

HUNTINGDONSHIRE DISTRICT COUNCIL

Title/Subject Matter: Local Government Ethical Standards – A Review by the Committee on Standards in Public Life

Meeting/Date: Corporate Governance Committee – 25th July 2019

Executive Portfolio: Councillor G J Bull, Executive Leader

Report by: Elections and Democratic Services Manager & Deputy Monitoring Officer

Ward(s) affected: All

Executive Summary:

This report provides Members with a summary of the review undertaken by the Committee on Standards in Public Life (CSPL) on ethical standards and review of the effectiveness of the arrangements introduced by the Localism Act 2011. The CSPL undertook a detailed review in 2018 seeking evidence from all interested stakeholders that resulted in a number of recommendations and identified best practice to improve ethical standards in local government.

The report identifies best practice recommendations for local authorities that the CSPL have suggested could be considered a benchmark of good ethical practice.

The Committee is

RECOMMENDED

- (a) that the report of the review of Local Government Ethical Standards undertaken by the Committee on Standards in Public Life be noted; and**
- (b) that a further report be presented to the next meeting of the Committee reviewing the best practice recommendations for local authorities and identifies any changes necessary to the Council's processes.**

1. PURPOSE OF THE REPORT

- 1.1 The purpose of this report is to provide Members with a summary of the review undertaken by the Committee on Standards in Public Life (CSPL) on ethical standards and review of the effectiveness of the arrangements introduced by the Localism Act 2011.

2. BACKGROUND

- 2.1 The Localism Act 2011 introduced significant changes to the way that conduct of elected councillors was handled. It abolished a national framework headed by a regulator and a national Code of Conduct and removed powers to suspend or disqualify councillors for serious breaches of the Code of Conduct. Instead it placed a duty on councils to: adopt their own local Code; to put local procedures in place to investigate allegations the Code may have broken, with principal authorities carrying out that duty for town/parish councils; and to appoint at least one Independent Person whose views they had to take into account when considering matters under investigation.
- 2.2 The Committee on Standards in Public Life (CSPL) undertook to review the effectiveness of the arrangements once they had bedded in. They undertook a detailed review during 2018 seeking evidence from all interested stakeholders and issued its report in January 2019. A copy of the report is appended at Annex A.
- 2.3 Their report and review has not been produced by any specific allegations of misconduct or council failure, but rather to gain assurance that the current framework, particularly in light of the changes made by the Localism Act 2011, is effective in promoting and maintaining the standards expected by the public.
- 2.4 The CSPL looked at four specific areas of operation of the system, as well as more widely how authorities could better promote high standards of conduct –
- the Code of Conduct and arrangements for registration and declaration of interests;
 - the available sanctions;
 - the role of the Independent Person, Monitoring Officer and standards committees;
 - their support for parishes.

3. OVERALL FINDING

- 3.1 CSPL found that there was no appetite to return to a centrally-regulated system as local arrangements on the whole were most effective at handling the majority of cases and that on the whole standards were high. However there were issues with a small handful of serious or persistent offenders and with governance arrangements in some parish councils. There also needed some more effective tools to allow them to handle those serious and persistent cases.
- 3.2 The report has made 26 recommendations and identified best practice to improve ethical standards in local government. Its recommendations are made to Government and to specific groups of public office holders.
- 3.3 The Government will need to respond to the report setting out whether or not it accepts some or all of the recommendations, as some of the recommendations would require primary legislation. There are also best practice

recommendations for local authorities that the Committee have suggested could be considered and be implemented.

4. KEY IMPACTS / RISKS

- 4.1 There are no statutory requirements arising from the CSPL report, although changes to the standards regime may follow depending upon the response of Government. The CSPL expect Councils to implement their best practice recommendations but this is the choice of the Council.

5. WHAT ACTIONS WILL BE TAKEN

- 5.1 It is proposed that a further report be presented to this Committee with regard to the recommendations of best practice as highlighted in the CSPL report and review how our current arrangements match recommended good practice and what changes are necessary to make to our processes immediately.

6. LEGAL IMPLICATIONS

- 6.1 Under Section 27 of the Localism Act 2011 the Council has a duty to promote and maintain high standards of conduct by Members. In discharging its duty the Council must, in particular, adopt a code dealing with the conduct that is expected of Members of the authority when they are acting in that capacity. Huntingdonshire District Council's Code of Conduct and standards arrangements were adopted at full Council in July 2012 and Town/Parish Councils across the District have also predominantly adopted the Huntingdonshire District Council Code.

7. RESOURCE IMPLICATIONS

- 7.1 There are no direct resource implications arising from this report.

8. REASONS FOR THE RECOMMENDED DECISIONS

- 8.1 The CSPL have undertaken a review of ethical standards in local government. High standards of conduct in local government are needed to demonstrate that decisions being taken are in the public interest to maintain confidence. It is expected that their best practice recommendations should be implemented and a review will be undertaken the implementation in 2020.

9. LIST OF APPENDICES INCLUDED

Appendix 1 – Local Government Ethical Standards: A Review by the Committee on Standards in Public Life, January 2019

BACKGROUND PAPERS

None.

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