

APPENDIX

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Response – the existing structures are limited in effectiveness due to the absence of meaningful sanctions.

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Response – Nottinghamshire County Council's Governance and Ethics Committee has recently recommended that the code of conduct is clarified by the introduction of a suite of protocols with specific rules, for example in relation to use of resources. It has also recommended greater committee involvement in monitoring code of conduct matters; this is for transparency but also means that councillors themselves will have more involvement in ensuring the code is adhered to. A formal councillor induction programme is in place.

The provisions for registering and declaring interests are appropriate as they stand, but councillors welcome the ability to register interests as 'sensitive' where necessary. It should be a matter of choice for councillors whether to publish their home addresses.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet

- requirements for due process? Should any additional safeguards be put in place to ensure due process?
- ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Response - Nottinghamshire County Council's Governance and Ethics Committee has recently recommended some changes to the procedure for dealing with complaints; for example a requirement for a political group to report back where a matter is referred to them to be dealt with under group discipline. The current arrangements allow flexibility in dealing with complaints; this is essential to save unnecessary costs investigating minor issues that can be resolved informally. The Independent Person provisions are sufficient. Monitoring Officers are protected from risk by the ability to seek an Independent Person's view, and refer issues to members of Governance and Ethics Committee.

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
 - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Response - The sanctions are limited to censure and publication of findings. Additional sanctions would be welcomed; for example suspension or fines.

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local

authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

- ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Response – clarity would be welcomed on the position for councillors who are elected at both district/borough and county level. Councillors receive an allowance from both authorities; there is a lack of clarity about including this in their declaration of interest and when they should they leave meetings as a result. For example in relation to planning decisions. Additional guidance on the circumstances when a matter 'relates to' a disclosable pecuniary interest would be welcomed. Statutory dispensation or guidance in relation to certain matters would also assist, for example meetings approving councillor allowances and approving councillor code of conduct and related procedures, as well as council tax.

Nottinghamshire County Council requires Councillors to declare any private interests, both pecuniary and non-pecuniary, in meetings. Councillors may still participate in the item under discussion and vote, although the Code of Conduct says that depending on the circumstances they may decide it would be more appropriate not to.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Response – the Council has a whistleblowing policy which is published on its website and is actively used. No issues have been identified in relation to current arrangements.

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Response – local authorities can design ethical standards regimes to encourage member and political party engagement and involvement. Central government can amend legislation regarding publication of home addresses and introduce greater sanction options. Training on ethics and standards could be made compulsory.

Standard salaries for councillors could be set nationally; this would encourage different groups to stand for election. Conduct problems at election time may be reduced if measures were taken to reduce the level of pressure; for example exit payments if not re-elected. Currently councillors lose their income without notice if not re-elected.

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Response -