

STANDARDS COMMITTEE – 2 OCTOBER 2019

Title of paper:	Committee on Standards in Public Life – Findings of the Review into Local Government Ethical Standards	
Director(s)/ Corporate Director(s):	Malcolm Townroe, Director of Legal and Governance and Monitoring Officer	Wards affected: All
Report author(s) and contact details:	Nancy Barnard, Governance and Electoral Services Manager nancy.barnard@nottinghamcity.gov.uk 0115 876 4312	
Other colleagues who have provided input:		
Date of consultation with Portfolio Holder(s) (if relevant)	N/A	
Relevant Council Plan Key Theme:		
Strategic Regeneration and Development		<input checked="" type="checkbox"/>
Schools		<input type="checkbox"/>
Planning and Housing		<input type="checkbox"/>
Community Services		<input type="checkbox"/>
Energy, Sustainability and Customer		<input type="checkbox"/>
Jobs, Growth and Transport		<input type="checkbox"/>
Adults, Health and Community Sector		<input type="checkbox"/>
Children, Early Intervention and Early Years		<input type="checkbox"/>
Leisure and Culture		<input type="checkbox"/>
Resources and Neighbourhood Regeneration		<input type="checkbox"/>
Summary of issues (including benefits to citizens/service users):		
<p>In the Spring of 2018 the Committee for Standards in Public Life (CSPL) conducted a review of ethical standards in local government. The review included a consultation exercise to which this committee responded. The CSPL has now published its findings which include 26 recommendations predominantly to Central Government and 15 Best Practice Items for Local Authorities to consider adopting. This report outlines the Committee's findings and invites the Committee to consider how the Best Practice Items could be adopted in Nottingham.</p>		
Recommendation(s):		
1	That the Committee considers adopting the best practice items as outlined in Appendix A to this report.	

1 REASONS FOR RECOMMENDATIONS

1.1 To promote good practice and high ethical standards for Nottingham City Council.

2 BACKGROUND (INCLUDING OUTCOMES OF CONSULTATION)

2.1. The CSPL Review

On 29 January 2018 the Committee on Standards in Public Life (CSPL) announced a review of ethical standards in local government. The Committee considered, amongst other matters, codes of conduct, declarations of interest, and the sanctions that can be taken in the event the code is found to have been breached.

- 2.2. The current Standards regime was introduced under the Localism Act 2011. The Standards Board for England which had previously dealt with serious allegations relating to councillor conduct was abolished and Local Authorities were given responsibility for writing and maintaining their own codes of conduct and complaints procedures and for dealing with complaints that the code had been breached. Under the previous regime sanctions such as withdrawal of allowances, suspension from office and removal from office could be taken by the Standards Board in the most serious of cases. Sanctions such as these are not available to local authorities under the current regime.
- 2.3. The Localism Act 2011 also introduced the role of the Independent Person to Standards proceedings. All local authorities are required to appoint an Independent Person to support their Standards Committee. The Independent Person must be consulted and their views taken into account before the authority takes a decision in relation to any complaints made against councillors or co-optees. The review also examines the role of the Independent Person.
- 2.4. The review was undertaken in response to concerns being raised that the abolition of the Standards Board for England “threw the baby out with the bathwater”, leaving councils with inadequate sanctions to take against Councillors found to have seriously breached Codes of Conduct. This Committee agreed a response to the consultation at its meeting on 22 March 2019.
- 2.5. **Review Findings**
The CSPL concluded their review and published their findings. The full report is available on the CSPL’s Website: <https://www.gov.uk/government/collections/local-government-ethical-standards>. The CSPL concluded that there was little appetite to return to the previous centralised system and that Council’s were managing complaints that Councillors had breached Codes of Conduct effectively. The CSPL also concluded that the vast majority of Councillors behaved ethically with only a very small number responsible for serious or persistent breaches of ethical standards.
- 2.6. The CSPL did make a number of recommendations for changes to legislation and other significant changes. These included:
- The production of a new model code of conduct;
 - The abolition of the criminal offence of non-declaration of pecuniary interests;
 - The reintroduction of powers to suspend councillors in serious cases;
 - The introduction of a maximum terms of two years for the Independent Person, renewable once.
- The Government has not yet responded to the Committee’s findings.
- 2.7. In addition to the formal recommendations the Committee also identified 15 Best Practice Items directed at Local Authorities which the CSPL expects Councils “can and should” adopt. The 15 Items are set out in Appendix One together with some analysis of how far the practice is already in place in Nottingham and whether further action is required.
- 2.8. Adopting some of the Best Practice Items will require amendment of the Council’s Code of Conduct for Councillors and Co-opted Members. This document forms part of the Council’s Constitution and therefore any amendments will require approval by Council before they can be adopted.

3 OTHER OPTIONS CONSIDERED IN MAKING RECOMMENDATIONS

- 3.1 Not to consider the Committee's findings – this would risk practice in Nottingham being below the expected standard.

4 FINANCE COLLEAGUE COMMENTS (INCLUDING IMPLICATIONS AND VALUE FOR MONEY/VAT)

- 4.1 There are no financial implications to this report.

5 LEGAL AND PROCUREMENT COLLEAGUE COMMENTS (INCLUDING RISK MANAGEMENT ISSUES, AND LEGAL, CRIME AND DISORDER ACT AND PROCUREMENT IMPLICATIONS)

- 5.1 This report has no legal or procurement implications.

6 EQUALITY IMPACT ASSESSMENT

- 6.1 Has the equality impact of the proposals in this report been assessed?

No



An EIA is not required as this report does not involved significant changes to council policy or services.

7. LIST OF BACKGROUND PAPERS OTHER THAN PUBLISHED WORKS OR THOSE DISCLOSING CONFIDENTIAL OR EXEMPT INFORMATION

- 7.1 None

8. PUBLISHED DOCUMENTS REFERRED TO IN COMPILING THIS REPORT

- 8.1 Reports to and minutes of the meeting of the Standards Committee held on 22 March 2018

The Review of Local Government Ethical Standards conducted by the CSPL:
<https://www.gov.uk/government/collections/local-government-ethical-standards>.

The Council's Code of Conduct for Councillors and Co-opted Members:
<http://documents.nottinghamcity.gov.uk/download/3526>

The Council's procedure for managing complaints that a councillor or co-opted member has breached the Code of Conduct:
<https://www.nottinghamcity.gov.uk/your-council/about-the-council/councillors-and-leadership/councillor-conduct/>