

SUBJECT:	STANDARDS POST-IMPLEMENTATION REVIEW
REPORT BY:	DIRECTOR OF RESOURCES
LEAD OFFICER:	CAROLYN WHEATER – ASSISTANT DIRECTOR (LEGAL AND CORPORATE SUPPORT SERVICES)

1. Purpose of Report

- 1.1 To consider the manner in which the revisions made to the Council's standards regime have changed as a result of the Localism Act 2011 and the effectiveness of the Council's revised arrangements.

2. Background

- 2.1 The Localism Act 2011 made a number of significant changes to the manner in which councillors were to be held to account for their behaviour in office. These changes included:
- The abolition of the national body, Standards for England, and the national member code of conduct.
 - The removal of the capacity for councils to impose material sanctions upon councillors for breaches of a code of conduct, and the introduction of a criminal offence for failing to disclose certain pecuniary interests.
 - The change from independent members to independent persons, with independent persons to be consulted on complaints received regarding potential breaches of the Member Code of Conduct.
 - The power of the Monitoring Officer to consider complaints in the first instance.
 - The introduction of a new category of declarable interests, with disclosable pecuniary interests and councils being allowed to create additional rules surrounding interests defined and agreed at a local level.
 - The introduction of a statutory definition of pre-determination of interests.
- 2.2 The Council reacted to these changes by introducing a member code of conduct based upon the Bevan Brittan template fully incorporating the seven principles of public life (later amended to include the revisions made in the autumn of 2013). The Code of Conduct meeting the requirements of the Localism Act 2011 was agreed in its operational form at the Council meeting of 7 August 2012. The Council has appointed an Independent Person and a Reserve Independent Person, who also attend meetings of the Ethics and Engagement Committee to offer an independent insight to the matters under consideration.
- 2.3 Members may also be interested to note the outcome of a recent national survey examining the impact of the Localism Act's provisions upon English councils, which found that 85% of respondents felt that the available sanctions were too weak, while 2% felt they were too strong; the remainder considered that the level

of the sanctions was appropriate. The majority of respondents to the same survey found that the changes to bias and predetermination had made no impact upon councillors' understanding of these matters.

3. Operation

- 3.1 Since implementing the new standards arrangements, one complaint has been received in relation to councillors at the City of Lincoln Council breaching the Member Code of Conduct. This complaint was considered by the Monitoring Officer in consultation with the Independent Person; the matter was then referred for the consideration of a hearings panel. In this instance, the hearings panel determined that there had been a breach of the Member Code of Conduct and censured the councillor for the breach. These findings were also reported for the consideration of Council.
- 3.2 As members will note, having only received one complaint during the time since the implementation of the new standards regime gives a relatively limited frame of reference for a post-implementation review. It is equally difficult to draw significant conclusions from the time immediately preceding the change of the Member Code of Conduct as only one complaint was resolved in the year preceding the introduction of the new code.
- 3.3 Instead, the committee may wish to reflect on its own role in monitoring standards of behaviour both within and outside the Council and whether the Council is, as such, doing all it can to pre-empt or mitigate any breaches of the Member Code of Conduct.
- 3.4 In this regard, the Committee would appear to have taken a more proactive role than was previously the case in its previous form as the Standards Committee. Setting aside the Ethics & Engagement Committee's role in improving democratic engagement, the principal actions relating to the new standards regime have included:
- Setting in place a Social Media Protocol offering guidance to members on the use of online social media.
 - Recommending to Council a change to the Constitution in order to relax the limitations upon the recording or broadcast of public meetings.
 - Circulating guidance regarding members' potential liability for defamation and the role of qualified privilege.
 - Regularly considering code of conduct cases from elsewhere within the country and the readiness of the Council to address similar situations should they arise.
 - Putting in place a protocol establishing the relationship between the Council and Lincolnshire Police in the event of a potentially criminal offence being carried out with regard to the non-declaration of an interest.
 - Carrying out a broad overview of the systems in place to ensure appropriate behaviour of the Civic Party, following members' concerns about a code of conduct complaint which had been upheld regarding another council's mayor.
 - Considering the appropriateness of the Member-Officer Protocol, culminating in a simplified version of the protocol which was circulated to members and officers in order for each to better understand their respective

responsibilities.

- Granting dispensations as appropriate within the Committee's terms of reference and having regard to the Localism Act 2011.
- Establishing a protocol relating to the role of the Independent Person.
- Having regard to national reports produced regarding the operation of the new standards regime.

4. Organisational Impacts

4.1 Finance

There are no financial implications to this report.

4.2 Legal Implications

There are no legal implications to this report.

5. Recommendation

5.1 That members note the content of the report.

5.2 That members consider whether the standards arrangement in place are meeting their purpose to the extent allowed under the law, and whether any improvements could be made.