

## **Report to Standards Committee**

**Subject:** Implementation of the best practice recommendations from the Committee on Standards in Public Life Report - Review of Local Government Ethical Standards

**Date:** 4 July 2019

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### **1. Purpose**

To formally agree the action plan, amended Code of Conduct and amended Arrangements for Dealing with Complaints required to implement the best practice recommendations set out in the Committee on Standards in Public Life report following the review of local government ethical standards.

### **Recommendations**

THAT:

1. the action plan for implementing the best practice recommendations set out in the Committee on Standards in Public Life report at Appendix 2 be approved;
2. the amended Code of Conduct at Appendix 3 be agreed and referred to Council for approval; and
3. the amended Arrangements for Dealing with Complaints at Appendix 4 be approved.

### **2. Background**

- 2.1 The Committee on Standards in Public Life (“CSPL”) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. CSPL is an independent advisory non-departmental public body.
- 2.2 During 2018, the CSPL undertook a review of local government ethical standards. This review was not prompted by any specific allegations of misconduct or council failure, but rather to review the effectiveness of the current

arrangements for standards in local government, particularly in light of the changes made by the Localism Act 2011. The terms of reference for the review were to:

i. Examine the structures, processes and practices in local government in England for:

- Maintaining codes of conduct for local councillors
- Investigating alleged breaches fairly and with due process
- Enforcing codes and imposing sanctions for misconduct
- Declaring interests and managing conflicts of interest
- Whistleblowing

ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

iii. Make any recommendations for how they can be improved;

iv. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

2.3 The review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors, and an estimated 10,000 parish councils, with around 80,000 parish councillors. The Committee did not take evidence relating to Combined Authorities, metro mayors, or the Mayor of London and so do not address these areas of local government in this report. Following consideration of the consultation document by Standards Committee at its meeting on 8 February 2018, a response was submitted to the CSPL by the Monitoring Officer in May 2018.

2.4 On 30 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation. Key recommendations include:

- a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman
- revised rules on declaring interests and gifts and hospitality
- an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct
- a strengthened role for the Independent Person
- Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded
- greater transparency about the number and nature of Code complaints
- Political groups set clear expectations of behaviour by their members and code of conduct training to be mandatory

2.5 A copy of the full CSPL report is a background paper to this report and is available at <https://www.gov.uk/government/publications/local-government->

[ethical-standards-report](#). A copy of the Executive Summary, List of Recommendations and List of Best Practice appears at Appendix 1.

- 2.6 Many of the CSPL recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly. The best practice is a matter for individual local authorities and can be introduced by the Council straightway.
- 2.7 The CSPL report was considered by the Standards Committee on 21 February 2019 and it was agreed that steps be taken to introduce all the best practice recommendations in order to demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

### **3. Proposal**

- 3.1 When comparing the best practice recommendations to the arrangements the Council already has in place, it is worth noting that whilst there are some gaps, there are a number of provisions which are already covered. An action plan which sets out the best practice recommendations, makes comment on the current position and proposed actions is attached at Appendix 2 to this report. It is proposed that the Standards Committee approves the action plan for implementation by the Monitoring Officer. Updates on progress will be brought to future Standards Committee meetings.
- 3.2 Members will note that implementation of best practice recommendations 1 and 2 require amendments to the Code of Conduct. A copy of the proposed Code is attached at Appendix 3 with the additions shown in italics for ease of reference. The Code of Conduct can only be approved by Council, therefore it is proposed that Standards Committee agrees it and refers it to Council for approval.
- 3.3 In addition, it is proposed that best practice recommendations 6, 7, 9, 11 and 13 are implemented through amendments to the Arrangements for Dealing with Complaints. The proposed amendments are shown in italics for ease of reference in the updated Arrangements attached at Appendix 4. The opportunity has also been taken to review the Arrangements generally and a number of additional changes are proposed:
- to make it clear that a complaint which is not submitted online must still include the prescribed information;
  - to move the paragraph relating to criminal conduct to the beginning of the document, recognising that a referral to the Police will take place at the beginning of the process;
  - to clarify how decisions on initial assessment will be reported to

Standards Committee;

- to clarify what will happen if the Monitoring Officer recommends informal resolution but the Subject Member refuses to accept it.

It is proposed that the amended Arrangements for Dealing with Complaints at Appendix 4 be approved by the Standards Committee. Once approved they will be published on the Council's website.

- 3.4 When the CSPL report was considered by Standards Committee on 21 February 2019, the Committee expressed its disappointment that the CSPL did not make any additional recommendations to protect and support local councillors from intimidation. As requested by Committee, the Chair wrote to the CSPL expressing this disappointment and pointing out that whilst the CSPL's 2017 report on intimidation in Public Life made a number recommendations, many of these were geared towards MPs and parliamentary candidates, with timelines for implementation linked to the next general election. This unfortunately leaves a gap in relation to locally elected Members at borough and parish level. In recognition of this the Standards Committee made an additional recommendation at the meeting in February to explore support which can be put in place for Members who are suffering bullying and intimidation. This has been included in the attached action plan and Members will note that in order to establish the extent and nature of the problems, the first step proposed is to write to all borough and parish councillors requesting evidence of specific examples of bullying, intimidation or threats they have been subject to. Once the extent of the issue is understood, appropriate measures can be identified to support victims. The LGA is now developing a guide for Councillors on handling intimidation, threats and personal safety which will assist with this work.

#### **4. Resources Implications**

None.

#### **5. Appendices**

Appendix 1 - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life: Executive Summary, List of Recommendations and List of Best Practice.

Appendix 2 – Action Plan for implementation of the best practice recommendations.

Appendix 3 – Amended Code of Conduct.

Appendix 4 – Amended Arrangements for Dealing with Complaints.

#### **6. Background papers**

Report of the Committee on Standards in Public Life

Local Government Ethical Standards - A Review by the Committee on Standards

in Public Life.

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