



Item

UPDATE ON ISSUES ON STANDARDS FOR COUNCILLORS

To:

Civic Affairs Committee 24/07/2019

Report by:

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Wards affected:

None directly affected

1. Executive Summary

- 1.1 This report provides a general update for members on the standards regime for city councillors and provides additional guidance on the use of social media and councillor appointments to outside bodies.

2. Recommendations

- 2.1 To note the update on the standards regime as outlined in the Local Government Ethical Standard Report referenced under paragraph 3.1.5 and that an update report will be brought to the Committee next year.
- 2.2 To approve the Guidance for Members and Officers who Serve on Outside Bodies (appendix A)
- 2.3 Agree that a copy of this report is sent to all Members of the Council for information.

3. Background

3.1 Local authorities are responsible for councillor standards and conduct. The City Council must maintain a code of conduct and a register of disclosable pecuniary interests, and deal with allegations of breaches in the code and failure to register pecuniary interests. This system was introduced by the Localism Act 2011.

3.1.2 All councillors on accepting office are required to declare that they will be guided by the National Code of Local Government Conduct. The code sets out the requirements for disclosing pecuniary and other interests and gives guidance on accepting any offers of gifts or hospitality including reporting these matters to the appropriate senior officers of the Council. From this year, all Councillors will be contacted 6 monthly to ensure both their interests and gifts/hospitality are updated.

3.1.3 The Code of Conduct adopted by the Council in 2011 incorporated the seven Nolan principles of public life.

3.1.4 The Committee on Standards in Public Life which is the guardian of local government standards announced its first examination of standards since the complete transfer of responsibility for standards to local authorities (from a national Standards Board) in 2011.

3.1.5 The report, [Local Government Ethical Standards](#), published in January 2019. It concluded that aspects of the current system were not working, recommended to Government changes in the law and to local authorities some best practice. The implementation of best practice now a benchmark would be reviewed in 2020.

Key changes in the law include:

- i. Councillors to be presumed to be acting in an official capacity in their public conduct, including in statements on publicly-accessible social media.
- ii. Disclosable pecuniary interests to include a number of unpaid roles coupled with repeal of criminal sanctions.
- iii. A public interest test for participating in a discussion or voting if councillors have an interest in an issue.
- iv. Increased powers and protections for Independent Persons
- v. Local authorities to have the power to suspend councillors without allowances for up to six months.
- vi. Councillors to have the right to appeal to the Local Government Ombudsman in the event of suspension.

- vii. Disciplinary protections for statutory officers to be extended to all disciplinary action, not just dismissal.

3.1.6 Key best practice proposals are for:

- i. The adoption of an updated model code of conduct, prepared by the LGA.
- ii. Including prohibitions on bullying and harassment in codes of conduct.
- iii. Requiring councillors to comply with formal standards investigations.
- iv. Strengthening aspects of the investigation of breaches of codes of conduct.
- v. Publicly available information on how to make a complaint.
- vi. A report on relationships with separate bodies as part of the annual governance statement.

Officers will consider the best practice proposals and report back to the Committee next year.

Councilor participation on Outside Bodies

31.7 Councilor participation on Outside Bodies: The purpose of the Guidance to Outside bodies is to summarise the legal position and responsibilities of members and officers who are appointed by the council. It is not intended to be an exhaustive explanation of all aspects of the law and the Monitoring Officer is available for particular advice whenever required. This guidance supplements the advice in the Members' Code of Conduct.

4. Implications

a) Financial Implications

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None

b) Staffing Implications

None

c) Equality and Poverty Implications

None

d) Environmental Implications

None

e) Procurement Implications

None

f) Community Safety Implications

None

5. Consultation and communication considerations

6. Background papers

Background papers used in the preparation of this report:

Local Government Standards

www.gov.uk/government/collections/local-government-ethical-standards

LGiU Policy Briefing: Standards: recommendations for rigorous change

www.lgiu.org.uk/briefing/standards-recommendations-for-rigorous-change

Internal Audit – Quality Assurance and Improvement Programme: Civic Affairs Committee, 25/07/2018

<https://democracy.cambridge.gov.uk/ieListDocuments.aspx?CId=179&MIId=3426&Ver=4>

7. Appendices

- A) Guide to the Law for Members and Officers who are Appointed to Represent Cambridge City Council

8. Inspection of papers

To inspect the background papers or if you have a query on the report please contact Tom Lewis, Head of Legal Practice, tel: 01223 - 457401, email: tom.lewis@3Csharedservice.org.