

WAVERLEY BOROUGH COUNCIL

STANDARDS COMMITTEE

13 JANUARY 2020

Title:

**'Local Government Ethical Standards' -
Review of the Committee on Standards in Public Life Report**

Portfolio Holders: Cllr John Ward, Leader of the Council
Cllr Paul Follows, Deputy Leader of the Council

Head of Service: Robin Taylor, Head of Policy & Governance and Monitoring Officer

Key decision: No

Access: Public

1. Purpose and summary

1.1 This report reviews the findings and recommendations of the report *Local Government Ethical Standards* by the Committee on Standards in Public Life.

2. Recommendation(s)

2.1 It is recommended that the Standards Committee notes the summary of the recommendations of the report of the Committee on Standards in Public Life on Local Government Ethical Standards, and considers the implementation of the 15 best practice recommendations as set out in Annexe 3.

2.2 The Committee may wish to authorise the Monitoring Officer to take steps to ensure compliance with the best practice recommendations and to report to the Committee as appropriate.

3. Reason for the recommendation(s)

3.1 To promote and maintain high standards of conduct amongst Members.

4. Background

4.1 The role of the Committee on Standards in Public Life (CSPL) is to advise the Government on ethical standards across the whole of public life. Standards in public life are based on the Nolan Principles, which were described in the first report of the CSPL in 1995, chaired by Lord Nolan.

4.2 The Localism Act 2011 introduced substantial changes to the laws and processes around the conduct of councillors. The national standards framework and powers to suspend or disqualify a Councillor were abolished, and a duty was put on individual councils to adopt their own local code of conduct. The CSPL undertook to conduct a

review once the new standards regime had bedded in, and carried this out in 2018.

- 4.3 In January 2019 the CSPL published [its report on Local Government Ethical Standards](#). The Executive Summary is attached at [Annexe 1](#). The report concludes that whilst the majority of councillors and officers maintain high standards of conduct, there is clear evidence of misconduct by a minority of councillors. A lot of the evidence gathered by the Committee pointed to improvements which could be made in current guidance and legislation. There was little appetite to return to a centralised standards regime, but the CSPL does call for more consistency and stronger powers to deal with the more serious cases of misconduct. The headline recommendation is to give local authorities the power to suspend, without allowances, councillors for up to six months, but this will require legislative changes and is part of a package of reforms.
- 4.4 The report makes 26 recommendations, mostly of a legislative and regulatory nature directed at Central Government. The report further identifies 15 best practice recommendations aimed at local authorities that promote a culture of high ethical standards. The report suggests that the best practice recommendations should be considered as good ethical practice and implemented by all local authorities. The report also suggests that the CSPL will review the implementation of their best practice recommendations in 2020.
- 4.5 Details of the recommendations to the Government and LGA, and the best practice recommendations, are set out in [Annexe 2](#) and [Annexe 3](#), respectively, with comments regarding the Council's current practice and an assessment of the extent to which they are compliant with best practice. Waverley has a good level of compliance with the recommended best practice, but there is scope to improve the Council's 'Arrangements for dealing with Standards Allegations' ([available on the Council's website](#)) to provide greater transparency about the proceedings and ensure compliance.
- 4.6 Officers understand that work is currently underway at the Ministry and Local Government Association on developing a new Model Code of Conduct, and it would be prudent to await the outcome of this work rather than making further changes to Waverley's Code of Conduct for the time being. The Code of Conduct was last reviewed and updated in 2019.
- 4.7 If the Committee agrees that the Council should aim to comply with the best practice recommendations, it is recommended that the Monitoring Officer is asked to take the necessary steps to achieve this and submit reports to the Committee as appropriate. The initial focus for this work would be to review the Council's 'Arrangements for dealing with Standards Allegations'.

5. Relationship to the Corporate Strategy and Service Plan(s)

- 5.1 This report relates to the following elements of the Council's Corporate Strategy 2019-2023:
- 'Open, democratic and participative governance'; and
 - 'The value and worth of all residents, regardless of income, wealth, age, disability, race, religion, gender or sexual orientation'.

6. Implications of decision(s)

6.1 Resource (Finance, procurement, staffing, IT)

There are no direct resource implications arising from this report. Action to achieve compliance with the Best Practice recommendations will be met from existing resources.

6.2 Risk management

The arrangements for investigating complaints against councillors and co-opted members under the Council's code of conduct is a key mechanism for mitigating against the risk of reputational damage, a lack of good governance and loss of public confidence. The Council's Code of Conduct for Elected Members is based upon the 7 'Nolan Principles' of public life, promoted by the Committee for Standards in Public Life.

6.3 Legal

There are no direct legal implications at this stage. Should good practice recommendations be implemented then the Borough Solicitor/Deputy Monitoring Officer will support the Monitoring Officer and Committee with advice to ensure the Code and supporting procedures reflect the legislative framework.

6.4 Equality, diversity and inclusion

There is a general obligation in the Code of Conduct in which Members undertake to "not do anything which may cause the Council to breach any of the equality enactments (as defined in Section 33 of the Equality Act 2010)".

6.5 Climate emergency declaration

There are no direct climate emergency implications arising from this report. Any updates to the Code of Conduct and the Arrangements for dealing with Standards Allegations will be published on the Council's website.

7. Consultation and engagement

7.1 N/a.

8. Other options considered

8.1 Failure to consider the recommendations of the CSPL could lead to a decline in ethical standards among Members.

9. Governance journey

9.1 Subject to the agreement of the Committee, the Monitoring Officer will report back to the Committee on proposed revisions to the Council's Arrangements for dealing with Standards allegations in order to meet compliance with best practice.

Annexes:

Annexe 1 – CSPL, *Ethical Standards in Local Government*, Executive Summary

Annexe 2 – CSPL, Recommendations on legislative and regulatory framework

Annexe 3 – CSPL, Recommendations on best practice

Background Papers

There are no background papers, as defined by Section 100D (5) of the Local Government Act 1972).

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Agreed and signed off by:

Legal Services: 3 January 2019

Head of Finance: n/a

Strategic Director: n/a

Portfolio Holder: n/a