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**Committee on
Standards in
Public Life**

Communities and Local Government Select Committee
House of Commons
London
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OVERVIEW AND SCRUTINY IN LOCAL GOVERNMENT INQUIRY BY COMMUNITIES AND LOCAL GOVERNMENT SELECT COMMITTEE

SUBMISSION BY THE COMMITTEE ON STANDARDS IN PUBLIC LIFE

1. The Committee welcomes the Communities and Local Government Select Committee's inquiry into whether local government overview and scrutiny arrangements in England are working effectively, and whether local communities are able to contribute to, and monitor the work of their councils.
2. Standards of conduct in local government have been a matter of interest to the Committee since it was first established under Lord Nolan in 1994. We would like to draw your Committee's attention to reports produced in 1997, 2005 and most recently in 2013 which are pertinent to your inquiry.¹ We said in the 2013 report that issues may arise following the Localism Act of 2011: 'The new, slimmed down arrangements have yet to prove themselves sufficient for their purpose. We have considerable doubt that they will succeed in doing so and intend to monitor the situation closely'. (Figure 3, page 19 of that report). We have accordingly been maintaining a watching brief on local government standard issues since the changes introduced by the 2011 Localism Act and intend to review the subject later this year.
3. We have been actively considering the scope of this work and ahead of any future work we undertake on local government standards, we thought it would be helpful to highlight our report *Tone from the Top, leadership, ethics and accountability in*

¹ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336864/3rdInquiryReport.pdf and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/336897/10thFullReport.pdf and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/228884/8519.pdf

policing which looked at accountability arrangements around the then newly-created Police and Crime Commissioners (PCCs).²

4. The 2015 report made a number of recommendations and called for greater energy and consistency to be applied to promoting high ethical standards. It also argued for a more robust set of checks and balances in the accountability structures of local policing. Accountability is an essential element in creating a culture where high standards of behaviour are the norm. The PCC model of democratic accountability, primarily relying on the cycle of elections as the main means of holding PCCs to account, should not negate oversight of those who hold public office between elections. Accountability needs to be tested between the four yearly election cycle by demonstrable compliance with standards of conduct, propriety and performance. Effective independent scrutiny is integral to this accountability.
5. The Committee's research at the time suggested there was insufficient challenge and scrutiny of PCC's decisions by many local Police and Crime Panels. There were some barriers to effective operation, including support, resources and the inconsistency and credibility of representative membership. These were not unique to Police and Crime Panels and reflected wider challenges of the culture and relative priority of effective scrutiny arrangements within local government as a whole. As a result, the Committee felt the public would not always be in a position to make a fair assessment of their PCC.
6. There are clear parallels here with your consideration of how decision-makers in local government are scrutinised and held to account. We suggest the Select Committee should examine the matter of PCC accountability as part of this review.
7. The further changes to policing as a result of the devolutionary changes in England with some cities shifting to elected mayoral models of accountability and the subsuming of a number of PCCs into an expanded mayoral role from this May, means that there will shortly be a wider question about accountability with a completely new multi-authority local government model. We noted in our report the possible future complexities of having an elected mayor for a combined authority area which covers a different or larger area from the area for which existing PCCs have responsibility. The Committee might also wish to consider this issue, particularly in terms of developing effective community engagement or scrutiny.
8. We hope this is helpful and we look forward to reading your report.

² <https://www.gov.uk/government/publications/tone-from-the-top-leadership-ethics-and-accountability-in-policing>

Annex A

Committee on Standards in Public Life: Background

The Committee on Standards in Public Life is an advisory Non-Departmental Public Body (NDPB). The Committee was established in October 1994, by the then Prime Minister, with the following terms of reference:

To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.

The Principles of Selflessness, Objectivity, Integrity, Accountability, Openness, Honesty and Leadership remain the basis of the ethical standards expected of public office holders and continue as key criteria for assessing the quality of public life.

The Committee's terms of reference were updated in 2013: "...the Committee's remit to examine 'standards of conduct of all holders of public office' [encompasses] all those involved in the delivery of public services, not solely those appointed or elected to public office" (Hansard (HC) 5 February 2013, col. 7WS).

The Committee's terms of reference were further clarified in a House of Lords written Parliamentary Question on 28th February 2013 to explain that the Committee's remit means it "can examine issues relating to the ethical standards of the delivery of public services by private and voluntary sector organisations, paid for by public funds, even where those delivering the services have not been appointed or elected to public office" (Hansard Column WA347).

A Research Advisory Board chaired by Professor Mark Philp, University of Warwick, supports the Committee's work.