

REPORT TO	ON
Standards Committee	15 March 2018

September 2017



TITLE	REPORT OF
Review of Local Government Ethical Standards	Interim Monitoring Officer

Is this report confidential?	No
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1. PURPOSE OF THE REPORT

1.1 To consider the appropriate response to consultation currently being carried out by the Committee on Standards in Public Life with regard to a review of Local Government Ethical Standards.

2. RECOMMENDATIONS

2.1 That Members agree a response to the questions set out in the consultation paper published by the Committee on Standards in Public Life.

3. CORPORATE PRIORITIES

The report relates to the following corporate priorities:

Clean, green and safe		Strong and healthy communities	
Strong South Ribble in the heart of prosperous Lancashire		Efficient, effective and exceptional council	x

4. BACKGROUND TO THE REPORT

4.1 The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

4.2 The consultation is open from Monday 29 January 2018 and closes on Friday 18 May 2018.

4.3 They state: "Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government."

5. TERMS OF REFERENCE

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
 - a. Maintaining codes of conduct for local councillors;
 - b. Investigating alleged breaches fairly and with due process;
 - c. Enforcing codes and imposing sanctions for misconduct;
 - d. Declaring interests and managing conflicts of interest; and
 - e. Whistleblowing.

2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. 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.

6. CONSULTATION QUESTIONS

6.1 The Committee on Standards in Public Life invites responses to a number of consultation questions.

6.2 Any submissions on behalf of the Council do not need to respond to every question.

6.3 The questions that Members are asked to consider are as follows:-

- 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?*

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.*

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?

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?**

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.**

Whistleblowing

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

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?*

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?**

7. General Comments

7.1 It is fair to say that there has been widespread concern amongst members about the lack of effective sanctions under the current Standards regime. This consultation affords the committee a chance to formally raise such concerns if it is minded to do.

7.2 Appended (Appendix A) to the report is a copy of our current Code of Conduct. This is a document that was reviewed in 2017 and was considered to be sound. This document will assist members in their discussions when it comes to considering how well we deal with questions relating to interests. Appended (Appendix B) to this report is also our Investigation and Hearing Procedure which members reviewed and agreed last year.

7.3 With regard to whistleblowing the council has had a policy in place for a number of years. The Interim Monitoring Officer has recently drafted an update of that policy which has received some initial consideration by the Governance Committee working group. This will receive formal consideration at the Governance Committee scheduled for the 18th of April 2018.

8. WIDER IMPLICATIONS AND BACKGROUND DOCUMENTATION

8.1 Comments of the Statutory Finance Officer

There are no financial implications arising directly from this report.

8.2 Comments of the Monitoring Officer

Please see section 7 of the report for MO comments.

<p>Other implications:</p> <ul style="list-style-type: none"> ▶ Risk ▶ Equality & Diversity ▶ HR & Organisational Development ▶ Property & Asset Management ▶ ICT / Technology 	<p>There are no specific risk implications arising from the report</p> <p>There are no specific equality implications arising from this report</p> <p>There are no HR implications arising from this report</p> <p>There are no Property or asset management implications arising from the report</p> <p>There are no ICT implications arising from this report</p>
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9. BACKGROUND DOCUMENTS (or there are no background papers to this report)

Appendix A – Code of Conduct for Elected Members

Appendix B – Investigation and Hearing Procedure

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