

<b>Item No.</b> 12.	<b>Classification:</b> Open	<b>Date:</b> 16 July 2019	<b>Meeting Name:</b> Audit Governance and Standards Committee
<b>Report title:</b>		Review of Local Government Ethical Standards by Committee on Standards	
<b>Ward(s) or groups affected:</b>		All	
<b>From:</b>		Director of Law and Democracy	

## RECOMMENDATION

1. That the committee note the issues outlined in this report.
2. To note the 26 recommendations made by the Review of Local Government Ethical Standards by the Committee on Standards in Public Life (CSPL) and the 15 best practice points.
3. To note the council already practices many of the recommendations which do not require legislative changes as a matter of good practice.
4. To consider what further changes could be made to the Council's Code of Conduct and Arrangements for dealing with complaints alleging a breach of the Members' Code of Conduct, which would not require legislative changes.

## BACKGROUND INFORMATION

5. On 29 January 2018 CSPL launched a consultation on Local Government Ethical Standards. The terms of reference for the review were 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; and
  - whistleblowing.
6. The CSPL published its report on 30 January 2019. The report proposes a range of measures which it mainly recommends to Government but also to the Local Authorities, including Parish Councils.
7. The report reinforces the high standards of conduct required in local government to protect the integrity of decision-making, maintain public confidence and safeguard local democracy.

## KEY ISSUES FOR CONSIDERATION

8. The report is divided into 8 chapters. This report does not refer to all chapters but instead aims to summarise some of the key issues relevant for Southwark. The key findings the committee is asked to note are as follows:

- Whilst it is recommended that there should be an updated model code of conduct, the review recognised that there are benefits to councils being able to adopt their own codes depending on its own culture and the specific issues it may face.
- The report highlights that areas such as gifts and hospitality, social media use, and bullying and harassment have all increased but are not regularly reflected in the codes of conduct recommended by the Government and the Local Government Association.
- Bullying/ harassment: In particular, codes do not have specific behaviours that would amount to bullying. The Committee can consider whether it would be helpful for the Council's code to include a definition of bullying/ harassment. There is no statutory definition of bullying but the report refers to a definition used by ACAS (Advisory, Conciliation and Arbitration Service). Harassment is defined in the Equality Act 2010.
- Social Media: The report states that, at the moment, codes of conduct can only apply when Councillors are acting in their capacity as a Councillor. The report recognises how the use of social media presents a challenge in determining whether a code of conduct applies to instances of behaviour. One of the recommendations is that Councillors should be presumed to be acting in an official capacity in their public conduct, including statements on publicly accessible social media. This will require a change in legislation to permit local authorities to presume so when deciding upon code of conduct breaches. However, at its meeting on 6 December 2018 the Committee considered and approved a guide to Members on the use of social media. The Committee suggested that a list of "do's and don'ts" be circulated on the Members bulletin on a regular basis, to publicise and remind members regarding use of social media.
- Gifts and hospitality: The report refers to gift value of £50 to £100. The report highlights that there are three broad principles surrounding gifts and hospitality that should guide whether an individual should accept gifts or hospitality, namely purpose, proportionality, avoiding conflicts of interest to safeguard the principle of integrity. Southwark Councils code requires Members to register gifts and hospitality with a value in excess of £50. The Monitoring Officer suggests that the Code could be updated to include the reference to "purpose and proportionality" in addition to avoiding conflict of interest.
- Investigations and Safeguards: The report recognises that there has to be an effective, fair, impartial and transparent procedure, in which Councillors and the public can have confidence. The report considers the role of the Independent Person (IP) and how this role could be strengthened and clarified. The review makes a number of recommendations in relation to the role of the IP, some of which the Council already has in place. There is, for example, recommendation that IPs are consulted by the Monitoring Officer when considering whether a complaint should be investigated or not. This is already contained in the Arrangements. It is recommended that the views of the IP are included in any investigation report. This could be added to the Arrangements.
- Sanctions: The report states that the current sanctions available to local authorities are insufficient and that a lack of robust sanctions damage public confidence in the standards system and that there is no means of addressing serious or repeated misconduct. The report recommends that local authorities should be given the power to suspend councillors without allowances for up to six months and any Councillors who are suspended should be given the right to appeal to the Local Government Ombudsman. This change will require legislation.

9. On 15 March 2019 the Ministry of Housing, Communities and Local Government hosted a Round Table for monitoring officers which included the CSPL review. Their notes are included as part of Appendix B.

### Community impact statement

10. Clear arrangements concerning the accountability of members are very important for promoting high standards of conduct. In addition it is important in aiding the decision-making process and helping to boost public confidence in the council. These arrangements ensure that members of the public are aware of the process in place to ensure that high standards of conduct are maintained within the council.

### APPENDICES

No.	Title
A	Local Government Ethical Standards, published 30 January 2019 (circulated separately)
B	26 Recommendations

### BACKGROUND DOCUMENTS

Background Papers	Held At	Contact
Code of Conduct for Members	Legal Services, Southwark Council, 160 Tooley Street, London SE1 2QH	Norman Coombe 020 7525 7678 Allan Wells 020 7525 2130

### AUDIT TRAIL

<b>Lead Officer</b>	Doreen Forrester-Brown, Director of Law and Democracy	
<b>Report Author</b>	Norman Coombe, Head of Corporate Team, Legal Services	
<b>Version</b>	Final	
<b>Dated</b>	11 June 2019	
<b>Key Decision?</b>	No	
<b>CONSULTATION WITH OTHER OFFICERS / DIRECTORATES / CABINET MEMBER</b>		
<b>Officer Title</b>	<b>Comments sought</b>	<b>Comments included</b>
Director of Law and Democracy	N/A	N/A
Strategic Director of Finance and Governance	No	No
<b>Cabinet Member</b>	<b>No</b>	<b>No</b>
<b>Date final report sent to Constitutional Team</b>	11 June 2019	