

Civility in Public Life

Purpose of report

For direction.

Summary

This report seeks direction from the Board on the next phase of the Civility in Public Life work programme and proposes a focus on an informal duty of care for councillors; sanctions for breaches of the code of conduct; training on and a refresh of the model code of conduct; and an update to the councillors' guide to handling intimidation.

In particular, the paper:

- Seeks approval for the proposed 2021/22 work programme
- Invites initial comments on the Committee on Standards in Public Life recommendations around sanctions
- Seeks approval to establish a member steering group to oversee the programme of work and provide ongoing insight and commentary.

Recommendations

1. Members are recommended to agree the proposed areas of focus for the 2021/22 civility in public life work programme
2. Members are recommended to agree the establishment of a member steering group for the civility in public life work programme.

Actions

1. Officers to take forward the work programme as agreed by the Board.
2. Officers to liaise with the Political Group Offices on the establishment of a member steering group, if approved.

Contact officer: Louise Smith
Position: Senior Adviser
Phone no: 07464 652769
Email: louise.smith@local.gov.uk

Civility in Public Life

Background

1. The LGA has committed to a programme of work alongside colleagues in COSLA, NILGA and WLGA to promote civility in public life, positive debate and the wellbeing of elected members.
2. The LGA [report](#) establishing the programme identified the following purpose for the programme:
 - 2.1 to address the intimidation of local government members and officers
 - 2.2 to address standards of public discourse
 - 2.3 to address standards of political discourse and behaviour in public office
 - 2.4 to provide support and advice to councils and councillors
3. To date, the LGA has produced the following resources for councils and councillors to use:

Model Code of Conduct

- 3.1 A template for councils to adopt in whole and/or with local amendments.
- 3.2 Guidance for both councillors and officers has been commissioned to support adoption and implementation of the code. This will be published imminently.

Councillors' guide to handling intimidation [LGA and WLGA]

- 3.2 Practical steps to support councillors to keep themselves safe online and offline.

Digital citizenship [four nation]

- 3.3 Rules of engagement to set boundaries for online discussions and empower councillors to respond to abuse and intimidation online.
 - 3.4 Top tips for handling online abuse.
 - 3.5 A two-part guide to digital citizenship will be published in the Summer. Part one provides practical advice to councillors to support digital engagement, while part two considers research and international best practice in this area.
4. This work has received excellent feedback to date, with recognition that the LGA and colleagues in the devolved nations are leading the way in this field. We have also received anecdotal feedback that the rules of engagement in particular have supported councillors to feel empowered in their online communications.

Work Programme 2021/22

5. In developing the proposed work programme for 2021/22, officers have considered the [work programme agreed by members](#) in 2019 along with government activity for the coming year and feedback from representative bodies and stakeholders including the devolved nations, NALC and the Committee on Standards in Public Life.

6. This paper seeks feedback from members on the following proposal as to which areas to prioritise for the 2021/22 work programme:

6.1. Informal duty of care

(agreed in 2019 to investigate this as part of this programme)

Drawing on work already underway in Wales, this will seek to clarify what an informal duty of care by councils for councillors would look like and the impact this may have on councillor wellbeing. Subject to a good evidence base for this being a positive step, this piece of work will also include the development of guidance and resources to support councils to implement this informal duty of care.

6.2. Sanctions

We anticipate the launch of a consultation by MHCLG shortly on potential sanctions for breaches of the councillor code of conduct, and this issue was raised throughout the model code of conduct consultation. When the consultation is published, we will work with the Board and members to develop a view on its proposals, including consideration of how sanctions might work, the types of sanctions the LGA may support and the likely impact of these, along with alternatives to the use of sanctions where possible while ensuring high standards.

Further detail on this issue is outlined from Paragraph 9.

6.3. Code of conduct

Following the publication of guidance on use of the model code of conduct, we will engage with councils to identify whether any further support is needed to help them in adopting and implementing the code. The LGA has also committed to reviewing the model code of conduct annually.

6.4. Updated councillors' guide to handling intimidation

Feedback on our digital citizenship work has particularly focussed on the ease of use of the tools provided. The guide is currently 37 pages long and, as published in PDF form, difficult to navigate. It is also focussed on England and Wales due to the different legislation in Scotland and Northern Ireland. It would be helpful to review the guide to:

6.4.1. Improve accessibility

6.4.2. Encompass the four nations

- 6.4.3. Provide additional clarity on reporting online abuse to the police and how to deal with smear campaigns, which have both been raised repeatedly through consultations and stakeholder discussions.
7. In addition to the proposed specific areas of work above, the LGA will continue to engage with stakeholders on relevant initiatives, and seek good practice case studies to ensure the LGA remains at the forefront of this work and is in a strong position to support its member councils will influencing national policy.
8. The LGA will also respond to the Electoral Integrity Bill and the Online Safety Bill, which both impact on this programme of work.

Sanctions

9. The Committee on Standards in Public Life considered the sanctions available to manage behaviour and misconduct at the local council level as part of its report into [Local Government Ethical Standards](#) in 2019.
10. The report concluded that available sanctions, which relied on party discipline and public censure, were insufficient and made three recommendations:
 - 10.1. Councils to be given the power to suspend councillors without allowances for up to six months. As part of this recommendation, they suggested the current legislation should be amended so that s.85 of the Local Government Act 1972, which provides that a councillor ceases to be a member if they fail to attend a council meeting for six consecutive months, be suspended for the period of the sanction. The Committee suggested that such a sanction be used in rare circumstances for the most serious non-criminal offences.
 - 10.2. That the Government clarify whether councils can lawfully bar councillors from council premises and withdraw resources as alternative sanctions to suspension.
 - 10.3. That the current criminal offences for not disclosing pecuniary interests be abolished and dealt with under the standards regime. The committee's view was that the current arrangements were overly cumbersome, set a high standard of proof required to bring a prosecution, and that police were wary of taking on such cases due to the concerns about politically motivated allegations and the resource needed to investigate allegations fully.
11. In relation to administration of sanctions, the CSPL recommended that:
 - 11.1. Local authorities should be given the discretionary power to establish a decision-making standards committee with voting independent members and voting

members from dependent parishes, to decide on allegations and impose sanctions

- 11.2. Councillors should be given the right to appeal to the Local Government Ombudsman if their local authority imposes a period of suspension for breaching the code of conduct.
- 11.3. The Local Government Ombudsman should be given the power to investigate and decide upon an allegation of a code of conduct breach by a councillor, and the appropriate sanction, on appeal by a councillor who has had a suspension imposed. The Ombudsman's decision should be binding on the local authority.
- 11.4. The Local Government Transparency Code should be updated to require councils to publish annually: the number of code of conduct complaints they receive; what the complaints broadly relate to (e.g. bullying; conflict of interest); the outcome of those complaints, including if they are rejected as trivial or vexatious; and any sanctions applied.

12. We anticipate that the MHCLG consultation will consider these or similar suggestions and would be grateful for any initial comments by the Board. The Board's views will be sought on the full consultation when it is published.

Programme oversight

13. This paper also seeks approval for the establishment of a member steering group for this programme of work, to oversee the work and provide ongoing insight and commentary. It is proposed that this group is made up of one member from each political group, who will meet quarterly and provide feedback via email on emerging issues in the interim.
14. Formal reports and consultation responses will continue to be agreed by Executive Advisory Board.

Implications for Wales

15. We are working with colleagues in the Welsh LGA to ensure work is applicable across councils in England and Wales, subject to legislation.

Financial Implications

16. This work can be carried out within existing resources.

Next steps

17. Officers will take forward the Board's recommendations on the work programme, working with colleagues in the WLGA, COSLA and NILGA where appropriate.