



STANDARDS COMMITTEE

3 NOVEMBER 2004

ITEM:

THIRD ANNUAL ASSEMBLY OF STANDARDS COMMITTEE – 13-14 SEPTEMBER 2004

Summary of report

This report provides members with an opportunity to report back to the Committee on their attendance at the third annual Assembly of Standards Committees held at the International Conference Centre in Birmingham on 13 and 14 September 2004.

Recommendations

That the content of the report be noted.

Signed

Assistant Director of Legal Services and Monitoring Officer

Date: 26 October 2004

Background papers: All published

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Third Annual Assembly of Standards Committees

The third annual Assembly of Standards Committees was held at the International Conference Centre in Birmingham on Monday 13 and Tuesday 14 September 2004. The event was attended by Councillors O'Hare and Underhill and two of the independent members on the Committee, Mr. L. Bates and Ms. K. McLeod. The Assistant Director of Legal Services Mr. Bhupinder Gill also attended.

Attendance at the assembly was intended to provide an opportunity for members and officers to exchange information, details of best practice on the latest legislative and procedural developments relating to the work of Standards Committees

A copy of the Vice-Chairman's report on the Conference is attached as an Appendix to this report.

The annual assembly took the form that it had on previous years, consisting of addresses to the delegates by senior public servants involved in the administration of the Code of Conduct for elected Members. There were also a number of facilitated workshops over the two days to allow for the sharing of experience. Addresses were made by:

Sir Anthony Holland	Chair, The Standards Board for England
David Prince	Chief Executive, The Standards Board for England
Rt. Hon. Nick Raynsford, MP	Minister of State for Local and Regional Government
Sir Alistair Graham	Chair of the Committee on "Standards in Public Life"
Patricia Hughes	Deputy Chair, The Standards Board for England

Workshops for delegates were held on the following issues:

- **Developing the Code:**
Delegates discussed possible revisions to the Member Code of Conduct
- **Not enough Leaders?**
Consideration of the role of Chief Executives and Council Leaders in promoting an ethical environment and getting the culture of an authority right. This feature workshop was lead by: David Prince, Paul Croft, Dr. Barry Quirk and Mayor, Martin Winter.
- **The Bigger Picture:**
Consideration of the broader issues about misconduct that concern the authority as a whole, rather than just particular individuals.
- **Best Friend or Big Brother:**
The role of the Standards Board for England and the code in the local government improvement agenda.

- Up to Standard?
The Audit Commission's expectations of Standards Committees in the context of comprehensive performance assessments.
- Campaigners as Councillors:
Does the Code conflict with members presenting their views and representing their constituents?
- An Independent Perspective:
An opportunity for independent members to get together to debate issues of current interest to them.
- At the Sharp End:
Being reported to The Standards Board for England for allegedly breaching the code is never going to be pleasant, but how can the experience be improved.
- Bad, But Not Bad Enough:
A discussion on what can be done about poor behaviour that does not warrant a full investigation.
- Confidence in Local Decisions:
How can Standards Committees ensure their authorities and local communities have confidence in their independence and ability to make fair and appropriate determinations?
- Is Good Enough Good Enough?
What level of investigation is necessary for non-major cases, both locally and nationally.
- Learning from Outcomes:
What are the implications for the adjudications that have taken place so far?
- Matters of Conscience:
Does the Code hinder a members' right to communicate with their community and is the obligation to report breaches of the Code onerous?
- Planning and the Code:
A look at the topical issues relating to planning and the Code.

**REPORT ON THE THIRD ANNUAL ASSAEMBLY OF STANDARDS
COMMITTEES HELD AT ICC, BIRMINGHAM – 13th & 14th SEPTEMBER 2004**

Having made a specific request to attend the Assembly I found the proceedings thoroughly absorbing.

David Prince, the Chief Executive of the Standards Board for England set the scene in a session called "Reporting Back". He stated that the Board had settled an average of 300 Complaints per month and are basing their planning on that figure. He acknowledged that numbers could rise when Councils assume responsibility for licensing. Equally so they could fall as persistent complainers realise that the Board will not refer for investigation trivial or obsessive complaints. Cases referred for investigation clearly show the trend towards a smaller proportion being referred. As well as rejecting politically motivated complaints the Board has agreed to reject the majority of allegations which, even if found to be valid, would not be likely to result in a sanction from either a Standards Committee or an Adjudication Panel. The only exceptions would be where there is a disruptive pattern of behaviour or if the alleged behaviour is hampering the running of the authority and there is no other way of dealing with it. The Board expect to be referring about 100 complaints a month to be investigated, either centrally or at a local level. If something is not worth investigating the Board does not believe it is worth investigating anywhere. There is no question of off loading trivia to a local level. The Board's aim is to build public confidence in local democracy. The priority is to focus on behaviour that has the potential to damage that confidence. The Board does not see its role as a nanny to prevent members being unpleasant to each other. It is their responsibility to act reasonably. They believe a lot of the allegations they receive show a need for more skilled handling and chairing of meetings and for political parties to exert greater influence on the behaviour of some of their members who are doing local government no favours at all. The Standards Board still get a great many allegations about planning matters. People care a great deal about where they live and how it looks. They are watchful about the registration and declaration of interests. Allegations about disrepute and failing to treat others with respect continue. These aspects are worrying because they are often about aggressive behaviour and bullying which reflects badly on the whole local government family. A growing proportion of allegations are coming from the public. The Board's strategy has been for public awareness of the code to be built through local press coverage of cases. It believes that awareness is growing and they intend to conduct research to test public awareness next year. Sanctions imposed by the Adjudication Panel for England show that there have been a number of very significant sanctions handed down for dishonesty, bullying and lack of respect for the law. The Board's work has resulted in an average of one member a week, whose behaviour has had the potential to tarnish the reputations of everyone in local democracy, being removed from office. It was stated that final reports must be done more swiftly. The priority is to get things right. The board believe that they can speed up the throughput of cases. Over the last three months a number of initiatives have been put in place and the results should become apparent in the spring of next year. They have reduced the average time taken to decide whether to investigate an allegation from 20 days to under 12 days and by next March the aim is to be making 90% of referral decisions within 10 days. The investigation team is now up to full strength and the Board is now able to allocate

all referrals immediately to an investigator. Other issues included: clearer findings, vexatious complaints, confidence in local decisions and confidence in the Standards Board for England. Members want greater certainty in the wording of the Board's conclusions. They want it spelt out more clearly if the code has not been broken. Guidance on lobbying and "dual hated roles" will be given on the web site by the end of September. They are filtering vexatious complaints and are aware that members want some direct sanctions against those who made them. This is not easy, but consideration will be given to the suggestion. The big news story that everyone has been waiting for is the arrival of Section 66 regulations. The Rt Hon Nick Raynsford MP, Minister for Local and Regional Government, in his speech stated "Section 66 would be a reality within a matter of days". The Board will support local knowledge and expertise in building public confidence in local investigations and local Standards Committee decisions. In many places there is already confidence in local Standards Committees that are above party politics and can demonstrate their fairness and neutrality. In others there is still concern about domination by a single party and a reluctance to act. For too long the Board has investigated cases that should have been dealt with at a local level. Now, at last, the machinery is in place. The Board will support local investigations. It is also important that local democracy should have confidence in the Standards Board for England. Next spring the Board will be touring the country speaking to Standards Committee Chairmen, Monitoring Officers and Chief Executives to see how the Board is doing against the key tests. David Prince concluded by saying that the Code of Conduct was widely accepted and that Ethical behaviour is no longer thought of as a desirable extra, but an essential element in what is necessary to provide excellent services. Ethics are everyone's business because high standards go hand in hand with good services and it a difference worth making.

I attended a number of Workshops and found them all very useful. In the session on "Developing the Code" we discussed possible revisions and considered the following areas: freedom of speech, whistle blowing, disrepute, confidential information, misuse of resources and prejudicial interests. The session on "Not enough Leaders" was particularly good. It dealt with the role of the chief executive and council leaders in promoting an ethical environment and getting the culture of the authority right. I was particularly impressed with the input from Mayor Martin Winter of Doncaster Metropolitan Borough Council. "Best Friend or Big Brother" considered the role of the Standards Board for England and the Code in the local government agenda. The session "Up to Standard" looked at the Audit Commission's expectations of standards committees in the context of comprehensive performance assessments. The "Big Debate" was "More than making the trains run on time." It dealt with the question: Is the ethical agenda a distraction from providing good services?" The session considered the importance of ethical behaviour and considered the links between ethical behaviour and standards of conduct with regard to corporate governance – a topic identified as a risk area and key component of good corporate governance by the Audit Commission. The final workshop dealt with "Campaigners as Councillors" and considered the conflict with members presenting their views and representing their constituents.

The final session was chaired by Patricia Hughes, Deputy Chair of the Standards Board for England. She gave a summary of the feedback gained from delegates through the workshops. There were a number of topics, which included:

Section 66.- Still not available.

Monitoring Officer – Under resourced. Report sent to Government.

More Training required. (I do not believe that this applies to Walsall M.B.C.)

Standard Committees throughout the country appear to be working well.

Case Review No. 2 considered a useful tool.

Code of Behaviour/Disrepute – Respect the merits of each case.

God Practice elsewhere – suggestion – meet with other authorities (Black Country Group).

Road Shows in spring of next year.

Sessions to be published on web-site.

Local Standards Committees – Independent aspect and tenure of office- important.

In concluding my report I must say that if you have the opportunity to attend next year's conference you should take it.

Leonard A. Bates.

Vice Chairman.

Walsall M.B.C.

Standards Committee.