

Report to Standards Committee

29 March 2018

By the Interim Monitoring Officer

DECISION REQUIRED



**Horsham
District
Council**

Review of Local Government Ethical Standards

Executive Summary

The report informs the Standards Committee of the Local Government Ethical Standards Stakeholder Consultation being conducted by the Committee on Standards in Public Life and invites the Committee to consider if it wishes to respond to the Consultation. The report also updates the Committee on the DCLG Consultation on the Disqualification criteria for Councillors and Mayors and the introduction of a new Ministerial Code.

Recommendations

That the Standards Committee:-

- Notes the LGA response to the DCLG Consultation – Disqualification criteria for Councillors and Mayors.
- Notes the introduction of a new Ministerial Code issued in January 2018.
- Provides views on an appropriate response to the Consultation issued by the Committee on Standards in Public Life.
- Delegates authority to the Head of Legal and Democratic Services (Monitoring Officer) in consultation with the Chairman of the Committee to prepare the final consultation response to the Committee on Standards in Public Life.

Background Papers

None.

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Background Information

1 Background

1.1 DCLG Consultation – Disqualification Criteria for Councillors and Mayors

The Committee at the last meeting on 29 November 2017 considered the DCLG Consultation on the Disqualification Criteria for Councillors and Mayors (Minute SC/21 refers). The Committee noted the proposals and were satisfied that they were timely and appropriate. The LGA has responded to the Consultation on behalf of all Local Authorities, a copy of their submission is attached as Appendix 1.

1.2 New Ministerial Code

The Cabinet Office in January 2018 has issued a new Ministerial Code setting out the Standards of Conduct expected of Members of Parliament and how they should discharge their duties, a copy of the Code can be viewed at the link below:

<https://www.gov.uk/government/publications/ministerial-code>

1.3 Review of Local Government Ethical Standards

The Interim Monitoring Officer advised the Committee at the last meeting in November 2017 that the Committee on Standards in Public Life would be undertaking a review of Local Government Ethical Standards in 2018. Members agreed that this forthcoming review would be an opportunity for the Committee to submit its concerns regarding the current Standards Regime in particular regarding the lack of sanctions.

1.4 The Committee on Standards in Public Life has launched a consultation exercise to inform its Review of local government ethical standards. This consultation commenced on 29 January and will close on 18 May 2018.

2 Relevant Council policy

2.1 The Council is committed to the highest standards of corporate governance and views the ethical framework as integral to that process.

3 Details

3.1 The Committee on Standards in Public Life has launched a consultation exercise to inform its review of local government ethical standards. The CSPL is a non-departmental public body which advises on ethical standards across the whole of public life including local authorities. This consultation commenced on 29 January and will close on 18 May 2018. The terms of reference for the Review are to:

- (a) Examine the structures, processes and practice 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.
- (b) Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
- (c) Make any recommendations for how they can be improved; and
- (d) 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.

The Consultation invites responses in a number of areas:

- General matters
- Codes of Conduct
- Investigation and Decisions on allegations
- Sanctions
- Declaring Interests and conflicts of interest
- Whistleblowing
- Improving Standards
- Intimidation of Councillors

A copy of the Consultation paper is attached at Appendix 2.

4. Options available

- 4.1 To note the Consultation paper only
- 4.2 To provide a response to the Consultation paper questions

5. Legal Implications

- 5.1 The Current Standards Regime was introduced in July 2012 as a result of The Localism Act 2011. The Localism Act 2011 abolished the previous 'standards regime' under the Local Government Act 2000 as the Government wanted to introduce more 'light touch' standards arrangements. The effect of the Localism Act was that Councils could adopt their own Codes of Conduct and determine what arrangements to have in place to deal with Code of Conduct complaints. The Act also made it compulsory to appoint an Independent Person whose views are to be sought and taken into account by the Council before it makes a decision on an

allegation that it has decided to investigate and in other instances where the Council may consult. Changes were also introduced to interests that members are required to declare relating to the disclosure of Disclosable Pecuniary Interests. Further all the statutory sanctions that had been available in the previous standards regime were abolished. Thereafter Councils had to look to common law.

Sanctions currently available under the common law:

- i) Censure;
- ii) Report the findings of the Standards Committee to Full Council and publish the findings on the Council website;
- iii) Exclude the Councillor from premises other than Council meeting rooms when necessary for the attendance at Council/Committee meetings;
- iv) Withdrawal of Council facilities, e.g. computer;
- v) Instruct the Monitoring Officer to arrange training;
- vi) Recommend to Council/Cabinet that the Councillor be removed from any outside body;
- vii) Inform the Group Leader that the Committee recommend the Councillor be removed from Cabinet/Portfolio Responsibilities;
- viii) Inform the Group Leader (or if independent – the Full Council) that the Committee recommend the Councillor be removed from a Committee(s).

6 Risk Assessment

6.1 There are no risk implications.

7 Other Considerations

7.1 There are no direct equality and diversity, human rights, or Crime and Disorder implications arising from this report