

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

6 March 2020

Local Ethical Framework Developments**1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the development of the ethical framework under the Localism Act 2011.

2.0 BACKGROUND

- 2.1 Members receive a report at each Standards Committee meeting setting out any recent developments in the ethical framework.

3.0 NEW MODEL CODE OF CONDUCT FOR MEMBERS

- 3.1 The Committee has previously considered updates regarding the Committee on Standards in Public Life (CSPL) review of local government standards. The CSPL published its extensive Report on 30 January 2019:

<https://www.gov.uk/government/publications/local-government-ethical-standards-report>

- 3.2 The Report recognised that the vast majority of those serving in public office maintain high standards of conduct and that where there is misconduct, most cases relate to bullying/ harassment/disruptive behaviour and there can be persistent or repeated misconduct. The Report made a number of recommendations (26), which are not legally binding, to the Government regarding the ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also made various best practice recommendations which local authorities could choose to implement immediately should they so wish.
- 3.3 The following issues regarding the members' code of conduct were included in the key and best practice recommendations in the Report:
- a) That the Local Government Association (LGA) should create an updated national model code of conduct for local authorities (to adopt on a voluntary basis) to increase consistency and quality of local authority codes and avoid the potential for confusion amongst multi-hatted councillors. Local authorities should be able to adapt the model code to suit their local circumstances.
 - b) The scope of the new code should be wider and include a rebuttable presumption that a Member's public behaviour (including statements on publicly accessible social media) is made in their official capacity. Private behaviour in a personal capacity should remain outside the scope of the code.
 - c) The model code should clarify that the code applies to a member when s/he claims to act or gives the impression they are acting, in their capacity as a member or as a representative of the authority.

- d) There is a need for greater transparency regarding the registration and declaration of interests, gifts and hospitality, especially given the increasing complexities of local government governance and decision making.
- i. Important non-pecuniary interests should be required to be registered in the Register of Members' Interests, such as:
 - unpaid directorships, trusteeships;
 - management roles in a charity or a body of a public nature;
 - membership of organisations which seek to influence opinion or policy; and
 - gifts and hospitality. The CSPL report recommends that the model code should provide that Members should register gifts/hospitality received over £50 or totalling £100 over a year from a single source in a Register of Members' Gifts and Hospitality.
 - ii. The rules on declaring and managing interests should be subject to a more demanding, objective test, separate to registration requirements, in line with the categories of personal and prejudicial interests under the previous regime under the Local Government Act 2000.
 - iii. The model code should provide that *"...a councillor must not participate in a discussion or vote in a matter to be considered at a meeting if they have any interest, whether registered or not, "if a member of the public, with knowledge of the relevant facts, would reasonably regard the interest as so significant that it is likely to prejudice your discussion or decision-making in relation to that matter."*

Best Practice recommendations

- e) Codes should include:
- i. specific prohibitions on bullying and harassment, along with definitions and examples of such behaviour;
 - ii. specific provision requiring councillors to comply with any formal standards investigation and prohibiting trivial or malicious allegations by councillors.
- f) Authorities should review their code each year and regularly seek, where possible, the views of the public, community organisations and neighbouring authorities
- 3.4 The LGA has now commenced reviewing the Code, ahead of the government's response to the Report recommendations, as part of a wider programme of work on civility in public life. Further information about this work is published on the LGA website:

<https://www.local.gov.uk/our-support/guidance-and-resources/civility-public-life-and-review-model-code-conduct>

<https://www.local.gov.uk/sites/default/files/documents/191003%20public%20document%20on%20civility%20in%20public%20life%20%28Autosaved%29.pdf>

including details of how the LGA is reviewing the code, who is being consulted and the likely timescale for producing a new model code of conduct.

3.5 The LGA anticipates the new draft model code of conduct being published for consultation during March 2020, with consultation closing towards the end of April. The LGA intends to launch the new model Code at its conference on 30 June 2020.

3.6 Members will be kept informed of developments.

4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEW – OPEN LETTER TO PUBLIC OFFICE HOLDERS

4.1 The Committee on Standards in Public Life (CSPL) has published an open letter to all public office holders on the importance of implementing the Nolan Principles and generally upholding public standards. More information can be found at:

https://www.gov.uk/government/news/open-letter-from-the-committee-on-standards-in-public-life-to-all-public-office-holders?gator_td=UKQilDAQOOoqrfG8OI3npeIvR4u9cCRwqJA69hHc6m19s77Rdkv5YCRkGmKh%2bYni1ddMTniEJvUZuH32eDOaPV0JoPh%2fCSrDqe%2bb%2bkLcnmScUgagkb4%2bjRSjst2qASYa3I26tRmVtKFAB4NtiGecRGU4kBTS7Isb1CX6OfhJM7YjGO28WDB8xZ5XZLXMwL GnXangJm0i2tRY9j07JfCT75v4dzd2ynv86Sa2jmbag%3d

5.0 PRINCIPLES OF PUBLIC LIFE

5.1 To mark its 25th anniversary, the CSPL has made some short films with its Committee members talking about the General Principles of Public Life and what they mean in practice:

<https://www.youtube.com/channel/UCL04xn0gFY8rx2an6GM112Q>

https://www.gov.uk/government/news/the-principles-of-public-life-25-years?gator_td=qPhmvQ75o%2fjrPhQS1HbX1vhlqmuJAWDrHmAABqx3ifsdmCTBgaKuvbA1I18DkslhBK48RxdI0xlyWkocdQGzeqtsnthcT3jeiiyWrluGnoQSa%2bnliOWLlSrT5ZmLZanNPXu0RBniA6GrP9fgOpU7H66evy7OHOM%2bhho62qrCvtBdMWvgjplFJ1wc3Z9mmb8BX5oWq5IjlfzxdFLorsuo14WpMA9andCaHJRuHQChw%3d

5.2 The links will be included in the Standards Bulletin.

5.3 The CSPL has emphasised on its website that the Nolan principles and the rules that flow from them are a matter of personal responsibility for all:

<https://cspl.blog.gov.uk/2019/12/18/the-nolan-principles-are-a-matter-of-personal-responsibility-for-mps/>

6.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE - INTIMIDATION IN PUBLIC LIFE

6.1 The Standards Committee has previously been informed about the CSPL's report regarding Intimidation in Public Life, which is published at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

and which made a number of recommendations to government, social media companies, political parties, the police, broadcast and print media, MPs and Parliamentary candidates.

- 6.2 In the context of its work regarding intimidation in public life, the CSPL has recently undertaken a review of political parties' (holding seats in Parliament) codes of conduct. More information is available online at:

<https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>

7.0 **COUNCILLORS' GUIDE TO HANDLING INTIMIDATION**

- 7.1 The LGA has published its "Councillors' guide to handling intimidation":

<https://www.local.gov.uk/councillors-guide-handling-intimidation>

defining, for the purposes of the Guide, public intimidation as "words and/or behaviour intended or likely to block or deter participation in public debate, which could lead to an individual wanting to withdraw from public life".

- 7.2 The Guide suggests some steps that councillors and authorities can undertake to protect councillors as people in a public position and how to respond should an incident occur.

- 7.3 The LGA states that it is planning further guidance for authorities on "supporting councillors and will continue to work with national government and other agencies to address the issue of public intimidation and its impact on local democracy."

8.0 **CABINET OFFICE CODE OF CONDUCT FOR BOARD MEMBERS OF PUBLIC BODIES**

- 8.1 The Cabinet Office has published its Code of Conduct for Board Members of Public Bodies, which replaces the earlier version published in 2011. The latest Code and further information is published online:

https://www.gov.uk/government/publications/code-of-conduct-for-board-members-of-public-bodies?gator_td=k09HKXI%2fTGwDLZl1xxlvXmBylCtavMZagplYqqBJVg95yc7J%2bFa9eV0y34ONw88fOCRRuqp7oE0ku0w%2fAgidJNjZb%2fQkeMjRmDCFXR%2fLNOAD3Qh8UrPzDc8Mk7HBHln7lq3O1GbGsLV3GX%2bn1uXW6UbeSX9TWaxRfvMITbr0ujqjGjp8AWtteFlkVMn31oDgYlkiRa2PLAnSq5XxIP08txljp3%2fyfUakz35dHySsNc%3d

- 8.2 The Code sets out the personal and professional standards expected from those who serve on the boards of UK government departments, non-ministerial departments, executive agencies, non-departmental public bodies, and national public corporations.

- 8.3 The 2019 Code includes provisions regarding:

- bullying, harassment or other discriminatory behaviour;
- a requirement for the board member to notify the sponsor department of any bankruptcy, current police investigation, unspent criminal conviction or disqualification as a company director;
- the promotion of diversity and inclusivity within their organisation;
- the Principles of Public Life;
- Members' Interests;
- conflicts of interest;

- responsibilities as a Board Member;
- responsibilities towards employees;
- the use of social media;
- raising concerns.

9.0 CSPL ARTIFICIAL INTELLIGENCE AND PUBLIC STANDARDS

9.1 The CSPL has published its report on artificial intelligence and its impact on public standards.

<https://www.gov.uk/government/news/artificial-intelligence-and-public-standards-committee-publishes-report>

to ensure that high standards of conduct are upheld as technologically assisted decision making is adopted more widely across the public sector.

9.2 The report highlights that clear standards of conduct and greater transparency will enable the public sector to reap the benefits of Artificial Intelligence (AI) and that government and regulators must establish a coherent regulatory framework that sets clear legal boundaries on how AI should be used in the public sector.

10.0 CONCLUSION

10.1 Members will be kept informed of all developments.

11.0 RECOMMENDATIONS

11.1 That the Committee notes the contents of this report.

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Background Papers:

None

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25 February 2020