

Appendix 1

Committee on Standards in Public Local Government Ethical Standards: Stakeholder Consultation Response from Standards Committee - Northumberland County Council April 2018

The Standards Committee was asked to consider what representations, if any, it wished to make in response to the Committee on Standards in Public Life's current consultation on the review of local government ethical standards.

Members discussed the following questions which were asked as part of the consultation process:-

Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.

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

Members felt that it was difficult to apply sanctions against a Councillor who had been found to be in breach of the code of conduct. There was not a penalty to fit the seriousness of some offences. The system worked on the basis of acceptance and if the subject member did not share the same values as those reflected in the ethical framework, then the system could do nothing, and if the subject member's behaviour did not change, then there were no further more serious sanctions available.

Members agreed that the lack of effective sanctions available to the Standards Committee was the most significant gap in the current regime.

Codes of Conduct

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?

It was generally felt that the code of conduct was clear and understandable, however, there would always be councillors who chose to ignore it.

The use of social media was an area which required some training and it was often an area of difficulty for new councillors to decide whether they were acting as a councillor or as a private individual. Improved training, including online training, may result in making councillors more aware of their responsibilities under the code of conduct and prevent them making mistakes.

This was an area which should be dealt locally rather than at a national level.

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.

Members agreed that the code of conduct was consistent with the Seven Principles of Public Life. There were also satisfactory mechanisms in place for the registration and declaration of councillors' interests.

Investigations and decisions on allegations

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?

Members agreed that investigations met the requirements and no additional safeguards were required.

The Monitoring Officer conceded that there could be delays in the progress of investigations due to difficulties in contacting the subject member or other parties. While there could sometimes be mitigating circumstances for such delays it was suggested that if an investigation was taking longer than expected to progress, the Standards Committee should be informed and asked to consider whether it should issue any advice or guidance in respect of any likely or ongoing delay

(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?

Members agreed that it was important to have an Independent Person as part of the process but that the current role was sufficient to ensure the objectivity and fairness of the decision process .

(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?

Members noted that most Monitoring Officers avoided undertaking investigations themselves, however, there was no conflict of interest in deciding whether an investigation was necessary or not at the initial assessment stage. It was considered

that where any conflict did arise that assistance might be sought on a reciprocal basis from a neighbouring authority.

Sanctions

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?

(ii) Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Members had previously discussed the issue of sanctions and agreed that the ability to suspend a councillor should be afforded to local authorities with a maximum term of suspension of six months recommended.

Declaring interests and conflicts of interests

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

(i) 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?

Members felt that the system was appropriately and successfully used.

It was reported that under the previous ethical framework regime, it had been possible for a councillor with an interest which would otherwise require them to withdraw from participation in a meeting to speak at that meeting but only if members of the public were also allowed to attend and speak in like manner. It was recommended that this provision be reintroduced.

(ii) 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.

Reference was made to the "other interests" category within the members' code of conduct which was additional to the statutory disclosable pecuniary interests which covered membership of outside bodies both in a private capacity and through appointments made by members' parent authority. The members code of conduct also included the "non-registrable" category of interests which had been included in the former Model Code issued under the Local Government Act 2000. These

interests covered the interests of family members and close associates of elected members.

It was noted that Northumberland County Council had also recently adopted a Gifts and Hospitality policy for Councillors which provided members with detailed guidance in relation to this area of the ethical framework.

Improving Standards

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

These had been identified elsewhere in the Committee's discussion.

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

In addition to the need for more effective sanctions, the Chair commented that the Parish/Town councillors who sat on the Standards Committee should be able to vote. Both he and the previous chair had written to the then DCLG to request this, but without success.

Intimidation of local councillors

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?

Members acknowledged that perception of intimidation and tolerance levels could vary greatly amongst councillors and that a certain amount of 'thick skin' was required. It was difficult to prescribe exactly at what point such behaviour became unacceptable. It was noted that Northumberland County councillors could seek advice from the Health & Safety team.

This was an area that could be dealt with at a local level.

Mr J Jackson

**Chair
Standards Committee**