



GOVERNANCE COMMITTEE

Subject Heading:

Review of Local Government Ethical Standards

SLT Lead:

Report Author and contact details:

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Policy context:

Governance

Financial summary:

None

The subject matter of this report deals with the following Council Objectives

Communities making Havering
Places making Havering
Opportunities making Havering
Connections making Havering

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SUMMARY

The Committee on Standards in Public Life (CSPL) has published its report on local government ethical standards. This report summarises the CSPL's main findings and recommendations to promote and maintain high standards of conduct in local government.

RECOMMENDATIONS

That the Committee notes:

1. The CSPL's main findings and formal recommendations; and
2. That after careful consideration and assessment of the best practice recommendations, officers will report back for the Committee to decide the next steps.

REPORT DETAIL

1. Background

- 1.1 On 31 January 2019, the CSPL published its report and recommendations on ethical standards in local government, following a year-long review and wide consultation. The report is attached at **Appendix 1**.
- 1.2 The CSPL advises the Prime Minister on ethical standards across the whole of public life in the UK.
- 1.3 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.

2. Summary of findings

- 2.1 Lord Evans, Chair of the CSPL, summed up the review's findings as follows:

“The evidence we received supports the view that the vast majority of councillors and officers maintain high standards of conduct. There is, however, clear evidence of misconduct by some councillors. Most of these cases relate to bullying or harassment, or other disruptive behaviour. There is also evidence of persistent or repeated misconduct by a minority of councillors.

“We are also 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 increased complexity of local government decision-making.”

3. Findings and recommendations

3.1 The CSPL’s key findings and recommendations include:

- 3.1.1 **Code of Conduct:** An updated model code of conduct should be available to local authorities in order to enhance the consistency and quality of local authority codes. The updated model code should be voluntary and able to be adapted by local authorities. The scope of the code of conduct should also be widened, with a rebuttable presumption that a councillor’s public behaviour, including comments made on publicly accessible social media, was in their official capacity.
- 3.1.2 **Declaring interests:** The current arrangements for declaring and managing interests are “unclear, too narrow and do not meet the expectations of councillors or the public”. The current requirements for registering interests should be updated to include categories of non-pecuniary interests. The current rules on declaring and managing interests should be repealed and replaced with an objective test.
- 3.1.3 **Standards Committee:** Local authorities should maintain a standards committee. This committee may advise on standards issues and decide on alleged breaches and sanctions or a combination of these. Independent members of decision-making standards committees should be able to vote.
- 3.1.4 **Complaints:** There should be greater transparency about the number and nature of code of conduct complaints.
- 3.1.5 **Sanctions:** The current sanctions available to local authorities are insufficient. The current 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.

Local authorities should therefore be given the power to suspend councillors without allowances for up to six months. Councillors, who are suspended, should be given the right to appeal to the Local Government Ombudsman.

The current criminal offences relating to disclosable pecuniary interests are “disproportionate in principle and ineffective in practice, and should be abolished”.

3.1.6 **Independent Person:** The safeguard provided by the Independent Person should be strengthened and clarified: 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. Independent Persons should have fixed terms and legal protections. The view of the Independent Person in relation to a decision on which they are consulted should be published in any formal decision notice.

3.1.7 **Monitoring officer:** The Monitoring Officer is the lynchpin of the current standards arrangements. The Monitoring Officer has responsibility for filtering complaints and undertaking/arranging investigations into alleged breaches of the code of conduct. Employment protections for the Monitoring Officer and the other statutory officers (i.e. the Head of Paid Service/Chief Executive and s151/Chief Finance Officer) should be extended, and for statutory officers to be supported through training on local authority governance.

3.2 Other points of interests include:

3.2.1 **Role of political groups:** Political groups should require their members to attend code of conduct training provided by a local authority.

3.3 All of the CSPL's 26 formal recommendations are listed on pages 14-17 of the appended report. Most of these recommendations require legislative change and it will be for the government to decide whether they should be implemented and when to find the parliamentary time.

4. Best practice

4.1 The CSPL's report also lists 15 best practice recommendations (see pages 18 – 19 of the appended report) which local authorities are expected to implement.

4.2 The recommendations are wide-ranging. They include:

4.2.1 Code of conduct changes (e.g. including prohibitions on bullying and harassment and trivial or malicious allegations by councillors);

4.2.2 Changes to the complaints handling procedure (e.g. a public interest test against which allegations are filtered and the requirement to consult an Independent Person about whether an allegation should be investigated);

4.2.3 Annual reviews of the code of conduct;

- 4.2.4 Quarterly updates of gifts and hospitality published in an accessible format;
 - 4.2.5 Publication of the outcome of complaints formally investigated; and
 - 4.2.6 Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.
- 4.3 After careful consideration and assessment of the CSPL's best practice recommendations, officers will report back for the Committee to decide the next steps.

IMPLICATIONS AND RISKS

Financial implications and risks:

None in relation to this report.

Legal implications and risks:

None at this stage as this report is for noting only.

Human Resources implications and risks:

None.

Equalities implications and risks:

None.

Background Papers

None.