

AUDIT AND GOVERNANCE COMMITTEE – 7 MARCH 2018

REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS: STAKEHOLDER CONSULTATION

Report by Director of Law and Governance

Introduction

1. The Committee on Standards in Public Life is undertaking a review of Local Government Ethical Standards and is consulting with stakeholders.
2. The Consultation opened on 29 January 2018 and closes on 18 May 2018. The Consultation asks a number of questions in relation to Ethical Governance and anyone with an interest is asked to make a submission.
3. Members of the Audit & Governance Committee may wish to respond. This report is simply to bring the Consultation to the attention of Members and to coordinate any responses.

The Consultation

4. Annexed to this report is the Terms of Reference and Consultation questions, together with information with regard to how Members may wish to respond to the Consultation.
5. Members are perfectly at liberty to respond directly but officers can coordinate a response from the Audit & Governance Committee and indeed any Members if considered appropriate.
6. There are two matters which it is particularly worthwhile to bring to the attention of Councillors.
 - Firstly, the Committee on Standards in Public Life is considering the concern that applies nationally as to the availability of sanctions for Councillor misconduct and whether the relatively low use of the complaint regime across the country may reflect a dissatisfaction with the sanctions that can be imposed
 - Secondly, the other topical issue is intimidation of local Councillors which was a subject of debate recently at Full Council following a motion. Members of the Committee may have views in relation to those matters which can be coordinated.

The Standards Regime – generally and in Oxfordshire

7. It may assist the Committee to be reminded in brief about the ethical standards regime generally and how this currently applies in Oxfordshire.
8. The Localism Act 2011 revised the ethical standards regime for local government in England. Authorities have a general duty to promote and maintain high standards of ethical conduct among its members. Each authority must also adopt a Code of Conduct and this must accord with the seven principles set out in the Act. It must also include whatever the authority sees fit in the way of securing the registration of pecuniary and non-pecuniary interests. In Oxfordshire, the County and City/District councils have worked together to adopt a common [Members' Code of Conduct](#), to avoid unnecessary complications for the public or indeed members. The code is also offered as a model to parish and town councils in the county.
9. Importantly, authorities must also adopt arrangements to enable allegations to be made and investigated of breaches by councillors and co-opted members of the adopted Code of Conduct. They must also appoint one or more 'independent person' whose views are to be sought and taken into account before an authority takes any decision about an allegation.
10. The County Council therefore publishes and operates 'arrangements' for considering complaints against elected members and as part of these, the views of a duly appointed independent person are sought and taken into account.

Sanctions for breaches of the Code of Conduct

11. The Localism Act 2011 makes it a criminal offence not to register a disclosable pecuniary interest. Other than this, there are no other prescribed sanctions for breaches of an authority's code and an authority does not have the power to suspend a member from the council (as opposed to *recommending* suspension or removal from a committee or Cabinet) nor to disqualify him or her as an elected councillor. Nor, for instance, is there any statutory basis for an authority to withdraw, or to reduce, a member's allowances without their consent.
12. The sanctions currently available to authorities relate largely to training, membership of committees, and adverse publicity. This Council's sanctions, embedded in the published "[Arrangements for dealing with complaints against members](#)", and available to a Members' Advisory Panel duly convened by the Monitoring Officer, are as follows:
 - Censure or reprimand the member;
 - Publish its findings in respect of the Member's conduct;
 - Report its findings to Council for information;
 - Recommend to the Member's Group Leader (if applicable) that he/she be removed from any or all Committees or Sub-Committees of the Council;
 - Recommend to the Leader of the Council that the Member be removed from the Cabinet, or removed from particular Portfolio responsibilities;
 - Recommend to Council that the member be replaced as Leader of the Council;
 - Instruct the Monitoring Officer to offer training for the Member;

- Withdraw facilities provided to the Member by the Council, such as a computer, website and/or email and Internet access, or
- Exclude the Member from the Council's Offices or other premises, with the exception of meeting rooms as necessary for attending Council, Committee and Sub-Committee meetings.

Conclusion

13. The statutory duty on this authority to promote and maintain high standards of conduct among its councillors and co-opted members has been delegated to this Committee as part of its terms of reference. The Committee is therefore asked if it wishes to respond to the consultation on ethical standards in local government issued by the Committee on Standards in Public Life; and/or whether it wishes to encourage councillors and co-opted members to do so individually. The Monitoring Officer is willing to co-ordinate the response of this Committee and/or of its members and of indeed of councillors and co-opted members of this Council generally.

RECOMMENDATION

14. **The Committee is RECOMMENDED to consider the Consultation from the Committee on Standards in Public Life (Annex 1) and to:**
- a) **determine whether, and if so how, to respond as a Committee;**
 - b) **determine whether, additionally, to encourage members and co-opted members to respond individually; and**
 - c) **if appropriate, ask the Monitoring Officer to co-ordinate the submission of responses before the closing date of the consultation.**

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Background papers: Annex 1

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