
10 January 2019

Name of Cabinet Member:

N/A- Ethics Committee

Director Approving Submission of the report:

Director of Finance and Corporate Services

Ward(s) affected:

None

Title:

Committee on Standards in Public Life: Annual Report for 2017-18

Is this a key decision?

No

Executive Summary:

This report is to outline the matters raised in the Annual Report for 2017-2018 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 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:

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 2017-18

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 into 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 4 key pieces of work in their financial year 2017-2018 (to which this report relates):

- A review of intimidation in public life with particular reference to the experience of Parliamentary candidates at the 2017 General Election
- MPs' outside interests
- The continuing importance of Ethical Standards for public service providers
- Local Government Ethical Standards

The CSPL maintained a watching brief on harassment at Westminster, party funding, conduct of referendums and public appointments. It has also published its Forward Plan for 2018/19.

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 2017-2018 ('the Annual Report') which relate specifically to local government standards.

2 Options considered and recommended proposal

2.1 *Intimidation in Public Life—A Review by the Committee on Standards in Public Life*

2.1.1 The CSPL was invited in July 2017 by the Prime Minister to carry out a review of intimidation in public life, with particular reference to the experience of Parliamentary candidates at the 2017 General Election. The final report was published in December 2017.

- 2.1.2 The Committee concluded that a significant number of Parliamentary candidates had experienced intimidation at the 2017 General Election, and that intimidation was already affecting other public office-holders and having a wider effect on public life. It looked specifically at the role of social media; political parties; law, policing and prosecution; and the wider responsibility of those in public life.
- 2.1.3 The report made 33 recommendations to government, social media companies, political parties, press organisations, MPs, candidates and other public office-holders. The Government responded formally to the report on 7 March 2018 committing to action on most of the recommendations made to government.

2.2 The Continuing Importance of Ethical Standards for Public Service Providers

- 2.2.1 The Committee's remit was expanded in 2013 to include those private companies providing public services. As a result the Committee produced a report in 2014 and guidance in 2015 on Ethical Standards for Public Service Providers.
- 2.2.2 With the increase in public expenditure on outsourcing since 2014, the Committee decided in 2017 to return to the issue to see what, if any progress, had been made in the intervening three years. In preparing its follow-up report, they heard again from many of the organisations they met in 2014. Overall, they held 14 meetings with organisations on both the commissioning and service provider sides of contracts and also with those organisations well placed to assess progress on ethical service delivery.
- 2.2.3 The Committee has said that the failure of Carillion early in 2018, one of the largest providers of public services to both central and local government, and the public outcry around this failure, serves to highlight the fundamental importance of companies and governments paying attention to ethical standards of those who provide services funded by the taxpayer.
- 2.2.4 The follow-up report on this issue, published in May 2018, considered the developments in best practice and the wider environment in which public service delivery is evolving and actions taken in respect of the 2014 report. The CSPL made 12 new recommendations; and reflected on the potential ethical tensions that are present and on the horizon. The Committee remains concerned over the lack of internal governance and leadership of these areas in departments with significant public service contracts and made a number of recommendations to departmental boards and Permanent Secretaries; the Government Chief Commercial Officer; professional bodies; and public service providers themselves on how they might better reinforce ethical standards in outsourcing.

2.3 MPs' Outside Interests

- 2.3.1 After maintaining a watching brief on matters surrounding parliamentary standards for many years, in March 2017 the Committee launched a short review on the subject of MPs' outside interests. There had been intense media interest in the issue of MPs' outside interests triggered by the former Chancellor of the Exchequer's outside interests at the time that he was still an MP.

2.3.2 In 2009, the CSPL had recommended that MPs should not be prohibited from paid employment provided that it remained within reasonable limits and was transparent. The Committee decided to see the extent to which this compromise that it recommended had been put into operation, and if there was a need to explore further and elaborate what is meant by “reasonable limits”. The review was paused twice, once when the 2017 General Election was called, and again when the Government asked it to conduct the urgent review into intimidation in public life. The report was finally published in July 2018.

2.3.3 The Committee recognised that MPs need the flexibility to perform their roles in the way they choose and that Parliament needs to attract a wide range of people from different backgrounds and professions. But it also felt that the public needs assurance that processes are in place to mitigate the potential for undue influence on our political system. The Committee therefore recommended a package of important reforms directed towards Parliament and Government, and in particular the Parliamentary Commissioner for Standards and the Commons Committee on Standards. These are the bodies responsible for reviewing the Code of Conduct for MPs.

2.3.4 The recommendations are intended to ensure that MPs’ outside interests remain within reasonable limits and that any outside roles, whether or not they are paid, do not prevent MPs from undertaking the range of duties expected of them in their primary role as an MP. The CSPL also recommended greater transparency – the need for a more accessible, searchable and usable Register of Members’ Financial Interests; and that the rules of lobbying should be made clearer.

2.4 *Local Government Ethical 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. Ethics Committee is aware that the CSPL launched a review of ethical standards in local government and indeed made its own representations to the Committee.

2.4.2 The review is considering the structures, processes, and practices for local government standards in England, including codes of conduct, sanctions, investigatory processes and the roles of Monitoring Officers, Clerks, and Independent Persons. The Committee has received 316 submissions in response to its consultation.

2.4.3 The Committee has a planned programme of visits to a selected range of local councils where it will be talking directly to councillors. It expects to publish the report by December 2018.

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 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.

2 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 Director of Finance and Corporate Services

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 review into local government standards progresses.

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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