

Report To:	STANDARDS AND PERSONNEL APPEALS COMMITTEE	Date:	18 MARCH 2020
Heading:	UPDATE IN RELATION TO THE REPORT OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE		
Portfolio Holder:	NOT APPLICABLE		
Ward/s:	NOT APPLICABLE		
Key Decision:	NO		
Subject to Call-In:	NO		

Purpose of Report

The purpose of this report is to update the Committee in respect of the Committee on Standards in Public Life (CSPL) report relating to Local Government Ethical Standards specifically focussing on the work of the Local Government Association (LGA) in developing a new Model Code of Conduct.

Recommendation(s)

1. To note the update in respect of the Committee on Standards in Public Life (CSPL) report relating to Local Government Ethical Standards and the work of the Local Government Association (LGA) in developing a new Model Code of Conduct;
2. To agree a process for formulating and submitting a Council response to the expected LGA Consultation on a new Model Code of Conduct;
3. To agree to pause work on the implementation of the Best Practice Recommendations of the CSPL pending the outcome of the work being undertaken by the LGA.

Reasons for Recommendation(s)

To ensure the Committee charged with ensuring high standards of conduct is aware of the CSPL report and to ensure it considers if any of the best practice recommendations contained in that report should be implemented by this Council. To ensure the Committee is aware of the work being

undertaken by the LGA and is able to provide a response to their expected consultation on a new Model Code of Conduct.

Alternative Options Considered

(with reasons why not adopted)

There are no other options considered appropriate at this stage.

Detailed Information

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

Background

The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It is an independent advisory non-departmental public body.

During 2018, the CSPL undertook a review of local government ethical standards. *“The review was not prompted by any specific allegations of misconduct, but rather to assure ourselves that the current framework, particularly since the Localism Act 2011, is conducive to promoting and maintaining the standards expected by the public.”*

Members will recall receiving reports at its meetings in July and October 2019. The Committee resolved that:

- “a) informal working groups be arranged to discuss the findings of the CSPL report and feed back to the Committee in October for recommendation to Council;*
- b) the Director of Legal and Governance (and Monitoring Officer) will explore the possibility of sharing the Monitoring Officer function to avoid investigation conflict via the Nottinghamshire Network.”* (Min. Ref. SP.5) (July 2019)

and

- “b) it be agreed that the work to further consider the Best Practice Recommendations arising from the review undertaken by the Committee on Standards in Public Life (CSPL) relating to Local Government Ethical Standards, be continued via the Standards Committee Working Group with update reports to the Committee as required.”* (Min. Ref. SP.11) (October 2019)

The informal working group has met on two occasions so far supported by the Monitoring Officer.

The Committee agreed a series of actions for each Best Practice Recommendation at its meeting in October 2019. There has been little opportunity since October to progress this work programme largely due to the Monitoring Officer’s role as Acting Returning Officer for the unscheduled Parliamentary Election in December 2019.

Members may recall that the CSPL report recommended that *“The Local Government Association should create an updated model code of conduct, in consultation with representative bodies of Councillors and officers of all tiers of local government.”*

It became apparent shortly after the last Committee meeting that the LGA was progressing with this recommendation and aimed to launch a new Model Code of Conduct in June 2020. It therefore seemed prudent to await this Code in order to avoid potentially abortive work.

This report provides a detailed update in respect of the work of the LGA to develop a new Model Code of Conduct.

LGA's Work on a New Model Code of Conduct

This work is part of a wider programme of work on **civility in public life** and in response to rising local government concern about the increasing incidence of public, member-to-member and officer/member intimidation and abuse and overall behavioural standards and expectations in public debate, decision making and engagement. The work programme was approved by the LGA Leadership Board in September 2019.

The Board heard that “one of the most pressing concerns facing the conduct of public life at the moment is the increasing incidents of intimidation and abuse by members of the public against councillors. These attacks risk the personal safety of our members, undermine local democracy and decision-making, and can put off prospective candidates from standing. Intimidation and physical threats of violence against councillors are a real and growing concern in every area of the country. Whilst debate and having different views is all part of a healthy democracy; abuse, public intimidation and threats are designed to undermine democratic decision making by generating fear in those who represent it.”

The purpose of the civility in public life programme is:

- To address the intimidation of local government members and officers
- To address standards of public discourse
- To address standards of political discourse and behaviour in public office
- To provide support and advice to councils and councillors

In reviewing the Model Code of Conduct the LGA “aims to develop a code that benchmarks a standard for all public office and for those engaged in public discourse and debate. It will set out the duties and expectations of persons in public office as well as their rights, particularly their right to be protected from abuse and intimidation resulting from their undertaking of public office.”

The LGA's objectives in reviewing the model code of conduct are to:

- Articulate what local government believes are good standards for all in public office
- Show leadership in good standards of conduct for those in public office, both elected and as employees
- Achieve consensus between the stakeholders affected by local government conduct
- Support its member councils and partners in achieving good standards of conduct
- Produce a code that is fit for purpose, useful and held in high regard
- Enhance the reputation of local government and local politicians
- Support the good running of councils

- Support all democratically elected local representatives to deliver their best on behalf of their local communities
- Build on the good practice that already exists within member councils

The LGA appointed Hoey Ainscough to work with it to review the Code. The first stage of the review was the gathering of views and good practice examples and a series of workshops with national representative bodies, officers and elected members. Three workshops were held on 17, 20 and 21 January 2020. The Council's Deputy Leader, Councillor Helen-Ann Smith was invited to attend one of these workshops. I understand from the LGA that the workshop discussions went very well and there were mutual concerns expressed by members and officers about the current codes, inconsistencies in application, lack of guidance and sanctions.

I understand that the LGA's Code drafting timetable/milestones are as follows:

- **3 February – 2 March** Preparation of draft code and report for LGA Board
- **11 March** – Draft Code to Board for consideration and approval for consultation
- **W/C 16 March** – Launch of consultation period (6 weeks)
- **W/C 16 March** – Round table discussion with key stakeholders
- **24 April** – Close of consultation
- **27 April – 15 April (3 weeks)** Review of consultation findings and final drafting
- **15 May** – Deadline for final draft from Hoey Ainscough
- **w/c 18 May** – Drafting of report for Board /final edits to code
- **25 May** – LGA deadline for submission of report for Board
- **3 June** – Final copy to Board for approval
- **W/C 8 June** – LGA design and print and final editing for launch
- **30 June** – Launch at first day of LGA conference, Harrogate

At the time of writing this report, the Draft Code had not been released for consultation. If the Draft Code is released prior to the Committee meeting I will circulate a copy as an Addendum report. There will not be a meeting of this Committee during the consultation period and so the Committee is asked to consider what approach it wishes to take in order to enable a response to be submitted. It is suggested that an informal meeting of the Committee could be called or alternatively an opportunity for Members to submit their written comments and to delegate the responsibility of formulating a response to the Chairman together with the Monitoring Officer.

Central Government Response to CSPL

I understand from the LGA that it does not have any information on Central Government's response to the recommendations of the CSPL report at this time. MHCLG have scheduled a Monitoring Officers' network meeting for 13 March 2020, where the LGA hope to receive an update. If any information is available by the time of the Committee I will report this verbally.

Implications

Corporate Plan:

To ensure we deliver high-quality public services we have adopted a set of corporate values which underpin the successful delivery of our priorities. How we work is as important as what we do. The Council's values are: People Focussed; Honest; Proud; Ambitious.

Legal:

The best practice recommendations discussed in this report do not require legislation for the Council to implement them if it chooses to do so.

I understand the LGA is drafting the new Model Code in such a way that if it is completed before any Government response Local Authorities will still be able to adopt the Code. Some of the recommendations in the CSPL report, for example the power to suspend councillors (recommendation 16), requires legislation which means that these provisions cannot be included in the Code.

Finance:

Budget Area	Implication
General Fund – Revenue Budget	No direct financial implications arising from this report.
General Fund – Capital Programme	No direct financial implications arising from this report.
Housing Revenue Account – Revenue Budget	No direct financial implications arising from this report.
Housing Revenue Account – Capital Programme	No direct financial implications arising from this report.

Risk:

Risk	Mitigation
The Council has recognised the following Corporate Risk: <i>Members' Ethical Framework – Failure to demonstrate high standards of behaviour (CR003)</i>	Consideration of this report and the consequential work of the Committee and its working group demonstrates the Council's commitment to maintaining high levels of ethical behaviour and its commitment to reviewing and implementing best practice.

Human Resources:

There are no HR implications contained in the body of the report.

Equalities:

There are no equalities issues as a direct result of the recommendations in this report.

Environmental/Sustainability:

There are no Environmental/Sustainability issues as a direct result of the recommendations in this report.

Other Implications:

None.

Report Author and Contact Officer

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