

<b>REPORT TO:</b>	<b>STANDARDS COMMITTEE</b>
<b>DATE:</b>	17 November 2020
<b>REPORT OF:</b>	Sandra Stewart – Executive Director Governance & Resources (Monitoring Officer)
<b>SUBJECT MATTER:</b>	<b>ETHICAL STANDARDS UPDATE</b>
<b>REPORT SUMMARY:</b>	This report is intended to brief members on any developments and news on matters of local government ethics.
<b>RECOMMENDATION(S)</b>	Members are asked to consider the report and comment on its contents (as applicable) and note its contents
<b>FINANCIAL IMPLICATIONS:</b> (Authorised by Borough Treasurer)	There are no significant financial issues arising from this Report.
<b>LEGAL IMPLICATIONS:</b> (Authorised by Borough Solicitor)	The promotion and maintenance of high standards of conduct by councillors is an important part of maintaining public confidence in both the council and its members. Failure to do so could have significant reputational implications.
<b>RISK MANAGEMENT:</b>	Standards Committees should be aware of the National position in order that consistency of approach is taken in respect of setting and advising on local ethical and standard issues.
<b>LINKS TO COMMUNITY PLAN:</b>	Support the current arrangements for ethical and corporate governance of the Authority to ensure that the public can have confidence in local government.

#### **ACCESS TO INFORMATION**

#### **NON-CONFIDENTIAL**

**This report does not contain information which warrants its consideration in the absence of the Press or members of the public**

#### **REFERENCE DOCUMENTS:**

The background papers relating to this report can be inspected by contacting the report writer, Sandra Stewart, the Council's Borough Solicitor and statutory Monitoring Officer by:



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## **1. INTRODUCTION**

- 1.1 This report is intended to brief members on any developments and news on matters of local government ethics.
- 1.2 It will look at news items and any relevant case law, as well as any recent published decisions from other local authorities or any of the existing standards boards.
- 1.3 It will also provide an update on the work of the CSPL that follows on from their report 'Ethical Standards in Local Government'.

## **2. UPDATE SINCE MARCH 2020**

- 2.1. A number of sources have been checked for details of any news items that are of relevance or may be of interest to the committee. These include Local Government Lawyer, Lawyers in Local Government, websites of other local authorities as well as local and national media.
- 2.2 There are a number of articles, from the Local Government Lawyer website, which may be of interest to the committee, even if all are not directly relevant to the work of the committee. Copies of the articles are at **appendix A**, and the following are of particular interest.
- 2.3 In July 2020 Wakefield Council had to explain to residents that there were no powers to remove a councillor who had been convicted of sexual offences involving children, but was then yet to be sentenced.
- 2.4 In June 2020, Richard Harwood QC reported a case in which the High Court had considered the issues around lobbying. This followed the London Borough of Hackney advising planning committee members to not read correspondence sent to them concerning applications. The High Court found that such communications were an important part of the local democratic process.
- 2.5 In June 2020, the LLG website published a report about NALC calling for there to be a power of suspension and asking the government to take urgent action to introduce such a power.
- 2.6 In June 2020 it was reported that a community councillor in Wales had failed to secure an injunction to prevent the Public Service Ombudsman for Wales investigating complaints about him.
- 2.7 A search of local newspaper websites has thrown up a number of stories about councillor conduct, ranging from a report of one council receiving almost 180 complaints in 6 months, to a councillor being removed from a virtual meeting, one council fighting back about social media posts and the possibility of a Standards Commission hearing being streamed online. Details are in appendix A.

## **3. RECENT PUBLISHED DECISIONS**

- 3.1 Some Local Authorities in England publish their decisions on member complaints, as do the Standards Boards in Wales, Scotland and Northern Ireland.
- 3.2 The Standards Commission for Scotland has continued to work, holding hearings remotely.
- 3.3 A number of hearings have been listed for October 2020 and any decisions of interest will be reported to a future meeting of this Committee.

- 3.4 No hearings have been held since the last report to this Committee, one of which resulted in a Scottish elected member being censured. A copy of the decision notice is at **Appendix B**.
- 3.5 The Commissioner for Standards in Northern Ireland has not published any further reports since July 2019. The Commissioner's website advises that the office is currently closed and there is reference to a number of hearings that are yet to be listed.
- 3.6 The Local Government Ombudsman for Wales publishes a 'Code of Conduct Casebook' periodically. Unsurprisingly, there have been no 'casebooks' published so far in 2020.
- 3.7 The Ombudsman did publish an annual report in May 2020 and the key points to note are that there was an increase in complaints but a decrease in the number of interventions and serious cases.
- 3.8 There has been a drop in complaints about alleged breaches of the Code of Conduct of 18%, the report noting a decrease in what it describes as 'frivolous complaints'. An extract from the annual report is attached at **Appendix B**.
- 3.9 The Northern Ireland Local Government Commissioner for Standards reports that hearings are currently on hold, but notes that there are a number to be listed.
- 3.10 In England, publication of decisions remains discretionary, although the CSPL did support publishing these, so it may be the case that more decisions from English local authorities are published in due course. We have published when held but we have not has any complaints falling within the jurisdiction of the Code for a number of years.

#### **4. CASE LAW**

- 4.1 There does not appear to have been any recent reported decisions in the Courts on any matters directly relating to local authority standards, other than the High Court case on lobbying reported on above.

#### **5. THE WORK OF THE COMMITTEE ON STANDARDS IN PUBLIC LIFE**

- 5.1 The CSPL have been fairly quiet in follow up work to their report.
- 5.2 Since the last report, the CSPL have published the minutes of their meetings, held on the 27 February 2020, the 19 March 2020 and the 23 April 2020. There was no direct reference to the Local Government Ethical Standards report in these minutes.
- 5.3 This is probably a reflection of the fact that the Government is yet to respond to the report or to consider setting any legislative timetable to implement any of the recommended changes. Having said that, the Chair of the CSPL, Lord Evans, has written to Robert Jenrick, Minister for Housing, Communities and Local Government to enquire how soon the government are likely to respond to the report, referring to a letter sent to Mr Jenrick's predecessor in October 2019, which remains unanswered.
- 5.4 An update on work from the CSPL report is the matter of a separate report.

#### **6 RECOMMENDATIONS**

- 6.1 As set out at the front of the report.