

Cheltenham Borough Council

Standards Committee

16th April 2018

Committee for Standards in Public Life

Review of Local Government Ethical Standards

Accountable member	Cabinet Member, Corporate Services, Councillor Roger Whyborn
Accountable officer	Borough Solicitor
Key Decision	No
Executive summary	The Committee on Standards in Public Life is undertaking a review of Local Government ethical standards to ensure that these are robust enough to safeguard local democracy. The review will consider whether the current structures, processes and practices in place in Local Government in England are conducive to high standards of conduct. The Committee will consider a number of elements including codes of conduct, declarations of interest and available sanctions in cases where a code of conduct is breached. The Committee has invited views from stakeholders including local authorities as the bodies responsible for maintaining codes of conduct for their Councillors (and, in the case of District Councils for the Parish Councils in their areas) and responding to complaints of any breach. This report invites the Committee to consider submitting a response to the consultation.
Recommendations	The Committee is asked to consider whether to make a response to the consultation and, if so, to delegate authority to the Borough Solicitor / Monitoring Officer, in consultation with the Chair of Standards Committee, to finalise the response.

Financial implications	No financial implications arising from the content of this report. Contact officer: Paul Jones, Executive Director Email: paul.jones@cheltenham.qcsx.gov.uk , Tel No: 01242 775154
Legal implications	None arising from the report. Contact officer: Sara Freckleton, Borough Solicitor and Monitoring Officer Email: sara.freckleton@teWKesbury.gov.uk , Tel No: 01684 272011
HR implications (including learning and organisational development)	No HR implications arising from the content of this report. Contact officer: Julie McCarthy, HR Manager, Publica Group Ltd Email: julie.mcarthy@cheltenham.gov.uk , Tel No: 07917534487

1. Background

- 1.1** On the 29th January 2018, the Committee on Standards in Public Life announced a review of ethical standards in Local Government.
- 1.2** The current Standards regime was introduced by the Localism Act 2011. Changes at that time included the abolition of the Standards for England, which had previously dealt with serious allegations of Councillor misconduct and Local Authorities were given the freedom to adopt their own local Code of Conduct (to include statutory requirements in respect of Disclosable Pecuniary Interests). Local Authorities were also required to make and maintain their own arrangements for dealing with any allegations of breaches of the Code of Conduct by their Councillors (and in the case of District Councils, Parish Councillors). The previous sanctions of disqualification and suspension of Councillors in respect of serious breaches were removed although new criminal sanctions were introduced for breaches of the statutory requirements on Disclosable Pecuniary Interests.
- 1.3** The Localism Act 2011 also introduced the role of the Independent Person and a requirement for Local Authorities to appoint at least one, whose views must be taken into account before the authority takes a decision in relation to any complaints made against Councillors. The current review also examines the role of the Independent Person.

2. Consultation by Committee for Standards in Public Life

- 2.1** The Committee for Standards in Public Life has been tasked with reviewing the current regime and is holding a public stakeholder consultation which is open for responses until 18th May 2018. The Committee is seeking concise submissions from a wide range of stakeholders including all tiers of Local Government and is interested in current arrangements and also in views as to what changes could be made to improve Local Authority ethical standards.
- 2.2** The Stakeholder consultation document is attached at Appendix 1. The terms of reference of the review are to:
 1. 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.
 2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
 3. Make any recommendations for how they can be improved; and 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.
- 2.3** Responses are being sought to 11 questions as set out (a – k) in Appendix 1 and stakeholders are invited to respond to as many or few of those questions as they consider appropriate.
- 2.4** The questions are set out in full in Appendix 2 to this report, together with some initial brief comments which will be expanded upon for discussion at the meeting and may be useful to the Committee in considering what response it may wish to make.

3. Reasons for Recommendations

- 3.1** To provide the Committee with the opportunity to respond to the consultation.

4. Consultation and feedback

- 4.1** All Borough Councillors, Parish Councils within the Borough and Executive Board Officers have been provided with a copy of the Consultation Document and invited to make comments for consideration of the Standards Committee or, if preferred, directly to the Committee for Standards on Public Life. No responses had been received prior to the preparation of this report; the Committee will be updated at the meeting.

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Appendices	Appendix 1 – Review of Local Government Ethical Standards- Stakeholder Consultation Document. Appendix 2 – Comments on the Stakeholder Consultation questions.
Background information	Localism Act 2011 Cheltenham Borough Council Code of Members' Conduct Report to and Minutes of Cheltenham Borough Council dated 25 th June 2012