

<b>CONSTITUTION &amp; ETHICS COMMITTEE</b>	<b>AGENDA ITEM No. 5</b>
<b>11 MARCH 2019</b>	<b>PUBLIC REPORT</b>

Report of:	Fiona McMillan - Director of Law & Governance/Monitoring Officer	
Cabinet Member(s) responsible:	Councillor David Seaton, Cabinet Member for Resources	
Contact Officer(s):	Fiona McMillan, Monitoring Officer Amy Brown, Deputy Monitoring Officer	01733 452361 01733 452 617

**LOCAL GOVERNMENT ETHICAL STANDARDS**

<b>R E C O M M E N D A T I O N S</b>	
<b>FROM:</b> Monitoring Officer	<b>Deadline date:</b> N/A
<p>It is requested that the Constitution and Ethics Committee:</p> <ol style="list-style-type: none"> <li>1. Note the recommendations contained within the Committee on Standards in Public Life (“CSPL”) report on Local Government Ethical Standards; and</li> <li>2. Request the Monitoring Officer to revise the Members’ Code of Conduct, Constitution, Hearings Procedure and Guidance as necessary to bring in to effect the required changes when appropriate; and</li> <li>3. To present the proposed revisions to the Constitution &amp; Ethics Committee for consideration and recommendation to Full Council for approval as required.</li> </ol>	

**1. ORIGIN OF REPORT**

1.1 This report is submitted to the Constitution & Ethics Committee in response to its request to be updated following the publication of the Committee on Standards in Public Life’s report on Local Government Ethical Standards at the end of January 2019 in order to ensure ongoing compliance with national requirements and good practice.

**2. PURPOSE AND REASON FOR REPORT**

2.1 The purpose of this report is to provide information requested by the Committee at its meeting on 28th January 2019, to obtain the views of members on the CSPL report and to initiate any necessary revisions to the Constitution, Members’ Code of Conduct and accompanying procedural and guidance documents.

2.2 This report is for the Constitution and Ethics Committee to consider under its Terms of Reference No. 2.7.2.2

*Authority to oversee and approve the operation of the Council’s functions relating to the promotion and maintenance of high standards of conduct amongst members and co-opted members of the Council including:*

- *Promoting and maintaining high standards of conduct by Members and co-opted members;*
- *Assisting the Members and co-opted members to observe the Code of Conduct;*
- *Advising the Council on the adoption or revision of the Code of Conduct;*
- *Monitoring the operation of the Code of Conduct; Advising, training or arranging to train Members and co-opted members on matters relating to the Code of Conduct.*

### 3. **TIMESCALES**

Is this a Major Policy Item/Statutory Plan?	<b>NO</b>	If yes, date for Cabinet meeting	N/A
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### 4. **BACKGROUND AND KEY ISSUES**

- 4.1 The Committee on Standards in Public Life wrote to the Prime Minister in January 2018 to inform the Government that the Committee was to undertake a review of local government standards.
- 4.2 As part of this review, the Committee held a public stakeholder consultation and has looked at the conduct and culture in local government, both at principal authority level and in town and parish councils. The consultation closed on Friday 18 May 2018 and the Committee's report was published on 31st January 2019, see **Appendix 1**.
- 4.3 The CPSL report findings indicate that the majority of councillors and officers maintain high standards of conduct and that the arrangements for local management of these matters should continue but need to be supported by robust safeguards and adequate resource. Nevertheless, it was identified that there is clear evidence of misconduct by some and mostly manifests in bullying, harassment or other disruptive behaviour. Furthermore, observations have been made about the suitability of the current rules governing declaring interests, gifts and hospitality and the availability of appropriate sanctions when breaches have occurred.
- 4.4 In recognition its findings, the CPSL has identified various points of best practice and made specific recommendations for improvement. Appendix 2 sets out each of the key recommendations and identifies the areas where changes are most likely to be required in the context of Peterborough City Council's existing arrangements. Where immediate changes can be considered these have been highlighted in italics.
- 4.5 It is recognised that many of the recommendations will require primary legislation to change parts of the Localism Act 2011 and will therefore be subject to parliamentary timetabling. Nevertheless, it is open to Councils to adopt the many best practice points with immediate effect and the CPSL has indicated their intention to review implementation in 2020.

### 5. **CONSULTATION**

- 5.1 The CPSL held a public stakeholder consultation as part of its overall review and in reaching the conclusion outlined in its Report.
- 5.2 It is recommended that any proposed changes to the existing arrangements at Peterborough City Council are reviewed by the Constitution and Ethics Committee who will also be invited to consider what further member engagement may be required ahead of any recommendations being made to implement them (e.g. via Group Leaders and the Parish Liaison Forum).

### 6. **ANTICIPATED OUTCOMES OR IMPACT**

- 6.1 It is anticipated that the Constitution and Ethics Committee will note the CPSL report and the extent to which it may impact upon the existing arrangements as and when the recommendations are brought into force via primary legislation. In the meantime however it is anticipated that the Constitution and Ethics Committee will recommend that the Monitoring Officer makes any necessary revisions to implement suggested best practice where appropriate.

### 7. **REASON FOR THE RECOMMENDATION**

- 7.1 The recommendations to the Constitution and Ethics Committee are designed to enable discussion of the CPSL report and to give effect to any changes required to ensure that the

existing arrangements relating to member conduct remain up-to-date and reflect nationally recognised best practice.

## **8. ALTERNATIVE OPTIONS CONSIDERED**

- 8.1 Whilst some of the recommendations within the CPSL Report will require changes to primary legislation before they can be implemented, there are some suggestions as to best practice which can be adopted with immediate effect following appropriate member engagement. The alternative is to continue with the existing arrangements until such time that a wholesale review can take place rather than implementing changes on a piecemeal basis.

## **9. IMPLICATIONS**

### **Financial Implications**

- 9.1 Whilst there is no immediate financial pressure, there is an ongoing requirement to ensure that principal, town and parish councillors receive adequate training as part of their induction and subsequent refresher training as required to ensure continued compliance.

### **Legal Implications**

- 9.2 Local authorities are statutorily obliged to have in place a Code of Conduct based on the Nolan Principles which outlines the behaviour required of councillors.

### **Equalities Implications**

- 9.3 There are none.

## **10. BACKGROUND DOCUMENTS**

Used to prepare this report, in accordance with the Local Government (Access to Information) Act 1985

- 10.1 Peterborough City Council 's:
- Code of Conduct for Members;
  - Constitution and specifically the Terms of Reference for the Constitution and Ethics Committee and Sub-Committee; and
  - Hearing Procedure; and
  - Guidance on Making a Complaint.

Committee on Standards in Public Life Local Government Ethical Standards Review Report published on 30th January 2019.

## **11. APPENDICES**

- 11.1 Appendix 1: Committee on Standards in Public Life Local Government Ethical Standards Review Report published on 30th January 2019.

Appendix 2: Summary of recommendations and best practice requirements.

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