

TONBRIDGE & MALLING BOROUGH COUNCIL

JOINT STANDARDS COMMITTEE

11 FEBRUARY 2014

Report of the Director of Central Services & Monitoring Officer

Part 1- Public

For Information

1 STANDARDS IN PUBLIC LIFE

1.1 Introduction

1.1.1 The Localism Act 2011 made fundamental changes to the system of regulation of standards of conduct for elected and co-opted Councillors. The changes to the local government standards regime brought about by the 2011 Act came into force on 1 July 2012.

1.1.2 By way of reflection on the operation on the new provisions, this report updates Members on the reaction to the new standards regime from the Committee on Standards in Public Life, together with the results of a survey conducted by Lawyers in Local Government.

1.2 Committee on Standards in Public Life

1.2.1 The role of the Committee on Standards in Public Life is to examine concerns about the standards of conduct of public office holders and to recommend any changes that might be required to ensure the highest standards of conduct are maintained. The Committee was created in 1994 in response to a number of allegations of 'sleaze' or corrupt practices. It exists as an advisory committee to the Prime Minister on standards issues, and has no sanctions at its disposal.

1.2.2 In its annual report for 2012/13, the Committee set out its views on the effectiveness of the new standards regime. An extract of the relevant section of the report is included at **Annex 1**. For the benefit of Members the key points of the report relating to local government standards are set out below -

- (a) The Committee welcomed the introduction of a mandatory requirement for local authorities to adopt a local code of conduct based upon 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.

- (b) The Committee expects the new regime to function well in areas where party leaders are prepared to provide the necessary leadership and example.
- (c) The Committee do not consider that the range of sanctions available under the new regime is sufficient. It comments that 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.
- (d) The Committee doubts that the new arrangements relating to Independent Persons will be sufficient to provide assurance that justice is being done and, equally important, that it is seen to be done.
- (e) The Committee also expresses concern over the time given to local authorities to prepare for the new regime, and the lateness with which some authorities adopted a new code and appointed an independent person.

1.2.2 I have also attached at **Annex 2** an article written by Lord Bew, Chairman of the Committee on Standards in Public Life.

1.3 Raising the standards – local government lawyer survey

1.3.1 During the latter part of 2013, the Local Government Lawyer conducted a survey of its members on the effectiveness of the new regime. The results of this survey are summarised below.

- (a) 85% of respondents believed that the sanctions available under the new regime were too weak, reflecting the similar concerns expressed by the Committee on Standards in Public Life. 13% of respondents felt the new sanctions were 'about right', with 2% saying they were 'too tough'.
- (b) Only 6 respondents revealed that they had had to report a failure to disclose a Disclosable Pecuniary Interest (DPI) to the Police
- (c) 50% of respondents concluded that the role of the Independent Person was working either very well or quite well. Just 7% believed it to be working either quite badly or very badly. The remainder (43%) said the role had made no difference.
- (d) 22% of respondents said the reforms had led to a fall in the number of vexatious complaints. 15% said the number of such complaints had increased, whilst 63% said the reforms had made no difference.
- (e) 25% of respondents reported that councillors' behaviour had worsened since the reforms came into effect. 4% said it had led to improved behaviour, while 71% said it had made no difference.

- (f) There was division as to the effectiveness of the new provisions on predetermination and bias. 23% of respondents felt the Act had improved members' understanding of the rules, whilst 20% felt it had worsened councillors' understanding.
- (g) 83% of respondents felt that clarification of the law via the Localism Act had made little or no difference to the quality of decision making. The remainder was split equally (9% each) between those who thought it had improved the robustness of members' decision making and those who felt it had left decisions more vulnerable to challenge.

1.4 Legal Implications

1.4.1 None arising from this report.

1.5 Financial and Value for Money Considerations

1.5.1 None arising from this report.

1.6 Risk Assessment

1.6.1 None arising from this report.

1.7 Equality Impact Assessment

1.7.1 Please see 'Screening for Equality Impacts' table below.

1.8 Recommendations

1.8.1 Members are asked to note this report.

Screening for equality impacts:		
Question	Answer	Explanation of impacts
a. Does the decision being made or recommended through this paper have potential to cause adverse impact or discriminate against different groups in the community?	No	

Screening for equality impacts:		
Question	Answer	Explanation of impacts
b. Does the decision being made or recommended through this paper make a positive contribution to promoting equality?	N/A	
c. What steps are you taking to mitigate, reduce, avoid or minimise the impacts identified above?		

Background papers:

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None

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