

# Standards Committee



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06 April 2018

A meeting of the **Standards Committee** of North Norfolk District Council will be held in **Meeting Room 3** at the Council Offices, Holt Road, Cromer on **Tuesday 17 April 2018 at 2.00 p.m.**

Members of the public who wish to ask a question or speak on an agenda item are requested to notify the committee clerk 24 hours in advance of the meeting and arrive at least 15 minutes before the start of the meeting. This is to allow time for the Committee Chair to rearrange the order of items on the agenda for the convenience of members of the public. Further information on the procedure for public speaking can be obtained from Democratic Services, Tel: 01263 516047, Email: [democraticservices@north-norfolk.gov.uk](mailto:democraticservices@north-norfolk.gov.uk)

Anyone attending this meeting may take photographs, film or audio-record the proceedings and report on the meeting. Anyone wishing to do so must inform the Chairman. If you are a member of the public and you wish to speak on an item on the agenda, please be aware that you may be filmed or photographed.

**Emma Denny**  
**Democratic Services Manager**

To District Members: Mr D Baker, Mr B Hannah, Mr P W Moore, Mrs G Perry-Warnes, Ms M Prior, Mr R Stevens and Mr R Shepherd

Co-opted Members: Mr R Barr, Mr A Bullen, Mrs M Evans and Mr H Gupta

Members of the Management Team, appropriate Officers, Press and Public.



**If you have any special requirements in order to attend this meeting, please let us know in advance**  
If you would like any document in large print, audio, Braille, alternative format or in a different language please contact us

**Corporate Directors:** Nick Baker & Steve Blatch  
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## A G E N D A

### 1. TO RECEIVE APOLOGIES FOR ABSENCE

### 2. PUBLIC QUESTIONS

### 3. MINUTES (page 4)

To approve as a correct record, the minutes of the meeting of the Committee held on 07 November 2017.

### 4. ITEMS OF URGENT BUSINESS

To determine any items of business which the Chairman decides should be considered as a matter of urgency pursuant to Section 100B (4) (b) of the Local Government Act 1972

### 5. DECLARATIONS OF INTEREST

Members are asked at this stage to declare any interests that they may have in any of the following items on the agenda. The Code of Conduct for Members requires that declarations include the nature of the interest and whether it is a pecuniary interest

### 6. PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY

Members are reminded that the Parish and District Members' Register of Interests and Officer Register of Gifts and Hospitality are available for inspection in the Democratic Services section

### 7. MONITORING OFFICER'S ANNUAL REPORT 2017/18 (page 7)

To receive the Monitoring Officer's Annual Report which summarises the key matters arising from the Monitoring Officer's work for the District Council from 1 April 2017 to 31 March 2018 and comments on other current issues.

### 8. CONSULTATION ON ETHICAL STANDARDS (page 15) (Appendix 1 – p.18)

Summary: To advise Members of the current review by the Committee on Standards in Public Life ("CSPL") of local government ethical standards, and to seek the views of the Committee in relation to the consultation questions.

Options considered: To respond/to not respond.

Conclusions: To respond to the consultation.

Recommendations: It is recommended that  
1. Members of the Committee resolve to issue a collective response to the consultation;  
2. The response to be formulated by the Monitoring Officer following discussion by the Committee.

Reasons for Recommendations: Legal Implications - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan principles. The current consultation

exercise requires the Committee to consider the efficacy of that statutory duty. Any changes to the standards regime resulting from the current consultation may require legislative change.

**9. ANY OTHER BUSINESS (TO INCLUDE AN UPDATE ON RECENT STANDARDS COMPLAINTS)**

**10. EXCLUSION OF PRESS AND PUBLIC**

To pass the following resolution:

“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting for the following items of business on the grounds that they involve the likely disclosure of exempt information as defined in paragraphs 1 and 3 of Part I of Schedule 12A (as amended) to the Act”

## **STANDARDS COMMITTEE**

**Minutes of a meeting of the Standards Committee held on 07 November 2017 in the Council Chamber, Council Offices, Holt Road, Cromer at 2.00pm.**

Members present:

<b>District Members</b>	Mrs S Butikofer Mr B Hannah Ms M Prior Mr R Reynolds Mr R Shepherd Mr R Stevens (Chair)
<b>Other Members In Attendance</b>	Mrs H Cox
<b>Officers in attendance</b>	The Monitoring Officer The Democratic Services Officer

### **8. TO RECEIVE APOLOGIES FOR ABSENCE**

None received.

### **9. PUBLIC QUESTIONS**

None.

### **10. MINUTES**

The Minutes of the Meeting of the Standards Committee held on 03 October 2017 and the minutes of the Standards Committee Hearings held on 18 July were approved as a correct record and signed by the Chairman.

### **11. ITEMS OF URGENT BUSINESS**

None.

### **12. DECLARATIONS OF INTEREST**

None.

### **13. PARISH AND DISTRICT MEMBERS' REGISTER OF INTERESTS AND OFFICER REGISTER OF GIFTS AND HOSPITALITY**

Members were reminded that the Parish and District Members' Register of Interests and Officer Register of Gifts and Hospitality were available for inspection in the Democratic Services section.

### **14. REVIEW OF THE PROTOCOL ON MEMBER/OFFICER RELATIONS**

Following an incident with a member of the public at the last meeting of Full Council, the Constitution Working Party had, on 11 October 2017, considered the Standing Orders concerning public questions and reviewed the Protocol on Member/Officer Relations. As a result a recommendation regarding public questions was due to go to Full Council on 15 November 2017 for an amendment to be made to Standing Orders to ensure that statements and follow-up questions were submitted 24 hours in advance of a meeting. If a statement was defamatory etc it would be disallowed by the Monitoring Officer, or she could advise on framing it more appropriately.

The Constitution Working Party had asked that the Standards Committee, as responsible body for Member conduct, should consider the Protocol as they believed there should be a clearer distinction between Member and Officer roles.

The Protocol reflected the fact that Members did not get involved in employment matters, except at chief officer level. However, officers had democratic rights and could receive assistance from their local Member but that could result in grey areas. The present procedure was that Members should seek the advice of the Monitoring Officer but this was not ideal. Some councils had a complete ban on Member involvement in employment matters and the Constitution Working Party supported this view. NNDC had always been a trusting, informal Council but times had changed and it could be appropriate to reconsider this approach. Mr B Hannah expressed concern but agreed with MS M Prior that the role of Members should be to signpost employees to agencies who could really help them. Such agencies would include UNISON, CAB or ACAS. Mrs H Cox said that it was important that members of staff were protected but equally important for Members to understand that there were boundaries regarding what they could be told by officers. Some Members expressed disappointment regarding behaviour at the last meeting of Full Council. It had put the Council in a difficult position regarding an issue which had hitherto been handled well and confidentially.

It was agreed that a recommendation from the Standards Committee regarding amendments to the Member/Officer Protocol should go to November Full Council, including a general statement that Members were not expected to be involved in employment matters on a daily basis. The Monitoring Officer would draft the amendment and circulate it to Members for their comments. After the amendment had been to Full Council she would draw Members' attention to it via the Members' Bulletin.

### **RESOLVED**

**To recommend the following amendment to the Member/Officer Protocol to Full Council:**

### 3. Members' Constituency Role and Individual Employees

3.1 A Member may be asked for advice and support by an employee who is one of their constituents. Employees are entitled to seek such assistance in the same way as any other member of the public. However, Members should be careful not to prejudice the Council's position or their own position in relation to disciplinary procedures or employment matters in respect of an employee. A Member approached for help in such circumstances should seek to direct Employees to other sources of help and not become directly involved.

The next meeting of the Standards Committee was scheduled for 9<sup>th</sup> January 2018.

The meeting concluded at 3.05 pm

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Chairman

# **Monitoring Officer Annual Report 2017/18**

## **Section Contents**

1 Introduction

2 The Monitoring Officer's Work April 2017 – March 2018

3 Key Messages

4 Looking Forward

5 Overall opinion on the adequacy and effectiveness of the Governance framework

# Monitoring Officer Annual Report 2017/18

## 1. Introduction

- 1.1 The Monitoring Officer's Annual Report summarises the more important matters arising from the Monitoring Officer's work for the Council from 1 April 2017 to 31 March 2018 and comments on other current issues.
- 1.2 Corporate Governance is the system by which local authorities direct and control their functions and relate to their communities. It is founded on the fundamental principles of openness, integrity and accountability together with the overarching concept of leadership. In this respect, North Norfolk District Council recognises the need for sound corporate governance arrangements and has put in place policies, systems and procedures designed to achieve this.
- 1.3 The Monitoring Officer is appointed under Section 5 of the Local Government and Housing Act 1989 and has a number of statutory functions in addition to those conferred under the Local Government Act 2000 and subsequent regulations governing local investigations into Member conduct. These are outlined in the next section of the report.

## 2. The Monitoring Officer's Work April 2017 – March 2018

The appointment of the current Monitoring Officer was confirmed by Council on 21 September 2017 and has carried out the statutory functions since that time.

<b>Duties</b>	<b>Work undertaken</b>
(a) Maintaining a lawful position for the Council and reporting on contraventions or likely contraventions of any enactment or rule of law including fraud.	<p>The Monitoring Officer is a member of the Council's Corporate Leadership Team, together with the Heads of Paid Service and the Chief Financial Officer and is able to comment on issues discussed there. The Monitoring Officer attends the Risk Management Board as required.</p> <p>The Council's inhouse legal team, Eastlaw, provide advice and assistance to officers throughout the Council and report to the Monitoring Officer on any areas of concern in relation to lawfulness and compliance with the Council's protocols and processes.</p> <p>The Monitoring Officer and her staff attend meetings and provide advice to officers and</p>



	<p>Members at an early stage, including seeing reports to committee.</p> <p>Qualified solicitors or barristers sit on all of the Council's Project Boards.</p> <p>The Monitoring Officer also requires appropriate recording of delegated authority to evidence compliance with the Constitution.</p> <p>eastlaw assess and respond to either changes in the legal framework and in particular this year have led on the implementation of GDPR.</p> <p>No contraventions have been identified or reported.</p>
(b) Report any findings of maladministration causing injustice where the Ombudsman has carried out an investigation.	The Monitoring Officer reviews any complaints where the LGO has upheld the complaint. There has been one finding (see below).
(c) Establish and maintain the Register of Member's interests and gifts and hospitality.	<p>All Members of both the District and Parish Councils completed new returns following the elections in May 2015. Members are reminded to keep these up to date.</p> <p>Members have been issued with Guidance on the Code.</p> <p>Members making nil returns have been reminded of their obligations under the Code.</p> <p>The Register of Members' Interests is publicised on the Council's website. The Registers are available for inspection at the Council's offices.</p>
(d) Maintain Register of Employees gifts and hospitality.	The Registers have been updated regularly and are open to inspection.
(e) Investigate misconduct in respect of District, Parish and Town Councillors under	During the year between April 2017 and March 2018 a total of 20 complaints have

<p>the Code of Conduct.</p>	<p>been received. This compares to last year's figure of 22 complaints.</p> <p>13 complaints relate to parish and town councils.</p> <p>The most common source of complaints were unclear governance procedures and also alleged disrespect to others.</p> <p>In a significant proportion of these cases there was either no breach identified or the members concerned were offered guidance and assistance.</p> <p>Where appropriate political Group Leaders have been asked to underline the importance of Member respecting the provisions of the Code and other Protocols.</p> <p>In some cases the parish councils were offered assistance through mediation and conciliation to resolve the issues themselves rather than having solutions imposed upon them.</p> <p>No cases were referred for investigation.</p> <p>Advice is being offered to parishes through 121, the Council's e-briefing to help parishes avoid complaints.</p> <p>Members have regularly sought advice in order to comply with the Code of Conduct, particularly in relation to declaring interests under the Code.</p> <p>Members have been provided with guidance through the provision of briefing notes through the Member's Bulletin.</p>
<p>(f) Investigate breaches of the Council's own protocols.</p>	<p>There have been no alleged breaches of the Council's own protocols.</p>
<p>(g) Provide advice to Town and Parish Councils on the interpretation of the Code of Conduct.</p>	<p>The Monitoring Officer has provided advice to Parish Councils on the Standards and Conduct Arrangements during 2016/17 face</p>

	<p>to face, by letter, telephone and email.</p> <p>The Monitoring Officer has provided advice and assistance to a number of parishes through interventions to raise standards and deal with complaints. Further advice is being provided to parishes/towns to help them comply with their obligations under the Code through 121, the Council's e-briefing for parishes/towns.</p>
(h) Promote and support high standards of conduct through support to the Standards Committee.	<p>The Committee has met to consider issues and hear cases.</p> <p>The Member Officer Protocol and Constitution has been updated.</p> <p>The Independent Person arrangements are working well.</p>
(i) Compensation for maladministration.	<p>The Council has made one payment of £1700 to a complainant in relation to a housing allocation issue.</p>
(j) Maintenance and review of the Constitution.	<p>The Constitution has been revised and updated during the year through the input of the Constitution Working Party and the Standards Committee.</p> <p>A Working Arrangements Protocol has been developed and is in place to deal with the changes to political control.</p>
(k) Responsibility for complaints made under the Council's Whistleblowing and Anti-Fraud policies.	<p>The risks of fraud are managed through the Council's anti fraud and corruption policies and underpinned by the financial and contract procedure rules. These are monitored for compliance by the legal and finance teams.</p> <p>Employees are made aware of the anti fraud policies and their ability to report through the Council's intranet and the Briefing.</p> <p>There have been no reports of fraud or financial impropriety.</p>
(l) Breaches of the Employee Code of	<p>Employees are reminded through the</p>

Conduct.	<p>Council's internal communications regarding business practice and ethical behaviour.</p> <p>There have no formal allegation of breaches under the Employee Code of Conduct.</p>
(m) Advice on vires issues, maladministration, financial impropriety, probity and policy framework.	<p>The Monitoring Officer has been consulted on new policy proposals, the budget and accounts and on matters, which have potentially significant legal implications.</p> <p>The Monitoring Officer meets regularly with the Chief Financial Officer.</p> <p>The financial statements are subject to a robust governance process through the Committee cycle.</p> <p>The Monitoring Officer and her staff have attended Council and other Committees as necessary.</p> <p>Officers consult the Monitoring Officer regularly on vires and probity issues.</p> <p>The Monitoring Officer works closely with the Chief Financial Officer and the Heads of Paid Service to ensure probity in the organisation.</p> <p>The Monitoring Officer regularly advises on the legality and/or appropriateness of administrative procedures, in conjunction with the Democratic Services Team.</p> <p>The Monitoring Officer meets regularly with the Group Leaders to share issues.</p> <p>This year has seen the implementation of GDPR and the introduction of an Information Risk Framework.</p>
(n) Exemptions to contract standing orders	<p>23 exemptions have been allowed this year, mainly in relation to specialist services and the applicable provisions under the Constitution have been followed.</p>
(o) actual or potential litigation or claims that would have a significant effect on the entity	<p>None identified. A full list of litigation matters has been provided to the Council's</p>

or a material impact on the financial statements	external auditors.
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### **3. Key Messages**

3.1 The key messages to note from the year are:

- (i) The systems of internal control administered by the Monitoring Officer including compliance with the Council's Constitution were adequate and effective during the period for the purposes of the latest Regulations. However, it is important that Members and Officers are regularly reminded of their obligations and updated on any changes to ensure there is no complacency.
- (ii) The Constitution continues to be regularly updated.

### **4. Looking Forward**

4.1 The key issues for 2017/18 are as follows;

- During the current year the Council has changed control from a Conservative administration to no overall control. The Monitoring Officer and Democratic Services Team Leader have been working with officers and Members to reflect this change within the Council's Protocols and processes and this will continue.
- Further work with all Members is planned to embed good practice in respect of the Overview and Scrutiny Committee which should add to the robustness of the Council's governance processes.
- Training has been taken place on debating in the Chamber and more training for Members is planned during the course of the spring.
- Further implementation of the Information Risk Management Framework is planned.

#### **4.2 Code of Conduct**

- 4.2.2 A change of political control has meant that there have been issues in relation to some Member conduct, this appears to have stabilised recently.

#### **4.3 Corporate Governance Framework**

- 4.3.1 The Council will keep the Code of Corporate Governance under review, taking into account any revisions to associated guidance and any recommendations arising from audit reports.

4.3.2 The Monitoring Officer will continue to provide an assurance in respect of the Code and the Annual Governance Statement by way of this Annual Report.

#### **4.4 Constitution and Regulations**

4.4.1 The Constitution will be continue to be kept under review by the Monitoring Officer working closely with the Democratic Services Team.

4.4.2 It will be appropriate to continue to remind Members and staff of the importance of compliance with the Council's regulations, as set out in the Constitution and other policy framework documents, and the Monitoring Officer and other staff will give advice accordingly.

### **5. Overall opinion on the adequacy and effectiveness of the Governance framework**

**The Monitoring Officer confirms that she is not aware of;**

- Any breaches of, or deficiencies in, internal control in respect of fraud or compliance with relevant legal provisions that could have a significant effect on the entity or a material impact on the financial statements;
- Any actual, suspected or alleged frauds or breaches of legislative requirements during 2017/18;
- Any excessive or undue pressure to meet financial or operating targets that may unduly influence the actions of either those charged with governance or Management;
- Any actual or potential litigation or claims that would have a significant effect on the entity or a material impact on the financial statements;
- Any circumstances that would call into question the preparation of the financial statements on an ongoing basis.

That the systems of internal control administered by the Monitoring Officer including the Code of Conduct and the Council's Constitution, were adequate and effective during the year between April 2017 and March 2018 for the purposes of the latest regulations (subject to the areas outlined above).

Emma Duncan  
Monitoring Officer  
31/3/18

## **CONSULTATION ON ETHICAL STANDARDS**

Summary: To advise Members of the current review by the Committee on Standards in Public Life (“CSPL”) of local government ethical standards, and to seek the views of the Committee in relation to the consultation questions.

Options considered: To respond/to not respond.

Conclusions: To respond to the consultation.

Recommendations: It is recommended that  
1. Members of the Committee resolve to issue a collective response to the consultation;  
2. The response to be formulated by the Monitoring Officer following discussion by the Committee.

Reasons for Recommendations: Legal Implications - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan principles. The current consultation exercise requires the Committee to consider the efficacy of that statutory duty. Any changes to the standards regime resulting from the current consultation may require legislative change.

### **1. Background**

1.1 The CSPL is undertaking a review of local government ethical standards. Its terms of reference are to:

1.2 (i) examine the structures, processes and practices in local government in England for:  
a. maintaining codes of conduct for local councillors;  
b. investigating alleged breaches fairly and with due process;  
c. enforcing codes and imposing sanctions for misconduct;  
d. declaring interests and managing conflicts of interest;  
e. whistleblowing;

(ii) assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

(iii) make any recommendations for how they can be improved;

(iv) note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

## **2. Current Standards Regime**

- 2.1 The current Standards Regime is as set out in Chapter 7 of the Localism Act 2011. It is worth bearing in mind that local arrangements may exceed existing statutory requirements. The main statutory requirements are:
- a. All 'relevant authorities' (which include parish councils) have a duty to promote and maintain high standards of conduct by members;
  - b. All relevant authorities must have a code of conduct;
  - c. Codes of conduct must be consistent with the Nolan principles;
  - d. Codes of conduct must require the registration of pecuniary interests, and such non-pecuniary interests as the relevant authority deems appropriate;
  - e. Registers of interests must be published;
  - f. Members may not, without a dispensation, participate in discussion or voting on matters affecting their registrable pecuniary interests;
  - g. All relevant authorities except for parish councils must have in place arrangements by which allegations can be investigated and under which decisions can be made. (However, parish councils are otherwise subject to the arrangements of their principal authority);
  - h. Such arrangements must include provision for the appointment of an Independent Person whose views must be taken into account before making a decision on an allegation it has decided to investigate;
  - i. Failure to comply with the provisions as to the registration of pecuniary interests and participating in discussion are an offence, punishable by unlimited fines and disqualification for up to 5 years;
  - j. A decision by a relevant authority on finding a breach of the code of conduct after an investigation may include sanctions.
- 2.2 Sanctions available to the relevant authority are:
- i. Censure of the member;
  - ii. Removal of the member from committees or subcommittees;
  - iii. Removal of the member from outside appointments;
  - iv. Restricting the Member's access to the relevant authority's resources;
  - v. Requiring the Member to apologise;
  - vi. Requiring the Member to undergo training; and
  - vii. Requiring the Member to undertake conciliation.
- 2.3 This Council has a Standards Committee, but it is not a legislative requirement.

## **3 Former Standards Regime**

- 3.1 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.
- 3.2 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.

3.3 The Standards Board was abolished as a result of the Localism Act.

3.4 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. 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 interests, but not from unacceptable personal behaviour of councillors, which is different but which can be equally as corrosive.

## **4 Consultation Questions**

4.1 The CSPL's call for evidence is attached at Appendix 1. It asks about the following issues:

- (a) Whether the existing set-up ensures high standards of conduct and if not why not;
- (b) What significant gaps exist in the standards regime;
- (c) Whether local codes of conduct are clear and cover appropriate behaviours;
- (d) Whether the requirement for the local code of conduct to be consistent with the Nolan Principles, and to include appropriate provision for registering and declaring interests, is appropriate;
- (e) Whether misconduct allegations are investigated fairly and with due process (and asks about the roles of the Independent Person and the Monitoring Officer)
- (f) Whether existing sanctions are sufficient to enforce compliance or what additional sanctions should be available;
- (g) Whether the arrangements for declaring and managing conflicts of interest are satisfactory;
- (h) Whether whistleblowing arrangements are satisfactory;
- (i) What steps could be taken by either local authorities or central government to improve standards; and
- (j) The problem of intimidation of local councillors and any measures that could be put in place to address it.

## **5 Commenting on the questions**

5.1 Members are asked to comment on the consultation questions. The CSPL's identification of stakeholders recognises that individual councillors or Standards Committees may wish to give a separate response from that of their local authority corporately. The Committee are therefore asked to decide whether they wish to respond separately or as a Standards Committee.

5.2 It is considered appropriate for the Standards Committee to respond in its own right, as this would reflect the governance regime within the Council and the importance of the issues raised.

## **6 Conclusion**

It is recommended that

1. Members of the Committee resolve to issue a collective response to the consultation;
2. The response to be formulated by the Monitoring Officer following discussion by the Committee

**7 Financial Implications and Risks - NONE**

**8 Sustainability - NONE**

**9 Equality and Diversity - NONE**

**10 Section 17 Crime and Disorder considerations - NONE**

## **Appendix 1**

### **Review of Local Government Ethical Standards: Stakeholder Consultation**

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

### **Terms of reference**

The terms of reference for the review are to:

1. Examine the structures, processes and practices in local government in England for:
  - a. Maintaining codes of conduct for local councillors;
  - b. Investigating alleged breaches fairly and with due process;
  - c. Enforcing codes and imposing sanctions for misconduct;
  - d. Declaring interests and managing conflicts of interest; and
  - e. Whistleblowing.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

The Committee will publish anonymised submissions (where the name of the respondent and any references to named individuals or local authorities are removed) where a respondent makes a reasonable request to do so.

### **Consultation questions**

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole. Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

*Codes of conduct*

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

*Investigations and decisions on allegations*

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
  - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
  - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
  - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

*Sanctions*

- f. Are existing sanctions for councillor misconduct sufficient?
  - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?
  - ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

*Declaring interests and conflicts of interest*

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

- i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
- ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

#### *Whistleblowing*

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

#### *Improving standards*

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

#### *Intimidation of local councillors*

- k. What is the nature, scale, and extent of intimidation towards local councillors?
  - i. What measures could be put in place to prevent and address this intimidation?

### **Who can respond?**

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Independent Persons appointed under section 28(7) of the Localism Act 2011;
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

### **How to make a submission**

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)
2. Via post to:  
Review of Local Government Ethical Standards  
Committee on Standards in Public Life  
GC:07  
1 Horse Guards Road  
London  
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email ([public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)) or phone (0207 271 2948).