

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

4 March 2021

**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 main area of development is that the Local Government Association has now published the new, voluntary national Model Code of Conduct for Members. This is the subject of a separate report to the Committee.

**4.0 COMMITTEE ON STANDARDS IN PUBLIC LIFE REVIEWS**

- 4.1 In its 14 January 2021 blog, the Committee on Standards in Public Life (CSPL) set out its anticipated work for the year ahead (<https://cspl.blog.gov.uk/2021/01/14/cspls-year-ahead/>).

- 4.2 The CSPL intends to continue and complete its reviews of election finance and the standards regime ("Standards Matter 2").

- 4.3 Members will be kept informed of developments.

**5.0 CSPL – FOLLOW UP TO BEST PRACTICE RECOMMENDATIONS**

- 5.1 The CSPL has followed up with local authorities regarding progress against the best practice recommendations it made in its 2019 report on local government ethical standards and which it would expect any local authority to implement. In December 2020, The Council provided a response to the CSPL which was circulated to the Committee and Independent Persons.

- 5.2 On 8 January 2021 the CSPL reported on the 213 responses it had received so far:

<https://cspl.blog.gov.uk/2021/01/08/local-government-ethical-standards-follow-up-to-best-practice-recommendations/>

noting the following:

- the vast majority of councillors and officers want to maintain the highest standards of conduct;

- authorities have implemented or are taking steps to do so, the best practice recommendations;
- for many of the councils, even if they didn't use the precise terms of the best practice recommendations, they had elements in place and were reviewing their practices to comply fully.

5.3 Further details are available on the CSPL website.

## **6.0 MISCONDUCT IN PUBLIC OFFICE**

6.1 The Committee has received previous reports on the consultation taking place regarding reform of the common law offence of misconduct in public office.

6.2 The Law Commission has recently published a substantial report (number 397) (<https://www.lawcom.gov.uk/project/misconduct-in-public-office/>) setting out various recommendations for reform, including proposing two replacement offences (not to apply to education and health services):

- a) **corruption in public office:** where a public office holder knowingly uses or fails to use their public position or power for the purpose of achieving a benefit or detriment, where that behaviour would be considered "seriously improper" by a reasonable person; and
- b) **breach of duty in public office:** where a public office holder has a duty to prevent death or serious injury by virtue of the public office, breaches that that duty and is reckless as to the risk in doing so. It is proposed that there should be a statutory list of positions constituting "public office", capable of future amendment by statutory instrument.

6.3 The Law Commission believes the recommendations "... will clarify and modernise the law, while ensuring that public office holders are held to account for serious breaches of the trust that the public places in them..."

6.4 The Government will now consider the recommendations in order to decide whether to implement the reforms. Members will be kept informed of developments.

## **7.0 CSPL REVIEW OF INTIMIDATION IN PUBLIC LIFE**

7.1 The Committee has received previous reports regarding the CSPL's 2017 review of the intimidation of Parliamentary candidates and the broader implications for all public office holders. In December 2017, the CSPL published its report to government, making various recommendations "to address the increasing prevalence of intimidation in public life".

7.2 On 17 December 2020 the CSPL published a progress report on recommendations it made in its report:

<https://www.gov.uk/government/publications/intimidation-in-public-life-progress-report-on-recommendations>

7.3 The CSPL concludes that "It is clear that much has happened to tackle threats to public office holders since the publication of the Committee's report in 2017, but there remains more to do, and at a greater pace – by everyone in public life."

7.4 Further details are available on the CSPL website.

**8.0 CONCLUSION**

8.1 Members will be kept informed of all developments.

**9.0 RECOMMENDATIONS**

9.1 That the Committee notes the contents of this report.

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Background Papers:

None

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