

**1 May 2019****Agenda Item: 13****REPORT OF THE MONITORING OFFICER****COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT  
ETHICAL STANDARDS REPORT****Purpose of the Report**

1. To update members on recommendations made by the Committee on Standards in Public Life's (CoSPL) following its consultation last year about ethical standards in local government and to seek agreement that members receive a follow up report if Government and/or the Local Government Association implement any of the CoSPL recommendations.

**Information**

2. In May last year, this Committee considered the consultation document on local government ethical standards issued by the CoSPL and agreed a response. The CoSPL has completed its review and published its report in January this year. The CoSPL considered that high standards of conduct in local government were needed to protect the integrity of decision-making, maintain public confidence and safeguard local democracy.
3. The Committee stated that their evidence supported the view that the vast majority of councillors and officers maintain high standards of conduct. However, there was evidence of misconduct by some councillors, largely relating to bullying and harassment or other inappropriate behaviour. They were concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality and the increasing complexity of local government decision-making.
4. They considered whether there was a need for a centralised body to govern and adjudicate on standards but felt that local authorities should retain responsibility for ethical standards. They made 26 recommendations. A full list of these recommendations is set out in Appendix A to this report. A summary of findings and recommendations is set out in the following paragraphs.
5. The CoSPL was concerned that, although local authorities are required to have in place a code of conduct, there was considerable variation in length, quality and clarity. They considered that many codes failed to address adequately important areas of behaviour such as use of social media and bullying and harassment. It was therefore recommended that the Local Government Association should create an updated model code of conduct. However, the CoSPL stated that any model should be capable of adaptation so that local authorities were able to take ownership of their code. There was also a feeling that the scope of the code

should be widened so that there was a rebuttable presumption that a councillor's public behaviour, including comments made on publically accessible social media, is in their official capacity.

6. The Committee considered that the current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. It was considered that the current rules should be repealed and replaced with an objective test, in line with the devolved standards bodies in Scotland, Wales and Northern Ireland.
7. With regard to investigations and safeguards, the CoSPL considered that local authorities should maintain their standards committees. This committee would have the role to advise on standards issues, decide on alleged breaches and sanctions, or a combination of these. They considered that Independent members of decision-making standards committees should be able to vote. The CoSPL also felt that the Independent Person was an important safeguard in the current system and that their role should be strengthened so that a local authority should only be able to suspend a councillor where the Independent Person agrees both that there has been a breach and that suspension is a proportionate sanction. They also recommend that Independent Persons should have fixed terms and legal protections. In addition, the view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.
8. With regards to sanctions, the Committee concluded that the current sanctions available to local authorities are insufficient. It considered that the lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions nor of addressing serious or repeated misconduct. It was therefore recommended that local authorities should be given power to suspend councillors without allowances for up to 6 months, but with the Councillor being given a right of appeal to the Local Government Ombudsman, whose decision will be binding. Further, the current criminal offences relating to Disclosable Pecuniary Interests should be abolished.
9. The role of the Monitoring Officer as lynchpin to the current standards arrangements was acknowledged by the Committee. There was a view that employment protections should be extended for all statutory officers and they should be supported by training on local authority governance.
10. The committee acknowledged that decision-making in local government is becoming more complex, which in turn puts governance under strain. In particular the potential for conflicts is increased. The Committee had analysed a number of high profile cases of corporate failure in local government and considered that standards risks, where they are not addressed, can become risks of corporate failure. They considered that this underlines the importance of establishing and maintaining an ethical culture.
11. The role of political groups in maintaining an ethical culture was acknowledged by the Committee. They commented that expected standards of behaviour should be embedded through effective induction and ongoing training and that political groups should require their members to attend the code of conduct training provided by a local authority.
12. In last year's Committee report, it was highlighted that the government was looking to bring forward legislation removing the requirement for candidates standing for election as

councillors needing to publish their home addresses on the ballot paper. The Government has now removed that requirement and has also removed the requirement for each candidate's qualifying address to be published during the election process.

### **Other Options Considered**

13. All options will be considered when deciding what action should be taken following the publication of the Government and/or the Local Government Association response to the CoSPL Report.

### **Reason/s for Recommendation/s**

14. In the light of the fact that the County Council reviewed its code last year, it will wait to make further changes until a new model code is published or legislation is enacted.

### **Statutory and Policy Implications**

15. This report has been compiled after consideration of implications in respect of crime and disorder, data protection and information governance, finance, human resources, human rights, the NHS Constitution (public health services), the public sector equality duty, safeguarding of children and adults at risk, service users, smarter working, sustainability and the environment and where such implications are material they are described below. Appropriate consultation has been undertaken and advice sought on these issues as required.

## **RECOMMENDATION/S**

That Committee:

- 1) considers any actions they would like to be taken in connection with the information within the report and
- 2) agrees to receive a follow up report if Government and/or the Local Government Association implement any of the Committee on Standards in Public Life's (CoSPL) recommendations.

**Marjorie Toward**

**Monitoring Officer and Service Director – Customers, Governance and Employees**

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### **Constitutional Comments (SLB 03/04/2019)**

Governance and Ethics Committee is the appropriate body to consider the content of this report.

### **Financial Comments (RWK 04/04/2019)**

There are no specific financial implications arising directly from the report.

### **Background Papers and Published Documents**

Except for previously published documents, which will be available elsewhere, the documents listed here will be available for inspection in accordance with Section 100D of the Local Government Act 1972.

- The Local Government Ethical Standards Review is published  
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

### **Electoral Division(s) and Member(s) Affected**

- All