



Subject:	Local Government Commissioner for Standards Annual Report 2022/23
Date:	21 June 2024
Reporting Officer:	Nora Largey, City Solicitor and Director of Legal and Civic Services
Contact Officer:	Russell Connelly, Policy, Research and Compliance Officer

Restricted Reports	
Is this report restricted?	Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>
Please indicate the description, as listed in Schedule 6, of the exempt information by virtue of which the council has deemed this report restricted.	
Insert number <input type="checkbox"/>	
<ol style="list-style-type: none">1. Information relating to any individual2. Information likely to reveal the identity of an individual3. Information relating to the financial or business affairs of any particular person (including the council holding that information)4. Information in connection with any labour relations matter5. Information in relation to which a claim to legal professional privilege could be maintained6. Information showing that the council proposes to (a) to give a notice imposing restrictions on a person; or (b) to make an order or direction7. Information on any action in relation to the prevention, investigation or prosecution of crime	
If Yes, when will the report become unrestricted?	
After Committee Decision	<input type="checkbox"/>
After Council Decision	<input type="checkbox"/>
Sometime in the future	<input type="checkbox"/>
Never	<input type="checkbox"/>

Call-in	
Is the decision eligible for Call-in?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>

1.0	Purpose of Report/Summary of Main Issues
1.1	The purpose of this report is to bring the Local Government Commissioner for Standards Annual Report 2022/23 to the attention of Members.

2.0	Recommendation
2.1	<p>The Committee is asked to:</p> <ul style="list-style-type: none"> • Note the Annual Report attached at Appendix 2 and the summary of the findings provided below.
3.0	Main Report
3.1	<p><u>Background</u></p> <p>The Northern Ireland Local Government Commissioner for Standards, Margaret Kelly, has written to the Council providing a copy of the Annual Report for the 2022/23 financial year and has asked that the report is brought to the attention of elected representatives.</p> <p>The Commissioner has indicated that they are pleased to note improved performance and in particular:</p> <ol style="list-style-type: none"> a. Key performance Indicators for both the assessment and investigation of allegations met. b. More decisions taken earlier in their case handling process. c. A reduction in the number of allegations carried forward into 2023/24. d. As of year end 23/24 any outstanding older cases now closed or in adjudication. <p>NIPSO staff undertook a number of surveys to assist with work in improving standards in public life. The surveys were issued to Councillors, Council Chief Executives and other senior council staff and those who made allegations that a councillor may have breached the code of conduct.</p> <p>Work is now underway to develop new resources and updated guidance to help improve councillors understanding their obligations as set out in the code of conduct.</p> <p>3.2 <u>Summary of Report</u></p> <p>The Commissioner has put in place a four-stage process for dealing with written allegations against a councillor to ensure a proportionate use of resources.</p> <p>Where there is insufficient evidence of a breach of the Code, cases may be closed at either the assessment or investigation stage. In cases where an investigation indicates that there may have been a breach of the Code alternatives to an adjudication are considered prior to referring a case to the Commissioner.</p> <p>The Commissioner has no role in the investigation of complaints and exercises her role separate to that of the investigation function, which is delegated to the Local Government Ethical Standards team. The separation between the investigation and adjudication functions</p>

ensures that should a case be referred to the Commissioner and she accepts it, that the issues raised as part of the investigation report are considered fairly and independently.

Only the Commissioner, after an Adjudication, can decide whether there has been a breach. This report covers both the investigation and adjudication functions.

3.3 Investigations

In 2022-23 the number of allegations raised against councillors remained broadly in line with the long-term trend. There were 45 written allegations that councillors may have breached rules within the Code of Conduct in 2022-23 compared to 42 written allegations received in 2021-22.

A total of 63 allegations were determined in year. The breakdown of the stage of closure was as follows:

- 14 were closed at the Initial Assessment Stage, which looks at whether the allegations relate to conduct covered by the Code.
- 16 were closed at the Assessment Stage which looks at whether there is evidence of conduct which, if proven, indicates a breach of the Code.
- 29 were closed at the Investigation Stage, where it was decided that there was no evidence of any failure to comply with the Code.
- 4 cases were closed by Alternative Action.
- In addition 4 cases were referred to the Commissioner with a request that she consider an Adjudication on the issues raised.
- In Belfast City Council, just 5 written allegations were received during the past 3 years.

Written Allegations Received by Council Area

	2022-23	2021-22	2020-21
Antrim & Newtownabbey Borough Council	4	6	4
Mid and East Antrim Council	12	17	6
Armagh City, Banbridge and Craigavon Borough Council	0	1	2
Belfast City Council	2	0	3
Causeway Coast and Glens Council	1	2	17
Derry and Strabane Council	0	0	2
Fermanagh and Omagh Council	8	6	11
Mid Ulster Council	2	1	2
Newry, Mourne and Down Council	14	5	1
Ards and North Down Council	0	0	0
Lisburn and Castlereagh Council	2	4	0
Total	45	42	48

3.4	<p><u>Issues Raised</u></p> <p>The largest area of concern raised in the allegations received related to the behaviour of councillors towards others.</p> <p>A total of 26 issues were raised about councillors' behaviour. This compared to 29 issues about behaviour towards others being raised in 2021-22.</p> <p>The standards of behaviour towards others are covered in Section 4.13 of the Code, which states that councillors must:</p> <ul style="list-style-type: none"> (a) Show respect and consideration for others; (b) Not use bullying behaviour or harass any person; and (c) Not do anything which compromises, or which is likely to compromise the impartiality of those who work for, or on behalf of, the council. <p>Politics at a local level can lead to robust debate and the Code of Conduct does not prevent this, however there is an expectation that debates are respectful and should focus on the issues and not involve comments regarding political opponents.</p> <p>Concerns raised about the behaviour of councillors include comments made both at council meetings and on social media.</p> <p>The second largest area of concern (21 complaints) raised in the allegations related to the sections of the Code of Conduct relating to obligations as a councillor. This section requires councillors to act lawfully, in accordance with the Code, and not to act in a manner which could bring their position as a councillor, or their council, into disrepute.</p> <p>Other issues of concern related to use of position (6 complaints), issues around disclosure and declaration of interests, issues related to planning, and decision making. It should be remembered that more than one person may make the same or similar complaint, and a complainant may allege that more than one area of the code has been breached.</p> <p><u>Financial and Resource Implications</u></p>
3.5	<p>There are no financial or resource implications connected to this report.</p>
3.6	<p><u>Equality or Good Relations Implications/Rural Needs Assessment</u></p> <p>There are no equality, good relations or rural needs implications connected to this report</p>
4.0	<p>Appendices - Documents Attached</p> <p>Appendix 1 – Letter from the Local Government Commissioner for Standards</p> <p>Appendix 2 – Local Government Commissioner for Standards Annual Report 2022-23</p>

