

Standards Committee

11 November 2013

Committee on Standards in Public Life – Annual Report 2012/13



Report of Colette Longbottom, Head of Legal and Democratic Services

Purpose of the Report

1. To inform members about the Annual Report which has been published by the Committee on Standards in Public Life.

Background

2. The Committee on Standards in Public Life ("CSPL") has wide terms of reference, namely;
"To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life and to review issues in relation to the funding of public parties, and to make recommendations as to any changes in present arrangements".
3. The CSPL has recently published its annual report for 2012/13 and a copy is attached at Appendix 2. The Report includes a section in relation to Local Government Standards at pages 14 to 16.

Local Government Standards

4. The new local government standards regime came into effect on 1 July 2012. Whilst the CSPL recognises that the new system introduced under the Localism Act 2011 needs time to properly bed in, the CSPL does have certain concerns;

Its operation in local authorities where leadership is inadequate

Due to the local ownership of standards, CSPL expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide the necessary leadership and example and that it is likely to do less well where such leadership is inadequate.

The lack of meaningful sanctions

Under the previous arrangements members could be suspended for varying periods of time as a sanction against poor behavior and this sanction was applied on occasions by the Council. The only sanctions now available, apart from through the use of a political party's internal discipline procedures are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. The CSPL does not think that the sanctions available now are sufficient.

The weakness of the "independent person" arrangements

Under the previous arrangements allegations about poor behavior were determined by Standards Committees independently chaired by individuals who were not members of the Local Authority. The CSPL doubts that the new arrangements to appoint at least one independent member whose views the local authority will seek, and take into account before making its decision on an allegation it has decided to investigate, will be sufficient to provide an assurance that justice is being done and seen to be done.

The lack of time that was available for transition to the new system

The CSPL wrote to all local authorities in England in early June 2012, to ask about their preparations for implementing the new regime which came into force on 1 July 2012, and was concerned that so late in the day, nearly half of those who responded had yet to adopt a new Code of Conduct and around four fifths had yet to appoint an independent person. The CSPL believes that the fact that the Regulations and Order which took effect from 1 July were only laid on 6 June cannot have helped their preparations.

5. The CSPL will continue to monitor the implementation and effectiveness of the new regime, particularly in relation to public confidence that any wrongdoing is tackled promptly and transparently in the absence of any external investigation and scrutiny.

Recommendations and Reasons

6. Standards Committee is invited to note the content of this report.

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