

Appendices:



**NORTHAMPTON**  
BOROUGH COUNCIL

## STANDARDS COMMITTEE REPORT

<b>Report Title</b>	<b>Stakeholder Consultation: Review of Local Government Ethical Standards:</b>
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**AGENDA STATUS: PUBLIC**

<b>Committee Meeting Date:</b>	19 March 2018
<b>Policy Document:</b>	No
<b>Directorate:</b>	Borough Secretary and Monitoring Officer

### 1. Purpose

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- 1.1 The purpose of the report is to present the draft responses to the consultation of the Government Committee on Standards in Public Life on local government ethical standards for the Standards Committee to the Committee for its consideration and approval. The Committee's response will then be submitted to the Government Committee on Standards in Public Life.

### 2. Recommendations

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- 2.1 To approve the draft responses to the consultation of the Government Committee on Standards in Public Life on local government ethical standards, as detailed at paragraph 3.1.6 of this report.
- 2.2 To ask the Monitoring Officer to submit the Standards Committee's responses to the consultation of the Government Committee on Standards in Public Life on local government ethical standards to the Government Committee on Standards in Public Life.

### 3. Issues and Choices

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#### 3.1 Report Background and Issues

- 3.1.1 At its meeting held on 19 December 2016, the Standards Committee set up a Working Group to put together a draft Work Plan for the Standards Committee for 2017/2018. The Working Group consists of Councillors Patel, Oldham, Smith and B Markham. The establishment of a Work Plan will ensure that the

Committee can meet all of its responsibilities and obligations during the year. Included within the draft Work Plan is an item Stakeholder Consultation: Review of Local Government Ethical Standards (19 March 2018 meeting.)

3.1.2 The Standards Working Group, at its meeting on 15 February 2018 considered the terms of reference for the Stakeholder Consultation:

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; and
- e Whistleblowing.

Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;

Make any recommendations for how they can be improved; and

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

3.1.3 The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

3.1.4 Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, the Committee welcomes any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

3.1.5 Submissions will be published online alongside the Committee's final report, with any contact information (for example, email addresses) removed.

3.1.6 **Consultation questions and draft responses proposed by the Standards Working Group (Work Plan)**

- 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.**

There good processes and procedures in place at NBC; Councillors are trained, briefed and aware of the code of conduct and any relevant Legislation to adhere to

**b. What, if any, are the most significant gaps in the current ethical standards regime for local government?**

None

**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?**

Yes at Northampton, the code of conduct is adopted, and it is very clear and easy for Councillors to understand. It clearly covers a range of behaviours. A full induction process is held after Councillors are elected, returning Councillors are encouraged to attend the training session on Ethical Government which is externally delivered by experts. The Standards Committee has its own Training Strategy too which centres around ethical governance – the Strategy is for all Members, not just members of the Standards Committee.

**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.**

The Nolan Seven Principles of Public Life:

- Selflessness:
- Integrity:
- Objectivity:
- Accountability
- Openness:
- Honesty:
- Leadership:

These requirements are appropriate

**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?**

Northampton has an adopted Arrangements process that it adheres to which do meet 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?**

A great benefit of the Localism Act was the introduction of Independent Persons. NBC has two Independent Persons. The Independent Persons are consulted on appropriately at Northampton and ensures the objectivity and fairness of the decision making process. There is no need to strengthen

- 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?**

Very rarely there is a conflict of interest for the Monitoring Officer, but if the Monitoring Officer is involved in the issue that is subject to complaint, they could be conflicted and therefore alternative investigation is used, i.e. the Monitoring Officer's representative.

**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?**

Current sanctions include apologies and training. These are relevant. Councillors abide by the sanctions.

**Should local authorities be given the ability to use additional sanctions? If so, what should these be?** No, the current system works very well

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

The arrangements are satisfactory but the need to provide guidance and training when Councillors are first elected is imperative.

- ii. **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?**

The arrangements are satisfactory but the need to provide guidance and training when Councillors are first elected is imperative.

- iii. **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.**

The arrangements are satisfactory but the need to provide guidance and training when Councillors are first elected is imperative.

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

The Authority has recently adopted a new whistleblowing policy, manned by external organisation. The effectiveness of the Policy will be monitored by the Standards Committee

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

The standards are currently adequate but the need for training at the appropriate time is key

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

The standards are currently adequate

**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?**

Councillors are subjected to intimidation on occasions; the issue is personal to the Councillor. Often there will be the need to involve the Police or the Monitoring Officer depending upon the nature, scale and extent of the intimidation. There are Laws in place to assist the Councillor should they be subjected to intimidation.

### **3.2 Choices**

3.2.1 Members are asked to approve the draft responses to the consultation of the Government Committee on Standards in Public Life on local government ethical standards.

## **4. Implications (including financial implications)**

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### **4.1 Policy**

4.1.1 This report does not have any direct policy implications.

### **4.2 Resources and Risk**

4.2.1 This report does not have any direct resource implications.

### **4.3 Legal**

4.3.1 There are no legal implications arising directly from this report.

### **4.4 Equality**

4.4.1 There are no direct equality and diversity implications arising from this report.

### **4.5 Consultees (Internal and External)**

4.5.1 Not applicable.

### **4.6 Other Implications**

4.6.1 None.

## **5. Background Papers**

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5.1 Report and Minutes – Draft responses draft responses to the consultation of the Government Committee on Standards in Public Life on local government ethical standards for the Standards Committee, Standards Working Group (Work Plan) – 15 February 2018.

**Francis Fernandes**  
**Borough Secretary and Monitoring Officer**