

## 6. STANDARDS IN PUBLIC LIFE: CONSULTATION ON LOCAL GOVERNMENT ETHICAL STANDARDS

REPORT OF: Tom Clark  
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Wards Affected: All  
Key Decision N/A

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### Purpose of the Report

1. To consult the Standards Committee on the consultation issued by the Committee on Standards in Public Life (the Committee) from the 29<sup>th</sup> January 2018 to 18<sup>th</sup> May 2018 on the existing ethical standards structure. To seek the Standards' Committee's views on the questions raised to report back to that Committee.

### Summary

2. There are 11 questions the Committee seeks the views of interested parties in the present ethical standards structure and how that might be amended to work more satisfactorily as set out in the attached Appendix.

### Recommendations

3. **To give views on the 11 questions, to be reported back, in response to the consultation.**
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### Background

4. The present ethical standards have been in place since 2012 following the enactment of the Localism Act 2011 ("the Act"). The Act took away the previous regime of Standards for England and a central Code of Conduct to which all Members at every level of local government had to comply. The Act also took away the sanctions of suspension and disqualification. The Act introduced a new offence of failing to properly declare interests and failing to disclose those interests at a meeting. The interests were narrowly defined as disclosable pecuniary interests. In the past 6 years there has only been one prosecution. Prosecutions require the consent of the Director of Public Prosecutions.
5. Questions a & b ask about the existing structures and how they work to ensure high standards of conduct by councillors and what if any gaps exist. There is now no standard form of Code of Conduct and therefore we do not have a body of relevant decisions that we previously had to guide us in our work.
6. Questions c & d talk about the Code of Conduct itself. In West Sussex the County Council's Code of Conduct is used by this District Council and many other Councils. Some Councils have a different Code of Conduct with different variations. It would be easier if there was one Code of Conduct that clearly complied with the 7 principles of public life.

7. Question e deals with the investigations and decisions. We have two active independent persons who assist me as Monitoring Officer and to date we have not had a problem with complaints being investigated given the low level of such complaints.
8. Question f deals with sanctions. The sanctions are now effectively bad publicity. The Code of Conduct may have more respect in the public domain if there were real sanctions allowed to be taken. The concern in implementing such sanctions would be possible expensive legal disputes going forward.
9. Question g deals with conflicts of interest. Our Declaration of Interest form requirements are wider than the statutory minimum and seem to work well. A wider national code might better.
10. Question h deals with whistleblowing. We have no general whistle blowing policy. Members are free to report matters to me which can be investigated in an informal way initially.
11. In questions i and j consultees are asked to consider what ways Local Government Ethical Standards could be improved and how Central Government could assist in this process.
12. Finally in question k we are asked about intimidation of local councillors which is recognised to have increased on a national level in the past 24 months with social media used to continually contact Members or pass on abusive views.

### **Policy Context**

13. The District Council is required to promote good standards pursuant to Section 26-37 inclusive of the Localism Act 2011.

### **Other Options Considered**

14. The Standards Committee could choose not to respond to the consultation. It seems worthwhile giving our views since some concerns have been raised at previous meetings of the Standards Committee and among the public about a lack of sanctions for breach of the Code of Conduct.

### **Financial Implications**

15. The investigation of potential Code of Conduct breaches in the District or Parishes in Mid Sussex is a cost to the District Council.

### **Risk Management Implications**

16. Breaches of the Code of Conduct that go without proper recognition are likely to undermine respect for local government.

### **Equality and customer service implications**

17. This report raises no such implications.

### **Background Papers**

The relevant legislation