

11. LOCAL GOVERNMENT ETHICAL STANDARDS - REVIEW BY COMMITTEE ON STANDARDS IN PUBLIC LIFE (JS)

1. Purpose of the report

To provide an update on how the Authority's ethical standards framework compares with the best practice recommendations included in a recent report from the Committee on Standards in Public Life.

Key Issues

- **The Committee on Standards in Public Life has published a report which focussed on the subject of ethical standards in local government which includes a number of best practice recommendations.**
- **Appendix 2 of this report shows that the Authority's current ethical standards framework already includes arrangements that reflect most of this best practice but identifies four areas where minor changes should be made.**

2. Recommendations(s)

- 1. To note the report.**
- 2. To amend paragraph 3 of the Member Code of Conduct to include definitions of bullying and harassment and provide examples of unacceptable behaviours.**
- 3. To amend paragraph 8 of the Member Code of Conduct to clarify the expectations for Members to participate in the complaints process and identify the issues around making trivial or malicious allegations.**
- 4. To note that in future Members will be asked to review their entries in the Gifts and Hospitality Register as part of the annual review of the Members' Register of Interests.**
- 5. To note that a checklist used as the basis for the meeting between the Monitoring Officer and the Independent Person when carrying out an initial assessment on allegations will be updated to reflect best practice.**

How does this contribute to our policies and legal obligations?

- 3. The Authority has a statutory duty to promote and maintain high standards of conduct for its Members and Officers. One of the ways to make sure this happens is to make sure that the Authority regularly reviews its ethical framework in the context of best practice and external reports.**

Background Information

- 4. In January 2019 the Committee on Standards in Public Life published its 20th report which focussed on the subject of ethical standards in local government. The review was prompted by a desire to establish how the current framework, introduced by the Localism Act 2011, is working rather than any specific allegations of misconduct. A summary of the report recommendations is reproduced as appendix 1.**

5. A copy of the full report can be viewed using the following link:
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>
6. The evidence collated during the review supported the view that the vast majority of councillors and officers maintain high standards of conduct. However there was some clear evidence of misconduct by some councillors. The majority of these cases identified related to bullying or harassment, or other disruptive behaviour. There was also evidence of persistent or repeated misconduct by a minority of Councillors.
7. The Localism Act 2011, abolished the Standards Board for England and gave local authorities, including National Park Authorities, responsibility for their own ethical standards. The Committee's report recognises the benefits of this approach in terms of flexibility and the discretion to resolve standards issues informally and suggests that this should continue.
8. The report does however recognise that there are some risks to maintaining ethical standards under the current arrangements and therefore makes a number of recommendations for changes to primary legislation, secondary legislation and the Local Government Transparency Code. While these may take time to progress the report also includes best practice recommendations which the Committee considers to be a benchmark of good ethical practice that all local authorities can and should implement.
9. The Committee intends to review implementation of its best practice in 2020.

Proposals

10. In light of the best practice recommendations in the report we have looked at each one and identified where further action is needed. A copy of this analysis is set out in Appendix 2.
11. It is reassuring to see that the Authority already complies with the majority of the recommendations and no further action is required however the following have been identified as areas which need further attention.

Bullying and Harassment

12. The Authority's current Member Code of Conduct refers to treating others with respect and not to bully or intimidate any person and the Member Officer Protocol also refers to bullying, intimidation or harassment. However, in order to reflect the best practice recommendation it is proposed that the Code is amended to include definitions of bullying and harassment and provide examples of unacceptable behaviours.

Member participation in investigations and trivial and/or malicious allegations

13. There is no evidence to suggest that the Authority has a problem with Members refusing to engage in investigations to complaints or relatedly making trivial or malicious allegations however it is proposed that the Code is amended to clarify the expectations for Members participating in the process and identify the issues around making trivial or malicious allegations.

Reviewing Gifts and Hospitality Register

14. The Authority already publishes the Member Gifts and Hospitality Register on-line and makes it available as a comma-separated values ('csv') file. As it is published using modern.gov the online register is updated as and when new entries are received which removes the need for a quarterly review. However, it is proposed that going forward

Members will be asked to review their entries in the Gifts and Hospitality Register in the same way that they currently review their entries in the Register of Interests. It is also proposed to look at the practicalities of making the Officer Gifts and Hospitality Register available on-line.

Using the Public Interest Test to filter complaints

15. The Authority has previously agreed a checklist which has been used as the basis for the meeting between the Monitoring Officer and the Independent Person when carrying out an initial assessment on allegations. As the current checklist works well it is not proposed that any significant changes are made to it however it will be updated to reflect the two stage test used by Northern Ireland Local Government Commissioner for Standards which asks whether they 'can' investigate the complaint and whether they 'should'.

Are there any corporate implications members should be concerned about?

Financial:

16. None

Risk Management:

17. None

Sustainability:

18. None

Equality:

19. None

20. **Background papers (not previously published)**

None

21. **Appendices**

Appendix 1 - Local Government Ethical Standards - Review by Committee on Standards in Public Life – Summary of Recommendations

Appendix 2 - Response to Best Practice Recommendations

Report Author, Job Title and Publication Date

Jason Spencer, Democratic Services Manager, 08 May 2019