

Report of the City Solicitor

Report to the Standards and Conduct Committee

Date: 29th November 2013

Subject: Committee on Standards in Public Life: Annual Report 2012-13

Are specific electoral Wards affected? If relevant, name(s) of Ward(s): n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Are there implications for equality and diversity and cohesion and integration?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the decision eligible for Call-In?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the report contain confidential or exempt information? If relevant, Access to Information Procedure Rule number: n/a Appendix number: n/a	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

1 Purpose of this report

1.1 The purpose of this report is to present the Standards and Conduct Committee with the Committee on Standards in Public Life (CPSL) annual report for 2012/13.

2 Background information

2.1 The CSPL published its annual report for 2012/13 in August 2013 and the report provides an overview of that Committee's activities over the course of the financial year 2012/13. A copy of the report is presented at appendix one.

3 Main issues

3.1 The report includes a review of ethics and best practice, details of the committee's fifth biennial survey of public attitudes to conduct in public life, the Triennial Review of the Committee and a foreword from the incoming Chair, Lord Bew. The report also registers what the committee consider to be the current risks to standards in public life.

3.2 The Committee on Standards in Public Life has wide terms of reference.

"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 political parties, and to make recommendations as to any changes in present arrangements."

- 3.3 CSPL fulfils this role partly through its formal inquiries. In addition, they routinely monitor and consider issues and concerns relating to standards in public life, track public perception of standards of conduct of public office holders and seek to promote the Seven Principles of Public Life. The CSPL contribute to public policy development through meetings, seminars, research, speaking engagements, and by responding to consultation papers on relevant issues.
- 3.4 Of particular interest to Standards and Conduct Committee is likely to be the local government section of the CSPL report - this is extracted from pages 14-16 of the CSPL report and set out below for Members' ease of reference.

“Local government standards

Under the Localism Act 2011 the new local government standards regime came into effect on 1 July 2012. The CSPL welcomed the introduction of a mandatory requirement for local authorities to adopt a local code of conduct based on the Seven Principles of Public Life and the intention to encourage a greater sense of local responsibility for standards and to reduce the number of vexatious complaints.

While the CSPL recognise that the new system needs time to properly bed in, they do, however, have certain concerns:

- (a) Due to the emphasis on local ownership of standards they would 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. It is likely to do less well where such leadership is inadequate. History suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit-for-tat accusations or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.
- (b) Under the previous arrangements local authorities and an independent tribunal had the power to suspend members for varying periods of time as a sanction against poor behaviour. 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 do not think these are sufficient. The last few years have seen a number of examples of inappropriate behaviour which would not pass the strict tests required to warrant a criminal prosecution, but which deserves a sanction stronger than simple censure. While censure may carry opprobrium in the political arena it is often considered unacceptably lenient by the public relative to other areas of their experience. Coercion of other members or officers is one category of offence with which it will be difficult to deal adequately under the new arrangements.

- (c) Under the previous arrangements allegations about poor behaviour were determined by standards committees that were independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must appoint at least one independent person whose views it will seek, and take into account, before making its decision on an allegation that it has decided to investigate. The CSPL doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.
- (d) In the transition to the new system local authorities may have lacked proper time to prepare. In early June 2012 we wrote to all local authorities in England to ask about their preparations for implementing the new regime which came into force on 1 July 2012. The CSPL was concerned that so late in the day, nearly half of those who responded had yet to adopt a new code and around four fifths had yet to appoint an independent person. The fact that the Regulations and Order which took effect from 1 July were laid only on 6 June cannot have helped the local authorities' preparations.

While inevitably there have been various teething problems with the new regime, the CSPL will continue to monitor the implementation and its effectiveness, particularly in relation to public confidence that any wrongdoing is tackled promptly and transparently in the absence of any external investigation and scrutiny.”

- 3.5 Whilst this report is for discussion and information only, the CSPL have commented that they would welcome any comment or feedback from standards committees on the concerns which the CSPL have set out.

4 Corporate Considerations

4.1 Consultation and Engagement

- 4.1.1 This report simply presents to Members the Committee on Standards in Public Life's annual report – as such no consultation or engagement has been undertaken

4.2 Equality and Diversity / Cohesion and Integration

- 4.2.1 There are no issues for equality and diversity or cohesion and integration.

4.3 Council policies and City Priorities

- 4.3.1 The Council has adopted arrangements that are in accordance with the provisions of the Localism Act.

4.4 Resources and value for money

- 4.4.1 There are no resource implications arising from this report.

4.5 Legal Implications, Access to Information and Call In

- 4.5.1 It is the duty of the Standards and Conduct Committee to promote and maintain high standards of conduct amongst Leeds City Councillors.

4.6 Risk Management

- 4.6.1 The Monitoring Officer has considered the information above and does not consider that there are any issues raised by the CSPL that require intervention within this authority.

5 Recommendations

- 5.1 Members of the Standards and Conduct Committee are asked to consider the information set out in this report.

6 Background documents¹

- 6.1 None.

¹ The background documents listed in this section are available to download from the Council's website, unless they contain confidential or exempt information. The list of background documents does not include published works.