

**The Committee on Standards in Public Life  
Review of local government ethical standards.**

**Purpose of Report**

1. To inform the Standards Committee of a review of local government ethical standards which the Committee on Standards in Public Life is undertaking.
2. To seek the Committee's views on the questions raised in the consultation.
3. To ask the Monitoring Officer after consultation with the Chairman of the Standards Committee, to prepare a response to the consultation reflecting the Committee's views on behalf of the Council delegate to the Monitoring Officer after consultation with the Chairman of the Standards Committee, to prepare and submit a submission on behalf of the Council.

**Background**

4. The Committee on Standards in Public Life is undertaking a review of local government ethical standard with a view to ensuring robust standards arrangements are in place 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 which concludes the 18 May 2018.
5. The terms of reference for the review are to:
  - 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; and*
    - 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; and*

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.*

6. The review will consider all levels of local government in England, including town and parish councils, principal authorities, and combined authorities. A link to the Committee for Standards in Public Life consultation portal is included below.

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

### **Consultation Questions**

7. The Committee invites responses to the following consultation questions:
- 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?
  - 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.
  - 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?
  - 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?
  - 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.
  - h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?
  - 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?
  - k. What is the nature, scale, and extent of intimidation towards local councillors?
  - l. What measures could be put in place to prevent and address this intimidation?
8. The Standards Committee has reviewed the effectiveness of the Wiltshire Council Code of Conduct and the procedure for dealing with Code of Conduct Complaints in recent years. Links to the relevant meetings are listed under background papers.

## **Safeguarding Implications**

9. There are no safeguarding issues arising from this report.

## **Equalities Impact of the Proposal**

10. There are no equalities impacts arising from this report.

## **Risk assessment**

11. There are no significant risks arising from this report

## **Financial Implications**

12. There are no financial implications arising from this report.

## **Legal Implications**

13. There are not legal implications arising from this report

## **Public Health Impact of the Proposals**

14. There are no public health impacts arising from this report.

## **Environmental Impact of the Proposals**

15. There are no environmental impacts arising from this report.

## **Proposal**

16. To ask the Monitoring Officer after consultation with the Chairman of the Standards Committee, to prepare a response to the consultation reflecting the Committee's views on behalf of the Council.

## **Ian Gibbons, Monitoring Officer**

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Unpublished reports relied upon in the preparation of this report: None  
Background Papers

[21 January 2015](#)

[16 September 2015](#)

[27 April 2016](#)

[29 June 2016](#)

[26 January 2017](#)