

## **SLOUGH BOROUGH COUNCIL**

**REPORT TO:** Standards Advisory Committee

**DATE:** 18<sup>th</sup> March 2014

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**WARD(S):** All

### **PART I**

#### **FOR INFORMATION AND COMMENT**

#### **THE LOCALISM ACT 2011 – RAISING THE STANDARDS?**

##### **1. Purpose of Report**

There have been a number of pieces of work, most notably a survey undertaken by the journal *Local Government Lawyer*, looking at how well the revised standards regime introduced by the Localism Act 2011 has worked out in practice. This report summarises the main conclusions of the research undertaken and other reports/guidance issued recently.

##### **2. Recommendations**

The Committee is invited to consider the report, take a view on experience of the new regime in Slough, and whether there are any lessons which could be learnt.

##### **3. Slough Joint Wellbeing Strategy Priorities**

The delivery of the Joint Wellbeing Strategy priorities is dependent on good governance arrangements being in place in order that the Council has a transparent and accountable process for effective decision-making. This is underpinned by the Code of Conduct, which forms the bedrock of the conduct regime for Members and aims to ensure that ethical behaviour and governance of the highest order is maintained.

##### **4. Other Implications**

###### **(a) Financial**

There are no financial implications of this report.

###### **(b) Human Rights Act and Other Legal Implications**

The Council is under a statutory duty to adopt a code of conduct maintain a register of members' interests.

## 5. Supporting Information

### Local Government Lawyer Survey

5.1 The Local Government Lawyer magazine has published the results of a survey of its readers around the dismantling of the old standards regime (including abolition of the Standards Board) and its replacement with a 'lighter touch' system including disclosable pecuniary interests (DPIs) and independent persons. Ministers had claimed that the old regime had led to "an explosion in petty, partisan and malicious complaints that dragged down the reputation of local government, as well as suppressing freedom of speech".

5.2 The verdict from respondents to the survey was mixed; while 22% said that the new measures had led to a fall in the number of vexatious complaints, 63% were of the opinion that they had made no difference. The new rules had been criticised for being too weak and 85% of local authority lawyers and governance officers had said that the current sanctions available to deal with member misconduct were inadequate (with only 13% saying they were about right). The following comments made give a flavour of the views expressed:

- Complaints by members about members have decreased – complaints from the public have increased.
- Some members feel there is no point in complaining, given that "there are no teeth in the new system".
- There's a false assumption that vexatious complaints rise or fall dependent on the complaint regime in place. "Your average vexatious complainant will complain whatever is in place".
- Parishes feel increasingly that they are only accountable to themselves and the district/borough has no power to control them or to sanction any individual member.
- While the new regime enables complaints to be dealt with more quickly (good in the case of trivial complaints) it does not work in the case of more serious complaints where the public perception is that nothing is being done about these.

5.3 Most frequent among the suggestions for improvements was the call for the introduction of a wider range of meaningful sanctions, and in particular the re-introduction of a power to suspend a member. A sanction that would enable the unreasonable behaviour of some members towards staff to be tackled was also referred to. Respondents would also like to see greater clarity in relation to DPIs and personal interests.

### Thanet Council Report

5.4 At Thanet Council, where the authority had been described as dysfunctional with members' behaviour and internal squabbles threatening to adversely affect the delivery of services, the four independent members of the Standards Committee had issued a report calling for action to tackle the low esteem in which the Council was held. The report concluded that there was an overall impression that council members were distrustful of each other, and of the public, and displayed a 'siege mentality' contributing to behaviour falling short of the stated aim of high standards of conduct.

5.5 The independent members report called on all councillors to demonstrate respect in all aspects of their work, including their dealings with each other, with officers of

the council, and crucially with the public. In summary it concluded that to take no action and allow the current situation to continue carried considerable risk; the leaders of the political groups could address the behaviour of their members but this risked a lack of consistency across the council; the preferred action was training for all elected members, which to be effective should be compulsory.

#### Committee on Standards in Public Life

- 5.6 The Committee on Standards in Public Life had issued a report calling for greater openness by (Government, Parliament and) Local Government around lobbying of public office holders. This arises from suspicions that some lobbying may take place in secret and if it is not known who is influencing decisions, there is no opportunity for those who take a different view to rebut arguments or submit their own views. Also, there is concern that some individuals or organisations may have greater access to policy makers or because of the way lobbying may be carried out, accompanied for instance by entertainment or other inducement.

#### Transparency International UK report on corruption in local government

- 5.7 This organisation had issued a report with the key recommendation to Government that the changes taking place in local government should be reviewed, to ensure that they do not inadvertently create an enabling environment for corruption. Specific recommendations were also included regarding such matters as introducing a statutory requirement for local authorities to have an Audit Committee, requiring private companies operating services in the public interest to comply with Nolan principles, for local authorities to carry out a periodic corruption risk assessment in relation to their own functions and operations and for further research to be carried out to quantify the scale of corruption in UK local government. It is proposed that a more detailed report is prepared on this for the further consideration of this Committee and the Audit and Risk Committee, possibly at a joint meeting.

## **6. Conclusion**

- 6.1 Each of the foregoing pieces of research/reports highlights areas of practice and procedure which call for the good conduct of members both individually and collectively. The Committee is invited to consider how local practice and conduct measures up, and whether there are any steps which could be recommended with a view to the promotion and maintenance of high standards of conduct.

## **7. Background Papers**

1. Local Government Lawyer Magazine article – December 2013
2. Thanet District Council Independent Members report on standards – November 2013
3. Committee on Standards in Public Life report: “Strengthening Transparency around lobbying” – November 2013
4. Transparency International UK report: “Corruption in UK Local Government” – October 2013