

**Agenda Item 7**

Report to	<b>Appointment Management and Standards Committee</b>
Date	<b>11 September 2020</b>
By	<b>Head of Governance and Support Services</b>
Title of Report <b>(Decision)</b>	<b>Ethical Framework updates</b>

**Recommendation:**

The Committee is recommended to advise the Authority to:

1. Agree the revised Local Protocol for Member and Officer Relations set out in Appendix 1; and
2. Agree to extend the appointments of the Authority's two Independent Persons, on the current terms, until the 18 December 2021 pursuant to the decision taken by the Authority at its meeting on the 19 December 2017.

**1. Introduction**

- 1.1 The Terms of reference for the Committee include "to advise the Authority on the revision or replacement of its Code of Conduct for Members and Co-opted Members, and on the review of protocols relevant to ethical standards".
- 1.2 The Local Protocol for Members and Officer Relations (the protocol) is a protocol relevant to ethical standards and therefore it is presented to the Committee with a recommendation that they request that the Authority approve the revised protocol.

**2. Policy Context.**

- 2.1 The Members' Code of Conduct and associated ethical policies are a key part of the Authority's ethical governance framework, and set the standards expected from Members and Officers in their undertaking of National Park Authority duties.
- 2.2 The revised protocol is attached at Appendix 1.

**3. Issues for consideration**

- 3.1 Key changes for Members to consider include:

<b>Ref</b>	<b>Change</b>	<b>Justification</b>
Throughout	General updates	To reflect requirements and language of other governance documents and legislation
2,2	Updated to reflect the Officer Code of Conduct	To reflect best practice and promote consistency

2.3	Updated to reflect the proposed revised Members' Code of Conduct due to be considered by the Authority	To reflect best practice and promote consistency
2.7	Insert wording to clarify that a Member may seek advice from the Chair of the Authority before taking action	To reflect best practice
6.4	Remove reference to dispute resolution	To ensure compliance with the Committee's Terms of Reference
New section 13	Inclusion of new social media section	To reflect requirements of the social media policy
15.1	Inclusion of additional wording related to member/officer meetings.	To reflect best practice

3.2 As indicated above, some of the proposed amendments to the protocol reflect the proposed revisions to the Members' Code of Conduct which, following earlier consideration by this Committee at its meeting in February this year, will be considered by the Authority at its meeting in October.

3.3 If approved by the Committee and subsequently by the Authority this protocol will be used to communicate the standards expected of Officers and Members in undertaking their duties.

#### 4. Independent Persons

4.1 The Authority is required by the Localism Act 2011 to appoint at least one independent person whose views must be taken into account by the Authority following an investigation into an allegation that a Member has breached the Members' Code of Conduct. In December 2017, having delegated the task of overseeing the Independent Person selection process to the former Governance Committee, the Authority decided for the first time to appoint two Independent Persons, in each case for an initial term of two years with the option to extend the appointment for an additional two years. The rationale for this decision was:

4.1.1 Whilst it is permitted for the Independent Person to give his or her views in respect of a complaint to both the Authority and the Member complained about, it is possible for a perception of a conflict of interest, or an actual conflict, to arise. In either case, appointing at least two Independent Persons ensures this risk is mitigated.

4.1.2 The appointment of two Independent Persons would help to ensure succession planning in the event that one of the Independent Persons was unable to complete a full term.

4.2 These appointments were made following an open recruitment process.

4.3 Since these appointments were made, there have been no allegations made under the Members' Code of Conduct that have required the involvement of the Independent Person. However, in January 2019, the Committee on Standards in Public Life (CSPL) issued a report entitled "Local Government Ethical Standards" following a review conducted by the CSPL. In its report, the CSPL concluded that it is best practice for local authorities to have access to at least two Independent Persons.

4.4 In the light of the CSPL best practice finding, it is proposed that the appointments of the Authority's two Independent Persons be extended on the current terms until 18 Dec 2021, at which point both individuals would be eligible for reappointment through whatever process the Authority then implements. Both of the Independent Persons have confirmed their willingness for their appointments to be extended.

4.5 As the remit of this Committee includes advising the Authority on the involvement of at least one independent person in the arrangements to be applied for the investigation and determination of allegations of failure to comply with the Members' Code of Conduct, it is recommended that the Committee advise the Authority to agree to extend the appointments of the Authority's two Independent Persons, on the current terms, until the 18th December 2021 pursuant to the decision taken by the Authority at its meeting on the 19th December 2017.

## 5. Options & cost implications

5.1 There are no additional costs associated with the revised Protocol or extension of the appointment of the Independent Persons.

## 6. Next steps

6.1 If a revised protocol is approved by the Authority, it will be circulated to all Members and Officers and published on the Authority Intranet and wider as considered appropriate.

## 7. Other Implications

Implication	Yes*/No
Will further decisions be required by another committee/full authority?	Yes – the final decision on adopting the revised protocol and extending the appointments of the Independent Persons will be taken by the Authority
Does the proposal raise any Resource implications?	None directly arising from this report
How does the proposal represent Value for Money?	The protocol and Independent Person appointments form part of the organisation's ethical governance framework, the effective operation of which contributes to the effective running of the organisations
Are there any Social Value implications arising from the proposal?	None directly arising from this report
Have you taken regard of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010?	There are no equalities implications arising from the review of the protocol. The Protocol applies equally to all Members and officers and the associated processes connected to the protocol are accessible to all. The initial appointments of the Independent Persons were made following an open and fair recruitment process.
Are there any Human Rights implications arising from the proposal?	None directly arising from this report
Are there any Crime & Disorder implications arising from the proposal?	None directly arising from this report
Are there any Health & Safety implications arising from the proposal?	None directly arising from this report
Are there any Data Protection implications?	None directly arising from this report
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy	The report contributes to principle 4 of the sustainability strategy; Promoting good governance.

## 8. Risks Associated with the Proposed Decision

- 8.1 Failure to have a robust and up to date ethical framework increases the risk of successful challenge of the Authority's decisions. This report contributes to the mitigation of that risk

### **ROBIN PARR**

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#### **South Downs National Park Authority**

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Appendices	I. Updated <b>Revised Local protocol on Member and officer relationships</b>
SDNPA Consultees	Chief Executive; Monitoring Officer. SDNPA Independent Persons
External Consultees	None
Background Documents	CPSL report Code of Conduct for Board Members of Public Bodies