

## Summary Sheet

### Standards and Ethics Committee Report

Standards and Ethics Committee Meeting 21<sup>st</sup> March 2019

**Title :** Committee on Standards in Public Life – Review of Local Government Ethical Standards

### Is this a Key Decision and has it been included on the Forward Plan?

No

### Strategic Director Approving Submission of the Report

N/A

### Report Author(s)

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### Ward(s) Affected

All

### Executive Summary

To present the findings of the Committee on Standards in Public Life review of Local Government Ethical Standards and agree what action to take.

### Recommendations

That the Committee:

1. Note the contents of the Committee on Standards in Public Life report.
2. Agree to establish a Working Group to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.

3. Receive a report in June 2019 with recommendations from the Working Group as to how best to implement the Best Practice recommendations.

### **List of 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.

### **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-standardsreport>

### **Consideration by any other Council Committee, Scrutiny or Advisory Panel**

None

### **Council Approval Required**

No

### **Exempt from the Press and Public**

No

**Title :** Committee on Standards in Public Life – Review of Local Government Ethical Standards

## **1. Recommendations**

That the Committee:

1. Note the contents of the Committee on Standards in Public Life report.
2. Agree to establish a Working Group to consider the steps be taken to introduce all of the best practice recommendations set out in the Committee on Standards in Public Life report.
3. Receive a report in June 2019 with recommendations from the Working Group as to how best to implement the Best Practice recommendations.

## **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 As Members are aware, during 2018, the CSPL has undertaken 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 in March 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 be mandatory

2.5 A copy of the full CSPL report is a background paper to this report, has been circulated previously to members of the Committee and is available at <https://www.gov.uk/government/publications/local-governmentethical-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.

### **3. Key Issues**

3.1 It is proposed that the Committee notes the report and recommendations of the Committee on Standards in Public Life.

3.2 The Council already has some of the best practice in place; notably prohibition on bullying and harassment in the code of conduct, the code of conduct and arrangements for dealing with complaints clearly published on the website, access to two Independent Persons and a requirement to consult with the Independent Person at initial assessment stage. It is proposed that

the Committee agrees to take steps to introduce all the best practice recommendations. This will demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council.

- 3.3 It is proposed that the most appropriate way for the best practice recommendations to be implemented would be for a Working Group of the Committee to be set up to consider the recommendations further and develop proposals for the best way for these to be implemented. It is proposed that the Working Group report back to the Committee at the next meeting in June 2019.

#### **4. Options considered and recommended proposal**

- 4.1 The recommendations are set out above.

#### **5. Consultation**

- 5.1 N/A

#### **6. Timetable and Accountability for Implementing this Decision**

- 6.1 It is recommended that a working group be established at the meeting on 21<sup>st</sup> March 2019. This working group will then report back to the Standards and Ethics Committee meeting in June 2019, with recommendations as to how best to implement the Best Practice recommendations made in the Review of Local Government Ethical Standards.
- 6.2 The CSPL has stated in its report that it will be reviewing the implementation of the best practice recommendations within relevant authorities in 2020.

#### **7. Financial and Procurement Implications**

- 7.1 None

#### **8. Legal Implications**

- 8.1 The Council and the Standards and Ethics Committee have a statutory duty to maintain and promote ethical standards. The CSPL report sets out best practice as to how the Council should fulfil this statutory duty.

#### **9. Human Resources Implications**

- 9.1 None

#### **10. Implications for Children and Young People and Vulnerable Adults**

- 10.1 None

#### **11. Equalities and Human Rights Implications**

- 11.1 None

**12. Implications for Partners and Other Directorates**

12.1 None

**13. Risks and Mitigation**

13.1 None

**14. Accountable Officer(s)**

Dermot Pearson, Assistant Director, Legal Services