

North Tyneside Council

Report to Standards Committee

Date: 20 March 2019

ITEM

Title: Local Government
Ethical Standards

Report from Service Area: Law and Governance

Responsible Officer: Bryn Roberts, Head of Law and Governance (Tel: 643 5339)

Wards affected: All

PART 1

1.1 Executive Summary

To inform the Standards Committee of the findings of the Committee on Standards in Public Life detailed within the Committee's Report of its recent review dated January 2019.

1.2 Recommendation(s):

The Committee is recommended to:

1. note this report and the findings of the Committee on Standards in Public Life's Review of the local government standards framework; and
2. request the Monitoring Officer in consultation with the Chair and Deputy Chair of the Committee to undertake a review the report's recommendations to identify where the Authority is already meeting best practice and where there are areas where the Authority's arrangements could be improved. Where appropriate this review will inform the development of the Committee's work programme for 2019/2020.

1.3 Information

The Committee on Standards in Public Life is an independent advisory Non-Departmental Public Body and was established in 1994 by the then Prime Minister under the chairmanship of Lord Nolan. Within its first report the Committee defined the Seven Principles of Public Life, commonly known as the Nolan Principles. As the Standards Committee is aware, these principles continue to be relevant and are incorporated in the Authority's Code of Conduct for Members.

The Committee monitors and considers issues and concerns relating to standards in public life, including standards in local government. The purpose of the current Review was for the Committee to assure themselves that the current standards framework is conducive to promoting and maintaining the standards expected by the public.

A copy of the Review is attached at Appendix 1 and is available on line at:
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>.

The terms of reference for the review (detailed in the report at page 20) were to:

1. Examine the structures, processes and practices 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 the above 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.

The Review identified some specific areas of concern relating to bullying and harassment and other disruptive behaviour by a minority of councillors. The Review also identified a number of risks in respect of the current rules around conflicts and declaring of interests, gifts and hospitality and the increased complexity of local government decision-making.

However, the Review continues to support the current framework whereby local authorities have responsibility for ethical standards, and although the need for a central body to govern and adjudicate on standards was considered, the Committee has concluded that there is no reason to reintroduce centralisation.

The Committee has made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government. The recommendations include the suggestion for the Local Government Association (LGA) to create an updated model code of conduct to enhance consistency and the quality of local authority codes.

There are also further recommendations regarding declaring and managing interests, investigations and safeguards, and sanctions. In particular that:

- Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publically accessible social media
- Local authorities should be given the power to suspend councillors, without allowances, for up to six months.
- The views of the Independent Person should be formally recorded in any decision or minutes
- The LGO should be given power to investigate and decide upon an allegation of a breach and the appropriate sanction upon appeal by a councillor and the LGO's decision will bind the local authority
- Powers to bar councillors from council premises or withdraw facilities as sanctions should be clarified and put beyond doubt in legislation if necessary
- Disciplinary protections for statutory officers should extend to all disciplinary action, not just dismissal

The full list of recommendations is included within the report at pages 14 – 17 of Appendix 1.

The Report confirms that the best practice recommendations for local authorities should be considered a benchmark of good ethical practice which all local authorities should implement. Examples include:

- Ensuring certain items are covered within the code of conduct, including with reference to bullying and harassment, a requirement to comply with formal standards investigations, prohibiting trivial or malicious allegations against councillors;
- Annual review of the Code of Conduct; and
- Senior officers should meet regularly with political group leaders or group whips to discuss standards issues

The Committee has expressed the intention to review the implementation of best practice in 2020. The full list of best practice recommendations is included at pages 18-19 of Appendix 1.

Clearly, authorities will need to wait to see how and when Government responds to the recommendations for which it is responsible. However, there are the following directed towards local authorities and political groups:

- There is a recommendation to both Government and to local authorities for local authorities to provide legal indemnity to Independent Persons if their views or advice are disclosed – this could be required through secondary legislation if required.
- Political groups should require councillors to attend formal induction training and national parties should add such a requirement to their model group rules.

It is suggested that the Monitoring Officer in consultation with the Chair and Deputy Chair of the Committee undertakes a review the report's recommendations to identify where the Authority is already meeting best practice and where there are areas where the Authority's arrangements could be improved. Where appropriate this review will inform the development of the Committee's work programme for 2019/2020.

1.5 Contact officers:

Stephen Ballantyne, Legal Manager: Governance
and Employment

(0191) 643 5329

1.6 Appendices

Appendix 1 Local Government Ethical Standards – A Review by the Committee on Standards in Public Life: January 2019