

Wyre Council Response to Review of Ethical Standards in Local Government

The following submission is made by Wyre Borough Council's Monitoring Officer, Liesl Hadgraft, as instructed by the Council's Standards Committee following its consideration on 15 March 2018 of the consultation document published by the Committee on Standards in Public Life.

During a wide-ranging discussion on the main elements of the review, the following issues were identified for inclusion in a response to the questions asked in the consultation document.

Background and context

The Committee recognised that there had been widespread support for the abolition of the former Standards Board for England and for the reform of the previous very convoluted and prescriptive standards regime when proposals for change had first been made. However, the Committee noted that it is now widely accepted that, the current arrangements, whilst simpler, are fairly toothless and ineffective.

Q's (a) & (b) Existing structures processes and practices

The Committee stated that, at Wyre, the main issues are:

1. That the local processes for considering alleged breaches of the Code of Conduct (although sometimes time consuming) are fair and reasonable, but effective outcomes and improved behaviours are often not achievable.
2. That the most significant gap is the lack of sufficient sanctions to deter or improve inappropriate behaviours.
3. That the responsibilities imposed on monitoring officers and standards committees' at district councils such as Wyre are onerous, because of the large amount of time spent on dealing with complaints relating to parish and town councillors. In Wyre, a disproportionate amount of time had been spent in recent years on complaints relating to behaviours and relationships within a very small number of Parish/Town Councils, which it has not been possible to resolve under the current arrangements.

Q's (c) and (d) Codes of Conduct

When the Localism Act was implemented, Wyre Council chose to adopt a simple, "light touch" Code of Conduct, based on the previous model. The Standards Committee has now decided, in the light of experience over the last few years and the issues raised in the current review, to consider recommending to the Council that a more rigorous code should now be adopted which could, for example, require councillors to treat others "with

respect” or refer more explicitly to situations when Councillors would be considered to be “acting as a Councillor” in the event of alleged breaches of the Code.

Q(e) Investigations and decisions on allegations

The Standards Committee considers that Wyre has adequate processes in place to investigate complaints, although a significant amount of time is still spent dealing with fairly low level behavioural issues.

The role of Independent Person has worked well at Wyre and provisions for that role could perhaps be strengthened. In particular, it is felt that at least two Independent Persons need to be appointed to ensure effective input to the process for investigating and making decisions on alleged breaches of the Code of Conduct.

In order to provide more protection for Monitoring Officers, provisions could possibly be introduced to make it easier for a Monitoring Officer from another council to be appointed to deal with a complaint in certain circumstances.

Some concerns have been expressed about the overall effectiveness of the locally administered ethical standards regime in preventing or dealing with the relatively rare occurrences of significant wrongdoing, abuses of democracy or potential corruption, which occasionally occur across the country.

Q(f) Sanctions

The sanctions currently available are considered to be insufficient. Naming and shaming is not always a deterrent. The national review should therefore recommend to the Government that additional, more meaningful, sanctions be made available to local Standards Committees, including consideration of the following:

- Suspensions;
- Enforced removal from Committees or positions of responsibility, without reference to a Group Leader;
- Withdrawal of Allowances.

A two tiered approach could perhaps be considered, with Monitoring Officers being given authority to impose a range of fairly low level sanctions without reference to the Standards Committee, with higher level sanctions being made available to Standards Committees to impose following a hearing, if either the subject member has declined to agree with the Monitoring Officer’s initial sanction or, if the Monitoring Officer decides to refer the matter to the Standards Committee because of the seriousness of the allegation.

Q(g) Declaring interests and conflicts of interest

Members of Wyre's Standards Committee felt it would be helpful if clearer national guidance should be given to Councillors on when interests should be declared, particularly on when a non-financial interest is "significant".

Q(h) Whistleblowing

Wyre's Whistleblowing Policy is primarily targeted at employees, although Councillors could use it if they felt it necessary. As the policy was originally approved by and is reviewed annually by the Council's Audit Committee, most recently in November 2017 when it had been considered satisfactory, the Standards Committee agreed that there was no need to comment on this issue.

Q's (i) and (j) Steps could be taken by central government or the Council to improve standards

The Committee reiterated its view that the measures referred to above should be considered, particularly the need for more effective sanctions.

Q(k) Intimidation of local councillors

The Standards Committee noted that this question has been included in the consultation as a follow up to a separate review recently undertaken by the Committee on Standards in Public Life on intimidation of candidates during the 2017 elections. The intimidation of candidates at elections is not considered to be a particular problem in Wyre, but Members of the Committee expressed concern about the potential impact of increasingly vitriolic social media attacks on individual Councillors.

The members of the Standards Committee felt that clarification, at a national level, of when Councillors would be considered to be acting in their capacity as a Councillor when making or responding to comments on social media would be helpful.