

## Report to Council

**Subject:** Amendments to the Code of Conduct

**Date:** 17 July 2019

**Author:** Director of Organisational Development and Democratic Services

### 1. Purpose

To seek approval for an amended Code of Conduct 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 amended Code of Conduct at Appendix 1 be approved; and
2. the Monitoring Officer be authorised to make the necessary amendments to the Constitution to incorporate the amended Code.

### 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.
- 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>.
- 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.

- 2.8 An action plan for implementing the best practice recommendations was approved by Standards Committee on 4 July 2019. Standards Committee also approved amended Arrangements for Dealing with Complaints and agreed the amended Code of Conduct attached at Appendix 1 for formal approval by Council.

### 3. **Proposal**

- 3.1 The CSPL best practice recommendations include the following:

**Best Practice 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.

**Best Practice 2:** Council's 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.

- 3.2 It is proposed that Council approves the amended Code of Conduct at Appendix 1 which incorporates appropriate wording to reflect these best practice recommendations and has been agreed by Standards Committee. The proposed amendments are shown in italics for ease of reference.

### 4. **Resources Implications**

None.

### 5. **Appendices**

Appendix 1 – Amended Code of Conduct

### 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>