

**REPORT OF THE MONITORING OFFICER**

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**TO**  
**STANDARDS COMMITTEE**

**ON 29 September 2022**

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**TITLE:** Review of Committee on Standards in Public Life’s Best Practice Recommendations

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**RECOMMENDATIONS:**

To note this report.

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**EXECUTIVE SUMMARY:** This report is intended to update members on position at Salford City Council regarding the 15 ‘best practice’ recommendations identified in the CSPL’s 2019 report on the subject of ethical standards in local government.

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**BACKGROUND DOCUMENTS:** Reports of Monitoring Officer/ City Solicitor to Standards Committee dated 10 December 2020 and 30 June 2022

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**KEY DECISION:** NO

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**DETAILS:**

- 1.1 As outlined in the report to the Standards Committee in June 2022 the Committee on Standards in Public Life (“the CSPL”) which advises the Prime Minister on ethical standards across the whole of public life in England and

monitors and reports on issues relating to the standards of conduct of all public office holders undertook a review of local government ethical standards and issued a number of best practice recommendations. At its last meeting the Committee asked the City Solicitor to submit a report to a future meeting of the Standards Committee with an update regarding the position regarding the CSPL's best practice recommendations. The Committee's Work Programme scheduled this report for its September meeting. The table below shows the CSPL's 15 best practice recommendations and the position regarding these recommendations at Salford City Council (the Council)

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No.	CSPL best practice recommendation	Position at Salford City Council.
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	<p>The current code does not currently include a definition of bullying and harassment or a list of examples of such behaviour. It is proposed this will be considered when consideration is given to the adoption of the Local Government Association (LGA) Model Code of Conduct which the Committee will recall is due to be scheduled as part of the review of the Council's Constitution.</p> <p>The types of behaviour which are considered to be unacceptable are explored in detail in annual training for all members on the code of conduct and guidance on use of social media.</p>
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	Failure by a member to comply with any formal standards investigation would be taken extremely seriously by the Monitoring Officer and would lead to discussions

		<p>with Group Leaders and Group Whips.</p> <p>The Council's Arrangements have recently been reviewed by this Committee and now include a filter for complaints.</p>
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	<p>The Code has historically been reviewed as part of the review of the Council's Constitution. The Monitoring Officer will consider this as part of the Constitution review. The views of the public are not actively sought although the Code is published on the Council's website. There have been discussions regarding the Council's current code and the LGA Model Code of Conduct by Greater Manchester Chief Legal Officers and mixed views regarding whether to adopt the LGA Code. If adopted the LGA Code of Conduct for members will be reviewed by the LGA on a regular basis and it would be expected that any recommended updates would be taken on board by Councils which adopted this Code.</p>
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	<p>The Council's website includes a 'Code of Conduct' page from which the Code of Conduct for Members can be downloaded. The page also refers readers to a link to the Constitution for more information and to a link to the registers of interest and gifts &amp; hospitality.</p> <p>Members of the public who wish to access the code in council premises can do so on electronic devices sited in the main Civic Centre reception</p>

		and in Gateway centres cross the city. Hard copies can be made available upon 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	<p>All members are asked to complete a new declaration of interest at the start of the new municipal year and are reminded of the need to make any changes and to register any gifts and hospitality as soon as possible but within 28 days at the most. Periodic reminders are sent to all members to ask them to review their registers and of their obligations to update their gifts and hospitality register, together with a copy of the relevant form.</p> <p>Members' Register of Interest forms are accessible on the council's website and hard copies may be viewed upon request.</p> <p>The threshold for declarations at Salford City Council is £100. If adopted the LGA Model Code of Conduct Standards Committee members provides that the threshold for registering gifts and hospitality would be £50.</p>
6	Councils should publish a clear and straightforward public interest test against which allegations are filtered	The Council's Arrangements for dealing with Alleged Breaches of the Code of Conduct for Members reviewed at the last meeting of this Committee recommended to full

		Council the introduction of a public interest test to be carried out to filter complaints. This was agreed by full Council. The revised Arrangements were published as part of the Agenda papers and is now on the Council's website.
7	Local authorities should have access to at least two Independent Persons	The Council already has 2 Independent Persons
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	The revised Arrangements approved by Council in July 2022 specifies that the Independent Person should be consulted where it is appropriate and beneficial to do so throughout the entire process.
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	The Council's arrangements for dealing with allegations of breaches of the Code of conduct for Members currently include requirement where it finds that the subject member has failed to comply with the Code of Conduct for a Hearings Panel to publish its findings in respect of the Subject Member's Conduct
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	The Council's website includes a page 'How to complain about a councillor'. The page explains what type of behaviour is covered by the code of conduct, what information a potential complainant should include in any complaint and what will happen in relation to any complaint (including timeframes and the options open to the Monitoring Officer and

		<p>Independent Person). The page also includes links to the council's arrangements for dealing with allegations and to a page on the code of conduct and registers of interest and gifts &amp; hospitality.</p> <p>Potential complainants are encouraged to complete an online form or email their complaint to the Members' Services team. The page explains that the Council can make reasonable adjustments to assist potential complainants if they have a disability and that we can help if English is not their first language or if they would like any support in completing the form.</p>
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	Not applicable in Salford
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	Not applicable in Salford
13	A local authority should have procedures in place to address	This is addressed in the Arrangements which provide that No

	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	Member or Officer of the Council will participate in any stage of the arrangements if he or she has, or may have, any conflict of interest in the matter. Where the Monitoring Officer has a conflict of interest in the complaint, for example if he or she has formally advised the member on the matter previously, the Monitoring Officer will appoint another person to carry out the procedure and will have no further involvement in the complaint. The Monitoring Officer may appoint the Deputy Monitoring Officer, or a Monitoring Officer or Deputy Monitoring Officer from another Authority to carry out the procedure
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	The Council's annual governance statement addresses this already.
15	Senior officers should meet regularly with political group leaders or group whips to discuss standards issues	There are regular meetings between senior officers and the main Group Leaders and standards issues are discussed as appropriate.

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**KEY COUNCIL POLICIES:** Council Constitution, Code of Conduct for Members

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**EQUALITY IMPACT ASSESSMENT AND IMPLICATIONS:**

There are no implications for equality and diversity arising from this report.

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**ASSESSMENT OF RISK:**

Medium - levels of conduct and lack of respect can attract adverse comment in public media and risk affecting the overall reputation of the council.

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**LEGAL IMPLICATIONS** Supplied by: N/A

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**FINANCIAL IMPLICATIONS** Supplied by: N/A

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**PROCUREMENT IMPLICATIONS** Supplied by: N/A

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**HR IMPLICATIONS** Supplied by: N/A

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**CLIMATE CHANGE IMPLICATIONS** Supplied by: N/A

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**OTHER DIRECTORATES CONSULTED:** None

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**WARDS TO WHICH REPORT RELATES:** All