

Allerdale Borough Council

Standards Committee – 10 September 2019

Local Government Ethical Standards  
A Review by the Committee on Standards in Public Life (CSPL)

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<b>The reason for the decision</b>	That the Committee note the report of the Committee on Standards in Public Life and consider any changes to the Code and guidance and any actions arising to feed into future work programming.
<b>Summary of options considered</b>	The report recommends the adoption of best practice. Members can decide not to incorporate the suggested changes.
<b>Recommendations</b>	It is recommended that the Standards Committee:  <ol style="list-style-type: none"><li>(1) notes the report;</li><li>(2) notes that the Monitoring Officer has considered the list of best practice recommendations, and discussed with the Cumbrian Monitoring Officers and CALC potential revisions to the existing code of conduct and guidance to take account of these recommendations;</li><li>(3) Members agree to recommend to Council the changes to the Code of Conduct as set out in Appendix 3</li></ol>
<b>Financial/resource implications</b>	There are no specific financial implications arising from this report.
<b>Legal/governance implications</b>	The review complies with the Localism Act 2011.
<b>Community safety implications</b>	There are no Community Safety implications
<b>Health and Safety and Risk Management Implications</b>	There are no Health and Safety implications
<b>Equality Duty considered / Impact Assessment completed</b>	The Equality Duty has been considered

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<b>Wards Affected</b>	All
<b>The contribution this decision would make to the Council's priorities Is this a Key Decision</b>	No
<b>Portfolio Holder</b>	Councillor John Cook Governance and Regulatory Services
<b>Lead Officer</b>	Sharon Sewell Head of Governance and Regulatory Services Email: <a href="mailto:sharon.sewell@allerdale.gov.uk">sharon.sewell@allerdale.gov.uk</a>

## Report Implications

Community Safety	N	Employment (external to the Council)	N
Financial	N	Employment (internal)	N
Legal	Y	Partnership	Y
Social Inclusion	Y	Asset Management	N
Equality Duty	N	Health and Safety	N

Background papers –  
Local Government Ethical Standards A Review by the Committee on Standards in Public Life

### 1.0 Background

- 1.1 The long awaited review on Local Government Ethical Standards was published by the Committee on Standards in Public Life on 30 January 2019. Due to its size, copies of the report have been circulated to members of the Committee by email.
- 1.2 The review concludes that the evidence “supports the view that the vast majority of councillors maintain high standards of conduct. There is however clear evidence nationally of misconduct by some councillors, the majority of cases relating to bullying or harassment or other disruptive behaviour”. The review was “also concerned about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.”
- 1.3 The review concluded that there is no reason to reintroduce a centralised body, and the local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government.

- 1.4 The report identified a number of recommendations and best practice to improve ethical standards in local government. They recommended a number of changes to primary and secondary legislation and indicated that their best practice recommendations should be considered a “benchmark of good ethical practice, which we expect that all local authorities can and should implement”. They are to review implementation of best practice further in 2020.

## **2.0 Current Position**

- 2.1 The List of recommendations made through the review are attached at Appendix 1. The List of best practice is shown as Appendix 2. The majority of recommendations are for Government to consider making changes to primary or secondary legislation. It is noted that the Local Government Association has a recommendation to create an updated model code of conduct, in consultation with representative bodies of councillors and officers of all tiers of local government. The Council already requires registration of some “other registrable interests” which touch upon recommendations 5 and 6.
- 2.2 With regard to recommendation 15, the Monitoring Officer has added quarterly updates on complaints received to the Work Programme, and that annual figures will be included in the Committee’s annual report to Council.
- 2.3 With reference to recommendation 20, the majority of parishes within Cumbria operate the same code as the District or Borough Councils. The District and Borough Council’s have suggested that any review of this should be undertaken collaboratively through the Cumbria Monitoring Officer Group.
- 2.4 The Council already undertakes or has included in its Work Programme some of the list of best practice, as follows:-
- 3 – The Committee reviews the arrangements every two years, it could consider this further and widen consultation
  - 4 – The code and arrangements are available to councillors and the public through the website
  - 5 – Gifts and hospitality is reviewed annually through the standards committee
  - 7 – We have access to independent persons from neighbouring authorities if required
  - 8 – The Independent Person is consulted as to whether to undertake a formal investigation on an allegation and is consulted on allegations received
  - 10 – Information on how to complain and the Council’s standards arrangements are accessible on the website

12 – the Monitoring Officer role within the constitution reflects this guidance

13 – if there are conflicts of interest then these can be addressed either through calling a committee, or by arrangements with neighbouring authorities

It is proposed that these be considered further as part of the Committee's Work Programme.

- 2.5 The Cumbria Monitoring Officers/CALC have considered the recommendations put forward with regard to the Code of Conduct and guidance to consider specific provisions around bullying, etc. as set out in the best practice recommendations 1 and 2. The suggested amendments are attached as Appendix 3.
- 2.6 The Council commissioned Hoey Ainscough Associates Ltd to carry out an independent review of the Council's Arrangements and process, including benchmarking the arrangements against best local practice elsewhere to ensure that they are the best possible arrangements achievable under the legislation, bearing in mind local context. The review also considered the recommendations made by the Committee on Standards in Public Life's review of the Localism Act arrangements published in January 2019.
- 2.7 The review sets out a number of recommendations including changes to the Code which are dealt with in a separate report. All changes made to the Code will be reported to Council in one report.

### **3.0 Finance/resource implications**

- 3.1 There are no specific financial implications arising from this report.

### **4.0 Legal implications and risks**

- 4.1 There are no specific legal issues arising from this report. The Council is required to have appropriate governance arrangements in place and to comply with the legislation as existing.

### **5.0 Recommendations**

It is recommended that the Standards Committee:

- (1) notes the report; and
- (2) notes that the Monitoring Officer has considered the list of best practice recommendations, and discussed with the Cumbrian Monitoring Officers and CALC potential revisions to the existing code of conduct and guidance to take account of these recommendations
- (3) Members agree to recommend to Council the changes to the Code of Conduct as set out in Appendix 3.

