

Review of Ethical Standards in Local Government

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1. Summary

- 1.1.** At an informal discussion with members of the Committee, at around the time of the last formal committee meeting, the Monitoring Officer informed of a consultation being undertaken by the Committee for Standards in Public Life on behalf of the Government to review ethical standards in local government (see Appendix A). The Monitoring Officer undertook to bring a full report to this meeting of the Committee for consideration following:
- Advice to be prepared and submitted by the Somerset Monitoring Officers Group on the questions in the consultation document
 - An invitation to all SCC members to comment on the questions in the consultation document.
- 1.2.** The Committee is asked to agree a response to the consultation document on behalf of the Council in order to meet the deadline in the consultation paper of 18th May 2018. The full consultation document is attached as appendix A to this report. The proposed response for the Committee to consider is attached as Appendix B to this report (to follow).

2. Recommendations

2.1. That the Committee:

- 1. consider and comment upon the draft consultation response set out at Appendix B**
- 2. agree, subject to any amendments that the Committee may wish to make, to authorise the Monitoring Officer to circulate the draft consultation response to all political group leaders within the Council for final comments**
- 3. delegate powers to the Chair of the Committee, in consultation with the Monitoring Officer, to approve any final changes to the response and for the final response to be submitted by the Monitoring Officer to the Committee for Standards in Public Life by the deadline of 18 May 2018.**

3. Background

- 3.1** Following a brief consultation by the Government on the ethical standards regime late in 2017 that was designed to gauge the general view on the effectiveness of the current ethical standards regime, the Committee on Standards in Public Life launched a full consultation on 29 January 2018 (see Appendix A). The purpose of this report is to present to the Constitution and Standards Committee the draft response to the consultation (see Appendix B – to follow) and to set out the next steps.

- 3.1** As reported informally to members this consultation is, in the opinion of the officers long overdue following the wholesale change to local authority standards arrangements made by the Government in 2011. The 'old' Standards Committee of the Council made representations to the secretary of State as early as 2012 asking for a review of the arrangements to address a number of concerns of the Committee. It is fair to say since then that the Government has had similar representations from across the country highlighting perceived shortcomings of the new standards regime implemented in 2011. Key concerns raised at the time focused on:
- The change in the requirements and status of standards committees – with an associated reduction in the influence of the co-opted independent members of standards committees
 - The risk of greater political influence over any standards arrangements put in place locally by councils
 - The lack of 'serious' local sanctions for significant breaches of the Code of Conduct.
- 3.2** The Somerset Monitoring Officers Group (SMOG) has liaised and collated some officer comments to assist Somerset standards committees in formulating a potential response to the consultation (see Appendix B – to follow). The views expressed are consistent across the officers of the councils and cover some common ground that will hopefully be recognisable to you all. It is suggested that this could form the basis of the Council's response to the consultation document if the contents find favour with members, to be added to/amended by the Committee as necessary.
- 3.3** All SCC members were sent the link to the consultation and invited to comment on the questions. There has been little response. The responses received have focused on the intimidation question experienced by elected members such as :
- being strongly lobbied in their local councillor role, especially on regulatory matters such as planning applications.
 - Comments on social media about elected members and the anxiety that this can bring
 - Some examples of members mindful of their personal safety when meeting constituents and meeting them in public places and not in their homes, whenever possible.

4. Implications

- 4.1.** Legal & Risk: It is important that councils have effective arrangements in place within the Constitution in relation to standards of conduct and members. The local arrangements have to be in line with the legal framework and it is this area that has caused concern in recent years. The Government's review of the legal framework is therefore very welcome.
- 4.2.** Impact Assessment: No implications.
- 4.3.** Financial: None
- 4.4.** HR: Not applicable.

5. Background papers

5.1. None

Note: For sight of individual background papers please contact the report author.