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| <b>REPORT TO:</b>       | Standards Committee                                    |
| <b>REPORT NO:</b>       | COGC/42/19   |
| <b>DATE:</b>            | 5 September 2019                                       |
| <b>LEAD:</b>            | Sioned Wyn Davies, Monitoring Officer                  |
| <b>CONTACT OFFICER:</b> | Linda Roberts, Deputy Monitoring Officer (Tel: 292221) |
| <b>SUBJECT:</b>         | Local Government Ethical Standards Review (England)    |
| <b>WARD:</b>            | N/A  |

## 1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the outcome of the Committee on Standards in Public Life review of Local Government Ethical Standards in England.

## 2. EXECUTIVE SUMMARY

- 2.1 The Committee on Standards in Public Life (CSPL) in England has undertaken a review with the following terms of reference:
1. Examine the structures, processes and practices in local government in England for:
    - a. Maintaining codes of conduct for local councillors
    - b. Investigating alleged breaches fairly and with due process
    - c. Enforcing codes and imposing sanctions for misconduct
    - d. Declaring interests and managing conflicts of interest
    - e. Whistleblowing
  2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
  3. Make any recommendations for how they can be improved
  4. 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.
- 2.2 The CSPL has published a report of its findings detailing 26 recommendations together with areas of good practice. The report is available following the link in the Background Papers at the end of this report.

### **3 RECOMMENDATION**

#### **3.1 To note the report and contents of the review.**

#### **REASON FOR RECOMMENDATIONS**

To inform Members of the work undertaken by the CSPL in England on the ethical standards review.

### **4. BACKGROUND INFORMATION**

4.1 In England under the Local Government Act 2000, all local authorities had to adopt a national code of conduct and a standards committee to oversee the behaviour of members and receive complaints, regulated by Standards for England. However, this was found to be ineffective and bureaucratic. Instead under the Localism Act 2011, local authorities were responsible for their own local codes of conduct. Concerns were raised as to whether the sanctions for breach of standards were adequate and the CSPL monitored the implementation of the revised local government standards regime.

4.2 In conducting a review of local government ethical standards, the CSPL considered whether there was a need for a centralised body to govern and adjudicate on standards. The CSPL concluded that there was no need to reintroduce a centralised body and that local authorities should retain responsibility for implementing and applying the Seven Principles of Public Life in local government.

4.3 The CSPL made a number of recommendations including the following:

- The Local Government Association should create an updated model code of conduct in consultation with representative bodies of councillors and officers from all tiers of local government.
- The government should ensure that candidates standing for or accepting public offices are not required publicly to disclose their home address.
- Local authorities should be required to establish a register of gifts and hospitality, with councillors required to record any gifts and hospitality received over a value of £50, or totalling £100 over a year from a single source.
- Section 31 of the Localism Act 2011 should be repealed, and replaced with a requirement that councils include in their code of conduct that a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, “if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter”.
- Local authorities should be given the power to suspend councillors, without allowances, for up to six months.
- Councillors should be required to attend formal induction training by their political groups. National parties should add such a requirement to their model group rules.

4.4 In addition to the recommendations, the CSPL review published a list of best practice recommendations which they expect to be implanted by local authorities in England. The best practice recommendations include:

**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:** 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.

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 6:** Councils should publish a clear and straightforward public interest test against which allegations are filtered.

**Best practice 7:** Local authorities should have access to at least two Independent Persons.

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 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.

**Best practice 13:** A local authority should have procedures in place to address 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.

**Best practice 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.

**Best practice 15:** Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

## 5. IMPLICATIONS

- 5.1 **Policy Framework** – There are no implications in Wales as the CSPL was reviewing the ethical standards regime in England.
- 5.2 **Budget** – There are no immediate budgetary implications arising from this report.
- 5.3 **Legal** – There are no legal implications in Wales.
- 5.4 **Staffing** – There are no staffing implications arising from this report.
- 5.5 **Equality/Human Rights** – To note only as relevant to the ethical standards regime in England.
- 5.6 **Risks** – This report does not give rise to any specific risks.

## 6. CONSULTATION

- 6.1 This report has not been the subject of consultation as it does not involve any decision making or recommendations.
- 6.2 This matter has not been subject to scrutiny.

| BACKGROUND PAPERS   | LOCATION    | WEBSITE INFO.   |
|---|-------------|---|
| Local Government Ethical Standards:<br>A Review by the Committee on Standards in Public Life (January 2019) | See website | <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.48_96_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.48_96_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF</a> |