



**Name of meeting: Standards Committee**

**Date: 29<sup>th</sup> March 2021**

**Title of report: Cases and News Update**

**Purpose of report**

To brief the standards committee on any news and cases of interest since September 2020.

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|--|---|
| 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 <a href="#">Council's Forward Plan (key decisions and private reports?)</a>                                    | no  |
| The Decision - Is it eligible for call in by Scrutiny?   | no  |
| Date signed off by <a href="#">Strategic Director</a> & name   | Yes – Rachel Spencer-Henshall – 18 <sup>th</sup> March 2021 |
| 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 <a href="#">portfolio</a>   | Cllr Graham Turner  |

**Electoral wards affected: All**

**Ward councillors consulted: None**

**Public or private: Public**

**Has GDPR been considered? 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 2020**

- 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 various sources, 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 December 2020 a Calderdale Councillor was criticised for comments he made about the free school meals debate. It transpired that the independent Councillor had been expelled from the Conservative Party in the previous year.
- 2.1.5 A number of stories reported an increase in the numbers of complaints being made. Cheshire West reported that complaints about town councils were their highest since 2015, whilst South Tyneside Council reported a surge in complaints, but also that a large number of complaints from the previous period had proved unfounded, with only 16% resulting in a formal investigation. Sandwell Council also reported a rise in the number of complaints, adding that the numbers were so high additional staff had been recruited to deal with these.
- 2.1.6 In December 2020, it was reported that a meeting of the Brighton and Hove Council had to be stopped due to the number of allegations being made by members. This report is interesting as it was comments that were being made out of public view, in the chat, that were the source of the problems.

- 2.1.7 In December 2020 online meetings were another source of complaint, when members of the public reported a number of instances of members allegedly yawning and not paying attention during a meeting of Milton Keynes Council's audit committee. Members hit back, saying the evening meeting was a long one, but that they were giving full attention. It does, however, highlight the dangers of members forgetting that they are always on view during such online meetings.
- 2.1.8 The Welsh Parliament is consulting on a new Code of Conduct for Senedd members, proposed by its own standards committee. If agreed, it will apply after the Senedd elections in May 2021. One proposal is to introduce a new principle – 'Respect'. The committee felt it was appropriate to introduce the principle, citing the independent enquiry on bullying and harassment of House of Commons staff, as well the #metoo and Black Lives Matter movements.
- 2.1.9 In January 2021, a former Councillor for Redbridge was jailed, after being found guilty of election offences, as well as receiving a 5 year ban from standing for public office. He had been charged with making false representations and perverting the course of justice.
- 2.1.10 Finally, mention must be given to Handforth Parish Council, whose virtual Planning Committee meeting went viral. Local Government Lawyer has reported that Cheshire East Council is considering a number of complaints relating to the Parish Council.

## **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 continued to work, holding hearings remotely.
- 2.2.3 Since the beginning of October 2020, the Commission has held a total of 9 standards hearings, resulting in 5 suspensions and 4 censures.
- 2.2.4 These have been for various reasons, the censures being largely for failing to declare interests, but also one for disclosing confidential information. The suspensions were for disrespectful behaviour, being convicted of a sexual offence and for disclosing confidential information.
- 2.2.5 The Commissioner for Standards in Northern Ireland has not published any further reports since July 2019. The Commissioner's website advises that the office is still closed, with staff working remotely, but there is a published list of hearings that are yet to be listed.

- 2.2.6 There is not a great amount of detail about the circumstances of each of these cases, beyond reference to the part of the code of conduct that the complaint relates to. A check of these, suggests that various issues around poor behaviour, with bullying, lack of respect, bringing a Council into disrepute, failing equality duties, improper use of position and council resources, failing to co-operate with the Commissioner, as well as a number relating to the declaration of interests.
- 2.2.7 The Public Services Ombudsman for Wales publishes a 'Code of Conduct Casebook' periodically. There have been no 'casebooks' published since 2019, so no reports of any of its hearing are on its website.
- 2.2.8 The Ombudsman is due publish an annual report in May 2021 and any relevant information published then will be reported back to this committee in the next report.
- 2.2.10 In England, publication of decisions still remains discretionary, although the CSPL did support publishing these, so it may be the case that more decisions from English local authorities are published in due course.
- 2.2.11 There is in general a lack of cases published English local authority websites in this period and none of interest have been found.

## **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 have been fairly quiet in follow up work to their 2019 report.
- 2.4.2 Since the last report, the CSPL have published the minutes of their meeting held on the 21<sup>st</sup> of January 2021, in which the Chair reported that the Minister for Housing's office hoped to provide an update to the committee on the progress of the government's response to the 2019 report. There was nothing in the minutes of the 17<sup>th</sup> December, 19<sup>th</sup> November 2020 or the 10<sup>th</sup> of September 2020 meetings of relevance to the follow up work on the 2019 report.
- 2.4.3 The committee did ask all local authorities in England to provide them with an update on their implementation of the 15 best practice recommendation and on the 8<sup>th</sup> of January 2021, reported on that on their 'blog'. As well as noting that the government is yet to respond to

the 2019 report, it highlighted the responses from local authorities on the best practice recommendations. A copy is at Appendix B.

2.4.4 In December 2020 the committee published an update report on its progress on the 'Intimidation in Public Life' exercise that it ran. A copy of that is at Appendix B.

2.4.5 The committee is currently running what it describes as a 'landscape review of the institutions, processes and structures in place to support high standards of conduct'. This is called 'Standards Matter 2'. Future progress will be reported back to this committee. Further information is in the press release, a copy of which is at Appendix B.

## **2.5 Update on work from the CSPL report**

2.5.1 The Code of Conduct review that was recommended be undertaken annually has been taking place, and is the subject of the third report before the committee.

2.5.2 The consultation exercise has now taken place and the results are the subject of the third report before the committee.

## **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**

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

### **3.5 Improving outcomes for children**

N/A

### **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. Next steps and timelines**

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

**5. Officer recommendations and reasons**

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

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

N/A

**7. Contact officer**

David Stickley  
Senior Legal Officer  
01484 221000  
[david.stickley@kirklees.gov.uk](mailto:david.stickley@kirklees.gov.uk)

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

- 8.1 N/A

**9. Service Director responsible**

Julie Muscroft  
Service Director – Legal, Governance and Commissioning  
01484 221000  
[julie.muscroft@kirklees.gov.uk](mailto:julie.muscroft@kirklees.gov.uk)