
20th February 2014

Ethics Committee

Executive Director Approving Submission of the report:
Executive Director, Resources

Ward(s) affected:
None

Title:
Standards in Public Life

Is this a key decision?
No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2012-2013 of the Committee on Standards in Public Life to inform the Ethics Committee of relevant matters of concern in their work area on a national level.

Recommendations:

The Ethics Committee is recommended to

- 1.1 note the content of the report;
- 1.2 direct the Assistant Director, Legal and Democratic Services to continue to monitor the national picture as regards standards and report back on any issue which may be of significance to the Council on a local level.

List of Appendices included:

The Annual Report of the Committee on Standards in Public Life 2012-2013

Other useful background papers:

The Fourteenth report, Standards matter; A review of best practice in promoting good behaviour in public life – available at <http://www.public-standards.gov.uk>

Report of the Triennial review of the Committee on Standards in Public Life- available at <https://www.gov.uk/government/publications/committee-on-standards-in-public-life-triennial-review>

The Fifth Biennial Survey key findings document – available on <http://www.publicstandards.gov.uk/our-work/public-attitude-surveys>

Has it been or will it be considered by Scrutiny?

No

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No

Will this report go to Council?

No

1. Context (or background)

1.1 The Committee on Standards in Public Life ('the Committee') was set up in 1995 and its current terms of reference are 'to examine current concerns about standards of conduct of all holders of public office.... and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life....'.

Whilst it is a national body, having an overarching concern about public standards, its views and recommendations can be taken in account by local government and other organisations delivering public services when designing, implementing and monitoring their own ethical standards regime. The Committee has undertaken and been involved in 3 key pieces of work in their financial year 2012-2013 (to which this report relates)

- the production of the Fourteenth Report 'Standards matter: A review of best practice in promoting good behaviour in public life',
- participating in the Government's triennial review of the function and work of the Committee
- undertaking the fifth biennial survey of public attitudes to conduct in public life

This report focuses on those elements of the first piece of work, as well as setting out those matters raised in the Annual Report 2012-2013 ('the Annual Report'), which relate specifically to local government standards.

2. Options considered and recommended proposal

2.1 The Committee's main work this year has been the production of its Fourteenth Report, reflecting on the all the work the Committee had undertaken since 1995. An integral part of this was to look again at the Nolan Principles, first established in the Committee's First Report, and to try to determine to what extent these were understood and were of modern day relevance. The Committee concluded that whilst some of the Seven Principles were widely understood and resonated closely with public expectations, the principles as a whole were not being upheld and implemented in the day to day business of many organisations.

As a result of this finding, the Committee has concluded that the Seven Principles should be retained as they are, but the descriptors attached to each one should be clarified and an explanatory preamble added. This amended version appears at the start of the Annual Report which is attached as Appendix 1 to this report. The Seven Principles are already part of the Council's Code of Conduct for Elected Members, and whilst the views of the Committee are to be noted, it is considered that the current version of the Code of Conduct does not need revising to take account of the recommendations in the Annual Report.

2.2 The Committee concluded that whilst procedures and policies are in place in many organisations to support high standards of conduct, these are not uniformly upheld and in particular are not yet accepted and understood as matters of personal integrity and responsibility. It suggests a number of ways of achieving change to improve understanding and more importantly compliance with ethical behaviour. These include self measurement against best practice as a matter of routine, inclusion of reports of ethical behaviour in

practice as regular items of board agendas, development of ethical frameworks wherever public services are being delivered and robust investigation to deal with wrong doing.

- 2.3 In its Strategic Plan for 2012-2015 the Committee identified priority areas for future investigation. This included a review to follow up a previous inquiry as to how the new system introduced by the Localism Act 2011 was being implemented and whether it was delivering its objectives. The Committee considered that the local ownership element of the new standards regime would be highly dependant on local leadership and example, and where the political landscape locally was not balanced; there would be more likelihood of ineffective regimes. The Committee also expressed concern about the lack of effective sanctions where poor behaviour had been detected; censure and criminal prosecution for failing to declare a relevant interest were regarded as being insufficient. Whilst the Committee recognised that a political party's internal disciplinary procedure could still be applied and may have some effect on the elected member, it concluded that this method of punishing poor ethical behaviour, along with only two other sanctions, were not transparent enough for the public to have confidence in new local arrangements. Additionally the Committee felt the new local regimes whereby an independent person's views were taken in account, but were not determinative of poor ethical behaviour, compared badly with the previous framework whereby allegations were dealt with by standards committees independently chaired by persons not elected.
- 2.4 As a result of these concerns, the Committee has identified local government standards as one of its twelve outstanding risk areas, which need to be actively addressed to avoid further damage to public confidence. The Committee has stated its intention to keep a watching brief over the impact of the new local regime, and to investigate further if it considered it necessary.
- 2.5 At this stage, it is not recommended that the Ethics Committee take any action as a result of the Annual Report, as it is considered to be indicative of a national picture and reflects known concerns with regard to the Governments' new local regime. However the Ethics Committee could direct the Assistant Director, Legal and Democratic Services to continue to monitor the work of the Committee and report back on any developments which may be of significance to the Council.

3. Results of consultation undertaken

- 3.1 There has been no consultation as there is no proposal to implement at this stage which would require a consultation.

4. Timetable for implementing this decision

- 4.1 Not Applicable

5. Comments from Executive Director, Resources

5.1 Financial implications

There are no specific financial implications arising from the recommendations within this report.

5.2 Legal implications

The Council's current standards regime complies fully with the Localism Act 2011. However, the implications of the Annual Report are that the Ethics Committee may wish to consider a review of how the Code of Conduct is operating at local level, with a view to providing information to the Committee on Standards in Public Life and/or further making

recommendations to Full Council about changes to the Complaints Protocol or Code of Conduct.

6. Other implications

None

6.1 How will this contribute to achievement of the Council's key objectives / corporate priorities (corporate plan/scorecard) / organisational blueprint / Local Area Agreement (or Coventry Sustainable Community Strategy)?

Not applicable.

6.2 How is risk being managed?

There is no direct risk to the organisation as a result of the contents of this report, but the Ethics Committee may wish to consider the wider impact of the damage to public confidence in the elected membership of the Council if the ethical standards framework is not perceived as transparent and effective.

6.3 What is the impact on the organisation?

There is no immediate impact on the organisation, but this may be reviewed in future should the Ethics Committee wish to engage further with the Committee on Standards in Public Life as a formal exercise.

6.4 Equalities / EIA

There are no public sector equality duties which are of relevance at this stage.

6.5 Implications for (or impact on) the environment

None

6.6 Implications for partner organisations?

None

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Appendix 1

Annual Report 2012-2013