
9 December 2016

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Executive Director, Resources

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2015-16

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2015-2016 of the Committee on Standards in Public Life and 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) note the content of the report and consider any points upon which it may wish to take action; and
- (2) request the Acting Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level including the proposed review of local authority standards by the Committee for Standards in Public Life.

List of Appendices included:

None

Other useful background papers:

Annual Report of the Committee on Standards in Public Life 2015/16:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/543819/CSPL_Annual_Report_2015-2015.pdf

Sixteenth Report of the Committee on Standards in Public Life:- Striking the Balance: Upholding the Seven Principles of Public Life in Regulation:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/554817/Striking_the_Balance_web_-_v3_220916.pdf

Ethical Standards for Providers of Public Services-Guidance:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/481535/6.1291_CO_LAL_Ethical_standards_of_public_life_report_Interactive_2_.pdf

Fifteenth Report of the Committee on Standards in Public Life:- Tone from the Top: Leadership, ethics and accountability in policing.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/439208/Tone_from_the_top_-_CSPL.pdf

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

Report title: Committee on Standards in Public Life: Annual Report 2015-16

1. Context (or background)

1.1 The Committee on Standards in Public Life ('the CSPL') was set up in 1995. It monitors, reports and makes recommendations on all issues relating to standards in public life. This includes not only the standards of conduct of holders of public office, but all those involved in the delivery of public services. Its purpose is to help promote and maintain ethical standards in public life and thereby to protect the public interest through:

- monitoring standards issues and risks across the United Kingdom (by invitation in the devolved areas);
- conducting inquiries and reviews and making practical and proportional recommendations that are generally implemented;
- researching public perceptions on standards issues relating to specific areas of concern, and also over time.

Its terms of reference make it clear that it encompasses all involved in the delivery of public services, not solely those appointed or elected to public office.

1.2 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 CSPL has undertaken and been involved in 3 key pieces of work in their financial year 2015-2016 (to which this report relates):

- A review of how regulators seek to uphold the Seven Principles of Public Life
- Provision of online guidance on ethical standards for providers of public services
- An inquiry into police accountability

The CSPL has also published its Forward Plan for 2016/17.

1.3 This report gives a very brief overview of the main areas of work of the CSPL as well as setting out those matters raised in the Annual Report 2015-2016 ('the Annual Report') which relate specifically to local government standards.

2 Options considered and recommended proposal

2.1 *Ethics for Regulators*

2.1.1 The CSPL carried out a review of how the Seven Principles of Public Life are being upheld in organisations which regulate a range of sectors and professions in the United Kingdom. The final report was published in September 2016, after the Annual Report.

2.1.2 The review reflects the CSPL's fundamental belief that a regulatory body should conduct itself in ways which are – and are seen to be – ethically acceptable. There is huge disparity between regulators, both in terms of size, statutory powers and governance as well as standards of practice. All, however, need to maintain their integrity through independence, both from government and those they regulate.

2.1.3 The CSPL made a number of recommendations for best practice in six key areas. Set out below are a selection of the recommendations. The full set of recommendations can be viewed at paragraphs 9 to 30 of the report.

2.2 Ethical Standards for Providers of Public Services Guidance: Follow Up

In December 2015 the CSPL published an online guide for providers of public services, whether outsourced or in-house to promote high ethical standards. The guide followed an earlier report that it had produced which established the importance of common standards for everyone delivering public services.

2.3 Police Accountability

2.3.1 In June 2015, the CSPL produced its report “Tone from the Top—Leadership, Ethics and Accountability in Policing”. It found that public experience of core policing values is generally positive. Most respondents thought senior police officers could be trusted to tell the truth and that they would be treated fairly when reporting as a victim of crime. Although most people felt that the police are held to account for their actions, many were unclear who to complain to about problems with local policing and thought that local people did not have a say in how the police spent their time and budget.

2.3.2 While the CSPL found plenty of evidence of good practice, it also identified what it considered to be significant standards risks including:

- confusion amongst the public and the participants about roles and responsibilities, especially in relation to where operational independence and governance oversight begin and end;
- a significant absence of a clear process to take action against a Police and Crime Commissioner whose conduct falls below the standards expected of public office holders;
- concerns about the robustness of current selection processes for chief officers;
- barriers to the effective operation of Police and Crime Panels as scrutinisers including support, resources and the consistency and credibility of representative membership;
- a lack of timely and accessible information being provided to Police and Crime Panels by PCCs affecting the Panels’ ability to scrutinise and support the PCC;
- potential for high risk conflict of interests in roles jointly appointed by PCCs and Chief Constables (which although relatively rare, may increase in number) and risks inherent in the combined role of Chief Executive and Monitoring Officer to the PCC.

2.3.3 The CSPL made a number of key recommendations including:

- an urgent review should be conducted by the Home Office of powers to take action against a PCC;
- PCCs’ responsibility for holding Chief Constables to account on behalf of the public should explicitly include holding the Chief Constable to account for promoting ethical behaviour and embedding the College of Policing’s Code of Ethics. Each PCC’s Police and Crime Plan should set out how they intend to do this, and their Annual Report should show delivery against the objectives set out in the plan.
- Appointment procedures for the PCC’s office should be open and transparent.
- Police and Crime Panels should produce a forward plan of work specifying, as appropriate, the information required from PCCs in order for them to carry out their work.
- There should be a national code of conduct for PCCs and their deputies.

- There should be a memorandum of understanding between the PCC and Chief Constable to include working arrangements, recognition of the role of statutory officers and a supporting statutory officer protocol.
- National guidance should be developed on the meaning of a decision of 'significant public interest', so that it is better understood when PCCs should publish records of such decisions.

The full set of recommendations is set out at pages 12 to 15 of the report.

2.3.4 The recommendation by the CSPL that there should be a memorandum of understanding between PCCs and their Chief Constables and a statutory officer protocol, supports this Committee's decision to produce a draft Member/Officer Protocol and Monitoring Officer Protocol for consideration by Council.

2.4 *Local Government Standards*

2.4.1 The CSPL has maintained a watching brief on ethical standards in local authorities for a number of years and has been particularly concerned about the lack of effective sanctions under the current standards regime introduced in 2012. It regularly receives correspondence on the issue of ethical standards in local government, at both officer and elected member level. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall.

2.4.2 The CSPL therefore intends to undertake a review to clarify the topics of substantive concern, research the underlying causes and to identify best practice in well-governed authorities. This work will straddle the CSPL's work programme for 2016/17 and 2017/18. The Acting Monitoring Officer will report back to the Committee on progress on this review.

2.5 *Recommendations*

The Ethics Committee is recommended to

- (1) note the content of the report and consider any points upon which it may wish to take action; and
- (2) request the Acting Monitoring Officer to continue to monitor the national picture as regards standards and report back on any issue which may be of relevance to the Council on a local level including the proposed review of local authority standards by the Committee for Standards in Public Life.

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 continue to monitor how the Code of Conduct is operating at local level.

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.

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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