



Ethical Governance – February 2024

Helping to promote high standards of conduct

Welcome to the first edition of Bury MBC's Ethical Governance Update
This newsletter contains details of the following:-

- LGA proposed Monitoring Officers should be able to pro-actively withhold Councillor's addresses
- Official call for disciplinary action against elected Liverpool Councillors
- Committee on Standards in Public Life 'Leading in Practice'
- Consideration of The Local Government (Disqualification) Act 2022
- Reminder: register of interests
- Reminder: Dispensations

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LGA proposal – Member's addresses

The Local Government Association has called for the Localism Act 2011 and associated regulations to be amended to explicitly allow monitoring officers to withhold Councillors' home addresses from the public register, without a specific incident or threat having been made.

The call, which has been made in a briefing ahead of a House of Lords debate on parliamentary democracy and standards in public life on Thursday (11 January), comes amid reports of increasing levels of toxicity in public and political discourse deterring people from standing for election.

As part of its appeal for reform, the LGA highlighted data it collated in 2023, which revealed that eight in 10 Councillors had experienced abuse or intimidation and felt personally at risk in the last year.

Councillors surveyed by the LGA said they had faced death threats, abusive and discriminatory language, character assassination and intimidatory behaviour.

In the same survey, some Councillors reported that having their personal information be very accessible and public left them feeling vulnerable in their local communities.

On home addresses, the LGA pointed out that MPs do not publish their home address on the public register of interests. Instead, there is a presumption that this address is kept confidential.

With Councillors, the opposite is true, it said. "Councillors must declare their pecuniary and other interests within 28 days of taking office or from when the interest arose. This often includes Councillors' home addresses, which are recorded on the public register of interests. If a Councillor does not want their address published on the public register, they must request that the Monitoring Officer treat it as a sensitive interest."

The monitoring officer must then agree that disclosing the details of the interest could lead to the member or a person connected with them being subject to violence or intimidation. "The sensitive interest is very broad and undefined, and this lack of clarity has led to a divergence between monitoring officers who believe that a specific incident or threat needs to have been made before a home address can be redacted and others who agree to withhold Councillors' addresses proactively," the LGA said.

"We would argue that the lack of clarity in the legislation is unhelpful to monitoring officers and Councillors and creates inconsistency across the sector."

It noted that the situation had created a 'postcode lottery' where some councils will redact home addresses for any Councillor who requests it, while others will only do so in cases where a risk can be demonstrated.

The relevant legislation should be amended to move towards the presumption that Councillors do not share their home addresses publicly as with members of parliament, the Association suggested.

The LGA also said that Councillors should be able to contact the police over security concerns through 'Single Points of Contact' (SPoCs). MPs and candidates in elections already have access to SPoCs, and areas like West Yorkshire Police in Leeds have already extended their SPoC arrangements to Councillors "and have not been overwhelmed", the LGA said.

Funding for security mitigations should also be implemented, according to the briefing, in order to give Councillors access to support similar to MPs, who benefit from home safety mitigations, such as security lights, ring doorbells, and better locks.

The LGA meanwhile called on the Government to work with social media companies to ensure that they understand and acknowledge the democratic significance of local politicians and provide better and faster routes for Councillors reporting abuse and misinformation online.

Official call for disciplinary action against elected Liverpool Councillors

Between 2015-2020, 14 current and former Councillors had their parking fines cancelled 'through the backdoor'. Liverpool City Council were unable to find any record of why they had cancelled 51 PCN's.

Councillors believed that they were acting in good faith and on the advice of senior officer who had told them that tickets received in the course of their duties could be rescinded. However, a senior officer confirmed that councillors were aware of the proper process for challenging parking tickets and had insisted the tickets were cancelled.

The council's interim chief executive said the practice was "an example of the unacceptable culture that pervaded parts of the council in the past" and that the previous poor practice did not reflect on the current parking service team. A Council spokesperson said "as part of our improvement journey following the publication of the Best Value inspection report by Max Caller in 2021, we have made many changes to our governance systems and processes".

Councillors receiving a parking ticket are advised to go through the standard appeals process. This process ensures that an authorised appeals case handler considers the response in a fair and appropriate way.

Leading in practice

The Committee for standards in public life will be reporting on 'Leading in Practice'. The committee will be looking at how the Nolan Principles might become more deeply woven into

all aspects of how organisations operate; it is obvious that rules, ethics structures and regulatory bodies only go so far.

The report which will share practical examples of how a range of organisations have tried to embed ethical values in their policies and practices, sometimes after a period of turmoil or scandal. Whilst not looking at political leadership specifically in this report but acknowledging the need for political and organisational leadership to work together for government to produce properly tested and robust policies and decisions.

<https://cspl.blog.gov.uk/2022/11/14/leading-in-practice-our-next-report/>

The chair of the Committee on Standards in Public Life (CSPL) has said there remains an urgent need to update and strengthen the structures in place in both central and local government for upholding standards. He noted the CSPL's 2019 report into local government standards and said that "the recommendations were well evidenced and supported by the sector, thanks to extensive input from local Councillors, officers, independent persons and the public who gave us their views.....the Committee has no remit to consider individual cases, but we continue to receive impassioned pleas from people caught up in local standards issues who feel the system is wholly inadequate. Democratic accountability via the ballot box is insufficient on its own; our system relies on checks and balances in between elections to deal with serious cases and maintain standards".

"Proactive and ongoing attention to standards will always be necessary to ensure the systems and processes are able to meet the challenges faced today and while it is understandable that major events can overtake, we can ill afford another scandal with the subsequent knock to public trust."

<https://cspl.blog.gov.uk/category/local-government/>

Previous reports on how the Nolan Principles can be promoted on the following issues are available:-

MP's expenses - <https://www.gov.uk/government/publications/twelfth-report-of-the-committee-on-standards-in-public-life-november-2009>

Contracting government services - <https://www.gov.uk/government/publications/the-continuing-importance-of-ethical-standards-for-public-service-providers>

and

Artificial intelligence - <https://www.gov.uk/government/publications/artificial-intelligence-and-public-standards-report>

Consideration of The Local Government (Disqualification) Act 2022

The Local Government (Disqualification) Act 2022 came into force on 28 June 2022. The act updates the disqualification criteria for local authority members subject to relevant notification requirements or orders due to sexual offences from standing for or remaining in office. The Act supports ensuring that the public continues to have confidence in their elected representatives and local democracy.

The disqualification criteria are not retrospective and so do not disqualify a person who became subject to any relevant notification requirements or a relevant order before the 2022 Act came into force.

Individuals that are made subject to the notification requirements set out in the Sexual Offences Act 2003 (known as 'being placed on the sex offenders register') or Sexual Risk Orders will be disqualified from holding elected office or standing for elections as Councillors, mayors, members of the London Assembly or Mayor of London.

Candidates for election to local government must now declare they are not disqualified from standing using prescribed 'Consent to Nomination' forms at nomination.

Reminder: Register of Interests

Members complete their register within the 28-day period of being elected as set out in our member Code of Conduct.

Members are reminded this is a live document and needs to be regularly reviewed regularly to ensure it is up to date. Failure to keep your register of interests up to date could lead to a complaint being received that it is not accurate and also misleading.

If any member is unsure if something should be registered and to update your register, please contact the Democratic Services Team.

Reminder: Dispensations

The Council may grant you a dispensation, but only in limited circumstances, to enable you to participate and vote on a matter in which you have a disclosable pecuniary interest or a prejudicial interest.

All members are granted a dispensation by the Monitoring Officer prior to the annual budget setting meeting however if you wish to apply for a dispensation you will need to make an application to the Monitoring Officer in good time before the meeting.

If any member is unsure if they need to apply for a dispensation, then please contact the Democratic Service team or the Monitoring officer.

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