



SUBMISSION FROM
OXFORDSHIRE COUNTY COUNCIL

THE COMMITTEE ON STANDARDS IN PUBLIC LIFE
REVIEW OF LOCAL GOVERNMENT ETHICAL STANDARDS

May 2018

Introduction

1. The Audit and Governance Committee of Oxfordshire County Council discussed the Stakeholder Consultation at its meeting on 7 March 2018. It was agreed that the issues raised were of great importance to all Members of the Council and that a collective submission should be made.
2. The Committee set up a Working Group to draft a submission on behalf of the County Council. The draft submission was circulated to all 63 Members of the Council for further input. The following is the submission from Oxfordshire County Council.

Ethical Standards

3. The public have a right to expect very high standards in all levels of government. In order to inspire confidence and engagement, any system needs to acknowledge that elected representatives have a high degree of responsibility and can often be, or be perceived to be, in a position of power over others.
4. The number of complaints under the current system appears to be very low. We believe that this may be the result of a combination of two main factors: the available sanctions are perceived to be light and the complaints system may not be seen to be sufficiently independent.

Code of Conduct

5. Consideration should be given to creating a model code which refers not just to 'bullying' in general but to other specific ethical areas such as abuse, exploitation, sexual harassment and discrimination. Greater clarity on what can constitute unacceptable behaviour would benefit councillors as well as complainants. In addition, it would be helpful to provide guidance on protocols for dealing with complaints under each of those areas.
6. All councils in Oxfordshire have an agreed Code of Conduct. This should be the norm in all non-unitary situations in order to avoid inconsistencies for "dual-hat" councillors.

Independence

7. Councils have a statutory role in considering and deciding upon complaints. Currently the Monitoring Officer has responsibility for dealing with complaints and the position of Monitoring Officer is established, and protected, in law to facilitate effective challenge to elected members. We are aware too that a Monitoring Officer must consult an Independent Person or Persons as an integral part of investigations. Nevertheless, as Monitoring Officers have to deal with their local councillors on a regular, day to day basis, some members

of the public may regard that Monitoring Officers should not have a solely pivotal position and that the statutory requirement to consult the Independent Person(s) does not provide a robust enough level of detachment.

8. We ask the Committee to consider how the public can be given a more independent resource to access to deal with complaints, either as a source of advice or for example as a means of appeal.
9. On that latter point, we consider there should be a right of appeal in the complaints procedure. We would like the Committee to consider, for example, if the Local Government Ombudsman could more routinely take on the role of investigating complaints against councillors if complainants are not happy with the outcome from local authorities

Complaints about councillors

10. It seems iniquitous to us that sanctions against a 'dual-hat' councillor should only apply in relation to the role in which they were acting at the time of the relevant incident. Sanctions should apply to any elected position that they hold where appropriate.
11. There should be a right to recall an elected councillor similar to the provisions of the Recall of MPs Act 2015.
12. Currently councillors can lose their seat if convicted and sentenced to three months or more in prison. We do not believe this three-month limit sends the right signals about the importance of standards in public life and would advocate that a councillor should lose their seat if they serve any custodial sentence.

Declarations of Interest

13. Spouses of councillors are entitled to a certain level of privacy and in this regard we believe that spousal interests should not be listed separately because they are, in effect, *the councillor's interests*. As such, it should be made clear that authorities need not differentiate in published registers the councillor's and spouse's interests. This is already the practice in some local authorities but we believe that it should be the standard defined in legislation/guidance.

Whistleblowing

14. A charity, Public Concern at Work, offers an independent helpline for whistleblowers. Local authorities should be obliged to include contact details in their publicised arrangements for complaints to ensure that members of the public are aware of this facility and can easily access it if they wish.

Improving standards

15. Individual local authorities should be encouraged to pilot measures that might be introduced more widely if found to be successful and share their findings.
16. National government still needs to play a strong role in ensuring a high level of minimum standards across England. This should include identifying examples of best practice and disseminating these to other authorities.
17. Rather than each local authority developing their own protocols on complex and sensitive issues such as sexual harassment or cyber bullying, national government can play an important role in ensuring the provision of advice or standard protocols.

Intimidation

18. Councillors (and potential councillors) are growing increasingly concerned about how vulnerable their families are because their home addresses are published on election material.
19. The government has a current proposal that the legislation for parliamentary elections be amended to remove the requirement to publish candidates' addresses on ballot papers. This should be extended to local elections.
20. It is not a legal requirement that authorities publish councillors' home addresses, though many do routinely. It should be made clearer that inclusion of full addresses on council websites is optional.
21. There is a legal requirement to publish a members' interests but in cases 'sensitive' circumstances, such as intimidation, there is already a legal mechanism for councillors to ask that the Monitoring Officer does not publish that information. We believe that this is not as widely known as it should be and a greater effort locally and nationally should be made to ensure that councillors are aware of this.
22. It may not be within the remit of this Committee but in our experience the police appear to have a very high threshold for acting on complaints of unacceptable behaviour in the political arena. While respecting the independence of the police force, politicians must not be perceived as being 'fair game' for behaviour that goes beyond a robust expression of views.

END

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