



## STANDARDS COMMITTEE

20 MARCH 2018

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Report of: Borough Solicitor

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**SUBJECT: STAKEHOLDER CONSULTATION: NATIONAL REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS**

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Wards affected: Borough wide.

### **1.0 PURPOSE OF THE REPORT**

1.1 To advise Members of the current review by the Committee on Standards in Public Life into local government ethical standards and to recommend a suitable consultation response.

### **2.0 RECOMMENDATION**

2.1 That the consultation response at Appendix 2 be submitted on behalf of the Council.

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### **3.0 BACKGROUND**

3.1 The Committee on Standards in Public Life is undertaking a review of local government ethical standards. The Committee has called for evidence about how councils are supporting good ethical standards in local government, following the significant changes to the governance of local councillors' conduct since the implementation of the Localism Act 2011. The consultation seeks the views of stakeholders on the workings of the current ethical standards regime for local government, including codes of conduct, investigations, sanctions and whistleblowing.

3.2 The consultation forms part of the Committee's wider review of local government ethical standards in England. The Committee has stated that it intends to publish its findings and recommendations during 2018.

- 3.3 The consultation is open to all to respond but is particularly aimed at certain stakeholders including local authority standards committees. Submissions can relate to as many or few of the consultation questions as stakeholders wish to address. The return date for responses to the consultation paper is 5pm on 18 May 2018. The consultation paper can be found via the following link:

<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

- 3.4 Members may recall that prior to the Localism Act, the Local Authorities (Model Code of Conduct) Order 2007 prescribed a model code of conduct to relevant authorities. Relevant authorities were required to have Standards Committees, who could disqualify members for up to six months.
- 3.5 Standards for England (previously the Standards Board) was responsible for a national overview of local investigations into member conduct allegations. In certain cases the Board itself investigated allegations. It could not impose sanctions on members, but it could refer cases to the First-Tier Tribunal (previously the Adjudication Panel) or to the relevant authority's own standards committee for determination. The Tribunal could disqualify members for up to five years.
- 3.6 Standards for England was abolished as a result of the Localism Act 2011. Criticisms of the former regime were that it was over-centralised, was a vehicle for vexatious complaints, and that it was largely unnecessary because poor behaviour can be expected to meet its end in the ballot box. Common criticisms of the new regime however are that it has gone too far in removing the capacity for, or the likelihood of, effective sanctions against councillor misconduct to be applied. Serious sanctions such as disqualification can result from criminal offences such as the failure to declare disclosable pecuniary interests, but not from other breaches of adopted codes.

#### **4.0 WEST LANCASHIRE BOROUGH COUNCIL AND PARISH COUNCILS – MEMBERS' CODE OF GOOD CONDUCT**

- 4.1 The Code adopted by the Council (and all Parish Councils within the Borough) is attached at Appendix 1. The Code was modelled on the former national code, but with appropriate variation to reflect local circumstances.

#### **5.0 PROPOSED CONSULTATION RESPONSE**

- 5.1 Members are asked to consider the consultation response at Appendix 2, which is recommended to be submitted on behalf of the Council.
- 5.2 The consultation on local government ethical standards is to be welcomed. It is now a number of years since the new standards regime set out in the Localism Act 2011 was introduced, so there has been a reasonable period of time in which to assess the effectiveness of the new statutory framework.

5.3 Except for the issue of sanctions, it is considered that the existing local system for the promotion of high ethical standards generally works well. The proposed response seeks to highlight a number of issues including:

- The potential issues created by the removal of the national code.
- The perceived lack of appropriate sanctions for more serious breaches of the Code.
- The need for clarity regarding the operation of the Disclosable Pecuniary Interest provisions
- The important role performed by the Independent Person

5.4 The Borough Solicitor will e-mail all Borough Members to draw their attention to the consultation exercise. Members may then consider whether to make their own individual response. The Borough Solicitor will also liaise with parish clerks to seek to ensure that parish members are also aware of the consultation exercise.

## **6.0 SUSTAINABILITY IMPLICATIONS**

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

## **7.0 FINANCIAL AND RESOURCE IMPLICATIONS**

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

## **8.0 RISK ASSESSMENT**

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

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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 1 – West Lancashire Borough Council and Parish Councils – Members' Code of Conduct

Appendix 2 – Proposed Consultation Response