

## **Standards Committee**

**5 October 2018**

## **Standards Update**



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## **Report of Helen Lynch, Head of Legal and Democratic Services and Monitoring Officer**

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### **Purpose of the Report**

1. To inform Members of the 'national picture' on Standards issues affecting Local Government.

### **Background**

2. This report is for information, to update the Committee on national developments, consultations and court cases which relate to the work of the Committee. As agreed by the Committee in December 2017, in the annual work programme this will be a standing agenda item with a quarterly update to the Committee.

### **Consultations and Reports**

#### **Committee on Standards in Public Life: Review of Local Government Ethical Standards**

3. The CSPL report that they received 317 responses to their consultation exercise and expect to publish their report by the end of the year. The outcome of the consultation will be reported to the Committee in due course.

### **NALC Research**

4. In order to inform its submission to the current review by the Committee on Standards in Public Life, the National Association of Local Councils carried out a survey of England's local councils to seek their views. Some 90% of parish and town councils surveyed would support a single, mandatory code of conduct, that research has revealed.
5. The NALC survey also found that nearly 70% of local councils would like new powers to impose additional sanctions.

6. “At the moment sanctions used by local councils include apologies and training. However, around 60% of local councils believe these are neither sufficient to punish breaches of the code of conduct or deter future breaches,” the association said.
7. Almost 40% of local councils meanwhile stated that their members had not received any training and 20% reported that most members did not understand the rules around declaring interests.
8. Cllr Sue Baxter, chairman of NALC, said: “NALC does not believe the current ethical standards arrangements are working as well as they could and a review of the regime is something we have long called for. We would like to see stronger sanctions available to local councils, including the power of suspension and disqualification.
9. “In light of our research, we are also asking the government to invest £2m towards a national training programme that would see all new councillors undertake training on ethical standards and the code of conduct as part of their induction.”

## **Court Cases**

### **[Brown’s \(Patrick\) Application](#) [2018] NIQB 62**

10. This case concerned whether the Local Government Code of Conduct in Northern Ireland applied to councillors’ conduct in their private lives. The appellant had been suspended as a councillor for 6 months following a criminal conviction for drink-driving. He sought to argue that this conduct did not occur in his capacity as a councillor and therefore that the Code had no application. The judge noted that the relevant provisions of the Code were to be observed “at all times in relation to conduct which could reasonably be regarded as bringing your position as councillor or your council into disrepute”. The associated Guidance confirmed that the rule applied to councillors “**at all times**, not just when you are acting in the role of councillor” and accordingly the appeal against the councillor’s suspension was dismissed.

## **Recommendation**

11. Members are asked to note the report and request that Officers monitor the progress of the matters referred to and keep the Committee updated.

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## **Appendix 1: Implications**

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**Finance - None**

**Staffing - None**

**Risk - None**

**Equality and Diversity / Public Sector Equality Duty - None**

**Accommodation - None**

**Crime and Disorder - None**

**Human Rights - None**

**Consultation - None**

**Procurement - None**

**Disability Issues - None**

**Legal Implications** - The Council has a duty under s. 27 of the Localism Act 2011 to promote and maintain high standards of conduct by its members and to adopt a code of conduct that is consistent with the Nolan Principles. Keeping Members aware of the national picture on Standards issues is expected to facilitate compliance with this duty.