

CHESHIRE FIRE AUTHORITY

MEETING OF: GOVERNANCE AND CONSTITUTION COMMITTEE
DATE: 10TH APRIL 2019
REPORT OF: DIRECTOR OF GOVERNANCE AND COMMISSIONING
AUTHOR: ANDREW LEADBETTER

SUBJECT: LOCAL GOVERNMENT ETHICAL STANDARDS –
REPORT OF THE COMMITTEE ON STANDARDS
IN PUBLIC LIFE

Purpose of Report

1. To provide Members with a summary of and commentary on aspects of a report of the Committee on Standards in Public Life concerned with ethical standards in local government.

Recommended: That Members

- [1] Note the contents of this report be noted
- [2] Consider the best practice recommendations made by the Committee and Standards in Public Life consider whether any changes should be made to the Authority's documentation, processes and arrangements.

Background

2. The Committee on Standards in Public Life (CSPL) advises the Prime Minister on ethical standards across the whole of public life in England. It monitors and reports on issues relating to the standards of conduct of all public office holders and promotes the Seven Principles of Public Life.
3. The Localism Act 2011 introduced significant changes to the way that conduct of elected Members was handled. It abolished a national framework headed by a regulator and a national code of conduct and removed powers to suspend or disqualify Members for serious breaches of the code and local authorities were given the duty to adopt their own local code.
4. In 2018 the CSPL conducted a review of the effectiveness of the current arrangements relations to standards in local government. A consultation opened on 29th January 2018 and closed on 18th May 2018. The consultation asked a number of questions in relation to ethical governance. A report was presented to this committee on the 11th April 2018 to inform Members about the consultation, although the Authority did not submit a response.

5. The terms of reference for the review were to:
1. *Examine the structures, processes and practices in local government in England for:*
 - a) *Maintaining codes of conduct for local councillors*
 - b) *Investigating alleged breaches fairly and with due process*
 - c) *Enforcing codes and imposing sanctions for misconduct*
 - d) *Declaring interests and managing conflicts of interest*
 - e) *Whistleblowing*
 2. *Assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government*
 3. *Make any recommendations for how they can be improved*
 4. *Note any evidence of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation*
6. The CSPL published its report in January 2019. It is over 100 pages long. It can be accessed by following this link:
<https://www.gov.uk/government/publications/local-government-ethical-standards-report>
7. A letter from the Chair of the CSPL to the Prime Minister is attached to this report as Appendix 1.
8. The Executive summary from the CSPL Report is attached to the report as Appendix 2.

Information

9. The CSPL has made a number of recommendations to the Government, which will require legislative changes, and a recommendation that the Local Government Association should create an updated model code of conduct.
10. Legislative changes include:
- A presumption that Members are acting in an official capacity in their public conduct, including statements on social media
 - The power to suspend Members, without allowances, for up to six months.
 - The abolition of criminal offences relating to Disclosable Pecuniary Interests
 - A requirement that Independent Persons are appointed for a fixed term of two years, renewable once.

11. The full list of recommendations is attached to this report as Appendix 3.
12. The CSPL has also produced a list of Best Practice recommendations for local authorities to consider. The list of Best Practice recommendations, together with the current practice in place at this Authority, is attached to this report as Appendix 4. It is the main focus of the reports.
13. In order to provide context the Members' Code of Conduct is attached to this report as Appendix 5 and the Procedure for Handling Complaints is attached to this report as Appendix 6. Both documents are referred to in Appendix 4.
14. Whilst Appendix 4 shows that the Authority's arrangements already align with much of what the CSPL recommends as Best Practice, there are some issues to consider.
15. There is an expectation that the Best Practice recommendation will be implemented by local authorities and the CSPL intends to review progress in 2020.

Financial Implications

16. There are no financial implications arising from this report apart from the indirect cost of appointing an additional Independent Person to assist in investigations into Member misconduct if the best practice recommendation to have two Independent Persons is followed.

Legal Implications

17. The Authority is compliant with the current legislative requirements regarding ethical standards as set out in the Localism Act 2011. It will need to consider legislative changes at the time.
18. The CSPL will review implementation of the best practice recommendations in 2020. If the Authority has not adopted all of the recommendations it could be criticised.

Equality and Diversity Implications

19. There are none.

Environmental Implications

20. There are none.

CONTACT: DONNA LINTON, CLEMONDS HEY, WINSFORD
TEL [01606] 868804
BACKGROUND PAPERS: NONE