



Name of meeting: Standards Committee

Date: 11th March 2020

Title of report: Cases and News Update

Purpose of report

To brief the standards committee on any news and cases of interest since September 2019.

Key Decision - Is it likely to result in spending or saving £250k or more, or to have a significant effect on two or more electoral wards?	not applicable
Key Decision - Is it in the Council's Forward Plan (key decisions and private reports?)	no
The Decision - Is it eligible for call in by Scrutiny?	no
Date signed off by <u>Strategic Director</u> & name	Yes – Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Yes
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes
Cabinet member portfolio	Cllr Graham Turner

Electoral wards affected: All

Ward councillors consulted: None

Public or private: Public

Have you considered GDPR? Yes

1. Summary

- 1.1 This report is intended to brief members on any developments and news on matters of local government ethics.
- 1.2 It will look at news items and any relevant case law, as well as any recent published decisions from other local authorities or any of the existing standards boards.
- 1.3 It will also provide an update on the work of the CSPL that follows on from their report 'Ethical Standards in Local Government'.

2. Information required to take a decision

2.1 News since September 2019

- 2.1.1 A number of sources have been checked for details of any news items that are of relevance or may be of interest to the committee.
- 2.1.2 These include Local Government Lawyer, Lawyers in Local Government, the various standards boards' websites, websites of other local authorities as well as local and national media.
- 2.1.3 There are a number of articles, from the Local Government Lawyer website, which may be of interest to the committee, even if all are not directly relevant to the work of the committee. Copies of the articles are at appendix A, but the following are of particular interest.
- 2.1.4 In November the UK's four Local Government associations agreed on a shared programme to promote civility in public life. This was prompted by increased concerns about intimidation.
- 2.1.5 A long serving Councillor was fined and banned from public office over a 'bogus' signature on a nomination form. He was fined £3500 and resigned as a councillor.
- 2.1.6 Following concerns raised on social media by Stratford-on-Avon District Council's former head of paid service, and independent report was commissioned to look at whether or not the council was institutionally sexist. The concerns were the result of behaviours and Code of Conduct breaches against members.
- 2.1.7 A search of local newspaper websites has thrown up a number of stories about councillor conduct, from criticism of referring to fellow members as 'plonkers' to allegations of transphobia. Copies of these reports are at appendix A.

2.2 **Recent published decisions**

- 2.2.1 Some Local Authorities in England publish their decisions on member complaints, as do the Standards Boards in Wales, Scotland and Northern Ireland.
- 2.2.2 The Standards Commission for Scotland has published two recent decisions that may be of interest to the committee and the press releases from the commission are at Appendix B.
- 2.2.3 The Commissioner for Standards in Northern Ireland has not published any further reports since the last report to committee.
- 2.2.4 The Local Government Ombudsman for Wales publishes a 'Code of Conduct Casebook' periodically. The latest edition, published in October 2019 reports on standards complaints that had been referred to the Ombudsman. A copy of the casebook is attached at appendix B.
- 2.2.5 The report contains 5 referrals where no breach was found, 4 where breaches were found but no action was found necessary, 2 that were referred to the Standard Committee and 1 was referred to the adjudication panel for Wales.
- 2.2.6 The complaints that were found to be proven included failures to disclose interests and the promotion of equality and respect, including one complaint of aggressive behaviour at a council meeting that led to the member being suspended.
- 2.2.7 In England, publication of decision remains discretionary, although the CSPL did support publishing these. As the committee will be aware, Kirklees took the decision to publish formal decision notices and now does so.
- 2.2.8 There is in general a dearth of published cases in this period and none of interest have been found.
- 2.2.9 Looking at these above examples, they can be divided roughly into the following categories
- i) Equalities issues – 2;
 - ii) Poor conduct in office – 2;
 - iii) Social media / press – 3
 - iv) Conduct in meetings – 5;
 - v) Declarations of interests – 3.

2.3 **Case Law**

- 2.3.1 There does not appear to have been any recent reported decisions in the Courts on any matters directly relating to local authority standards.

2.4 The work of the Committee on Standards in Public Life

- 2.4.1 The CSPL, in a joint exercise with the Jo Cox Foundation, undertook a review of individual political parties' Codes of Conduct. The purpose was to create a 'Joint Standard' that would outline a shared understanding of the minimum standards of behaviour expected of all party members.
- 2.4.2 Members may be interested to note that the CSPL held discussions with Facebook, Google and Twitter. More information is available at <https://www.gov.uk/government/publications/intimidation-of-parliamentary-candidates-evidence-from-facebook-google-and-twitter>
- 2.4.2 Their report was published in October 2019. A copy is attached at Appendix B, less the original report's appendix. That appendix can be found at <https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>
- 2.4.3 Whilst not a report of the CSPL, Local Government Lawyer published an article by Paul Feild that concerned the findings on behaviours, bullying and cultures. A copy is attached, at Appendix B.
- 2.4.4 What may be of interest is the suggestion that there is unlikely to be any legislation in the foreseeable future, so the issues around sufficiency of sanctions available may not be addressed for some time.
- 2.4.5 Since the last report, the CSPL have published the minutes of their meetings, held on the 17th of October 2019 and the 21st of November 2019. There was no direct reference to the Local Government Ethical Standards report in either the October or the November meeting.
- 2.4.6 It was reported previously that the Local Government Association (LGA) had become involved in the drafting of the model Code of Conduct that the CSPL had recommended in their report. A copy of the report on this project is attached at Appendix B. This report was put before the LGA Board on the 11th of September 2019 and approved. Hoey Ainscough were appointed to consult and to draft the code.
- 2.4.7 Following this, a timetable was agreed for the draft code to be completed and approved. The key dates are:
- i) 14th February – draft code finalised and sent to LGA;
 - ii) 11th March – draft code will be put to the LGA Board for approval;
 - iii) 16th March – launch of consultation period;
 - iv) 27th April – review of consultation responses;
 - v) 15th May – deadline for finalised draft;
 - vi) 3rd June – final draft code to be put to the LGA Board;

- vii) 30th June – code to be launched on the first day of the LGA Conference.

2.4.8 A copy of the model Code of Conduct will be put before this committee when it meets in September for review and discussion.

2.5 Update on work from the CSPL report

2.5.1 The Code of Conduct review that was recommended be undertaken annually is taking place, on an agreed bi-annual basis.

2.5.2 There will be a consultation exercise in which various stakeholders will be asked to provide responses to targeted questions.

2.5.3 The questionnaires are due to be finalised and will be put out for consultation responses shortly.

3. Implications for the Council

3.1 Working with People

N/A

3.2 Working with Partners

N/A

3.3 Place Based Working

N/A

3.4 Climate Change and Air Quality

N/A

3.5 Climate Change

In order to minimise any impact, printing is kept to a minimum.

3.6 Other (eg Legal/Financial or Human Resources)

The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.

4. **Consultees and their opinions**

N/A

5. **Next steps and timelines**

5.1 The Monitoring Officer will continue to monitor any relevant news and cases and will report back to this committee. She will also report back on the work of the CSPL.

5.2 The work of the LGA on the draft Model Code will be monitored and the committee will be updated on their work when they meet in September.

6. **Officer recommendations and reasons**

6.1 Members are asked to consider the report and comment on its contents (as applicable) and note its contents.

6.2 Members are also asked to decide if they wish to participate in the consultation on the draft model code of conduct that is being prepared by the LGA. If so, members are asked to delegate the Monitoring Officer to draft a response in consultation with members of the Standards Committee and GBMs.

7. **Cabinet portfolio holder's recommendations**

N/A

8. **Contact officer**

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9. **Background Papers and History of Decisions**

9.1 N/A

10. **Service Director responsible**

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