

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

16 September 2022

Local Ethical Framework Developments

1.0 PURPOSE OF REPORT

- 1.1 To update Members on the development of the national 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 AMENDMENT OF COUNCIL CODE OF CONDUCT FOR MEMBERS IN LIGHT OF MODEL CODE

- 3.1 The main area of development is the amendment of the Council's current Code of Conduct for Members in light of the new Model Code published by the Local Government Association. This is the subject of a separate report to the Committee.

4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REPORT ON LOCAL GOVERNMENT ETHICAL STANDARDS

- 4.1 The Committee on Standards in Public Life (CSPL) published its extensive Report on Local Government Ethical Standards on 30 January 2019 ([Local government ethical standards: report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)). The Report makes a number of recommendations (26), which are not legally binding, to the Government regarding the national ethical framework, which would require changes to legislation and the regulatory framework if accepted. It also makes various best practice recommendations, considered as a benchmark of good ethical practice, which local authorities could choose to implement immediately should they so wish. The Report has been considered by the Standards Committee, which noted that the Council already complies with the spirit of almost all the best practice recommendations.

- 4.2 A response from Government to the 2019 Report has been long-awaited and on 18 March 2022, the Government published its response:

[Local government ethical standards: government response to the Committee on Standards in Public Life report - GOV.UK \(www.gov.uk\)](http://www.gov.uk)

Regarding the CSPL suggestions to amend the legislative framework around the ethical framework, the Government responded that it considered many of the suggestions did not require legislative action and could be actioned by authorities as best practice steps, for example by reviewing their code of conduct for members. Other highlights of the response are as follows:

- a) it rejects the recommendation to give local authorities power to suspend councillors, without allowances, for up to six months for breaches of the code of conduct. The Government's reasoning for rejecting this proposal is

that there is no legislative provision enabling this, and that that was a deliberate policy decision at the time. The Government also wishes to avoid any “chilling effect” on free speech and that ultimately councillors are accountable “via the ballot box”;

- b) it rejects the recommendation to change the Localism Act 2011 to require Independent Persons for Standards to be appointed for a fixed term of two years, renewable once but suggests this could be adopted by authorities as good practice but subject to the needs of the authority. Government agrees that Independent Persons should be indemnified by the relevant authority if their views were to be disclosed, however the Government does not believe legislative change is required to enable this;
- c) it rejects the recommendation to amend the Local Government Transparency Code to require authorities to publish standards complaints information annually, however the Government will develop actions to increase transparency, for example through more proactive publication of data;
- d) it rejects the recommendation that criminal offences in relation to the interests regime should be abolished;
- e) it will further consider issues stemming from the recommendation to provide clarification on whether authorities could legally prevent councillors attending authority premises or using authority facilities;
- f) it agrees in principle with the recommendation that legal protection should be extended to all disciplinary action against statutory officers, not just dismissal, and indicated its intention to consult on this.

4.3 In its statement on the Government response to the Report, the CSPL noted that the Government intends to further support the maintenance of high ethical standards but expressed its disappointment that many of its recommendations had not been accepted ([Lord Evans' statement on the Government's response to the Committee's report on local government ethical standards - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/consultations/lord-evans-statement-on-the-government-s-response-to-the-committee-s-report-on-local-government-ethical-standards)).

4.4 Members will be kept informed of any further developments.

5.0 CSPL REVIEW OF EMBEDDING OF NOLAN PRINCIPLES

5.1 Since the Standards Committee's last meeting, the CSPL has announced it is undertaking a review, 'Leading in Practice', looking at the role of leadership in embedding the General Principles of Public Life (the Nolan Principles) in public sector organisations:

[Leading in Practice: Terms of Reference - GOV.UK \(www.gov.uk\)](http://www.gov.uk/government/consultations/leading-in-practice-terms-of-reference)

As stated on the website, the review intends to:

1. Examine the role of leadership at all levels of an organisation in understanding, developing and sustaining a commitment to the Principles of Public Life;
2. Identify examples of how the Principles of Public Life are upheld in public sector organisations and how obstacles have been overcome on the path to implementing good practice;

3. Identify the characteristics of organisations that facilitate public office holders acting in line with the Principles of Public Life;
 4. Consider whether there are mechanisms and practices used for embedding principles in the private and third sectors that can usefully be applied in the public sector, and by companies and charities providing services paid for by the taxpayer.
- 5.2 The Government has welcomed the review and re-emphasised its commitment to high ethical standards:

[Letter from Lord True about the CSPL review on leadership and public standards - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/letter-from-lord-true-about-the-cspl-review-on-leadership-and-public-standards)

- 5.3 Members will be kept informed of developments.

LGA COUNCILLORS' GUIDE TO HANDLING HARASSMENT, ABUSE AND INTIMIDATION

- 6.1 The Local Government Association (LGA) has produced guidance to support Members in fulfilling their role and engaging with the public and to provide "...practical steps they can follow to decrease the likelihood of experiencing harassment, abuse and intimidation and give them some ideas on how to respond should an incident occur.":

[Councillors' guide to handling harassment, abuse and intimidation | Local Government Association](#)

- 6.2 The Standards Committee has previously been informed of the LGA's call for evidence "Civility in Public Life: Abuse and Intimidation of Councillors", to capture councillors' "experiences and emerging trends around abuse and intimidation from the public" in their elected role. The LGA hopes that "Evidence collected in this way will help the LGA to develop a body of evidence to support our calls for legislative and systemic change and develop support for elected members."

- 6.3 Responses to the call for evidence indicate that many councillors believe abuse is becoming more common, and of those who experience abuse and intimidation, the majority experience it multiple times and half experiencing it on an ongoing basis.

- 6.4 The LGA has issued a further report "Debate Not Hate: The impact of abuse on local democracy" ([Debate Not Hate: The impact of abuse on local democracy | Local Government Association](#)) summarising its findings from the first six months of the call for evidence and setting out what more could be done. The following themes were identified from the responses:

- Variability of support offered by councils, political parties, and the police;
- Targeted abuse – responses indicate that councillors and candidates with protected characteristics were more likely to receive personalised abuse, particularly related to misogyny, racism and homophobia.
- Personal and democratic impacts – abuse and intimidation can significantly impact councillors, their families, and the wider community and also impact councillors' willingness to stand for re-election or deter others from considering standing for public office.
- Vulnerability of councillors – Many respondents highlighted the visibility and accessibility of councillors in their local community, particularly when councillors' home addresses are available online.

- Normalisation – There is a growing feeling that abuse and intimidation, particularly online, are becoming normalised.

6.5 The report makes the following recommendations:

- **Recommendation 1:** Councils and other relevant partners should take greater responsibility for the safety and wellbeing of councillors and take a proactive approach to preventing and handling abuse and intimidation against councillors. This should include addressing the impacts of abuse on councillors' mental health and wellbeing and working in partnership with other agencies and councils to ensure that threats and risks to councillors' safety, and that of their families, are taken seriously.
- **Recommendation 2:** The LGA should continue to gather and disseminate good practice from across the sector, consider what more can be done to prevent abuse and intimidation of councillors through the Civility in public life programme, and support councils and councillors when these incidents occur.
- **Recommendation 3:** Police forces should work to improve the consistency of responses to abuse of and threats made against councillors and take a risk-based approach that accounts for the specific risks that councillors face, as they do with other high-risk individuals, such as MPs. This should include identifying best practice in relation to councillor support and safety and sharing it across the country.
- **Recommendation 4:** The Government should prioritise legislation to put it beyond doubt that councillors can withhold their home address from the public register of pecuniary interests.
- **Recommendation 5:** The LGA should work with political parties, election and democratic officers, and organisations responsible for guidance to raise awareness of the options currently available and promote the practice of keeping home addresses private during the election process and once elected.
- **Recommendation 6:** Social media companies and internet service providers should acknowledge the democratic significance of local politicians and provide better and faster routes for councillors reporting abuse and misinformation online.
- **Recommendation 7:** The relevant Government department should convene a working group, in partnership with the LGA, to bring together relevant agencies to develop and implement an action plan to address the issue of abuse of local politicians and their safety.

6.6 The call for evidence is ongoing. If Members wish to know more and/or respond to the call for evidence, more information can be found via the following hyperlinks:

[Civility in public life | Local Government Association](#)

[Civility in public life call for evidence: Abuse and intimidation of councillors \(local.gov.uk\)](#)

Members will be kept informed of developments.

7.0 **PREVIOUS CSPL REPORTS AND REVIEWS**

7.1 Links to all reports and reviews conducted by the CSPL since 1995 are published on its website - [Previous CSPL reports and reviews - GOV.UK \(www.gov.uk\)](#).

8.0 FINANCIAL IMPLICATIONS

8.1 There are no significant financial implications arising from this report.

9.0 LEGAL IMPLICATIONS

9.1 The legal implications are set out in the body of this report.

10.0 ENVIRONMENTAL IMPLICATIONS

10.1 There are no significant environmental implications arising from this report.

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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6 September 2022