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Commentary

Throwing the Baby Out with the Bath Water: Building the Case for a Standards Framework in Local Government in England

Given that Alan Lawton and Michael Macaulay’s article is concerned with ethics, I should begin by declaring an interest: I worked, for several years, for the local government ethical standards regulator, Standards for England (formerly the Standards Board for England), and was responsible for commissioning the research reported on in their article “Localism in Practice: Investigating Citizen Participation and Good Governance in Local Government Standards of Conduct.”

It is easy to forget amongst the criticisms that the standards framework created by the 2001 Local Government Act (and subsequently revised by the 2007 Local Government and Public Involvement in Health Act and then abolished by the Localism Act 2011) was too bureaucratic, overengineered, and cumbersome that there were some success stories, too. This article is welcome in that it helps us begin to build an alternative narrative about the post-2001 standards framework in local government in England. It provides evidence of the diversity of functions that standards committees performed and the role that they played in ensuring effective ethical governance, accountability, and enhanced public participation in local democracy. The incoming coalition government in 2010, in its haste to “abolish the Standards Board framework,” overlooked much of the good work and benefits of the ethical standards framework and, in particular, standards committees. Indeed, the abolition of the standards framework has raised concern among organizations such as Transparency International and the Committee on Standards in Public Life. Evidence outlining some of the benefits of the framework, such as that presented in this article, could and should be used to build the case for a robust standards framework for local government in England.

The authors highlight the role that an integrity framework can play in enhancing local democracy and ensuring the accountability of politicians. Indeed, lest we forget, the framework was established, in part, to increase confidence in local democracy. The rationale was that, at a time when confidence in the integrity of politicians (both national and local) had deteriorated and solutions were being sought to address low voter turnout in elections and falling political party membership, ensuring confidence in the integrity of politicians would lead to greater participation in local democracy. The researchers found that ensuring that independent members of the public were part of standards committees played a role in enabling the development of a more active citizenry. As the authors note, standards committees gave citizens a genuine participative role in local democracy and in holding politicians to account.

Previous incidents of corrupt and unethical behavior were also a driving force behind the development of an ethical standards framework in local government in England. It could be argued that, to some extent, the post-2001 framework was a victim of its own success; the absence of any major scandals during the operation of the national framework enabled an incoming Conservative minister for communities and local government who was committed to slashing regulation and cost at the time of an economic crisis to dismantle what was perceived as a New Labour construction. However, such a view is hard to substantiate unequivocally and ignores the various flaws within the framework highlighted by Standards for England’s own review: the investigative track that was hard to stop, the cumbersome framework, and the trivial complaints, as well as the absence of any design principles for the framework.

It may be, of course, that the greater discretion over integrity arrangements afforded by the Localism Act 2011 will lead to even more innovation in local integrity arrangements. Further research would be much welcomed. The concern, though, is that the Localism Act 2011 has relegated the importance of ethics and is promoting too much of a voluntary and informal approach to ethics issues. We should always look at ways of ensuring a swift, proportionate, and efficient system for holding politicians to account for any
breach of ethical standards, but democracy, accountability, and citizen participation are sacred cows that should not be sacrificed on the altar of short-term financial prudence and political expediency. The absence of a Westminster or a Doncaster in recent times should not lead to complacency when it comes to issues of ethics and corruption; if ensuring an effective integrity framework comes at a cost, then it can also be argued that the consequences of its absence can prove to be costly as well.

It is possible that history will repeat itself and a range of scandals will precipitate yet another inquiry into local government ethics. If and when that inquiry happens, the government of the day should consider all the evidence about the merits or otherwise of aspects of local integrity frameworks, learn from the past, keep what works, and not, as was the case with the 2011 Localism Act, throw the baby out with the bath water. This article helps redress the balance in the negative analysis of the post-2001 standards framework in local government, providing evidence of the benefits that the local government standards framework in general, and standards committees in particular, brought to local democracy, accountability, and the ethical governance of local authorities.