

North East Derbyshire District Council

Standards Committee

15 March 2018

<p>Parliamentary Committee on Standards in Public Life – Review of Local Government Standards</p>
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Report of the Head of Service – Corporate Governance and Solicitor to the Council & Monitoring Officer

This report is public

Purpose of the Report

- To advise Members of the current review being undertaken by the Parliamentary Committee on Standards in Public Life and how they may feed in to the consultation.
- To create a collective response from the NED Standards Committee to the questions set out in Appendix 1.

1 Report Details

1.1 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.

1.2 The terms of reference for the review are 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 imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved
- 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 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).

- 1.4 Consultation questions have been detailed at Appendix 1 to this report.
- 1.5 Anyone with an interest may respond to the consultation questions. The Committee on Standards in Public Life 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)
 - Independent Persons appointed under section 28(7) of the Localism Act 2011
 - think tanks with an interest or expertise in local government
 - academics with interest or expertise in local government
 - representative bodies or groups related to local government
- 1.6 Submissions can be sent either in electronic format or in hard copy and need to be received prior to 5pm on Friday 18th May 2018.
- 1.7 Submissions must:
- State clearly who the submission is from;
 - Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
 - Be concise – no more than 2,000 words in length;
 - Contain a contact email address if you are submitting by email.
 - Have numbered paragraphs;
 - Comprise a single document. If there are any annexes or appendices, these should be included in the same document
 - Include factual information from which the Committee might be able to draw conclusions, and any recommendations for action for the Committee to consider.
- 1.8 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.
- 1.9 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
SW1A 2HQ

2 Conclusions and Reasons for Recommendation

- 2.1 To raise awareness of the consultation and encourage Members to participate on an individual basis.
- 2.2 To gain a collective view from the NEDDC Standards Committee.

3 Consultation and Equality Impact

- 3.1 Members may respond as a Standards Committee, or on an individual basis.

4 Alternative Options and Reasons for Rejection

- 4.1 None

5 Implications

5.1 Finance and Risk Implications

- 5.1.1 None

5.2 Legal Implications including Data Protection

- 5.2.1 None arising.

5.3 Human Resources Implications

- 5.3.1 None

6 Recommendations

- 6.1 That Members consider the consultation questions as attached at Appendix 1 and provide a group response to be submitted to the Parliamentary Committee for Standards in Public Life.

7 Decision Information

<p>Is the decision a Key Decision? A Key Decision is an executive decision which has a significant impact on two or more District wards or which results in income or expenditure to the Council above the following thresholds: <i>BDC: Revenue - £75,000</i> <input type="checkbox"/> <i>Capital - £150,000</i> <input type="checkbox"/> <i>NEDDC: Revenue - £100,000</i> <input type="checkbox"/> <i>Capital - £250,000</i> <input type="checkbox"/> <input checked="" type="checkbox"/> <i>Please indicate which threshold applies</i></p>	No
<p>Is the decision subject to Call-In? (Only Key Decisions are subject to Call-In)</p>	No
<p>District Wards Affected</p>	All
<p>Links to Corporate Plan priorities or Policy Framework</p>	All

8 Document Information

Appendix No	Title
Appendix 1	Consultation Questions
<p>Background Papers (These are unpublished works which have been relied on to a material extent when preparing the report. They must be listed in the section below. If the report is going to Cabinet (NEDDC) or Executive (BDC) you must provide copies of the background papers)</p>	
None	
Report Author	Contact Number
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APPENDIX 1

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?

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?