

Report to:	STANDARDS COMMITTEE
Relevant Officer:	Mark Towers, Director of Governance and Partnerships / Monitoring Officer
Date of Meeting:	5 September 2019

COMMITTEE ON STANDARDS IN PUBLIC LIFE – LOCAL GOVERNMENT ETHICAL STANDARDS REVIEW

1.0	Purpose of the report:	
1.1	To present the findings of the Committee on Standards in Public Life review of local government ethical standards and agree what action to take in respect of the best practice recommendations.	
2.0	Recommendation(s):	
2.1	To consider the report of the Committee on Standards in Public Life, its recommendations and Best Practice issues.	
2.2	To agree that the Monitoring Officer liaises with the Monitoring Officer at Fylde Borough Council, other Monitoring Officers as appropriate and the three Independent Persons in respect of the best practice recommendations at Appendix 4d and provides an update report at the next meeting.	
3.0	Reasons for recommendation(s):	
3.1	To update members on the report of the Committee for Standards in Public Life and consider the best practice recommendations and how these may affect other associated documents and resources.	
3.2a	Is the recommendation contrary to a plan or strategy adopted or approved by the Council?	No
3.2b	Is the recommendation in accordance with the Council's approved budget?	Yes
3.3	Other alternative options to be considered:	
	None, options are set out in the report.	

4.0	Council Priority:
4.1	This report covers all of the Council's priorities.
5.0	Background Information
5.1	Members will be aware that at the last meeting of the committee the issue of the consultation response to the Committee on Standards in Public Life review of local government ethical standards had been reported on.
5.2	<p>Members will recall the Localism Act 2011 implemented a new process and abolished the previous national body, Standards Board for England. The remaining elements of the previous Standards regime were revoked in July 2012.</p> <p>Local authorities are under the following duties:</p> <ul style="list-style-type: none"> • Duty to promote and maintain high standards of conduct by elected and co-opted members. • Duty to adopt a Code of Conduct based on Lord Nolan's Principles of Public Life. • Duty for the local authority to require registration and for members to register and disclose pecuniary interests and such other interests as the local authority may determine. • Duty to have arrangements in place to investigate allegations and to reach decisions in relation to allegations. • Duty to appoint at least two Independent Persons whose views must be sought before a decision is reached regarding an allegation of breach of the code.
5.3	However, concerns were raised by the Committee on Standards in Public Life in various reports following the implementation of the Localism Act 2011, as to whether the sanctions for breach of standards were adequate and that it would therefore be monitoring the implementation of the new local government standards regime.
5.4	The Committee advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders. It is an independent advisory non-departmental public body.
5.5	<p>The terms of reference for the review were to:</p> <p>i. Examine the structures, processes and practices in local government in England for:</p> <ul style="list-style-type: none"> • 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

	<p>ii. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;</p> <p>iii. Make any recommendations for how they can be improved;</p> <p>iv. 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.</p>
5.6	<p>The review covered all local authorities in England, of which there are 353 principal authorities, with 18,111 councillors, and an estimated 10,000 parish councils, with around 80,000 parish councillors. The Committee did not take evidence relating to Combined Authorities, metro mayors, or the Mayor of London and so do not address these areas of local government in this report.</p>
5.7	<p>In formulating a response to this consultation, a workshop had been held with representatives from Fylde Borough Council to formulate a joint response outlining the views of both groups and this had been submitted prior to the consultation deadline and shared with Standards Committee members.</p>
5.8	<p>Those Members in attendance at the workshop favoured stronger sanctions being available for Monitoring Officers and Standards Committees to deal with certain areas of misconduct such as bullying and intimidation. Praise was offered for the amount of joint working between Blackpool and Fylde Councils as an example of good practice for other Councils to consider adopting. It was also suggested that there should be a 'model' code of conduct (as existed prior to the Localism Act) to ensure consistency across Councils and also some form of national guidance in relation to registering and declaring interests.</p>
5.9	<p>The Committee on Standards in Public Life has published its final report earlier this year following a year-long review and wide consultation and that can be accessed at the following link (a summary of the report is at Appendix 4b, as the full report has 108 pages):</p> <p>https://www.gov.uk/government/publications/local-government-ethical-standardsreport</p>
5.10	<p>The full recommendations from the report (at Appendix 4c) are made to government, the Local Government Association, Parish Councils and political parties.</p> <p>Key <u>recommendations</u> include:</p> <ul style="list-style-type: none"> • a new power for local authorities to suspend councillors without allowances for up to six months with a right of appeal for suspended councillors to the Local Government Ombudsman. • revised rules on declaring interests and gifts and hospitality. • an updated voluntary Model Code of Conduct to be introduced with local authorities to retain ownership of their own Codes of Conduct. • a strengthened role for the Independent Person.

	<ul style="list-style-type: none"> Monitoring Officers provided with adequate training, corporate support and resources and statutory protections to be expanded. greater transparency about the number and nature of Code complaints. Political groups set clear expectations of behaviour by their members and code of conduct training to be mandatory. 	
5.11	Many of the Committee for Standards in Public Life recommendations will require primary legislation; the implementation of which will be subject to Parliamentary timetabling. Some changes can be made through secondary legislation or amendments to the Local Government Transparency Code, which could be implemented by government relatively quickly. The best practice recommendations are a matter for individual local authorities.	
5.12	It is proposed that the Committee agrees to take steps to introduce all the best practice recommendations (set out in Appendix 4d). This will demonstrate the Committee's continued commitment to promote and maintain high standards of conduct by members and co-opted members of the Council. As this Council has reciprocal arrangements with Fylde Borough Council and in particular shares 3 Independent Persons, it is recommended that any review of the code and procedural documents to take in the best practice recommendations is done in conjunction with the Monitoring Officer and appropriate members from that Council as it was in 2012 and 2015. It is suggested that an update report on these be brought back to the next meeting of the committee.	
5.13	One of the recommendations in the report to government was concerning the term of office for the Independent Persons. In order to consider this issue after the Government response, Council at its meeting in June agreed that the term of office for its three statutory Independent Persons pursuant to Section 28 (7) of the Localism Act 2011, Mr Mozley, Mrs Broughton and Mr Horrocks be extended for a further 12 months from 30 September 2019 to 30 September 2020. This extension is also due to be considered by Fylde Borough Council at its September Council meeting.	
5.14	Does the information submitted include any exempt information?	No
5.15	List of Appendices:	
	Appendix 4a – 7 Principles of Public Life Appendix 4b – Executive Summary of the Local Government Ethical Standards Review Appendix 4c - Recommendations to Central Government from the Local Government Ethical Standards Review. Appendix 4d – Best Practice recommendations/ Monitoring Officer comments to Local Authorities from the Local Government Ethical Standards Review.	

6.0	Legal considerations:
6.1	None. The Council has to have in place a code of conduct. If Central Government agrees the recommendations put to it then there would need to be changes to it which would be brought back to this committee.
7.0	Human Resources considerations:
7.1	The Monitoring Officer is provided with adequate training, corporate support and resources to undertake this work.
8.0	Equalities considerations:
8.1	None.
9.0	Financial considerations:
9.1	There are no financial implications associated with this report.
10.0	Risk management considerations:
10.1	None.
11.0	Ethical considerations:
11.1	None.
12.0	Internal/ External Consultation undertaken:
12.1	There has been initial discussions with the Monitoring Officer at Fylde Borough Council but this report recommends further more detailed appropriate consultation.
13.0	Background papers:
13.1	Report of the Committee on Standards in Public Life Local Government Ethical Standards - A Review by the Committee on Standards in Public Life. https://www.gov.uk/government/publications/local-government-ethical-standardsreport