

# ARUN DISTRICT COUNCIL

## REPORT TO STANDARDS COMMITTEE ON 25 JULY 2019

**SUBJECT:** Local Government Ethical Standards

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**DATE:** July 2019  
**EXTN:** 01903 737610

### EXECUTIVE SUMMARY:

The Committee on Standards in Public Life (CSPL) is an advisory public body sponsored by the Cabinet Office. They advise the Prime Minister on ethical standards across the whole of public life in England. They also monitor and report on issues relating to the standards of conduct of all public office holders.

The CSPL undertook to review the effectiveness of the arrangements for the conduct of elected councillors, introduced through the Localism Act 2011, once they had bedded in. Their review was undertaken over 2018 and they published a report including a series of recommendations in January 2019.

This report considers the best practice recommendations made by the CSPL that are directed to local authorities. At this stage, it does not consider the recommendations made to the Government as these will be the subject of later consideration and debate once any consultation or guidance is issued in response to the CSPLs report.

### RECOMMENDATION:

The Committee is asked to agree:

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure;
- (2) that the review of the Code of Conduct should include updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) what consultation is required in considering any areas for change; and
- (4) that the Group Head of Council Advice & Monitoring Officer bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of the areas for change.

### 1.0 BACKGROUND

- 1.1 The Localism Act 2011 introduced significant changes to the way that the conduct of elected councillors was handled. It abolished the national framework headed by the Standards Board for England and a national Code of Conduct; and removed powers to

suspend or disqualify councillors for serious breaches of the Code of Conduct. Instead it placed a duty on Councils to:

- a) adopt their own local Code of Conduct;
- b) put local procedures in place to investigate allegations the Code may have been broken (with principal authorities carrying out that duty for parish councils); and
- c) appoint at least one Independent Person (IP) whose views they had to take into account when considering matters under investigation.

1.2 The Committee for Standards in Public Life (CSPL) undertook to review the effectiveness of these arrangements once they had bedded in. They undertook this review during 2018 seeking evidence from all interested stakeholders and published their report including recommendations to Government and best practice recommendations to local authorities on 30 January 2019.

1.3 The CSPLs report includes 26 recommendations which are principally for the Government to consider; and 15 best practice recommendations which are directed to local authorities to consider. The CSPL intends to review progress on the implementation of the best practice recommendations in 2020.

1.4 This is the first opportunity there has been for the Standards Committee to consider the CSPLs recommendations. This report focusses on the best practice recommendations and one of the recommendations to Government (number 11). At this stage it does not consider the remaining 25 recommendations to Government/other bodies as these will be the subject of later consideration and debate once any consultation or guidance is issued.

## **2.0 BACKGROUND TO ARUN'S CODE OF CONDUCT AND PROCEDURES**

2.1 The Council originally adopted a Members' Code of Conduct in response to the provisions of the Localism Act 2011 on 20 June 2012. This version of the Code focused on the Seven Principles of Public Life and the expectations of conduct of councillors. However, it did not define arrangements for disclosable pecuniary and other interests.

2.2 This was recognised as a concern by the Standards Committee in the last administration and the Monitoring Officer was charged with conducting a review. This led to the latest Members' Code of Conduct, based on best practice, being adopted by the Council on 8 November 2017.

2.3 Town and Parish Councils were encouraged to adopt this new Code of Conduct. Of those who confirmed they had conducted a review:

- six (Clymping, East Preston, Felpham, Ferring, Kingston and Walberton) adopted the 2017 Code;
- three (Arundel, Bersted and Middleton-on-Sea) continue to operate the 2012 version;
- both Bognor Regis and Littlehampton Town Councils have continued to adopt their own Codes of Conduct; and
- no response was received from the remaining Parish Councils so any complaints received are considered against the Code published to their website.

2.4 The Council adopted a local procedure to investigate allegations that the Code may have been broken, which also covered all Town and Parish Councils within the Arun District, in

January 2013. This was subject to review in 2017 and a new Local Assessment Procedure was adopted by the Council on 8 November 2017. It has faced two reviews since then in March 2018 when a Police Protocol was added to clarify how certain offences should be reported directly to the Police; and again in March 2019 when minor amendments were made to clarify use of the procedure in practice.

- 2.5 In line with the provisions of the Localism Act, the Council has appointed Independent Persons to the Standards Committee since 2012. Currently, two members are appointed – Brian Green and John Thompson – and the Committee has requested that a third member be appointed. Due to resourcing issues for the Monitoring Officer over the past six months, this request is still to be taken forward. However, the plan is to have a third Independent Member in place by the end of 2019.

### **3.0 THE CSPLs RECOMMENDATIONS AND PROPOSALS TO THE COMMITTEE**

- 3.1 From conducting their review, the CSPL found that there was no appetite to return to a centrally regulated system as local arrangements on the whole were most effective at handling the majority of cases and standards were generally high. They did feel that a more consistent approach needed to be taken to standards and that Monitoring Officers and Councils needed some more effective tools to allow them to handle the more serious and persistent cases. These findings are reflected in the recommendations to Government and the Local Government Association. A key issue that will be recognised by members of this Committee is the need for Councils to have greater sanctions available to them to deal with serious and persistent misconduct. The Committee will be kept updated as and when further guidance is issued on how these recommendations will be taken forward.
- 3.2 Extracts from the CSPLs report are attached as appendices to this report. A link to the full report is provided under background papers and paper copies are available for councillors to review in the Members Room. The extracts are:
- Appendix 1 – Executive Summary
  - Appendix 2 – List of Recommendations
  - Appendix 3 – List of Best Practice
- 3.3 As set out in Appendix 3, the CSPLs best practices recommendations are directed to local authorities and are the focus of this report. Seven of the fifteen recommendations are already practices within Arun's procedures. Appendix 4 highlights this as well as the areas for discussion by the Committee.
- 3.4 One of the recommendations to Government (number 11) is also for consideration by local authorities and this relates to providing a legal indemnity to Independent Persons if their views or advice are disclosed. It should be noted that the CSPL recognise that this may need secondary legislation. Advice has been sought from the Insurance and Risk Officer who has confirmed that insurance cover is currently available to Arun's Independent Persons in respect of defence of claims only and not for the making of claims. Therefore, when we learn more about how this recommendation will be taken forward by Government, it will be important for the Council to support its intentions.
- 3.5 A final area for consideration is whether in making proposals for change to the current Code of Conduct, that the Principles of the Code (as set out in Section 1, paragraph 2) are also reviewed. The Committee will see from the CSPLs report that the listed Seven Principles

of Public Life reflect revised definitions to those included in Arun's Code. Back in 2013, the CSPL re-defined some of the definitions in the Seven Principles following research into whether the definitions reflected public understanding and were still valid. In revising their definitions, it was left to local authorities to determine if they made a similar change. No report was made at the time by the previous Monitoring Officer and when the Code was last reviewed in 2017, the view was that the wording of Section 1 should remain unchanged so the re-defined definitions were not put forward. It is timely with this latest review to seek the Committee's views on a way forward.

3.6 The Committee's views are therefore welcomed on the best practice recommendations and to agree:

- (1) the areas for change in the Members' Code of Conduct and the Local Assessment Procedure;
- (2) that the review of the Code of Conduct should include updating the "Principles of the Code of Conduct" against the latest wording for the Seven Principles of Public Life;
- (3) what consultation is required in considering any areas for change; and
- (4) that the Group Head of Council Advice & Monitoring Officer bring back a revised draft of the Members' Code of Conduct and Local Assessment Procedure to a future meeting taking account of the areas for change.

#### 4.0 OPTIONS:

1. To agree a way forward on which proposals should be identified as areas for change in the Members' Code of Conduct and Local Assessment Procedure; and how this will be actioned.
2. To not take any view on the CSPLs recommendations at this time.

#### 5.0 CONSULTATION:

Has consultation been undertaken with:	YES	NO
Relevant Town/Parish Council		✓
Relevant District Ward Councillors		✓
Other groups/persons (please specify) <ul style="list-style-type: none"> <li>• Chairman of the Committee</li> <li>• Brian Green and John Thompson, Independent Persons</li> </ul>	✓	

6.0 ARE THERE ANY IMPLICATIONS IN RELATION TO THE FOLLOWING COUNCIL POLICIES: (Explain in more detail below)	YES	NO
Financial		✓
Legal	✓	
Human Rights/Equality Impact Assessment		✓
Community Safety including Section 17 of Crime & Disorder Act		✓
Sustainability		✓
Asset Management/Property/Land		✓
Technology		✓
Other (please explain)		✓

**7.0 IMPLICATIONS:**

None

**8.0 REASON FOR THE DECISION:**

The CSPL have confirmed in their report that they intend to review the implementation of their best practice recommendations in 2020. The report provides an opportunity for the Council to consider its procedures ahead of this deadline.

**9.0 BACKGROUND PAPERS:**

Committee on Standards for Public Life “Local Government Ethical Standards” report  
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

Localism Act 2011

<http://www.legislation.gov.uk/ukpga/2011/20/contents/enacted>

Full Council – 13 March 2019

Review of the Local Assessment Procedure

<https://democracy.arun.gov.uk/ieListDocuments.aspx?CId=141&MId=784&Ver=4>

Full Council – 7 March 2018

Update to Local Assessment Procedure – Police Protocol

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=141&MeetingId=351&DF=07%2f03%2f2018&Ver=2>

Full Council – 8 November 2017

Adoption of Code of Conduct and Local Assessment Procedure

<https://democracy.arun.gov.uk/CeListDocuments.aspx?Committeeld=141&MeetingId=348&DF=08%2f11%2f2017&Ver=2>