

Standards bearers

The local standards regime for councils has faced allegations that it is insufficiently robust. Will the 20th report from the Committee on Standards in Public Life on ethics in local government lead to positive change? **Heather Jameson** reports

Last week the former leader of Devon CC, Cllr Brian Greenslade was refused permission to challenge a ruling by the council's standards committee. Under the committee's ruling, he can no longer visit council premises unless he gives prior warning and is accompanied by an officer.

The case centred on whether the council had the legal power to exclude him from its premises – and the court ruled it did and it could. Until now it has not been clear – but it could be in future after the latest report on standards called for clarity from the Government on the issue.

It is just one of the recommendations in the 20th report from the Committee on Standards in Public Life on ethics in local government. More crucially, it calls for local standards committees to have more sanctions when it comes to dealing with councillors in breach of standards rules – but it doesn't recommend a return to a centralised system.

Ever since the Standards Board for Local Government was abolished in 2012, the local standards regime has faced allegations that it lacks teeth. While local standards committees may pontificate over the behaviour of councillors, they have very little actual power – particularly against councillors who refuse to abide by the rules.

The vast majority of members and officers behave with integrity, but when they don't, the impact can resonate round the sector for years to come. The reputation of the sector hangs on the misdemeanours of the few.

The committee's report, launched yesterday, calls for more powers claiming: 'The current lack of robust sanctions damages public confidence in the standards system and leaves local authorities with no means of enforcing lower level sanctions, nor of addressing serious or repeated misconduct.'

'Local authorities should therefore be given the power to suspend councillors without allowances for up to six months.'

But what the report doesn't do is call for the return of the Standards Board, or the introduction of another centralised body. It says: 'There is no reason to reintroduce a centralised body and local authorities should retain ultimate responsibility for implementing and applying the Seven Principles of Public Life in local government (see box).'

It is a balance that takes into account views from across the sector. Last summer, *The MJ* reported on evidence put forward to the committee, with a clear difference between the views of officers and members.

Some of the recommendations include:

- Local authorities should be given the power to suspend councillors, without allowances, for up to six months
- Councillors should be presumed to be acting in an official capacity in their public conduct, including on social media
- Councillors should have the right to appeal to the Local Government Ombudsman
- The Government should clarify if councillors may lawfully bar councillors from council premises
- The LGA should create an updated model code of conduct
- Those standing for public office should not have to publicly reveal their address
- Declaration of interest should extend to unpaid, charity or policy related roles
- Councillors should record gifts and hospitality of over £50 in value, or £100 over a year
- Independent Persons should be appointed for a fixed term of two years, renewable once
- Councillors should only be suspended if the Independent Person agrees
- Local authorities should provide legal indemnity to Independent Persons
- Parish council clerks should have an appropriate qualification
- Disciplinary protections for statutory officers extend to all disciplinary action, not just dismissal
- Whistleblowing policies should give specific contacts for the external auditor
- Political groups should give councillors compulsory induction training
- LGA peer reviews should include councils' processes for maintaining ethical standards

The Society of Local Authority Chief Executives (SOLACE) argued for a tougher regime with more independent monitoring and a 'power of recall' similar to that faced by national politicians.

Writing in *The MJ*, SOLACE managing director Graeme McDonald suggested the

pressures of austerity and polarised politics had contributed to 'create an environment where individuals with a disregard for proper standards can act more easily, but one where others can be pushed closer or even over that line without intention'.

Local Government Association

(LGA) chairman Lord Porter suggested the standards regime failed to protect councillors who were increasingly subjected to physical threats and online abuse.

The LGA submission said: 'The existing, locally-led approach to standards is the

No entry: Devon CC's standards committee decision was challenged in court



The seven Principles of Public Life:

Selflessness
Integrity
Objectivity
Accountability
Openness
Honesty
Leadership

Best practice recommendations include:

Prohibitions on bullying and harassment, including a definition, should be included in codes of conduct

The code should require councillors to comply with standards investigations, and prohibit malicious or trivial allegations from councillors

Codes should be reviewed each year, and should be easily available on the council website

Hospitality registers should be published quarterly

Standards decisions should be published on council websites as soon as possible

Councils should report on separate bodies they have set up as part of their annual governance statements. These bodies should abide by the Nolan Principles

Senior officers should meet political group leaders or whips regularly to discuss standards issues

correct approach and must be maintained.

'While we are not complacent about this issue it should be recognised that ethical standards across local government are very high.'

As a back up to the sanctions – and to ensure councillors are also protected – the committee has called for councillors to be given the right to appeal to the Local Government Ombudsman.

Dr Jane Martin, an independent member of the committee, told *The MJ*: 'We don't want another centralised body but the current system has no teeth, it needs strengthening.' But she said the key was the importance of having an ethical culture within individual authorities. 'As well as making technical changes which will strengthen the system, it's about local authorities strengthening their ethical culture.'

As a result, the report highlights best practice local authorities can adopt, including updating the code of conduct regularly and ensuring it is easily accessible on the website.

The report also calls for the LGA to create an updated code of conduct that can be adopted across the board, with amendments for local circumstances. Dr Martin said: 'As well as consistency, the code does need to be updated. It needs to be more practical and it needs to be updated to take social media into account.'

And then there is recommendation 17 – for the Government to clarify if councils may lawfully ban councillors from their premises. Devon, along with other councils, will wait to see if the Government takes the committee report on board. ■

districtview



By Lawrence Conway

A fellow chief executive once said to me that after you had been in the job a few years, you start to notice how things from the past keep coming back around again. That colleague had been in the job for 15 years.

Having got my own head around CCG/NHS ICS's, STP's and five year plans, and having explained the intentions and complexity to my cabinet portfolio holder, I am now faced with a new 10-year plan from the NHS.

I think we are at about year three of the last one and I'm not sure that it has been assessed for its success, but I am interested to hear my health colleagues discuss the issues of prevention, social care, housing and employment in a way that might mean some potential progress across the wider determinants of health.

These wider determinants and their positive impact prevention can have on our communities and the NHS budget is something district councils have been promoting for quite some time. It does however feel like *déjà vu*.

New faces, new ideas and new ways of working seem to kick the action back down the road for a further period of time. What was new becomes old very quickly and plans become redundant in a much shorter space of time.

Better qualified individuals have commented on the pros and cons of short-termism – and many more have varying views on the issues that currently face the country.

Corporate memory in the public sector is a valuable, scarce resource often undervalued, yet it is this earned wisdom that helps us avoid the pitfalls of the past. Is the place we are in today any better than it was 10 years ago? 'Is life better for the people we serve?' I'm sure in many areas it is, but there are also many where this may be questionable.

Making a plan and sticking to it seems to be outdated thinking. Perhaps it takes a crisis for anyone to listen, especially the old hands. At some point, they will not be around anymore, and those that are may be conditioned to the short-term planning that seems to prevail at present.

District councils will no doubt continue to play their part in ensuring our collective knowledge past, present and future, informs our long-term future plans for our local communities' prosperity. ■

Lawrence Conway is chief executive of Lakeland DC