

BOROUGH OF KETTERING

Committee	STANDARDS ADVISORY COMMITTEE	Item A1	Page 1
Report Originator	Martin Hammond (Monitoring Officer)	<i>Fwd Plan Ref No:</i> -	
Wards Affected	All	7 th May 2019	
Title	CHANGES TO THE STANDARDS REGIME - COMMITTEE FOR STANDARDS IN PUBLIC LIFE REPORT ON LOCAL GOVERNMENT ETHICAL STANDARDS		

1. PURPOSE OF REPORT

This report provides a summary of the Committee for Standards in Public Life (CfSPL) report on Local Government Ethical Standards and proposes some actions that the Borough Council could take now in relation to its recommendations.

2. INFORMATION

- 2.1 The Committee for Standards in Public Life (CfSPL) was established in 1994. The Committee previously fully reviewed ethical arrangements in local government in 1997 and has touched on them in several subsequent reports. The current review was led by Lord Evans of Weardale, Chair of Committee on Standards in Public Life and was announced in July 2017.
- 2.2 The terms of reference for the review were as follows:
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*
 - 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*
 4. *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*

The then KBC Monitoring Officer attended one of the two roundtable seminars held session as part of the Committee's evidence gathering process on behalf of the Northamptonshire Monitoring Officers Group.

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3.0 THE REPORT AND ITS RECOMMENDATIONS

- 3.1 The report was published at the end of January and 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

- 3.2 The report notes that, whilst most of those involved in local government want to maintain high standards of conduct, there are issues with the behaviour of a small number of councillors (at all levels) and with a few parish councils which give rise to a disproportionate number of complaints about poor behaviour. The CfSPL have also identified a few areas where the current arrangements are putting governance under strain. Their recommendations seek to maintain the current devolved arrangements but to strengthen them in places to address unacceptable behaviour by a minority.
- 3.3 The report makes both recommendations and best practice suggestions for councils (see Appendix A for a complete list). Recommendations from the report include introducing a power of suspension (linked to the ability to appeal to the Local Government Ombudsman (LGO)) and a model code of conduct which will enable councillors to be held to account for the most serious or repeated breaches. Implementing this and some of the other recommendations will require legislative change. However, it is intended that any authority can and should implement the 'best practice' suggestions for local authorities. Appendix A also highlights the current KBC position in relation to both the recommendations and the best practice suggestions and proposed action where appropriate.

4. CONSIDERATIONS

- 4.1 More detailed actions to implement the recommendations and best practice suggestions would normally be appropriate in relation to the KBC Code and the Procedure for Dealing with Standards Allegations. However, it is anticipated that a decision will shortly be made by the Secretary of State to create two new unitary councils for Northamptonshire, so it is instead proposed that the focus should be on ensuring that the Code and Process for the Shadow Unitary Authority, expected to come into being later in 2019, meet the recommendations and best practice as far as possible. The work to design a constitution for the new councils will be one of the workstreams underway once a Secretary of State decision has been published.

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4.2 The report recommends that a new model code is produced by the LGA. At the time of writing this report, no information is available as to when this work will commence or be completed, although the Lawyers in Local Government Group has offered assistance. The Government has also not issued its response to the CfSPL report yet.

4.3 It is therefore not recommended at this stage that significant changes are made to the KBC Code or promoted to town and parish councils. When a Shadow Authority is established, it is proposed that town and parish councils should be encouraged to adopt the Code of the Shadow Authority as soon as it is available, if they wish to update their codes to comply with the best practice in the CfSPL report.

5. CUSTOMER IMPACT AND ENGAGEMENT

Some of the 'best practice' guidelines are intended to make the Complaints about Councillors more transparent and easier for customers to find and follow.

6. POLICY and RESOURCE IMPLICATIONS

There are no new financial or resource implications arising from this report.

Any changes to the Code or constitution agreed by this committee will need to be approved by Council.

7. RECOMMENDATIONS

That the Committee is recommended:-

- (i) that an annual report is in future submitted by the Monitoring Officer to the Standards Committee, summarising the number and profile of code of conduct complaints received and investigated in each financial year;
- (ii) to consider if it wishes to implement the recommendations contained within Best Practice Recommendations 1 and 2 by making the code more specific in relation to bullying and harassment and requiring members to comply and co-operate with standards investigations.
- (iii) not to implement the recommendation of Best Practice Recommendation 11
- (iv) that the focus for implementing any further changes to the Code brought about by changes to legislation should be focused on the constitution of the shadow and future unitary authorities.

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Background Papers:

Previous Reports/Minutes:

Committee on Standards in Public Life publications
Reports to other local authorities in Northamptonshire

Date: 11th April 2019
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