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**Legal Services**

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Local Government Ethical Standards Review  
GC.07  
1 Horse Guards Road  
London  
SW1A 2HQ

**By post and email to:** [public@public-standards.gov.uk](mailto:public@public-standards.gov.uk)

Dear Sirs,

**Re: Local Government Ethical Standards - Stakeholder Consultation**

I write on behalf of the Standards Committee of Milton Keynes Council's (MKC) in response to the review of local government ethical standards by the Committee on Standards in Public Life which opened on 29 January 2018.

The Standards Committee would like to make a submission on the consultation as, following the introduction of the Localism Act 2011, MKC made the decision to retain the function of its Standard Committee. The Standards Committee believes that this has enabled MKC to promote and maintain high standards of conduct by its members and co-opted members, whilst also maintaining transparency and accountability of the standards process overall.

MKC has 57 elected Councillors and there are also a number of Co-Opted Members that sit on some Council Committees. Further, there are 40 Town, Parish and Community Councils in the Milton Keynes area and for which MKC is the principal authority under the Localism Act.

For ease of reference, each answer correlates with the lettered question contained in the consultation document.

- a. The Standards Committee's view is that the existing legislative structures, processes and practices currently in place provide an effective high level framework to ensure high standards of conduct by Councillors. Underneath that framework Councils have latitude to create their own code of conduct and local arrangements. At MKC we have recently reviewed our arrangements to make our process clearer and more streamlined for all parties.

- b. The Standards Committee agree that the most significant gap in the current ethical standards regime for local government is the ineffective sanctions against Councillors in breach of the code of conduct. Most Councillors adhere to and respect the code of conduct but when serious breaches occur there should be more effective sanctions available.

The majority of member complaints made in the Milton Keynes area are against parish Councillors. This may also be the case in other areas which are fully or heavily parished. It is often the case that a parish decision or incident can result in a number of complaints and cross-complaints. This can be a heavy pull on resources for the Monitoring Officer and her staff who have responsibility for conduct issues across all the parishes in the area. At the same time where relationships at parish level breakdown the standards regime is not usually the most effective process to resolve issues and satisfy the protagonists.

- c. MKC predominantly kept its pre-Localism Act 2011 code of conduct, as it covers an appropriate range of behaviours. The Monitoring Officer undertakes code of conduct training as part of new Councillor Induction as well as running other training sessions for MKC and Town/Parish Councillors.
- d. The Standards Committee agree that MKC's code of conduct is consistent with the Seven Principles of Public Life which is a good high level framework on which to base the code of conduct. It includes appropriate provision for registering and declaring Councillors' interests.
- e. The Standards Committee agree that allegations of Councillor Misconduct are investigated and decided fairly. An example of this is that the Council outsources all investigations into Councillor Misconduct to maintain due process. The legal requirements for the views of an Independent Person to be taken into account are welcomed by the Standards Committee as this adds further to the impartiality of the process.
- f. As mentioned earlier, the Standards Committee holds the view that the existing sanctions for Councillor Misconduct are insufficient. The focus of the current sanctions follows that of a 'name and shame' regime, rather than deterring future breaches of the code of conduct. Delegating further statutory powers to local authorities to impose stricter sanctions could strengthen its position and increase public confidence in the elected body of local government. We believe that local determination is always most effective, however acknowledge that this would need to be alongside additional safeguards to ensure no improper political influence, such as an independent appeals process.

At present, complainants and potential complainants are always surprised that more effective sanctions are not available for more serious breaches, for example, bullying, using your position to confer an advantage for yourself. The current sanctions for more serious breaches may not provide sufficient motivation to abide by the Code when a breach is so lightly treated.

- g. The Standards Committee believe that, although the existing arrangements to declare disclosable pecuniary interests are satisfactory and clearly set out in legislation and regulations, unfortunately the legislation did not deal with other types of interest and most Councils across the country have, as a result, felt the need, to include some provision about 'other types of interest'. This situation has been confusing for Councillors, officers and the public.
- h. The Council has procedures for whistleblowing which are considered to be effective.
- i. The Standards Committee agrees that local authorities are somewhat restricted in terms of the steps it can take to improve local government ethical standards without further statutory powers from central government.
- j. As per above, further statutory functions, such as the power to impose more strict sanctions on Councillors who seriously breach the code of conduct, is a key step central government could take to improve local government ethical standards.
- k. No comment on intimidation towards local Councillors.

Thank you for taking the time to considering MKC's response to the consultation. On behalf of MKC, we do hope it makes a positive contribution to the review of local government ethical standards.

Yours sincerely,

**Councillor Ric Brackenbury**  
Chair, Standards Committee