

NORTH YORKSHIRE COUNTY COUNCIL

STANDARDS COMMITTEE

21 September 2015

Local Ethical Framework Developments**1.0 PURPOSE OF REPORT**

- 1.1 To update Members on the development of the ethical framework under the Localism Act 2011.

2.0 BACKGROUND

- 2.1 Members receive a report at each Standards Committee meeting setting out any recent developments in the ethical framework.

3.0 CSPL ANNUAL REPORT 2014 - 2015 AND BUSINESS PLAN 2015 - 2016

- 3.1 The Committee on Standards in Public Life ("CSPL") is an advisory Non-Departmental Public Body (NDPB) sponsored by the Cabinet Office. The Chair and members are appointed by the Prime Minister.

- 3.2 The CSPL has published its Annual Report for 2014/15 and Business Plan 2015/16, a copy of which is attached at **Appendix 1** to this report for Members' information and is available to download from:

<https://www.gov.uk/government/publications/cspl-annual-report-2014-2015-and-business-plan-2015-2016>

- 3.3 The CSPL Annual Report provides an overview of the CSPL's activities from July 2014 and now incorporates its annual forward plan of work for 2015 -16. Key activity by the CSPL over the last year has been reported to the Standards Committee via this standing Local Ethical Framework Developments report on each Committee agenda.

- 3.4 Key highlights from the Report are:

- (a) Effective independent scrutiny is necessary to support high standards.
- (b) the Committee looked at the accountability and governance framework for local policing and produced a report "*Tone from the top Leadership, ethics and accountability in policing*", which calls for greater safeguards in the accountability arrangements in local policing in between the four yearly cycle of elections for Police and Crime Commissioners (PCCs). It recommends a national minimum code of conduct for PCCs and an ethical checklist that PCC candidates should be invited to sign at the 2016 election to demonstrate their personal commitment to high standards. The Committee also concluded that PCCs need more constructive challenge and active support from their local Police and Crime Panels to ensure that their decisions are tested on behalf of the public on a regular basis. Further information about the Local police accountability inquiry is set out at page 11 of the Annual Report and a copy is available to download:

<https://www.gov.uk/government/news/cspl-launches-tone-from-the-top-leadership-ethics-and-accountability-in-policing>

An Executive Summary document is also available.

- (c) *Devolution and new ways of delivering public services can bring creativity and innovation which save money, meets local need and stimulates local economies. But it can also mean, greater complexity and a lack of clarity as to the lines of accountability for those in receipt of services, some of whom may be vulnerable individuals. In times of reduced expenditure and financial pressures on local services, it is all the more critical that there is effective and continuous accountability to provide assurance and command public confidence... Expected standards of behaviour for those working for the public should be integrated in the design and implementation of any governance model.*
- (d) *the importance of individuals in leadership roles exemplifying, promoting and sustaining high standards of behaviour... The issue of party funding remains a matter of significant public concern centred on the confluence of money, power and influence.*
- (e) The CSPL will continue to monitor ethical standards across public services and will:
- *Maintain a watching brief to identify emerging or persistent standards issues and respond promptly to them.*
 - *Undertake independent quantitative and qualitative research into public perceptions of ethical standards.*
 - *Respond to consultations and key policy announcements and legislation where these impact on ethical standards and we have an informed contribution to make.*
- (f) The CSPL sets out its Key Findings for 2015 on pages 18 and 19 of its Annual Report. The research shows a continuing downward trend in public attitudes towards the standards of office holders:
- i. *more respondents rated standards of conduct of public office holders as low (36%) as rated them as high (18%);*
 - ii. *more respondents thought the standards of conduct of public office holders had worsened (36%) than had improved (16%);*
 - iii. *most respondents (56%) were not confident that authorities are committed to upholding standards in public life;*
 - iv. *most respondents (61%) were not confident that authorities will generally uncover wrongdoing by people in public office;*
 - v. *most respondents (58%) were confident that the media will generally uncover wrongdoing by people in public office;*
 - vi. *most respondents (63%) were not confident that people in public office caught doing wrong would be punished;*
 - vii. *a consistent pattern emerged across several variables measuring different aspects of satisfaction with Britain's political system. Those*

who were positive about the system also gave more positive answers about standards of conduct in public life, suggesting an association between attitudes towards the political system in general and perceptions of standards of conduct in public life.

3.5 The Committee's attention is particularly drawn to pages 22 to 24 of the Annual Report, which looks at 'Local Government Standards' in particular. The CSPL has previously stated that it would keep a watching brief on local government standards:

- *... the effectiveness of the sanctions regime is still a concern. The Committee continues to receive correspondence both from members of the public, Councils and councillors on this issue. This correspondence includes, for example, calls for a national code of conduct, strengthened guidelines or sanctions or a power of recall. Members of the Committee participated in a roundtable event in Parliament in January with representatives from local government to test the level of ethical risk.*
- *We are also aware that some local councils are taking action to strengthen their own arrangements where the behaviour of local councillors falls below a standard that voters have a right to expect. Examples quoted in the Report include giving local voters the opportunity to recall their local councillor if they fail to meet a set of clearly defined standards, and amending a Code of Conduct to extend the range of sanctions to include restriction of access to the council premises and council resources for a period of up to six months and partial or full suspension from the council for up to six months;*
- *... For the public to have confidence requires those in positions of leadership in local government— both political and managerial – to demonstrate they have listened, learned and improved. The use of regular and credible external challenge has great potential to strengthen the behaviour and personal responsibility of individuals, but is not enough by itself. Those individuals need to be supported by the culture of the organisation of which they are a part. It is the leaders of every council who are responsible for setting an appropriate tone and promoting the right culture.*
- *We continue to liaise with the relevant stakeholders on the way in which ethical standards can effectively be embedded in all parts of local government.*

3.6 In terms of the CSPL's Forward Plan, in addition to the items already highlighted which the CSPL will monitor going forwards, it will also:

- *... undertake a review in the second half of 2015 running into early 2016. The central focus would be to review how a selection of regulatory bodies currently manage ethical issues and the extent (if any) to which the particular characteristics of regulators demand any specifically-tailored ethical standards...*
- *... The Chair intends to write to party leaders after the election inviting them to re-convene discussion on party funding particularly in the light of public dissatisfaction with the political process as evidenced by the Hansard Audit.*

and in relation to local government standards in particular:

- *Once new councillors have been in post for some time and any induction and training will have been completed, we will consider if there is merit in repeating the survey of local authorities undertaken for the Ethics in Practice report on approaches to induction and training and the profile of standards, conduct and ethical behaviour within those programmes.*
- *... the Committee has offered to work with the Society of Local Government Chief Executives on the development of their code of ethics for chief officers for those in senior management roles in local public services led by locally elected politicians...*
- *.. the Committee will continue to monitor local government standards issues.*

3.7 The Committee is requested to note the highlights of the CSPL Annual Report.

4.0 PROPOSED MEETING OF STANDARDS COMMITTEE CHAIRS, VICE-CHAIRS AND INDEPENDENT PERSONS

4.1 At the Standards Committee's last meeting, it was agreed that consideration be given to the arrangement of a further meeting of neighbouring authority Standards Committee Chairs, Vice-Chairs and Independent Persons for Standards. The Monitoring Officer offered to raise the issue at a future meeting of the neighbouring authority Monitoring Officers' group.

4.2 There is a meeting of the group in the near future when the issue will be raised. Members will be kept informed of developments.

5.0 RECOMMENDATIONS

5.1 That the Committee notes the contents of this report.

BARRY KHAN

Assistant Chief Executive (Legal and Democratic Services) and Monitoring Officer

Background Papers:

Information published on www.gov.uk

County Hall
NORTHALLERTON

10 September 2015