



**Name of meeting: Standards Committee**

**Date: 23<sup>rd</sup> March 2023**

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

**Purpose of report**

To brief the standards committee on any news and cases of interest since October 2022.

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 <u>Strategic Director</u> & name	Rachel Spencer-Henshall
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Eamonn Croston
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	Julie Muscroft
Cabinet member <a href="#">portfolio</a>	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, in particular that which follows on from their report 'Ethical Standards in Local Government'.

## **2. Information required to take a decision**

### **2.1 News since October 2022**

- 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 November, *HertsLive* reported that a number of Hertsmere Borough Councillors were found, following an investigation by Richard Price KC, to have engaged in negative campaigning, which led to anti-semitic abuse being levelled at an opponent. One positive outcome is that all councillors have signed up to a protocol around respectful campaigning. The matter was also reported in the Express.
- 2.1.5 It was reported in the Mirror in January 2023 that a member of Bromley Council had tweeted, in response to a local report about a rape, that the victim was likely to be a prostitute. His comments were widely condemned.
- 2.1.6 The BBC reported on a councillor who had been criticised for knitting during an on-line meeting, with her behaviour being described as 'completely inappropriate'. The councillor explained that she has Ehlers-Danlos syndrome and knitting helped her deal with pain and to concentrate.
- 2.1.7 In January, the Argus reported on issues with complaints handling by Brighton and Hove City Council. The former Mayor, Cllr Pete West, said '*What is wrong with us? There's something deeply wrong here –*

*and it is incredibly corrosive on the council's reputation.*' Cllr West made these comments at a meeting of the Council's Audit and Standards Committee in response to the volume of member complaints that had been made. Over the last three years, the number of complaints received had been 33 in 2020, 36 in 2021 and 26 in 2022.

- 2.1.8 The Eastern Daily Press reported on a peer review undertaken by the Local Government Association of Broadland and South Norfolk Councils that found that junior officers were being kept away from meetings by senior staff because of concerns about Councillor behaviour. The report said that bad behaviour at the councils was "impacting morale" among staff.
- 2.1.9 The Civility and Respect Project Team established by the National Association of Local Councils, One Voice Wales, the Society of Local Council Clerks and county associations has revised the Local Government Association Code of Conduct supporting guidance "to better reflect the sector's needs". The guidance has been endorsed by the LGA. It can be found here:
- [Civility and Respect Project \(nalc.gov.uk\)](https://www.nalc.gov.uk/civility-and-respect-project)
- 2.1.10 In December 2022, Local Government Lawyer reported that Lawyers in Local Government and the Association of Democratic Services Officers have said that they are concerned by the delay in the Government's response to its call for evidence in respect of remote meeting attendance for local authorities.

## 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 continues to work, holding hearings remotely.
- 2.2.3 Since October 2022, the Commission has considered 6 cases, taking action in respect of 3 of these, with the remaining referrals resulting in diarised hearings, which are yet to take place.
- 2.2.4 In these 3 cases, members were either censured or suspended. The suspension followed on from a planning decision, in which it was found that the member had not complied with the requirements of the code to not show bias. One of the censured members was a former councillor who was found to have breached the code in relation to the use of council facilities during elections and the remaining case involved two members who were found to have failed to remove themselves from decision making after having declared interests.

- 2.2.4 The Commissioner for Standards in Northern Ireland has had 7 cases referred to it since October 2022, all of which bar two are yet to be heard.
- 2.2.5 The first case adjudicated was the result of social media posts made by an Alderman that were alleged to be disrespectful towards the Deputy First Minister. A later post retracted the comments and issued an apology. The investigation found that the Alderman had brought his position as a councillor into disrepute and also that he failed to conduct himself in accordance with the Equality Principle.
- 2.2.6 The second case adjudicated also relates to social media posts made by a former Councillor in response to social media posts relating to Belfast Pride. The Councillor agreed that her actions had brought her position as a Councillor into disrepute and that she had failed to treat others with respect. She gave an undertaking to the Commission about her future behaviour and this was accepted, with no sanctions being imposed.
- 2.2.7 The Public Services Ombudsman for Wales publishes its finding directly to its website.
- 2.2.8 It has considered one standards matter since October 2022. It followed a conviction for drug driving by a member of Llandoverly Town Council. The sentence was insufficient for automatic disqualification under the LGA and the matter was considered under the Code of Conduct which stated that *'members must not conduct themselves in a manner which could reasonably be regarded as bringing their office or authority into disrepute'*. It was referred back to the Monitoring Officer of Carmarthenshire County Council for consideration by its Standards Committee who concluded that there had been a breach. The Committee decided that the Member should be suspended to 2 months and be required to attend Code of Conduct training within 6 months.
- 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.
- 2.2.12 In January, Local Government Lawyer reported on a case that had been referred to the LGO and in which the Ombudsman had found fault with the investigation made by Teignbridge District Council, finding that the Councillor in question has been 'unfairly sanctioned'. The BBC reported that Teignbridge District Council had been ordered to apologise to the Councillor.

## **2.3 Case Law**

2.3.1 No relevant case law has been identified in this period.

## **2.4 The work of the Committee on Standards in Public Life**

2.4.1 In January 2023, the CSPL published its report 'Leading in Practice', which focuses on the need for ethical leadership in the public sector. In particular it is asking for a 'speak up culture' to be encouraged and for training to be introduced on ethics. The report can be found here:

[Leading in Practice – A review by the Committee on Standards in Public Life \(publishing.service.gov.uk\)](https://publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/114114/Leading_in_Practice_-_A_review_by_the_Committee_on_Standards_in_Public_Life.pdf)

2.4.2 In support of this, the Chair published a blog entitled 'Public sector leaders need to keep talking about standards':

[Public sector leaders need to keep talking about standards - Committee on Standards in Public Life \(blog.gov.uk\)](https://blog.gov.uk/public-sector-leaders-need-to-keep-talking-about-standards/)

2.4.3 Follow up on the 2019 report is no longer a standing item on the CSPL meeting agenda.

## **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 Financial Implications for the people living or working in Kirklees**

N/A

**3.7 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.

**3.8 Do you need an Integrated Impact Assessment (IIA)?**

No

**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**

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

- 8.1 N/A

**9. Service Director responsible**

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