

REPORT TO AUDIT & GOVERNANCE

Date of Meeting: 5th DECEMBER 2018

Report of: City Solicitor & Head of HR

Title: Review of Local Government Ethical Standards.

Is this a Key Decision?

No

* One that affects finances over £1m or significantly affects two or more wards. If this is a key decision then the item must be on the appropriate forward plan of key decisions.

Is this an Executive or Council Function?

COUNCIL

1. What is the report about?

To give members a “heads up” about the review undertaken by the Committee on Standards in Public life (“CSPL”) of local government ethical standards. The outcome of that review is expected in January 2019.

2. Recommendations:

(a) Members note the content of this report.

(b) Members are reminded of their obligation to declare any Interest they may in accordance with Exeter City Council’s Code of Conduct for Members.

(c) Where appropriate, members are reminded that they may apply to the Monitoring Officer for a dispensation to take part in a meeting where they would otherwise have an interest which would exclude them from the meeting.

3. What are the resource implications including non financial resources.

There are no resource implications associated with this report.

4. Section 151 Officer Comments:

There are for financial implications for Council to consider contained within this report.

5. What are the legal aspects?

None identified.

6. Monitoring Officer’s comments:

6.1 This report raises no issues for the Monitoring Officer.

7. Report details:

7.1 Under section 27 of the Localism Act 2011, a relevant authority must promote and maintain high standards of conduct by its members and co-opted members.

7.2 Concern has been raised by CSPL as to whether the sanctions for breach of standards were adequate and as a result it would be monitor the implementation of the new local government standards regime. CSPL has now undertaken a review of local government ethical standards. The terms of reference for the review was to:

1. Examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councilors;
 - investigating alleged breaches fairly and with due process;
 - enforcing codes and imposing sanctions for misconduct;
 - declaring interests and managing conflicts of interest;
 - 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 intimidation of councilors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

7.3 The outcome of the review is anticipated in January 2019. However, early feedback so far suggests the following:

- Localism arrangements work of for most places;
- Authorities can self-regulate provided the culture is supportive;
- Political parties can help;
- Lack of clarity and lack of powers hamper.
- Parishes lack capacity to help themselves and need to be better supported.

8. Dispensations:

8.1 Members are reminded that the Monitoring Officer is empowered, upon written request, to grant dispensations permitting a member to participate in or vote at meetings where they have an interest under the Code of Conduct if, having regard to all relevant circumstances, the Monitoring Officer considers that:

- Not granting the dispensation is likely to impede the particular business transaction.
- Without the dispensation, the representation of different political groups on the body would be so upset as to alter the outcome of any vote on the matter.
- The granting of the dispensation is in the interests of individuals living in the authority's area.

- Where the authority is one to which Part 1A of the Local Government Act 2000 applies, not granting the dispensation would prevent each member of the authority's executive from participating in the business of the executive.
- It is otherwise appropriate to grant a dispensation.

8. How does the decision contribute to the Council's Corporate Plan?

Good governance contributes to the Council's purpose of a "Well Run Council".

11. What risks are there and how can they be reduced?

There are no risks identified with this report.

12. What is the impact of the decision on equality and diversity; health and wellbeing; safeguarding children, young people and vulnerable adults, community safety and the environment?

13. Are there any other options?

Not applicable

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City Solicitor & Monitoring Officer

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