

DERBYSHIRE COUNTY COUNCIL

25 February 2019

STANDARDS COMMITTEE

Report of the Director of Legal and Democratic Services

**Committee on Standards in Public Life – Review of the Committee on
Ethical Standards in Local Government of January 2019**

1. Purpose of the Report

To inform the Standards Committee of the findings of the Committee on Standards in Public Life detailed within the Committee's Report of its recent review dated January 2019.

2. Information and Analysis

The Committee on Standards in Public Life is an independent advisory Non-Departmental Public Body and was established in 1994 by the then Prime Minister under the chairmanship of Lord Nolan. Within its first report the Committee defined the Seven Principles of Public Life, commonly known as the Nolan Principles. As the Standards Committee is aware, these principles continue to be relevant and are incorporated in the County Council's Code of Conduct for Members.

The Committee monitors and considers issues and concerns relating to standards in public life, including standards in local government. The purpose of the current Review was for the Committee to assure themselves that the current standards framework is conducive to promoting and maintaining the standards expected by the public. A copy of the Review is attached at Appendix 1 and is available on line at <https://www.gov.uk/government/publications/local-government-ethical-standards-report>. The terms of reference for the review are detailed in the report at page 20 and were to:

1. Examine the structures, processes and practices 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
 - 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
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

The Review identified some specific areas of concern relating to bullying and harassment and other disruptive behaviour by a minority of councillors. The Review also identified a number of risks in respect of the current rules around conflicts and declaring of interests, gifts and hospitality and the increased complexity of local government decision-making.

However, the Review continues to support the current framework whereby local authorities have responsibility for ethical standards, and although the need for a central body to govern and adjudicate on standards was considered, the Committee has concluded that there is no reason to reintroduce centralisation.

The Committee has made 26 recommendations and identified 15 recommendations of best practice to improve ethical standards in local government.

The recommendations include the suggestion for the Local Government Association (LGA) to create an updated model code of conduct, to enhance consistency and the quality of local authority codes. There are also further recommendations regarding declaring and managing interests, investigations and safeguards, and sanctions. The full list of recommendations is included within the report at pages 14 – 17 of Appendix 1.

The Report confirms that the best practice recommendations for local authorities should be considered a benchmark of good ethical practice which all local authorities should implement. The Committee has expressed the intention to review the implementation of best practice in 2020. The full list of best practice recommendations is included at pages 18-19 of Appendix 1.

3. Legal Considerations

Requirements to maintain high ethical standards for Members were introduced by the Localism Act 2011.

4. Other Considerations

In preparing this report the relevance of the following factors have also been considered: financial, prevention of crime and disorder, equality and diversity, human resources, environmental, health, property and transport considerations.

5. Officer's Recommendation

That the Committee notes the report of the Committee on Standards in Public Life in relation to local government standards, including the recommendations and points of best practice for the improvement of ethical standards.

Janie Berry
Director of Legal and Democratic Services