



STANDARDS COMMITTEE

15 SEPTEMBER 2020

Report of: Legal and Democratic Services Manager

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SUBJECT: NATIONAL REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

Wards affected: Borough wide.

1.0 PURPOSE OF THE REPORT

1.1 To receive an update on actions taken in consideration of the best practice recommendations of the Committee on Standards in Public Life following its national review of Local Government Ethical Standards.

2.0 RECOMMENDATIONS

2.1 That the update at Appendix B be noted.

2.2 That in relation to best practice recommendation 11, the consultation letter at Appendix C be approved and circulated to all parish councils within West Lancashire.

3.0 BACKGROUND

3.1 On 30 January 2019, the Committee on Standards in Public Life published its report on local government ethical standards, reproduced at Appendix A (the Report).

3.2 The Report concludes that the vast majority of councillors and officers want to maintain the highest standards of conduct in their authorities. However, key findings, at a national level, include a number of concerns around the conduct of some councillors, risks surrounding the current rules on conflicts of interest, gifts and hospitality, and strains on local authority governance as a result of the increased complexity of local government decision-making.

3.3 The Report also:

- Examines whether there is a need for a centralised body to govern and adjudicate on standards, concluding that, although there is room for improving the standards system, there is no need to introduce such a body and local authorities should continue to retain responsibility for implementing the Seven Principles of Public Life in local government.
- Makes a number of recommendations to improve ethical standards in local government, including the publication of a new model code of conduct for local authority members by the Local Government Association and updating the Local Government Transparency Code to require authorities to publish yearly reports on the conduct complaints they receive.
- Notes that the current sanctions regime is insufficient and recommends increasing the remit of the Local Government and Social Care Ombudsman in order to give it the power to investigate, make findings, and impose sanctions in code of conduct complaints against councillors. Alongside this, the committee recommends giving local authorities the power to suspend councillors, without allowances, for up to six months in conduct cases.

3.4 In addition to those recommendations, the majority of which will require legislative changes, the Report also made 15 best practice recommendations for local authorities to consider implementing in advance of any legislative changes.

4.0 BEST PRACTICE RECOMMENDATIONS

4.1 The Committee on Standards in Public Life made 15 best practice recommendations, listed at pages 18 and 19 of Appendix A, for all local authorities to consider.

4.2 At its meeting on 17 September 2020 Standards Committee considered the report of the Committee on Standards in Public Life and resolved that the actions at appendix B be taken to ensure that the Council continues to exemplify best practice.

4.2 The note, attached at Appendix B, sets out:-

- Each best practice recommendation
- The WLBC context for each best practice recommendation
- The action agreed by the Standards Committee in response to each best practice recommendation
- Actions taken to date

4.3 In relation to 10 of the 15 best practice recommendations Standards Committee considered no further action was necessary as the Council was already achieving the recommended best practice.

4.4 In relation to the remaining 5 best practice recommendations, 3 related to the Committee on Standards in Public Life's main report recommendation that the LGA create an updated model code of conduct that Councils could use as a template and adapt to suit local circumstances as appropriate. Accordingly,

Standards Committee agreed that any necessary amendments to the WLBC code be considered once the model code had been published.

- 4.5 The LGA has published an initial draft model code of conduct (Appendix C). A final draft is anticipated to be published in Autumn 2020. The initial draft code contains a definition of bullying and harassment (best practice recommendation 1). The final draft of the model code is awaited and will be reported to Standards Committee when available to consider any necessary changes to the WLBC code.
- 4.6 With regard to best practice recommendation 2 (code of conducts should include provisions requiring councillors to comply with formal standards investigations and not make trivial/malicious complaints) the LGA's initial draft model code does not contain any such model provisions. Such provisions may appear in the final draft of the model code. However, as noted by Standards Committee, trivial or malicious allegations made by councillors are already filtered out in accordance with WLBC's detailed procedure for the assessment of complaints entitled "Procedure for the assessment of written complaints".
- 4.7 In relation to best practice recommendation 3 (consultation on, and yearly review of, codes of conduct) the final draft of the LGA model code is awaited and will be reported to Standards Committee when it is published to consider any necessary changes to the WLBC code and appropriate consultation with stakeholders.
- 4.8 With regard to best practice recommendation 5 (local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV). Members are now able to update their register of interest form on the Council's website, which includes their register of gifts and hospitality.
- 4.9 Finally, and with regard to best practice recommendation 11 (formal standards complaints about the conduct of a parish councillor towards a clerk should ordinarily be made by the chair or by the council as a whole) a draft consultation letter is attached at Appendix D for consideration. The consultation letter would be sent to all parish councils in Lancashire to seek their views on the best practice recommendation. The results of the consultation exercise will be reported back to the next meeting of the Standards Committee.

5.0 SUSTAINABILITY IMPLICATIONS

- 5.1 There are no significant sustainability impacts associated with this report and, in particular, no significant impact on crime and disorder.

6.0 FINANCIAL AND RESOURCE IMPLICATIONS

- 6.1 There are no significant financial or resource implications arising from this report.

7.0 RISK ASSESSMENT

- 7.1 This item does not require a formal risk assessment and no changes have been made to risk registers as a result of this report.

8.0 HEALTH AND WELLBEING IMPLICATIONS

- 8.1 Ensuring high standards of member conduct supports health (in particular mental health) and wellbeing within West Lancashire. This report provides an update on actions taken in consideration of the best practice recommendations of the Committee on Standards in Public Life following its national review of Local Government Ethical Standards to help to ensure high standards are maintained.
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Background Documents

There are no background documents (as defined in Section 100D(5) of the Local Government Act 1972) to this Report.

Equality Impact Assessment

The decision does not have any direct impact on members of the public, employees, elected members and/or stakeholder. Therefore no Equality Impact Assessment is required.

Appendices

Appendix A - Local Government Ethical Standards - A Review by the Committee on Standards in Public Life.

Appendix B – Best practice recommendations, agreed actions and current position

Appendix C – LGA's initial draft model code of conduct

Appendix D – parish council consultation letter