



Report Reference Number: A/18/27

To: Audit and Governance Committee
Date: 10 April 2019
Status: Non Key Decision
Ward(s) Affected: All Wards
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Lead Officer: Janet Waggott, Chief Executive

Title: Report of the Committee on Standards in Public Life and Update to Selby District Council's Code of Conduct

Summary:

To advise members of the outcome of the 20th report of the Committee on Standards in Public Life ('the Committee') and to propose a number of potential updates and amendments to the Council's Code of Conduct for Members and arrangements for dealing with standards complaints.

Recommendations:

- (i) to note the content of the report from the Committee;**
- (ii) to approve the suggested amendments to the Council's Code of Conduct for Members and the arrangements for dealing with standards allegations as set out in the second part of the table in Appendix 1 (Best Practice)**

Reason for recommendation

To ensure that the Council continues to promote and maintain high standards of member conduct in accordance with the most up to date recommendations for best practice.

1. Introduction and background

- 1.1** The Committee on Standards in Public Life have recently reported and made various recommendations for future changes to the legislation by way of amendments to the Localism Act 2011 which will require central government action but there are also recommendations for future best practice within local authorities which the members are asked to note and consider.

2. The Report

- 2.1** The Committee on Standards in Public Life was established in 1994 and is responsible for promoting what are sometimes called the Nolan Principles. The 7 Principles of Public Life are selflessness, integrity, objectivity, accountability, openness, honesty and leadership.
- 2.2** The Committee keeps a watching brief and publishes reviews of the effectiveness of the current arrangements for standards in local government particularly since the changes introduced by the Localism Act 2011. The most recent (20th) report is publically available and can be seen online here <https://www.gov.uk/government/publications/local-government-ethical-standards-report>

In summary the Committee recognises and recommends:-

- 2.2.1** That responsibility for ethical standards should remain with local authorities and not be returned to a national centralised body such as the former Standards Board for England.
 - 2.2.2** That a clear, relevant and proportionate code for each individual authority is essential. The Committee recommends that there should be a national model code (not yet available) but this will not be mandatory.
 - 2.2.3** Recommends removal of the criminal offences relating to disclosable pecuniary interests (DPIs).
 - 2.2.4** Recommends an amendment to the Localism Act 2011 which will replace the rules around declaring pecuniary interests with a more general objective test.
 - 2.2.5** Recommends that Councillors should be presumed to be acting in an official capacity in their public conduct including on publically accessible social media.
 - 2.2.6** Recommends that stronger sanctions should be made available for breaches of ethical standards including that local authorities are given the power to suspend councillors for up to 6 months in serious cases albeit that the Committee envisages that such a sanction would be rarely used and only in the most serious circumstances.
 - 2.2.7** Recognises that 'principal authorities' such as Selby District Council have responsibility for investigating and resolving standards breaches at parish councils but recognises that this can be a disproportionate burden and makes recommendations, for example, that parish councils should be required to adopt either the code of conduct of the principal authority or a new model code and that the principal authority's decision on sanctions for a parish councillor should be binding.
- 2.3** The Committee made 26 recommendations in all many of which will require a change in legislation and action from central government. The main recommendations are set out in the first part of Appendix 1 together with a statement of the Council's existing position so that members can note the

position. Once changes are made to the legislation then a further report will be brought back to the members. The second part of Appendix 1 sets out the Best Practice list identified by the Committee and in relation to this list there are some officer proposals and comments about actions which could be taken immediately without the need for central government intervention and members are asked to consider these actions and indicate whether they wish to implement all or some of the suggested changes to the Code and arrangements.

3. Alternative Options Considered

- 3.1 Not to review and update thereby not taking advantage of the opportunity to ensure that the Council is complying with best practice as recommended by the Committee.

4. Implications

- 4.1 There are no financial, policy & risk, corporate plan, resource or other implications from this report.

4.2 Legal Implications

Legal Implications are incorporated in to the main text of this report.

5. Conclusion

- 5.1 The Committee Report is a useful and well considered review of the effectiveness of the current arrangements for local authorities in upholding the principles of public life and of best practice across the country. It provides a helpful framework for the recommended amendments and additions to the Council's Code and, following further legislation in due course and central government action, a further report will update this one.

6. Background Documents

The link to the full report of the Committee is provided above.

7. Appendices

Appendix 1 – Committee's Recommendations

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