



Name of meeting: Standards Committee

Date: 15th September 2021

Title of report: Cases and News Update

Purpose of report

To brief the standards committee on any news and cases of interest since March 2021.

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 Strategic Director & name	Yes – Rachel Spencer-Henshall – 7 th September
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Yes – Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Yes – Julie Muscroft
Cabinet member portfolio	Cllr Paul Davies

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 March 2021

- 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 June 2021 it was reported that Doncaster Council would be taking no further action against an employee who had tweeted an image of Joseph Goebbels, associating this with an independent Councillor.
- 2.1.5 In May 2021, it was announced that Attleborough Town Council had agreed a settlement in respect of defamatory statements that had been made about two Councillors.
- 2.1.6 The leader of Castle Point Borough Council stood down as a councillor following a report by external lawyers into allegations of impropriety in two planning applications. It was alleged that the leader had put pressure on members to agree planning applications that he had a personal interest in.
- 2.1.7 Two councillors in Bristol have been threatened by council officers with defamation action, following comparisons by two elected members with Joseph Goebbels, accusing them of being untruthful.
- 2.1.8 Inews reported in July 2021 that two disabled York City councillors were barred from voting in an accessibility debate on the grounds that

they had 'a prejudicial interest'. They were later granted a dispensation to vote once only.

- 2.1.9 The former leader of Caerphilly Council has been suspended for five months following a breach of the code of conduct. David Poole was found to have purchased shares after having been in receipt of confidential information that he had attempted to use to his personal advantage.

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 March 2021, the Commission has held a total of 1 standard hearing, resulting in disqualification. A copy of the press release is in Appendix B, with full details of the breaches. They were that the Councillor in question had repeatedly acted in a threatening and offensive manner towards other Councillors and officers, including the Chief Executive.
- 2.2.4 There have also been 2 further matters referred, but where no action was taken. One was a complaint based on inappropriate gender-based language and the other referred to using disrespectful language when commenting in correspondence about a fellow councillor. In both cases, the view taken was that convening a full hearing would be disproportionate as both members had acknowledged the potential breaches.
- 2.2.5 The Commissioner for Standards in Northern Ireland has now recommenced its hearing and has held 3 since March 2021.
- 2.2.6 These hearings resulted in 2 disqualifications and 1 suspension, one qualification following a criminal conviction, with the other disqualification and the suspension due to behaviour issues. Details are at Appendix B.
- 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. It does however record that it had made a number of referrals during the annual reporting period. These were to the Adjudication Panel for Wales and to Standards Committees. Details of those can be found at Appendix B.

- 2.2.8 The Ombudsman published its annual report in May 2021 and the ombudsman acknowledges the impact of Covid-19 on the number of complaints that have been received, which have fallen, but at the same time published an increase of 47% in Code of Conduct complaints compared to the previous year.
- 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 we see more decisions from English local authorities being 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 has been a recent reported case - *Robinson, R (On the Application Of) v Buckinghamshire Council* [2021] – which was a judicial review of a decision taken by a Deputy Monitoring Officer. A report is in Appendix A.
- 2.3.2 A further case has been reported – *Cyril Bennis v Information Commissioner* [2021] – in which a district council's refusal to disclose advice from Independent Persons in response to a FOI request was upheld. Details are in Appendix A.

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 18th of March in which it is noted that there had been an article in the Local Government Chronicle which stated that the Minister for Local Government had indicated the Ministry would respond to the Committee's local government ethical standards report 'shortly'. The Secretariat reported that nothing had been confirmed by the Ministry; there had been no response by the Ministry to regular chasing by the Secretariat. The minutes of the meeting held on the 15th of April 2021 noted that the Minister for Local Government had written to the Society of Local Council Clerks, apologising for the delay in the government response to the 2019 report, citing the 2019 General Election and Covid as being responsible. The minutes of the meeting held on the 20th of May 2021 note that the Chair reported that he had written to the Chair of the Local Government Association about the LGA's work on the model code of conduct and their civility in public life programme and that a meeting would be arranged for later in the year.

- 2.4.3 It was reported in Local Government Lawyer in July 2021 that the CSPL were calling on the government to respond as a matter of urgency to the 2019 report.
- 2.4.4 Following on from previous reports on 'Standards Matter 2', the committee has published an interim report into its findings, with a final report to follow next year. The findings principally relate to standards and conduct in Parliament, rather than Local Authorities. If members are interested in reading these, the report can be found at [Standards Matter 2: The Committee's Findings - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/publications/standards-matter-2-the-committee-s-findings)

2.5 Update on work from the CSPL report

- 2.5.1 The LGA have now published guidance on their model Code of Conduct. This is the subject of a separate report to this committee.
- 2.5.2 The consultation exercise has taken place and the results are being reviewed. Due to the large number of responses, this work will take longer than anticipated. A further report or reports will be brought before the Committee in due course.

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

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