

# TEWKESBURY BOROUGH COUNCIL

<b>Report to:</b>	Standards Committee
<b>Date of Meeting:</b>	30 April 2018
<b>Subject:</b>	Review of Local Government Ethical Standards
<b>Report of:</b>	Sara Freckleton Monitoring Officer
<b>Corporate Lead:</b>	Sara Freckleton Monitoring Officer
<b>Number of Appendices:</b>	Two

## **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. Views have been invited 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 Tewkesbury Borough Council Standards Committee to consider submitting a response to the consultation.

## **Recommendation:**

**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.**

## **Reasons for Recommendation:**

To provide the Committee the opportunity to participate in the consultation.

## **Resource Implications:**

None.

## **Legal Implications:**

None.

## **Risk Management Implications:**

None.

## **Performance Management Follow-up:**

The Committee's views will be sent to the Committee for Standards in Public Life by the consultation response deadline of 18 May 2018.

**Environmental Implications:**

None.

**1.0 INTRODUCTION/BACKGROUND**

- 1.1** On 29 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 against Councillors that have been investigated. The current review also examines the role of the Independent Person.

**2.0 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 18 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.
- 3.0 CONSULTATION**
- 3.1** All Borough Councillors and Parish Councils within the Borough have been provided with a copy of the Consultation Document and invited to make comments for consideration by the Standards Committee or, if preferred, directly to the Committee for Standards in Public Life. Winchcombe Town Council has made comments direct to the Committee for Standards in Public Life but no other responses had been received prior to the preparation of this report; the Committee will be updated at the meeting.
- 4.0 RESOURCE IMPLICATIONS (Human/Property)**
- 4.1** None.
- 5.0 SUSTAINABILITY IMPLICATIONS (Social/Community Safety/Cultural/ Economic/ Environment)**
- 5.1** None.
- 6.0 IMPACT UPON (Value For Money/Equalities/E-Government/Human Rights/Health And Safety)**
- 6.1** None.
- 7.0 RELATED DECISIONS AND ANY OTHER RELEVANT FACTS**
- 7.1** Decision of Council on 26 June 2012 – Localism Act 2011 : New Conduct Regime.

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**Background Papers:** Localism Act 2011.

Tewkesbury Borough Council Code of Members' Conduct.

Report to and Minutes of Tewkesbury Borough Council dated 26 June 2012.

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**Appendices:** 1 – Review of Local Government Ethical Standards- Stakeholder Consultation Document.

2 – Comments on the Stakeholder Consultation Questions.