

REPORT TO:	ETHICS COMMITTEE 7 JANUARY 2020
SUBJECT:	RECENT DEVELOPMENTS AND CASE LAW – COUNCILLOR CONDUCT
LEAD OFFICER:	JACQUELINE HARRIS-BAKER, EXECUTIVE DIRECTOR OF RESOURCES AND MONITORING OFFICER
CABINET MEMBER:	COUNCILLOR SIMON HALL – CABINET MEMBER FOR FINANCE AND RESOURCES
WARDS:	ALL
CORPORATE PRIORITY/POLICY CONTEXT: The Council has determined that the Ethics Committee shall be responsible for receiving and considering reports on matters of probity and ethics and to consider and recommend revisions to the Code of Conduct.	
FINANCIAL IMPACT Implementation of the recommendations contained in this report have no financial implications.	
FORWARD PLAN KEY DECISION REFERENCE NO: This is not a key decision.	

1. RECOMMENDATIONS

The Committee is asked to:

1.1 Note the outcome of recent case law and developments in relation to councillor conduct since the last Ethics Committee (20 May 2019).

2. EXECUTIVE SUMMARY

- 2.1 This report provides details of the work the Committee on Standards in Public Life (CSPL) since the last meeting of the committee. This work has included producing a number of short films about the Nolan Principles, undertaking a review of artificial intelligence and its impacts on standards and announcing a new approach to tackling intimidation in public life.
- 2.2 The CSPL has also published its review of political parties' codes of conduct and continues to consider the issue of bullying and harassment in parliament. The report will also provide an update in relation to the Government's response to the CSPL's report on Local Government ethical standards.

3 DETAIL

The Principles of Public Life

- 3.1 October 2019 saw the CSPL celebrate their 25th anniversary. The CSPL noted that their role has remained broadly the same over their 25 years as an independent body to advise the Prime Minister, national and local government and the public on trends, issues and concerns about standards in public life. The Committee act as the guardians of the Seven Principles of Public Life otherwise known as the 'Nolan Principles'.
- 3.2 To celebrate their 25th anniversary the Committee has made some short films with the Committee members talking about the Principles of Leadership, Honesty, Openness, Accountability, Objectivity, Integrity and Selflessness and what they mean in practice. The videos can be accessed here - <https://www.youtube.com/channel/UCL04xn0gFY8rx2an6GM112Q>

Artificial Intelligence and Public Standards

- 3.3 On the 25 March 2019 the CSPL announced a review into artificial intelligence and its impact on standards across the public sector. The review will consider whether the existing frameworks and regulations are sufficient to ensure that high standards of conduct are upheld as technological assisted decision making is adopted more widely across the public sector. A copy of the review can be accessed via this link <https://www.gov.uk/government/collections/ai-and-public-standards>. As part of the review roundtable discussions were carried out in May and June 2019 with practitioners, public service providers, government, academics and experts. The Committee is expecting to publish its report in the New Year.
- 3.4 The review's terms of reference have set out 4 key aims which can be summarised as follows:
- 3.4.1 Consider whether existing frameworks and regulations are sufficient to ensure that standards are upheld as technologically assisted decision making is adopted more widely in the public sector.
- 3.4.2 Examine how provisions for standards can be built into the development, commissioning and deployment of new technologies in the public sector.
- 3.4.3 Consider to what extent the use of artificial intelligence and associated advanced technology has implications for our understanding and formation of the Seven Principles of Public Life.
- 3.4.4 Make recommendations for how standards can be maintained in the public sector where advanced technologies are increasingly used for service

delivery, including best practice guidance and regulatory change where necessary.

Intimidation in Public Life: a Joint Approach to Tackling Intimidation

3.5 The Chair of the CSPL has recently written to the leaders of all Westminster parties to say that the Jo Cox Foundation (JCF) will act as independent support in efforts to agree a cross-party approach to tackling intimidation.

3.6 The Committee has previously considered this issue and issued a report in 2017 making recommendations on how to address the issues of intimidation experienced by those in public life. This report can be accessed here - <https://www.gov.uk/government/publications/intimidation-in-public-life-a-review-by-the-committee-on-standards-in-public-life>

Review of Political Parties' Codes of Conduct

3.7 Following this announcement the Committee and the JCF have conducted a review of the codes of conduct of political parties holding seats in Parliament with the aim of providing a foundation for creating a Joint Standard for all political parties in respect of the minimum standards of behaviour expected from all party members. This review was published on the 22 October 2019 and it is expected that further work will be published in the future. A copy of this can be found here - <https://www.gov.uk/government/publications/intimidation-in-public-life-review-of-political-parties-codes-of-conduct>

Bullying and harassment in Parliament: Monitoring Parliament's Response

3.8 The CSPL has been maintaining a close interest in Parliament's progress towards an independent complaints process to deal with allegations of bullying and harassment in both Houses of Parliament. The Committee has compiled a table of the different initiatives that are currently on going, this table can be accessed here - <https://www.gov.uk/government/news/bullying-and-harassment-in-parliament-monitoring-parliaments-response>

Local Government Ethical Standards

3.9 As reported at Ethics Committee on 7 March 2019 the CSPL report was published on the 30 January 2019. To date no response has been received from Government in response to this review, it was noted in the minutes of the CSPL meeting on 19 September 2019 that the Committee would write to the Minister asking for a formal response once Parliament had returned and in any event before the end October 2019.

3.10 At the time of publishing this report for the Ethics Committee no response from the Government on this matter has been published.

Case Law

3.11 The Monitoring Officer comments that there has been no case law published recently that is of relevance to the committee.

4. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

4.1 There are no direct financial implications arising from this report.

5. LEGAL IMPLICATIONS

5.1 There are no direct legal consequences arising from the contents of this report beyond those set out in the body of the report.

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BACKGROUND DOCUMENTS: None