



Standards Committee – 5 October 2005

Fourth Annual Assembly of Standards Committees – 5-6 September 2005

Summary of report

This report provides members with an opportunity to report back to the Committee on their attendance at the fourth annual assembly of Standards Committees held at the International Conference Centre in Birmingham on 5 and 6 September 2005.

Recommendations

That the content of the report be noted;

Fourth annual assembly of Standards Committees

The fourth annual assembly of Standards Committees was held at the International Conference Centre in Birmingham on Monday 5 and Tuesday 6 September 2005. The event was attended by Councillors Underhill and Zahid and three of the independent members on the Committee the Chairman, Mr. Roy Meller, Dr. Kay Biscomb and Mrs. Shelia Parsons. The Assistant Director of Legal Services Mr. Bhupinder Gill attended the conference and presented a workshop on Early Warning Signs.

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 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. Phil Woollas, MP	Minister of State for Local and Regional Government
Sir Alistair Graham	Chair of the Committee on "Standards in Public Life"

Workshops for delegates were held on the following issues:

- A first hand account
A local authority shared its experiences of carrying out a local investigation.
- Investigations: The theory
The workshop examined the technical aspects of the investigation process.
- Investigations: The practice
This session explored the technical side of the local level investigation process through practical case studies and role play.
- Reaching the right decisions
This workshop used practical case studies to explore decision-making as part of the local investigation process and how to draft a fair and proportionate report, before the authority's Standards Committee consider the case.
- Alternative action
This session examined what action can be taken to deal with member misconduct in circumstances where an investigation is not appropriate.
- Hearings: The theory
This presentation examined the technical aspects of the hearing process – from the framework that local hearings work within to establishing the key components of holding a good hearing.
- Holding hearings: The practice
This workshop explored the technical side of holding a hearing at local level, through practical case studies.
- Making your mind up
This session involved practical case studies to help explore the decision-making side of the hearings process at a local level, including how to reach the right finding and proportionate sanction.

- **Engaging the public**
MORI presented some of the key findings of their recent research into public perceptions of ethical standards in local government.
- **Beyond the code**
This session involved brief presentations from two authorities highlighting how some Standards Committee are working well beyond what is required for compliance with the Code of Conduct and explained how their extended remit works towards building public confidence in their authorities.
- **Early warning signs**
Through case studies, this presentation examined some of the factors including troubled member relations which could indicate an authority may be heading for a slip in the behaviour standards of its members and a loss of public confidence.
- **How do you measure up?**
This session took a closer look at the ethical toolkit – an ethical standards “health check” that assesses an authority’s current ethical position by combining audit, self audit, questionnaire and tailored workshop elements – developed between the Audit Commission, Improvement and Development Agency and the Standards Board for England.
- **CPA: Inspecting and auditing the ethical dimension**
The Audit Commission presented this session, examining how ethical standards and the work of Standards Committees are assessed to inform inspection judgements based on comprehensive performance assessments and corporate governance inspections.

Background papers

All published

Signed:

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Date: 27th September 2005

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FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
5-6 SEPTEMBER 2005, ICC, BIRMINGHAM

REPORT BY INDEPENDENT MEMBERS IN ATTENDANCE

Over 800 delegates from all over England attended the fourth Annual Assembly of Standards Committees, held at the International Conference Centre in Birmingham on 5 & 6 September 2005. Those attending were a mix of elected members, officers of various authorities, and independent members of Standards Committees.

The independent members of the Walsall Standards Committee present for the two days were the Chairman, Roy Meller, Mrs. Sheila Parsons and Dr. Kay Biscomb. This report reflects their comments from the two days.

The first speaker at the "Welcome" session was Sir Anthony Holland, Chairman of the Standards Board for England. He announced the "good news" that legislation was now in place for cases to be referred back to local standards committees for determination and 34% of cases (and increasing) were currently so referred. For the future, he felt that there were two key questions – how far could local investigations and determinations be taken, and could the Code of Conduct be improved.

There were also addresses at the first session by Phil. Woolas MP, Minister for Local Government, David Prince, Chief Executive of the Standards Board, and Sir Alistair Graham, Chairman of the Committee on Standards in Public Life. It was stressed that the Standards Board was here to stay, and the key themes were that high standards of conduct will be maintained, allegations and proved cases of misconduct must be dealt with promptly, vexatious allegations needed to be weeded out, and the "conflict of interest" issue needed clarification. The emphasis will be on local responsibility for ethical standards, and there was a promise that as local committees develop, there will be more support for them. The ethical framework will change, with more localised sifting of complaints (by 2007), and an adjustment of the role of the Standards Board for England to make it a more strategic body. It was acknowledged that the Standards Committees were currently "underused".

Breakout sessions were split into three groups, focusing on investigations, hearings and public confidence, and for each group there were six sessions of which each delegate had the opportunity of attending two for each group. General points that came out were, as follows:

Investigations

A suggested final report format was discussed, for use by investigating officers, to enable Standards Committees to reach a fair judgement. Also, consideration was given to the role of Standards Committees in determining who should conduct investigations. One likely scenario is that Standards Committee membership overall may comprise mainly elected members, with a Judicial sub-committee, comprising mainly independent members, responsible for overseeing investigations. The actual process of investigations was discussed, and representatives of two Authorities gave their experiences in specific cases.

Hearings

The difficulties of organising hearings were outlined, and a presentation made relating to a specific case. It was said that the Chairman's "check-list" was invaluable, and the need for an experienced Committee Clerk for a hearing was stressed. In the specific case outlined, it was said to have taken two months to organise the hearing, bearing in mind the three months deadline for holding it. Of particular concern to delegates was the issue of burden of proof. Fairness and absence of bias were said to be key requirements. The quorum for hearings is three members of the Standards Committee, of whom one must be an independent member.

Public Confidence

It was stressed that Independent members should take full account of the fact that they are not elected, and that the elected members 'own' the Council. Nevertheless, it was vital that all need to work together to improve public confidence in local government. Key issues were how to measure progress on standards and ethical issues, how to improve behaviour, how to improve the public perception of local government, and how to disseminate "good news" to the public. Authorities must be able to operate in a transparent and accountable way, and generally create an environment whereby conduct issues could be either "nipped in the bud" or addressed before allegations were made.

On the first day, there were three optional "fringe" events, one of which was an informal session specifically for independent members, to enable them to network and share experiences. Two major topics arose, relating to regional meetings of Standards Committee members, and to the length of service and allowances paid to independent members.

Firstly, in relation to regional meetings, it emerged that a number of such forums exist in different parts of the country, and they were generally considered to be a good idea, mainly from the point of view of sharing experiences and concerns. It will be recalled that such an idea did not find favour with other nearby authorities when raised with them a year or so ago.

Secondly, the results of a survey of independent members attending the 2004 Assembly were discussed. Relating to length of service of independent members, the average term of appointment is three years, and the average of preferred total tenure (including re-appointment for a consecutive term) is 6 years. Allowances are paid to 54% of respondents to the survey, with a wide range of amounts paid. In the case of independent chairmen, 38% receive enhanced allowances, again with a wide range of amounts paid. Travel allowances are paid in 85% of cases overall. There was a call for more uniformity in the structures for payment of allowances

In conclusion, the Assembly was very interesting and well organised, with a wide range of topics covered, and many thought-provoking discussions held. The main impression was that the Standards Board and Standards Committees would continue to evolve, in the light of experience and the various proposals under consideration.

Fourth Annual Assembly of Standards Committees
5-6th September 2005
Report by Kay Biscomb

I attended the first day of the two day conference.

A Vision for Local Government: Phil Woolas (Minister for Local Government) opened the conference and gave a clear position by identifying five clear points in his opening speech.

Making it Happen: David Prince (Standards Board) gave a review of the promises from last year and updated the conference on progress against each of those objectives.

One of the central themes which emerged from these sessions was an emphasis upon the move towards local investigations of certain allegations against the code of conduct.

SESSION 1

Alternative Action – Gifty Edila outlined a series of actions which might be employed by Monitors Officers and Standards Committees which could be seen as dealing with issues without the need for a full blown hearing. The emphasis in her advice was the establishment of adjudication panels and the interpretation of local protocols. In particular the role of the chair was identified, in terms of the early stages of attempting alternative action. The objectivity of the chair, whether this is compromised through early discussions and the use of the deputy chair was discussed in some depth through Q and A.

SESSION 2

A First Hand Account – Two different monitoring officers gave an overview of their experiences of dealing with allegations. There have been a few authorities over the last 18 months who have been testing local investigations. They shared their experiences of some of these early attempts to deal with the difficulties of this process. Each authority presented the issues section by section in turn and then a comparison was made usually by the second speaker. Their experiences demonstrated that it is a long and difficult process which needs to be dealt with sensitively.

SESSION 3

A First Hand Account – Steve Wells (Adjudication Panel for England). This presentation had a different flavour in contrast to the ones that I had attended previously. Instead of dealing with issues regarding alternatives or pit falls this session focussed on the nuts and bolts of having to carry out a hearing if required. Steve Wells undertakes Adjudications on a regular basis and was able to share his years of experience in that type of process. Whilst the presentation was quite simplistic in parts it was very useful in giving practical advice and therefore allowing us to picture the whole process from start to finish. His three point process of undertaking a hearing:

1. Determining the facts
2. Applying the facts to the code

3. Determining action to be taken

Gave a clear overview of the stages. The Adjudication Panel for England have a four stage process which was advocated for use especially in terms of identifying the undisputed facts, the disputed facts and then searching the evidence.

He advised that committee members might find it useful to observe a Magistrates court in operation as part of personal development and that committees should consider sending members to adjudication training to prepare for the devolvement to local government.

Summary

The main themes which I believe spanned the sessions that I attended:

- The process is still new but developing well against the objectives set.
- Local committees are going to be devolved with greater responsibility in dealing with some local issues.
- Cases which are more likely to be devolved to local committees are minor allegations, issues where a local knowledge is deemed as being important, issues where central government involvement would be inappropriate.
- Local committees need to prepare themselves for the shift in responsibility with additional training and development for committee members.

Standards Committee – 5 October 2005

Fourth Annual Assembly of Standards Committees – 5-6 September 2005

Report by Sheila Parsons

This was my first Conference and I was grateful for clear directions to all conference rooms and general good organisation in the reception area.

When I joined the plenary session in hall 1 I was aware that about 800 people were attending. Phil Woolas (Minister for Local Government) stressed “Justice delayed is justice denied”. David Prince stressed the need to focus on local responsibility for ethical standards.

5 September 2005

Session 1 – Reaching the right decision

We were given a suggested final report format for an investigating officer to enable the Standards Committee to reach a fair judgement.

Hypothetical cases were set before small groups who debated the issues and in most cases a consensus was reached.

Session 2 – Investigations: The theory

Monitoring officers usually conduct investigations unless they have a conflict of interest. There should be four stages: planning; establishing facts; evaluating; and reporting. It is important to set targets for securing documents, completing interviews, issuing draft and final reports and presentation to the Standards Committee.

Session 3 – Making you mind up

Everyone at the session studied a hypothetical case and we answered 7 questions. Then followed a lively discussion on our findings. I found this a stimulating session.

6 September 2005

Session 1 Hearings – The theory

Changes are currently being made to legislation in relation to Standards Committee hearings – especially the rules for local hearings. Fairness and absence of bias are key requirements. Time is of the essence in achieving a fair outcome. The quorum for a Standards Committee or Sub-Committee is 3 members, one of whom must be an independent member.

Session 2 – Beyond the code

All independent members must be aware that we are not elected members and elected members “own” the Council. We all need to work together to improve public confidence in local government.

Session 3 – Communicating good news

Delegates are asked how public perception of local government could be improved. Suggestions including posting notices in libraries, radio phone-ins, talks to local groups and through the free newspapers.

Summary

I found the event interesting and well organised; the meal times were very enjoyable, with good food and pleasant company. I went on my own but never felt out on a limb and I enjoyed taking part in the debates.

S.F. Parsons.