

North Tyneside Council

Report to Standards Committee

Date: 29 November 2018

ITEM

Title: Consultation –
Local Government
Ethical Standards

Report from Service Area: Law and Governance

Responsible Officer: Louise Watson, Senior Manager: Legal Services and Information Governance (Tel: 643 5325)

Wards affected: All

PART 1

1.1 Executive Summary

To update Members on the development of the ethical framework under the Localism Act 2011.

1.2 Recommendation(s):

The Committee are requested to note this report.

1.3 Information

The Committee has previously considered a report on the Committee on Standards in Public Life (CSPL) consultation to inform its review of local government standards. The consultation is now closed and responses are being analysed. The CSPL intends to publish its report by the end of the year.

Before the deadline, CSPL reported it had received over 100 submissions. In addition, it held two roundtable discussions as part of its review: (i) with Monitoring Officers, clerks and Independent Persons and (ii) with academics and think tanks. Notes of each discussion have been published by CSPL.

Members may not be surprised to learn that, according to the Monitoring Officers and Independent Persons at one event, “the standards ‘problem’ is limited to a small number of councillors who are not deterred by the prospect of a censure or may even regard it as ‘a badge of honour’, and a small number of parish councils who...create a disproportionate standards workload for their principal authorities”. In addition, “participants were unanimous that a lack of strong sanctions...undermined the credibility of the current system”.

In a speech given to the Lawyers in Local Government Annual Monitoring Officers’ Conference on 25 June, Dr Jane Martin (one of the CSPL members) updated delegates on the progress of the review. Dr Martin told the conference “We’ve heard loud and clear, in meetings, roundtables, and through our consultation: the current sanctions are not enough...without robust sanctions, councils can’t deal effectively with serious and persistent misconduct. This is the major gap in the current system.”

CSPL has also been told that the variation in codes “can be a problem for two groups in particular”: (i) dual- or triple-hatted councillors and (ii) principal authorities investigating breaches of parish codes. In addition, codes of conduct “vary in quality” with some relying on “very broad provisions” which are difficult to adjudicate on and can lead to disputes over interpretation.

CSPL has heard that the current system for declaring interests “could be tightened up and...made clearer for councillors and officers”. In addition, it has received “a range of views on the role of standards committees”. Dr Martin said it was clear to CSPL that the Independent Person “plays a valuable role” and it will be “carefully considering the case for strengthening that role”. In addition, Dr Martin reported that it has become clear to CSPL “that political groups are an unseen but important influence on standards in local authorities.” Political groups “hold some of the most effective sanctions under the current regime, like removal from committees or the threat of having the whip withdrawn”.

Sanctions and non-compliance

It is clear that CSPL has received many submissions and comments about the lack of robust sanctions in the current regime.

As this Committee is aware from previous reports and discussions, in the absence of sanctions such as suspension, an authority has limited scope for action if a member does not co-operate with the sanctions imposed by a committee. As acknowledged by CSPL, a member who belongs to a political group may find that the group brings pressure on him/her to comply with any sanction which has been imposed. Adverse press coverage might result in a member deciding to co-operate. However, not all members may be concerned about adverse press coverage. If a Member fails to comply with the sanctions imposed by the Committee, he/she might find himself/herself the subject of a new complaint of breach of the code. However, that complaint would obviously be subject to the same regime, including the same limited range of sanctions.

Next steps

Officers will report back to the Committee once the CSPL publishes its response to the consultation.

1.5 Contact officers:

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1.6 Background information:

None