

Open

Ethics and Standards

Agenda

6pm
Monday, 16th April 2018
Council Chamber
Wyre Forest House
Finepoint Way
Kidderminster



Ethics and Standards

Members of Committee:

Chairman: Councillor N Gale
Vice-Chairman: Councillor J R Desmond

Councillor I Hardiman
Councillor S Miah

Councillor V Higgs
Councillor R J Vale

Co-opted Members: Reverend J Cox and Mr R Reynolds.
Parish Council Representatives: Councillors C Edginton-White, L Green and R Hobson

Information for Members of the Public:

Part I of the Agenda includes items for discussion in public. You have the right to request to inspect copies of Minutes and reports on this Agenda as well as the background documents used in the preparation of these reports.

Part II of the Agenda (if applicable) deals with items of "Exempt Information" for which it is anticipated that the public may be excluded from the meeting and neither reports nor background papers are open to public inspection.

There are particular circumstances when the Ethics and Standards Committee may exclude the public, which are in addition to those available at meetings of the Council, its Cabinet and Committees etc. These apply when the Ethics and Standards Committee considers the following:

Information relating to a particular chief officer, former chief officer or applicant to become a chief officer of a local probation board within the meaning of the Criminal Justice and Court Services Act 2000.

Information which is subject to any obligation of confidentiality.

Information which relates in any way to matters concerning national security.

Declaration of Interests by Members – interests of members in contracts and other matters

Declarations of Interest are a standard item on every Council and Committee agenda and each Member must provide a full record of their interests in the Public Register.

In addition, alongside the Register of Interest, the Members Code of Conduct ("the Code") requires the Declaration of Interests at meetings. Members have to decide first whether or not they have a disclosable interest in the matter under discussion.

Please see the Members' Code of Conduct as set out in Section 14 of the Council's constitution for full details.

Disclosable Pecuniary Interest (DPI) / Other Disclosable Interest (ODI)

DPI's and ODI's are interests defined in the Code of Conduct that has been adopted by the District.

If you have a DPI (as defined in the Code) in a matter being considered at a meeting of the Council (as defined in the Code), the Council's Standing Orders require you to leave the room where the meeting is held, for the duration of any discussion or voting on that matter.

If you have an ODI (as defined in the Code) you will need to consider whether you need to leave the room during the consideration of the matter.

For further information:

If you have any queries about this Agenda or require any details of background papers, further documents or information you should contact Louisa Bright, Principal Committee and Member Services Officer, Wyre Forest House, Finepoint Way, Kidderminster, DY11 7WF. Telephone: 01562 732763 or email louisa.bright@wyreforestdc.gov.uk

Wyre Forest District Council

Ethics and Standards

Monday, 16th April 2018

Council Chamber, Wyre Forest House, Finepoint Way, Kidderminster

Part 1

Open to the press and public

Agenda item	Subject	Page Number
1.	Apologies for Absence	
2.	Appointment of Substitute Members To receive the name of any Councillor who is to act as a substitute, together with the name of the Councillor for whom he/she is acting.	
3.	Declarations of Interests by Members In accordance with the Code of Conduct, to invite Members to declare the existence and nature of any Disclosable Pecuniary Interests (DPI's) and / or Other Disclosable Interests (ODI's) in the following agenda items and indicate the action that they will be taking when the item is considered. Please see the Members' Code of Conduct as set out in Section 14 of the Council's Constitution for full details.	
4.	Minutes To confirm as a correct record the Minutes of the meeting held on the 22 nd September 2016.	6
5.	Local Government Ethical Standards - Calls for Evidence To receive a report from the Monitoring Officer on the Local Government Ethical Standards Committee calls for evidence.	8
6.	To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.	

7.	<p>Exclusion of the Press and Public</p> <p>To consider passing the following resolution:</p> <p>“That under Section 100A(4) of the Local Government Act 1972 the press and public be excluded from the meeting during the consideration of the following item of business on the grounds that it involves the likely disclosure of “exempt information” as defined in the paragraph 1 of Part 1 of Schedule 12A to the Act”.</p>	
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Part 2

Not open to the Press and Public

8.	<p>To consider any other business, details of which have been communicated to the Solicitor to the Council before the commencement of the meeting, which the Chairman by reason of special circumstances considers to be of so urgent a nature that it cannot wait until the next meeting.</p>	
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WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

STOURPORT-ON-SEVERN ROOM/BEWDLEY ROOM, WYRE FOREST HOUSE,
FINEPOINT WAY, KIDDERMINSTER

22ND SEPTEMBER 2016 (5.30PM)

Present:

Councillors: N Gale (Chairman), I Hardiman, S Miah, R J Vale and S J Williams.

Co-opted Member: Mr R Reynolds

Parish Council Representatives: L Green and C Edginton-White.

Observers:

There were no members present as observers.

ES.1 Apologies for Absence

Apologies for absence were received from Councillor J R Desmond (Vice-Chairman), R Hobson (Parish Council representative) and Rev J Cox (Co-opted Member).

ES.2 Appointment of Substitutes

Councillor S J Williams was appointed as a substitute for Councillor J R Desmond.

ES.3 Declarations of Interests by Members

No declarations of interest were made.

ES.4 Minutes

Decision: The minutes of the meetings held on the 21st January 2016 and the 24th February 2016 be confirmed as a correct record and signed by the Chairman.

ES.5 The Localism Act 2011 – Dispensations

The Committee received a report from the Monitoring Officer which asked Members to consider having appropriate dispensations in respect of issues relating to the Council's decision making process and recommended appropriate generic dispensations.

The Monitoring Officer led Members through the report and gave an explanation about each of the proposed generic dispensations. Members

were reminded that the provisions relating to dispensations changed significantly with the introduction of the Localism Act 2011 which came into force in 2012.

Agreed: Generic dispensations are given to all Members for a period of 4 years in respect of the matters detailed below:

1. Membership of outside bodies

A general dispensation under s33(2) (c) and (e) of the Localism Act and under the Code of Conduct to allow the full participation in Council, Committee and other meetings where members of the Council or their spouse or partner are members of or employed by one or more of the following bodies, and who because of this would or could be prevented from participating in such meetings unless a decision relates directly to their own (or spouse or partner) financial circumstances:

(a) any parish or town council.

(b) Worcestershire County Council.

(c) any other body of a public nature to which the member has been appointed as the Council's nominee or representative.

2. Addressing committees considering matters in which a member has an interest.

**A general dispensation under s33(2)(c) and (e) of the Localism Act and under the Code of Conduct to allow members who would otherwise be prevented from doing so to address Council and committees in the same way as a member of the public may
[NB Such a member must still then withdraw from the meeting once they have addressed it.]**

3. A general dispensation for members whose spouses are employed by a body of a public nature, unless a decision relates directly to their own financial circumstances.

ES.6 Complaints to the Local Government Ombudsman 2015/16

The Committee received a statutory report from the Chief Executive which informed Members of the outcome of complaints to the Local Government Ombudsman in accordance with Council policy for the period of 1st April 2015 to 31st March 2016.

The Monitoring Officer presented the report and was pleased to advise Members that the authority had a nil return for complaints upheld by the Ombudsman.

Agreed: The report be noted.

There being no further business, the meeting ended at 5.40pm.

WYRE FOREST DISTRICT COUNCIL

ETHICS AND STANDARDS COMMITTEE

16TH APRIL 2018

Local Government Ethical Standards
- Calls for Evidence

OPEN	
RESPONSIBLE OFFICER:	Caroline Newlands Monitoring Officer
CONTACT OFFICER:	Caroline Newlands Ext 2715
APPENDICES:	Review of Local Government Ethical Standards: Stakeholder Consultation

1. PURPOSE

The purpose of this report is to respond to the Local Government Ethical Standards Committee calls for evidence.

2. RECOMMENDATIONS

To send appropriate responses to the Local government Ethical Standards Review Office, GC. 07, 1 Horse Guards Road, London, SW1A 2HQ or by email to public@public-standards.gov.uk

3. BACKGROUND

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

The terms of reference for the review are to:

- examine the structures, processes and practices in local government in England for:
 - maintaining codes of conduct for local councillors
 - investigating alleged breaches fairly and with due process
 - enforcing codes and imposing sanctions for misconduct
 - declaring interests and managing conflicts of interest
 - whistleblowing
- assess whether the existing structures, processes and practices are conducive to high standards of conduct in local government
- make any recommendations for how they can be improved

- note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

4. KEY ISSUES

Anyone with an interest may respond to the consultation questions. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- local authorities and standards committees
- local authority members (for example, Parish Councillors, District Councillors)
- local authority officials (for example, Monitoring Officers)
- think tanks with an interest or expertise in local government
- academics with interest or expertise in local government
- representative bodies or groups related to local government

5. FINANCIAL IMPLICATIONS

5.1 None.

6. LEGAL AND POLICY IMPLICATIONS

6.1 None.

7. RISK MANAGEMENT

7.1 None.

8. CONSULTEES

8.1 CLT.

9. BACKGROUND PAPERS

9.1 <https://www.gov.uk/government/consultations/local-government-ethical-standards-stakeholder-consultation>

Review of Local Government Ethical Standards: Stakeholder Consultation

The Committee on Standards in Public Life is undertaking a review of local government ethical standards.

Robust standards arrangements are needed to safeguard local democracy, maintain high standards of conduct, and to protect ethical practice in local government.

As part of this review, the Committee is holding a public stakeholder consultation. The consultation is open from 12:00 on Monday 29 January 2018 and closes at 17:00 on Friday 18 May 2018.

Terms of reference

The terms of reference for the review are 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; and
 - 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; and
4. Note any evidence of intimidation of councillors, and make recommendations for any measures that could be put in place to prevent and address such intimidation.

The review will consider all levels of local government in England, including town and parish councils, principal authorities, combined authorities (including Metro Mayors) and the Greater London Authority (including the Mayor of London).

Local government ethical standards are a devolved issue. The Committee's remit does not enable it to consider ethical standards issues in devolved nations in the UK except with the agreement of the relevant devolved administrations. However, we welcome any evidence relating to local government ethical standards in the devolved nations of the UK, particularly examples of best practice, for comparative purposes.

Submissions will be published online alongside our final report, with any contact information (for example, email addresses) removed.

Consultation questions

The Committee invites responses to the following consultation questions.

Please note that not all questions will be relevant to all respondents and that submissions do not need to respond to every question. Respondents may wish to give evidence about only one local authority, several local authorities, or local government in England as a whole.

Please do let us know whether your evidence is specific to one particular authority or is a more general comment on local government in England.

Whilst we understand submissions may be grounded in personal experience, please note that the review is not an opportunity to have specific grievances considered.

- a. Are the existing structures, processes and practices in place working to ensure high standards of conduct by local councillors? If not, please say why.
- b. What, if any, are the most significant gaps in the current ethical standards regime for local government?

Codes of conduct

- c. Are local authority adopted codes of conduct for councillors clear and easily understood? Do the codes cover an appropriate range of behaviours? What examples of good practice, including induction processes, exist?
- d. A local authority has a statutory duty to ensure that its adopted code of conduct for councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring councillors' interests. Are these requirements appropriate as they stand? If not, please say why.

Investigations and decisions on allegations

- e. Are allegations of councillor misconduct investigated and decided fairly and with due process?
 - i. What processes do local authorities have in place for investigating and deciding upon allegations? Do these processes meet requirements for due process? Should any additional safeguards be put in place to ensure due process?
 - ii. Is the current requirement that the views of an Independent Person must be sought and taken into account before deciding on an allegation sufficient to ensure the objectivity and fairness of the decision process? Should this requirement be strengthened? If so, how?
 - iii. Monitoring Officers are often involved in the process of investigating and deciding upon code breaches. Could Monitoring Officers be subject to conflicts of interest or undue pressure when doing so? How could Monitoring Officers be protected from this risk?

Sanctions

- f. Are existing sanctions for councillor misconduct sufficient?
 - i. What sanctions do local authorities use when councillors are found to have breached the code of conduct? Are these sanctions sufficient to deter breaches and, where relevant, to enforce compliance?

- ii. Should local authorities be given the ability to use additional sanctions? If so, what should these be?

Declaring interests and conflicts of interest

- g. Are existing arrangements to declare councillors' interests and manage conflicts of interest satisfactory? If not please say why.
 - i. A local councillor is under a legal duty to register any pecuniary interests (or those of their spouse or partner), and cannot participate in discussion or votes that engage a disclosable pecuniary interest, nor take any further steps in relation to that matter, although local authorities can grant dispensations under certain circumstances. Are these statutory duties appropriate as they stand?
 - ii. What arrangements do local authorities have in place to declare councillors' interests, and manage conflicts of interest that go beyond the statutory requirements? Are these satisfactory? If not, please say why.

Whistleblowing

- h. What arrangements are in place for whistleblowing, by the public, councillors, and officials? Are these satisfactory?

Improving standards

- i. What steps could *local authorities* take to improve local government ethical standards?
- j. What steps could *central government* take to improve local government ethical standards?

Intimidation of local councillors

- k. What is the nature, scale, and extent of intimidation towards local councillors?
 - i. What measures could be put in place to prevent and address this intimidation?

Who can respond?

Anyone with an interest may make a submission. The Committee welcomes submissions from members of the public.

However, the consultation is aimed particularly at the following stakeholders, both individually and corporately:

- Local authorities and standards committees;
- Local authority members (for example, Parish Councillors, District Councillors);
- Local authority officials (for example, Monitoring Officers);
- Think tanks with an interest or expertise in local government;
- Academics with interest or expertise in local government; and
- Representative bodies or groups related to local government.

How to make a submission

Submissions can be sent either in electronic format or in hard copy.

Submissions must:

- State clearly who the submission is from, i.e. whether from yourself or sent on behalf of an organisation;
- Include a brief introduction about yourself/your organisation and your reason for submitting evidence;
- Be in doc, docx, rtf, txt, ooxml or odt format, not PDF;
- Be concise – we recommend no more than 2,000 words in length; and
- Contain a contact email address if you are submitting by email.

Submissions should:

- Have numbered paragraphs; and
- Comprise a single document. If there are any annexes or appendices, these should be included in the same document.

It would be helpful if your submission included any factual information you have to offer from which the Committee might be able to draw conclusions, and any recommendations for action which you would like the Committee to consider.

The Committee may choose not to accept a submission as evidence, or not to publish a submission even if it is accepted as evidence. This may occur where a submission is very long or contains material which is inappropriate.

Submissions sent to the Committee after the deadline of 17:00 on Friday 18 May 2018 may not be considered.

Submissions can be sent:

1. Via email to: public@public-standards.gov.uk
2. Via post to:
Review of Local Government Ethical Standards
Committee on Standards in Public Life
GC:07
1 Horse Guards Road
London
SW1A 2HQ

If you have any questions, please contact the Committee's Secretariat by email (public@public-standards.gov.uk) or phone (0207 271 2948).