable.

Risk

Not applicable.

Procurement

Not applicable.