

**GMCA – Standards Committee**

Date: 17 September 2019

Subject: Committee on Standards in Public Life - Annual Report

Report of: GMCA Monitoring Officer

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**PURPOSE OF REPORT**

This report advises the Standards Committee of the publication of the Committee on Standards in Public Life Annual Report 2018/19 and highlights the review of local government ethical standards completed earlier in the year.

**RECOMMENDATIONS:**

1. That the Committee note the report.

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Risk Management – none arising out of the report

Legal Considerations – legal requirements are referred to throughout the report

Financial Consequences – none arising out of the report

Financial Consequences – none arising out of the report

Number of attachments included in the report: 3

**BACKGROUND PAPERS:**

<u>BOLTON</u>	<u>MANCHESTER</u>	<u>ROCHDALE</u>	<u>STOCKPORT</u>	<u>TRAFFORD</u>
<u>BURY</u>	<u>OLDHAM</u>	<u>SALFORD</u>	<u>TAMESIDE</u>	<u>WIGAN</u>

Committee on Standards in Public Life – Annual Review July 2018 – June 2019

Local Government Ethical Standards – A Review by the Committee on Standards in Public Life

<b>TRACKING/PROCESS</b>		
Does this report relate to a major strategic decision, as set out in the GMCA Constitution		No
<b>EXEMPTION FROM CALL IN</b>		
Are there any aspects in this report which means it should be considered to be exempt from call in by the relevant Scrutiny Committee on the grounds of urgency?		No
TfGMC	Overview & Scrutiny Committee	
N/A	N/A	

## **1. INTRODUCTION**

1.1. The Committee on Standards in Public Life published its Annual Report in July 2019 providing an account of its activities from July 2018 to June 2019.

1.2. Key areas of focus were: -

- Local Government Ethical Standards
- Artificial Intelligence and Public Standards
- Intimidation in Public Life
- MPs' outside interests
- Bullying and harassment in Westminster

1.3. A copy of the Annual Report is attached, as Appendix 1.

## **2. Local Government Ethical Standards**

2.1. Of particular interest is the work undertaken by the Committee on Standards in Public Life on Local Government Ethical Standards published in January 2019.

2.2. A copy of the CSPL report ("the report") is available at:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

2.3. Whilst the Committee did not take evidence from Combined Authorities or metro mayors, the principles are still relevant.

## **3. Terms of Reference**

3.1. The terms of reference for the review were to:

1. 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.
2. Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government;
3. Make any recommendations for how they can be improved; and
4. 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.

#### 4. The Committee's Findings

- 4.1. The Committee expressed the view that the vast majority of councillors and officers maintained high standards of conduct. There was, however, clear evidence of misconduct by some councillors. The majority of cases related to bullying or harassment, or other disruptive behaviour. There was also evidence of persistent or repeated misconduct by a minority of councillors.
- 4.2. The Committee expressed concern about a risk to standards under the current arrangements, as a result of the current rules around declaring interests, gifts and hospitality, and the increased complexity of local government decision-making.
- 4.3. The Committee considered whether there was a need for a centralised body to govern and adjudicate on standards but concluded that there was no reason to reintroduce a centralised body. The Committee considered that local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government. They considered that any Councillor suspended should have the right to appeal to the Local Government and Social Care Ombudsman whose decision should be binding.
- 4.4. The Committee recommended that the Local Government Association should create an updated model code of conduct in order to enhance the consistency and quality of local authority codes.
- 4.5. Although a Councillor's private life is outside the scope of the Code of Conduct, the Committee felt that there should be a presumption that Councillors' public behaviour is in an 'official capacity' and therefore subject to the Code of Conduct.
- 4.6. The Committee felt that the current arrangements for declaring and managing interests are unclear, too narrow and do not meet the expectations of councillors or the public. They should be repealed and replaced with an objective test, namely: a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your consideration or decision-making in relation to that matter".
- 4.7. The Committee considered that the current criminal offences relating to Disclosable Pecuniary Interests were disproportionate in principle and ineffective in practice, and should be abolished.
- 4.8. The Committee considered that a local authority should be able to suspend a councillor for up to six months without allowances, but only where the Independent Person (IP) agreed both that there had been a breach and that suspension was a proportionate sanction.

4.9. The Committee felt that the role of Independent Persons (IPs) should be strengthened. However, to avoid any possibility that their independence being compromised by a long period of involvement with a single Council, IP appointments should be for a fixed term of 2 years, renewable once. Councils should provide legal indemnity to IPs if their advice or views are disclosed.

4.10. In the Committee's opinion candidates standing for or accepting public offices should not be required to disclose their home address publicly.

4.11. Disciplinary protections for statutory officers, such as the Monitoring Officer (MO), should be extended to all disciplinary action, not just dismissal.

4.12. Councillors should be required to attend formal induction training by their political groups and national parties should add such a requirement to their model group rules.

## **5. Recommendations to Government**

5.1. The Committee made 26 recommendations to improve ethical standards in local government. Its recommendations are made to the government, the Local Government Association, Parish Councils and to political parties.

5.2. The list of recommendations is attached, as Appendix 2.

## **6. Best Practice Recommendations to Local Authorities**

6.1. In addition, the Committee made 15 best practice recommendations for local authorities that should be considered a benchmark of good ethical practice, which it expects that all local authorities can and should implement.

6.2. The list of best practice recommendations to local authorities is attached, as Appendix 3.

6.3. Following the abolition of the national code of conduct, by the Localism Act in 2011, the ten Greater Manchester (GM) local authorities decided to adopt an agreed local code of conduct across GM. This was to help enhance consistency across GM and also the quality of the locally adopted code. For the same reasons it is proposed that the chief legal officers of each of the ten GM local authorities and the Monitoring Officer of the GMCA discuss the best practice recommendations with a view to proposing to each authority a co-ordinated approach across GM. The Monitoring Officer will report back to the Standards Committee following completion of those discussions.

## **7. RECOMMENDATIONS**

7.1. Recommendations are set out at the beginning of this report.