

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

05 March 2018

Report of the Monitoring Officer

Part 1- Public

Delegated

1 COMMITTEE ON STANDARDS IN PUBLIC LIFE – CONSULTATION PAPER

Summary

This report requests Members to give consideration to a consultation paper published by the Committee on Standards in Public Life concerning local government ethical standards.

1.1 Introduction

1.1.1 On 29 January 2018 the Committee on Standards in Public Life published a consultation paper calling for evidence about how local councils are supporting good ethical standards in local government in light of changes over the past ten years

1.1.2 The return date for responses to the consultation paper is 5pm on 18 May 2018. The consultation paper can be found via the following link –

<https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

1.1.3 Within the consultation paper the Committee invites responses to 11 questions. A copy of the proposed response to the paper is attached as **Annex 1**.

1.2 Overview

1.2.1 The Committee on Standards in Public Life is an independent advisory non-departmental public body that advises the Prime Minister on ethical standards across the whole of public life in the UK. It monitors and reports on issues relating to the standards of conduct of all public office holders.

1.2.2 The Committee has an independent Chair. Its membership is comprised of four independent members and a representative from each of the Labour, Conservative, and Liberal Democratic parties.

1.2.3 The terms of reference for the review into local government ethical standards are 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.

1.2.4 Members may of course wish to respond individually, or in the case of Parish Members as a Parish Council to the call for evidence, but a proposed response on behalf of the Joint Committee is attached for consideration by Members at **Annex 1**.

1.3 Summary of proposed responses

1.3.1 The consultation on local government ethical standards is welcomed. It is now 6 years since the new standards regime set out in the Localism Act 2011 was introduced, so there has been a reasonable period of time in which to assess the effectiveness of the new statutory framework.

1.3.2 Since adoption of the local arrangements for handling complaints against Councillors (both at Borough and Parish level) in July 2012, the Borough Council has received 29 complaints; 7 of these related to Borough Councillors, 19 to Parish Councillors and 3 to dual-hatted Councillors.

1.3.3 Of the 29 complaints received, 18 have resulted in no further action, 7 have been assessed as suitable for informal resolution (although in 2 of these cases the Subject Members rejected the proposed informal resolution), 1 was investigated with no breach found and 3 were considered by a Hearing Panel.

1.3.4 Save for the issue of sanctions, it is considered that the existing system for the promotion of high standards of conduct generally works well. The proposed response seeks to highlight a number of issues for consideration by the Committee for Standards in Public Life e.g.

- The role of the Independent Person
- The potential issues created by the removal of the national code

- The operation of the Disclosable Pecuniary Interest provisions
- Sanctions

1.4 Legal Implications

1.4.1 None arising from this report

1.5 Financial and Value for Money Considerations

1.5.1 None arising from this report.

1.6 Risk Assessment

1.6.1 No risks arise from this report.

1.7 Equality Impact Assessment

1.7.1 The decisions recommended through this paper have a remote or low relevance to the substance of the Equality Act. There is no perceived impact on end users.

1.8 Policy Considerations

1.8.1 Human Resources

1.9 Recommendations

1.9.1 Members are asked to approve the proposed response to the above consultation paper attached at **Annex 1**.

Background papers:

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Nil

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