

Review of Local Government Ethical Standards: Stakeholder Consultation

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

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

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

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.

The review will consider 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).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment

on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- 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?

Response from Wyre Forest District Council

Wyre Forest District Council takes standards very seriously – including:

- **100% member code of conduct training after elections.**
- **Six independent persons in place.**
- **A Standards Committee, that is responsible for the promotion of high standards, including member interests, gifts and hospitality, member IT use, propriety for officers including anti-fraud etc.**

The Council does not consider there to be gaps in the current regime.

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.

Response from Wyre Forest District Council

Wyre Forest District Council adopted a Code of Conduct in line with the former national code. It supports the use of the Seven Principles of Public Life and agrees that the code covers an appropriate range of behaviours. As mentioned above, 100% of members have Code of Conduct training with the Monitoring Officer.

Behaviours relating to on-line or social media communications provide a source of opportunities for perceived or actual misconduct. Induction of new social media code has emphasised the use of good practices in relation to social media.

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?

Response from Wyre Forest District Council

The established procedures are fair and follow due process, affording complainant and subject with access to assistance and advice from the Monitoring Officer or Investigating Officer, as well as one of the six independent persons. The majority of time is taken with preliminary approaches and resolving potential conflict at early stages. Investigations when undertaken are thorough and outcomes based on a full consideration of recorded evidence and reasons.

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?

Response from Wyre Forest District Council

No.

Sanctions are woefully inadequate. This is the major flaw in the current Ethical framework.

Under the old national regime there was a wider range of sanctions

available to the Standards Committee and at the most serious level, it was possible to suspend a member. Now, the strongest sanctions are public censure and limiting a member's access to certain resources. While they can be recommended for removal from certain roles this has to be with the cooperation of the group leader and full Council. This suggests a limited set of options for more serious conduct and a reliance on party political/ group leader cooperation at a critical point if sanctions are to be effective.

Members strong view was that it is essential to revert to the sanctions under the previous regime, ie suspension (or partial suspension) as a councillor for up to 6 months and up to 12 months for serious breaches.

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.

Response from Wyre Forest District Council

A public register of interests is held on the District Council's website. As well as disclosable pecuniary interests, this includes a wide range of 'personal interests' in a similar manner to the former national code. This can give assurance that a fuller range of things that may influence each member are shown in the public domain.

At all of the Council's meetings and whenever individual decisions are made, as part of the agenda or the decision record members are asked to declare any relevant interests. This serves as a prompt for members. In advance of all public meetings of the District Council members are given the opportunity to declare interests in writing or seek advice.

These measures in place help to promote an effective, open culture of declaring interests. There have been no complaints to the Standards Committee that involved a failure to declare or act on an interest.

The process relies upon the cooperation of members as individual members cannot be compelled to declare interests by a chairman or an officer. The

District Council has however not experienced particular problems with any lack of cooperation as members tend to err on the side of caution in relation to such declarations. Members proactively consult with the Monitoring Officer to ensure compliance.

Whistleblowing

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

Response from Wyre Forest District Council

A whistleblowing policy is in place at Wyre Forest District Council. Members are entitled to raise questions, either openly or confidentially with the Monitoring Officer and the senior leadership team. The Council has no experience of any member being unable to raise and pursue such concerns. Members are provided with contact details of all relevant officers to assist them in the discharge of their work.

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?

Response from Wyre Forest District Council

Common issues and areas of good practice could be captured in guidance. More formal arrangements for exchanging experience and good practice between local authorities could be developed.

Government could introduce sanctions that would give the public and members confidence in the ability of Local Authorities to deal effectively with Code of Conduct complaints. Current perception by Members is that the ethical framework requires robust sanctions to be credible.

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?

Response from Wyre Forest District Council

Social Media is the main forum for abuse. All Social Media (as per Twitter) should have a facility to report inappropriate posts and remove inappropriate posts or abusive content.

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:

Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW 1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).