

The Committee for Standards in Public Life has placed the post-Localism Act local government standards regime on a 'watching brief' saying the lack of available sanctions and independent scrutiny risked damaging public confidence in the probity of local government.

In its review of best practice in the public sector, Standards Matter, the committee said that while it supported the principle of devolved responsibility for standards, the absence of these features meant that some local authorities were at risk of failing to bring their members to account. It said that it would keep an eye on developments and investigate the effectiveness of the regime if that became necessary.

The committee's report highlighted authorities with a single dominant political party in control and rural authorities with a high proportion of independent members as being at the highest risk of member misbehaviour.

The report said: "Prime responsibility for maintaining high standards of behaviour must always lie with individuals and organisations, not with external regulation. We welcome therefore the intention behind the Localism Act 2011 to encourage a greater sense of local responsibility for standards and to address some of the more vexatious and disproportionate aspects of the local government standards regime.

"[However] we have other concerns about the new arrangements which apply even in those authorities where strong leadership on standards does exist. The first is that under the previous arrangements local authorities 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 party discipline, are censure or criminal prosecution for deliberately withholding or misrepresenting a financial interest. We 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. Bullying of other members or officers is one category of offence which will be difficult to deal with adequately under the new arrangements. "

The report expressed concern that the provisions for external involvement in the member disciplinary process. Prior to the Localism Act, standards committees were independently chaired by individuals who were not themselves members of the local authority. Since the Localism Act came into force, local authorities are now only required to 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.

“We doubt that this will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.” the committee said. “Where powers to regulate standards are devolved to promote local responsibility and leadership, care should always be taken to ensure that there is independent scrutiny, that the results of such scrutiny are made publicly available and that those who have responsibility for imposing sanctions have adequate legal or other powers to do so.”

The Committee for Standards in Public Life also identified a growing “generic” risk to public probity created by new governance arrangements, such as elected mayors and elected police and crime commissioners, and new models of service delivery, such as academy schools and the outsourcing of public services. It urged the commissioners of outsourced services to put ethical issues at the top of the agenda when designing and procuring new providers.

“Some of these new ways of working will entail services being delivered by people not previously involved in public service, or in different roles from those they previously occupied,” the report said. “Public servants designing and commissioning services should, in a consistent and proportionate way, address ethical issues throughout the procurement process. Contractors and others should acknowledge the particular responsibilities they bear when delivering public services, paid for by public money, to individuals who may not have the choice of going elsewhere.”

In general, the committee concluded that while the infrastructure to support high standards in the UK has developed considerably since 1995 when the Committee published its first report, this had not been accompanied by an improvement in public confidence. “Instead there has been a significant and consistent decline in levels of public trust and confidence in the integrity of public office-holders and institutions,” the report concluded.

A full copy of the report can be downloaded from the following link: http://www.public-standards.org.uk/Library/Standards_Matter.pdf