

Report For:	Standards Committee
Meeting Date:	19 February 2018
Part:	Part 1 - Open
If Part 2, reason:	N/A



### SUMMARY

<b>Title of Report:</b>	COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT ETHICAL STANDARDS STAKEHOLDER CONSULTATION AND REPORT
Officer Contact: Direct Dial: Email:	Julie Openshaw 01494 421252 julie.openshaw@wycombe.gov.uk
Ward(s) affected:	All
Reason for the Decision:	To note the latest position in the consultation process, and the report of the CSPL published on 30 January 2019.
<b>Proposed Decision:</b>	That the report of the CSPL published on 30 January 2019 be noted.
Sustainable Community Strategy/Council Priorities - Implications	Risk: None. Equalities: None Health & Safety: None
Monitoring Officer/ S.151 Officer Comments	<b>Monitoring Officer:</b> This is the Monitoring Officer's report.  <b>S.151 Officer:</b> No direct financial implications.

Consultees:	Responses to the review process were submitted by the Monitoring Officer to the CSPL in May 2018, in consultation with the Chairman of Standards Committee.
Options:	The report is for noting only.
Next Steps:	Government will consider what if any action to take in light of the CSPL's recommendations, best practice points and conclusions. Individual local authorities should also note these and determine whether to act. The CSPL will monitor the update of best practice during 2020.
Background Papers:	Standards Committee report of 20 March 2018. Report of the CSPL published on 30 January 2018.  Held in Democratic Services.
Abbreviations:	CSPL – Committee on Standards in Public Life

Appendices to this report are as follows:

Appendix 1 – Representations made by WDC in May 2018.

## Detailed Report

1.1 On 20 March 2018 the Standards Committee considered a report outlining the latest position at that time. The role and membership of the CSPL were outlined, and it was noted that on 20 January 2018 the CSPL had published a stakeholder consultation on local government ethical standards, with a response deadline date of 18 May 2018.

1.2 The CSPL had observed that robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government. The terms of reference for its review were set out as:

- 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 impose sanctions for misconduct;
  - Declaring interests and managing conflicts of interest;
  - Whistleblowing.
- To assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- To make any recommendations for how they can be improved;
- To 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.

1.3 The review has considered all levels 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.

1.4 Responses were invited from local authorities, their Standards Committees, Monitoring Officers, think tanks or academics with an interest or expertise in local government, and representative bodies or groups related to local government.

1.5 A range of questions were posed, and in accordance with authority from the Standards Committee, detailed representations were submitted by Wycombe District Council's Monitoring Officer in consultation with the Chairman of Standards Committee. These are attached at Appendix 1.

1.6 On 30 January 2019 the CSPL published its report, addressed to the Prime Minister. The report is at

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/772900/Local\\_Government\\_Ethical\\_Standards\\_Web\\_.PDF](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/772900/Local_Government_Ethical_Standards_Web_.PDF) . The report proposes a range of measures, which it recommends, mainly to Government though also to the Local Government Association and Parish Councils in some cases.

1.7 Recommendations in the CSPL's report are set out throughout the report, and also collated as a separate list within the report. There are 26 recommendations, plus a list of 15 Best Practice points.

1.8 Some key recommendations, observations and conclusions include:

- No return to a centralised body to oversee and adjudicate on standards;
- Councils to retain responsibility for applying the Seven Principles of Public Life in local government;
- An updated Voluntary Model Code of Conduct to be created by the Local Government Association;
- A rebuttable presumption that Councillors' public behaviour is in their official capacity;
- Register of Interests to include categories of non-pecuniary interests;
- Current rules on declaring and managing interests should be repealed and replaced with an objective test (in line with the devolved standards bodies in Scotland, Wales and Northern Ireland);
- Local Authorities should maintain a standards committee with voting independent members;
- Independent persons to have fixed terms of two years with one opportunity to extend for a further two years, and protection by legal indemnity to be put in place;
- Councils to be given the power to suspend councillors for up to six months, to include parish councillors, if an Independent Member agrees to the suspension. A right of appeal to be given to the Local Government Ombudsman;
- The criminal offences relating to Disclosable Pecuniary Interests should be abolished;
- Parish councils should be required to adopt the code of their principal authority (or the new model code), and a principal authority's decision on sanctions for a parish councillor should be binding;
- Monitoring Officers should be provided with adequate training, corporate support and resources to undertake their role in providing support on standards issues to parish councils. Clerks should also hold an appropriate qualification;
- Employment protections for statutory officers should be extended, and statutory officers should be supported through training on local authority governance;
- Standards risks, where they are not addressed, can become risks of corporate failure. This underlines the importance of establishing and maintaining an ethical culture;
- Political groups should set clear expectations of behaviour by their members, and senior officers should maintain effective relationships with political groups;
- Political groups should require their members to attend code of conduct training provided by a local authority and write this into national party model group rules.

1.9 Many of the recommendations reflect the views which were expressed by WDC in the representations, and/or WDC current practice, which appears overall to compare favourably to good practice demonstrated elsewhere in the country, within the confines of the current legislation. Notably, the WDC Code was strengthened in 2015 to include the need to declare an interest and leave a meeting even where the interest was a non-DPI as well as if it was one of the interests in the statutory list of DPIs. Some of the recommendations however go further than the WDC representations suggested. Some of the recommendations are capable of being taken on board by Councils now, if they choose to, whilst others would need a change in the law to take effect.

1.10 The advent of Unitary Local Government in Buckinghamshire means that the Shadow Council and the eventual Buckinghamshire Council will have decisions to make around the development of its Code of Conduct and general standards regime, and it will need to have regard to the recommendations and best practice points in developing a Code and procedure as part of its Constitution.