

8 March 2018

## PC05-18 | Review of Local Government Ethical Standards

### Executive Summary

The Committee on Standards in Public Life has recently launched a consultation as part of its review into local government ethical standards. The terms of reference of the review are to examine the structures, processes and practices in local government in England for: maintaining codes of conduct for local councillors; investigating alleged breaches fairly and with due process; enforcing codes and imposing sanctions for misconduct; declaring interests and managing conflicts of interest; whistleblowing; assessing whether the existing structures, processes and practices are conducive to high standards of conduct in local government, making any recommendations for how they can be improved, noting any evidence of intimidation of councillors, and making recommendations for any measures that could be put in place to prevent and address such intimidation. NALC will be responding to this consultation. The main consultation document is available [here](#).

### Consultation questions

The main consultation questions are as below;

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?
- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.
- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
- i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?

ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?

iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

f. Are existing sanctions for councillor misconduct sufficient?

i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.

i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?

ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

i. What steps could local authorities take to improve local government ethical standards?

j. What steps could central government take to improve local government ethical standards?

k. What is the nature, scale, and extent of intimidation towards local councillors?

i. What measures could be put in place to prevent and address this intimidation?

NALC is additionally interested to know your views on where there is an alleged breach, due to failure to register and / or disclose a Disclosable Pecuniary Interest. Such cases are a

matter for the Police and CPS to investigate and address, and not the principal authority – but we are interested to learn more about the success of the ‘criminal’ aspects of the 2012 standards framework.

If you are a County Association of Local Councils (CALC) please also tell us how frequently and recently any training on ethical standards has been delivered by your Association. County Associations are also welcome to tell us if any training on ethical standards has been made available by Standards Committees / principal authorities in their areas.

We would be interested in answers as to whether on balance current sanctions were thought sufficient; and if there should be a time limit placed on investigations to avoid councillors being left in limbo.

### **Surveys**

NALC have developed two surveys to provide qualitative evidence to inform its response to the review. The survey for local councils is available [here](#) and the survey for county associations is available [here](#).

### Your Views

Please email your responses to this consultation to [Jessica.Lancod-frost@nalc.gov.uk](mailto:Jessica.Lancod-frost@nalc.gov.uk) by 17.00 on Friday 27 April, 2018.

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