



Rushcliffe  
Borough Council

## Standards Committee

12<sup>th</sup> March 2019

### Committee on Standards in Public Life – Review of Local Government Ethical Standards

## Report of the Monitoring Officer

### 1. Summary

This report presents the findings of the Committee on Standards in Public Life, review of Local Government Ethical Standards. This report will also update and support members on deciding what action to take in respect of the report.

### 2. Recommendation

#### It is recommended that:

- a) The Committee on Standards in Public Life report be noted: and
- b) Steps be taken to introduce all the best practice recommendations set out in the Committee on Standards in Public Life report.

### 3. Details

- 3.1 On the 30<sup>th</sup> January 2019, The Committee on Standards in Public Life (“CSPL”) released its report: Local Government Ethical Standards. The CSPL review is across the breadth of local government in England, including Town and Parish Councils, Principal Authorities, Combined Authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London). CSPL is an independent advisory non-departmental public body.
- 3.2 The purpose of the review was to review the standards arrangements support and safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government, particularly in light of the changes made by the Localism Act 2011. The terms of reference for the review were to 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
  - Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
  - Make any recommendations for how they can be improved;
  - 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.

3.3 The key recommendations of the report 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

3.4 A copy of the full CSPL report is a background paper to this report and is available at:

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

3.5 A copy of the Best Practice appears at Appendix 1.

3.6 Many of the committee's recommendations will require primary legislation; implementation is therefore subject to Parliamentary timetabling. However some of the recommendations can be achieved through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly.

3.7 The best practice list is a matter for individual local authorities and can be introduced by the Council straightway. The Council already has some of the best practice in place:

- Prohibition on bullying and harassment in the code of conduct,
- The code of conduct and arrangements under the Localism Act 2011 is clearly published on the website,
- Independent Person arrangements

#### 4. **Implications**

##### 4.1. **Finance**

There are no direct financial implications.

##### 4.2. **Equalities**

All complaints are considered with reference to the Council's Equality scheme

##### 4.3. **Legal**

There are no specific legal implications.

#### 4.4. Corporate Priorities

Delivery of an effective Standards regime supports the Council's priority of *'Maintaining and enhancing our residents' quality of life –Our residents'*

#### 4.5. Other Implications

None

<b>For more information contact:</b>	Sanjit Sull Monitoring Officer <a href="mailto:ssull@rushcliffe.gov.uk">ssull@rushcliffe.gov.uk</a>
<b>Background papers Available for Inspection:</b>	None
<b>List of appendices (if any):</b>	<b>Appendix 1</b> - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life <b>Appendix 2</b> - List of Best Practice.

## Appendix 1

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/777315/6.4896\\_CO\\_CSPL\\_Command\\_Paper\\_on\\_Local\\_Government\\_Standards\\_v4\\_WEB.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF)

## Appendix 2

**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.