

# **Standards Committee External Governance & Case Review**

October 2022

(previous update April 2022)

# **‘Clear frustration’ within Councils on limited powers remaining**

- The Committee on Standards in Public Life (CSPL) has called upon the government to reconsider its position on the powers of local authorities to sanction councillors for poor behaviour.
- The Chair of the CSPL, Lord Evans wrote to the Levelling Up Secretary, Simon Clarke, stating very disappointed many of its careful recommendations have not been accepted.
- The sector had backed the call to strengthen the arrangements in place to support high ethical standards

# Common factor in recent auditor interventions nationally

- Grant Thornton in its update report September “*Lessons from Public Interest Reports*” found weaknesses in council cultures (for e.g. poor behaviours, lack of transparency); and
- weaknesses in governance (for e.g. a circumvention of governance procedures, poor quality review and decision making).

- *Failure to address and resolve relationships difficulties between senior officers and members*
- *Intimidating cultures, culture of secrecy and in some cases, an overuse of confidential or delegated action reports, which reduced openness and trust in leadership and corporate culture.*
- *Limited understanding of declarations of interest and of gifts and hospitality registers, not being monitored*

- *Lack of appreciation of the Nolan principles and the requirements of the Members Code of conduct*
- *Lack of understanding in how complaints against Members should be handled.*
- *Failure to adequately support whistle-blowers also suggests a council that is not open to challenge, Grant Thornton argued*
- *Number of recommendations suggested in relation to culture and governance.*

# Civility and Respect Pledge launched for Local Councils

- *“There were growing concerns about the impact of bullying, harassment and intimidation on local councils, councillors, clerks and council staff and the effectiveness of local councils,*
- *By signing the pledge the relevant Council “agrees that the council will treat councillors, clerks, employees, members of the public, and representatives of partner organisations and volunteers with civility and respect in their roles” ... with a package of actions.*

# Council meetings & the passing of HM Queen

- National Mourning Guidance
- Did local government legislation prevent councils holding meetings or affect the ability to give notice of meetings?
- The period of public mourning was made by the Earl Marshall, duke of Norfolk
- A day is declared as a bank holiday, by the King by proclamation, only the day of the funeral
- NALC took a different view

# Pre-action protocol letter contesting breach finding

- A Councillor is alleging that a District Council's Code of Conduct assessments regarding comments he made online amount to a "clear serious breaching" of his human rights.
- Eden Council found that Cllr had breached the Code of Conduct over posts on Twitter & his blog.
- However, the Councillor said that the content of the Twitter post was "not aligned to my role as a councillor and was a personal expression of a view and opinion".



# Welsh Councillor disqualified from holding office for 3 years

- Found to have breached the code of conduct, 5 separate incidents concerning false accusations and posting misinformation online
- A tribunal, convened by the adjudication for Wales, found no basis for the statements and that they wilfully misinformed people and discredited colleagues in a harmful way.
- Wales has a different sanctions model to England.

# Welsh Councillor disqualified for 2 years

- Town Councillor barred from holding office for two years after declaring he was eligible to stand for election even though he had a criminal record, disqualifying him from running under the Local Government Act 1972
- The Ombudsman's report alleged that the former Councillor (he resigned once a national newspaper published a news story referencing the conviction) had misled the council as to his eligibility to be a councillor and that his dishonesty, both when signing the declaration of acceptance of office and during the time he acted as councillor, was a serious abuse of office.