
Ethics Committee

28 March 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Report on Local Government Ethical Standards

Is this a key decision?

No

Executive Summary:

The Committee on Standards in Public Life (CSPL) issued its report on Local Government Ethical Standards at the end of January 2019. The report is over 100 pages long and puts forward 26 recommendations for changes to the current regime. The bulk of the recommendations would require a change in the law.

The CSPL recognises that it could take some time to find parliamentary time to enable these recommendations to be enacted. It has, however, also put forward a set of fifteen recommendations of “best practice” which it feels that local authorities could look at implementing immediately without waiting for a change in the law.

The CSPL report will be the subject of a presentation by the Monitoring Officer and the Committee will be asked to consider the Best Practice recommendations in the context of setting its work programme for 2019/20.

Recommendations:

The Ethics Committee is recommended to

- (1) Consider the Best Practice recommendations of the Committee on Standards in Public Life; and
- (2) Request the Monitoring Officer to draw up a work programme for 2019/20 based on the Best Practice recommendations.

List of Appendices included:

None

Other useful background papers:

None

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

Report title: Committee on Standards in Public Life: Report on Local Government Ethical Standards

1. Context (or background)

1.1 The Committee on Standards in Public Life ('the CSPL') was set up in 1995. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest.

1.2 The CSPL published its long awaited report on Local Government Ethical Standards on 30 January 2019. A link to the report can be found here:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/777315/6.4896_CO_CSPL_Command_Paper_on_Local_Government_Standards_v4_WEB.PDF

1.3 The report is over 100 hundred pages long and includes 26 recommendations, almost all of which would require a change in the law. A list of these recommendations can be found at page 14 of the report. The CSPL acknowledges that it could take some time for parliamentary time to be found to implement all if the recommended changes. However, it has also set out fifteen “best practice” recommendations which it considers that local authorities could implement immediately without waiting for a change in the law.

2 Options considered and recommended proposal

2.1 The CSPL report will be the subject of a presentation by the Monitoring Officer which will set out, in brief, the recommendations in the report. The Ethics Committee will be asked to consider the Best Practice recommendations in more detail and to decide whether it wishes to incorporate work arising from these recommendations into its work programme for 2019/20.

2.2 To assist the Committee, the Best Practice recommendations are:

Best practice 1: Local authorities should include prohibitions on bullying and harassment in codes of conduct. These should include a definition of bullying and harassment, supplemented with a list of examples of the sort of behaviour covered by such a definition.

Best practice 2: Councils should include provisions in their code of conduct requiring councillors to comply with any formal standards investigation, and prohibiting trivial or malicious allegations by councillors.

Best practice 3: Principal authorities should review their code of conduct each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities.

Best practice 4: An authority's code should be readily accessible to both councillors and the public, in a prominent position on a council's website and available in council premises.

Best practice 5: Local authorities should update their gifts and hospitality register at least once per quarter, and publish it in an accessible format, such as CSV.

Best practice 6: Councils should publish a clear and straightforward public interest test against which allegations are filtered.

Best practice 7: Local authorities should have access to at least two Independent Persons.

Best practice 8: An Independent Person should be consulted as to whether to undertake a formal investigation on an allegation, and should be given the option to review and comment on allegations which the responsible officer is minded to dismiss as being without merit, vexatious, or trivial.

Best practice 9: Where a local authority makes a decision on an allegation of misconduct following a formal investigation, a decision notice should be published as soon as possible on its website, including a brief statement of facts, the provisions of the code engaged by the allegations, the view of the Independent Person, the reasoning of the decision-maker, and any sanction applied.

Best practice 10: A local authority should have straightforward and accessible guidance on its website on how to make a complaint under the code of conduct, the process for handling complaints, and estimated timescales for investigations and outcomes.

Best practice 11: Formal standards complaints about the conduct of a parish councillor towards a clerk should be made by the chair or by the parish council as a whole, rather than the clerk in all but exceptional circumstances.

Best practice 12: Monitoring Officers' roles should include providing advice, support and management of investigations and adjudications on alleged breaches to parish councils within the remit of the principal authority. They should be provided with adequate training, corporate support and resources to undertake this work.

Best practice 13: A local authority should have procedures in place to address any conflicts of interest when undertaking a standards investigation. Possible steps should include asking the Monitoring Officer from a different authority to undertake the investigation.

Best practice 14: Councils should report on separate bodies they have set up or which they own as part of their annual governance statement, and give a full picture of their relationship with those bodies. Separate bodies created by local authorities

should abide by the Nolan principle of openness, and publish their board agendas and minutes and annual reports in an accessible place.

Best practice 15: Senior officers should meet regularly with political group leaders or group whips to discuss standards issues.

2.3 Recommendations:

The Ethics Committee is recommended to

- (1) Consider the Best Practice recommendations of the Committee on Standards in Public Life; and
- (2) request the Monitoring Officer to draw up a work programme for 2019/20 based on the Best Practice recommendations.

3. Results of consultation undertaken

There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

The timetable for implementing any decisions will be determined by the Committee.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the CSPL report are that the Ethics Committee may wish to continue to monitor how the review into local government standards progresses.

6. Other implications

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework is not perceived as transparent and effective.

6.3 What is the impact on the organisation?

There is no immediate impact on the organisation.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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