



Name of meeting: Standards Committee

Date: 23rd October 2023

Title of report: Cases and News Update

Purpose of report

To brief the standards committee on any news and cases of interest since March 2023.

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	Rachel Spencer-Henshall - 26/9
Is it also signed off by the Service Director for Finance IT and Transactional Services?	Isabel Brittain
Is it also signed off by the Service Director for Legal Governance and Commissioning Support?	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, 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 March 2023

- 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, Local Government Lawyer reported that the leader of Ashfield District Council had been charged with various offences, including fraud by false representation, money laundering and the fraudulent evasion of income tax. He was also charged with possession of a Class A drug. The fraud charges relate to misuse of Council funds over a 3 year period. Interestingly, the deputy leader has also been charged with criminal offences that relate to failing to declare a disclosable pecuniary interest.
- 2.1.5 In May the 'Metro' reported on the suspension of a Pembrokeshire County Councillor who allegedly stated in a recorded video that '*all white men should have a black man as a slave*'. He subsequently referred himself to the Ombudsman and was suspended by his party during the investigation.
- 2.1.6 In July the Mirror reported that King Lawal, a Northamptonshire Councillor had been suspended by his group after tweeting about Pride month.

- 2.1.7 In June, the BBC reported that the mayor of Keighley had resigned, following suspension by his party. This came after he appeared to apologise to members of the Muslim community for having supported a Pride event in the town. He faced criticism from the town's MP, a member of the same political party.
- 2.1.8 A survey conducted by the LGA has found that over 80% of Councillors reported experiencing abuse of intimidation when performing their Councillor roles.
- 2.1.9 Further to previous updates on hybrid and remote meetings, a survey by the LGA found that 95% of councils who responded to the survey wanted the ability to reintroduce virtual and hybrid meetings.
- 2.1.10 In a more recent development a House of Lords amendment to the Levelling Up and Regeneration Bill to allow the reintroduction of virtual and hybrid meetings has been passed in the Lords, but with opposition from the Government.

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 March 2023, the Commission has considered 8 cases, with a further two scheduled for September, and has published its findings in respect of 6 of these.
- 2.2.4 In these 6 cases, breaches were found to have occurred in 4, that resulted in censure or suspension of the members complained of. The breaches included disclosure of confidential information to the press by a Councillor, which resulted in his suspension, a failure to treat an officer with respect, which resulted in censure, disrespectful and bullying behaviour, which resulted in a suspension, and disrespectful behaviour towards members of the public and officers, resulting in censure. Some of the Commission's press releases are at Appendix B. Members can read the full decision notices on the Commission's website.
- 2.2.4 The Commissioner for Standards in Northern Ireland has heard 2 cases referred to it since March 2023, with 2 more referrals yet to be heard. One complaint concerned allegations of conflicts of interest and failure to declare interests.

- 2.2.5 Breaches were found by the Commissioner in respect of disrepute, failure to mitigate any conflicts of interest, failure to declare an interest and act accordingly. Breaches were not found in respect of the remaining allegations. The sanction imposed was partial suspension (from Planning Committees) for 3 months.
- 2.2.6 The second case considered was a member on member complaint, that played out against the background of sectarian politics, in which it was alleged that a member had exhibited '*provocative and outrageous behaviour*' at a protest about an Orange Parade. There was a finding of breach and a 2 month suspension was imposed as a sanction.
- 2.2.7 The Public Services Ombudsman for Wales published its Annual Report in August. The report notes an increase in overall complaints, but an 11% fall in those relating to local councils. The report also notes a fall in referrals, from 20 to 12. These figures need to be noted within the context of the Ombudsman not making a distinction between complaints about Council services and elected Councillors.
- 2.2.8 The Ombudsman publishes its finding directly to its website and these have been checked. Local Government Lawyer has reported that a Bridgend County Borough Councillor was suspended for a breach of the Code of Conduct in July, over misleading information that was provided during a crowd funding campaign.
- 2.2.9 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.
- 2.2.10 No reports have been identified in this period.

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 July 2023, the CSPL published a blog update on its report 'Upholding Standards in Public Life', which had been shared with the Government. The blog can be found here and contains links which members may find of interest:

[Reforming standards in central government - a step forward - Committee on Standards in Public Life \(blog.gov.uk\)](#)

- 2.4.2 It also published a 'recommendation tracker', that summarised the current position with the recommendations. A copy of this is in the Appendix.
- 2.4.3 As reported previously, 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 any relevant 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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