

damage is likely to be done to public confidence in the integrity of the political system if further revelations continue – as they are bound to do. While we note the renewed commitment to pursuing a detailed agreement on party funding made by the Coalition in its mid-term review, we are conscious that there is not a great deal of time to resolve the issue if the parties are to honour their election manifesto commitments before the next general election. They need to show courage, in the public interest.

### Local government standards

- 7.25 Details of the recent history of local government standards are set out in figure 3. As we have argued earlier, 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.<sup>100</sup>
- 7.26 To function effectively, local leadership and responsibility for standards requires certain conditions to be met – including strong leadership and robust, visible action against those who fall short. The Local Government Association has a particularly important responsibility in this respect. We would expect the new regime, like the previous one, to function well in those areas where party leaders are prepared to provide leadership. It is likely to do less well where such leadership is absent.<sup>101</sup> Past history suggests that problems are most likely in areas with monolithic political cultures and correspondingly little political challenge, where partisan rivalry is most bitter and tit for tat accusations most common, or in those predominantly rural areas with significant numbers of independent members without the benefit of party discipline.
- 7.27 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.
- 7.28 Our second concern is about the new and so far relatively untested arrangements for independent involvement in the disciplinary process. Under the previous arrangements allegations about poor behaviour were determined by standards committees independently chaired by individuals who were not themselves members of the local authority. Under the new arrangements every local authority must 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.

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.

- 7.29 The new arrangements in England have not been followed in Scotland, Wales and Northern Ireland which all have smaller numbers of local authorities and differing arrangements.

<sup>100</sup> Although many of these concerns had already been addressed by reforms introduced in 2007 by the Local Government and Public Involvement in Health Act, following our Tenth Report.

<sup>101</sup> Not forgetting that in several prominent recent cases it is the behaviour of leaders themselves that have been under question.

