

Response to the Review of Local Government Standards by Parliamentary Committee on Standards in Public Life

This is a collective response from the Members of the Bolsover District Council Standards Committee to the questions posed as part of the Review undertaken by the Parliamentary Committee on Standards in Public Life on Local Government Standards.

- (a) *Are the existing structures, processes and practices in place working to ensure high standards of conduct by local Councillors, if not, please say why?*

We, the Standards Committee of Bolsover District Council, agree that the existing structures, processes and practices are fit for purpose. However, we need to communicate roles and responsibilities to the public.

- (b) *What, if any, are the most significant gaps in the current ethical standards regime for local government?*

The Standards Committee feel that there should be better communication with the public around ethical standards within local government. We have agreed to add this matter to our Work Programme for the forthcoming municipal year to consider this matter locally. Further, statute does not dictate that a Member should remove themselves from a room and from a discussion when they have a disclosable pecuniary interest (DPI). To manage this locally we have added this requirement in to our Constitution. Parish Councils are sometimes unclear on this matter, we follow it locally, however, is there anything nationally that we could do?

- (c) *Are local authority adopted Codes of Conduct for Councillors clear and easily understood? Do the Codes cover an appropriate range of behavior? What examples of good practice, including induction processes, exist?*

The Standards Committee feel that the Code of Conduct in place at this Authority is clear and applicable. We also feel the same in regards to the DALC Code of Conduct which the majority of Parish Councils have adopted. However, we would urge Parish Councils to adopt the good practice from within our Constitution in regards to declaring DPIs and leaving the room during discussion.

- (d) *A local authority has a statutory duty to ensure that its adopted Code of Conduct for Councillors is consistent with the Seven Principles of Public Life and that it includes appropriate provision (as decided by the local authority) for registering and declaring Councillors' interests. Are these requirements appropriate as they stand? If not, please say why.*

The Standards Committee feel that the requirements are appropriate. The Code of Conduct is reviewed on an annual basis by this Standards Committee and the Authority works with its elected Members to ensure that Declarations

of Interest are updated on a regular basis and when necessary. The Standards Committee, however, have made a recommendation to officers to support Parish Councils in this matter by reminding them on a bi-annual basis.

- (e) *Are allegations of Councillor Misconduct investigated and decided fairly and with due process?*

The Committee feel that the processes that this Authority has in place for investigating and decide upon allegations are rigorous and meet the national requirements. We do not feel that any additional safeguards to ensure due process need to be put in place and we have full confidence in the Monitoring Officer to ensure that all complaints under the Code of Conduct are dealt with in a fair and ordered manner. We agree with the requirement of the involvement of an Independent Person and feel that this ensures the objectivity and fairness of the decision process.

There may come a time when the Council's Monitoring Officer may be subject to a conflict of interest in regard to a code breach and when this occurs this Council will work with another authority to ensure that the same process is applied by another Monitoring Officer to ensure consistent management and transparency. Our Monitoring Officer in return would offer their service to any other neighbouring authority that may be subject to a conflict of interest.

- (f) *Are existing sanctions for Councillor misconduct sufficient?*

This Authority applies sanctions that are available for use such as training and apologies which are in place to meet our current needs.

We would welcome the opportunity to apply incremental sanctions for repeat offenders we will add this to our work plan to explore this in more detail.

- (g) *Are existing arrangements to declare Councillors' interests and manage conflicts of interest satisfactory? If not, please say why.*

This Committee agree that it is appropriate that Members declaring DPIs cannot participate in discussion or votes that engage their DPI, nor take any further steps in relation to the matter. However, we feel that this could be strengthened nationally, as we have done locally, to state that a Councillor with a DPI should not remain in the room during any discussion on that matter.

As stated earlier we have incorporated this requirement in to our Constitution as well as the Declaration of Other Interests and Significant Other Interests. It is felt that DPIs do not cover the extent to which District Councillors may have a conflict of interest in an item.

- (h) *What arrangements are in place for whistleblowing, by the public, Councillors and officials? Are these satisfactory?*

The Standards Committee feel that the arrangements in place for whistleblowing are satisfactory and the Council has a Whistleblowing Policy which is reviewed on an annual basis.

- (i) *What steps could local authorities take to improve Local Government Ethical Standards?*

Local authorities should review their processes as is undertaken by Bolsover District Council. In addition, Ethical Standards are covered as part of the induction process for newly elected Members instilling ethics in our Members as soon as they become Councillors and refreshed annually.

As a result of this consultation this Standards Committee have suggested for our scrutiny function to conduct a review of the work of the Standards Committee as an additional measure.

- (j) *What steps could Central Government take to improve Local Government Ethical Standards?*

It would be appropriate for standardisation of management of Local Government Ethical Standards to take place. This could resolve the issues perceived by the public around their management and give guidance.

- (k) *What is the nature, scale and extent of intimidation towards Local Councillors?*

Within Bolsover it is not unheard of for our local Members to feel persecuted by residents within their Wards or for groups of public attendees to be perceived as intimidating during meetings of Council. The Standards Committee will be commissioning a report to consider how to monitor this to identify steps to take to address this locally.

During meetings of the District Council, this is managed locally through our Chairman and training is provided on chairing skills on an annual basis. We have powers within our Constitution to control any unruly behavior within the Council Chamber.

In regard to intimidation towards local Members on a one-to-one basis, not only do Police powers apply but we also have a single point of contact system operating at the Council. Whilst we have these measures in place, the Standards Committee feel that a wider debate is required on this both nationally and locally.