



Standards Committee – 20 July 2005

Standards Board for England – Roadshows 2005

Summary of report

To advise Committee of the Standards Board for England roadshow and to share with members the information and experience gained from the event.

Recommendations

That the content of the report be noted;

Resource and legal considerations

There are no financial implications arising from this report.

Report detail

The Standards Board for England has held a series of events during the first half of 2005. The event for our area was held on Thursday 9 June 2005 at the Hyatt Regency Hotel in Birmingham.

The purpose of the roadshow was to:

- Listen and respond to feedback and experiences, particularly where Council's have had local investigations or determinations.
- Discussion of the next steps which need to be taken to move the ethical framework forward.
- Hear first hand views on the review of the Members Code of Conduct and share with participants the emerging themes
- Discuss the characteristics of good practice and how it can be achieved

- Consideration of improvements to the Standards Board for England performance
- Provision of support and advice from the Standards Board for England legal and policy teams.

The roadshow was attended by Mr. Roy Meller and Ms. Kate McLeod. A copy of Ms. McLeod's report on the roadshow is attached as an appendix to this report.

Background papers

All published

Signed:

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Date: 12th July 2005

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Appendix

A Code For The future The Standards Board of England Roadshow – 9 June 2005

Report prepared by Kate McLeod

The event was staged at the Hyatt Regency hotel in Birmingham's Conference and entertainment district, and Kate McLeod and Roy Meller represented the Walsall MBC Standards Committee.

The event was well attended, by individuals acting in their roles as elected members, monitoring officers, independent members and some involved in the police and fire authorities.

The roadshow was held to assist in the recent consultation process, the subject that has been open for discussion at two recent special meetings of Walsall's Standards Committee. Once the consultation process is over and the information collated, representations will be made to the Deputy Prime Minister's office, in order for proposals to be considered and ratified.

The event opened with an introduction given by the Chair of the Standards Board and the Chief Executive. Their discussions centred on the need to review the code, particularly as the role of local standards committees could possibly be expanded.

Both speakers focused on the work being carried out regionally by local standard committees, highlighting its importance and complementary nature to the national picture of the Standards Board. It was reinforced that the complementary role was to focus strongly the belief in high ethical standards and behaviour.

The link between good standards and excellence in provision of service was cited as way of demonstrating how good standards promote confidence in local democracy. Therefore it was essential that standards committees need to be truly independent, to enable the implementation of good ethical behaviour, not just generally but more specifically in a local context.

The event moved to highlighting the current work of the Standards Board, and focused on issues raised at last year's conference, in particular the delays in dealing with complaints.

It was explained the Graham enquiry was instigated to progress some of the issues raised. Its remit was to strengthen the code that existed, but also ensure the code could be applied to all consistently and fairly. The enquiries work was to enable the standards board to act in a more strategic role.

In respect of 'backlogs' of complaints received, assurance was given that all old cases and backlogs had now been cleared, and that the Standards Board is now hitting its targets. It was stated that the levels of complaints being received had become stable, and key indicators were showing some consistency with the levels of complaints received and their source.

Approximately 60% of complaints received are from the public; however there had been a slight reduction in member-on-member complaints. As complaints are mostly of a local nature, then it made good sense to have local solutions to local issues, with more determinations at a local level.

The Roadshow proposed that 50 % of cases should be investigated locally and sought views on this point, seeking the experiences of members. It was also stated that since November 2004, ESO had been referring cases back for local determination. Again, views were sought on this.

A speaker highlighted the need to develop the role of Standard Committees, highlight their value, and increase public awareness of their work. However, in increasing the role, difficulties could be foreseen, particularly in the issue of recruitment of independent members. It was also stated that some independent members could see their area of work expand considerably.

One of the most interesting proposals tabled was that of a filter system, whereby cases would be filtered out that need not be submitted to a higher authority. This point again would be considered and possibly tabled in the recommendations being made to the ODPM.

In respect of local involvement, a question put from the floor focused on the need of early notification to those against whom complaints have been made. Discussion was around whether the appropriate time was as soon as a complaint had been received, or only when a decision had been made to investigate the matter. It appears that some timescales are now in place but there was no consensus on the exact time of notification. What was made very clear from the floor was that there was a need for the investigating officer's report to be seen in full, and not just as a summary, as clearly to not allow this would be to deny a fair hearing, and the ability to compile an adequate defence.

Finally, in this context, came the issue of malicious allegations, and in essence who pays for the resources should no case be found. Although several suggestions were made there was no firm answer on this point.

Other points raised regarding the investigatory process focused on the protocols used when interviewing individuals. There was a call to reduce telephone interviews. It was felt that all interviews should be carried out face to face.

Some specific questions were put to the floor in order to get general feed back.

Question 5 of the consultation document – should the point about “confidentiality” be a defence or mitigation. 60 % of committees already agreed that it should be mitigation, except if such confidentiality is unlawful – would need to decide beforehand what was lawful and what was not.

Question 7 - the definition of unfit behaviour on the individual's and public perception. There is a need to establish a clear definition, as 'unfit behaviour' is too subjective.

Question 8 - considered the matter of reporting a breach. This was originally introduced as a protective measure, but does it need to be modified? It could be used maliciously, and possibly subjected to a local filter. There needs to be a reasonable belief. Consultation could take place with the monitoring officer, and the issue put through the local filter for determination. Concern was expressed regarding the damage done by malicious complaints. It was felt that the provision should remain to avoid major problems if there were no provision and an issue came to light that the breach was known, but nothing in the code required any action.

Questions 17 to 23 highlighted the issue of the personal interest test – is it possibly too wide? There was a suggestion that the interest should be restricted to cover an area such as a ward. There was discussion trying to identify a way of adding clarity. With the members' role of “community advocate”, this provision could be potentially in conflict, as members would be unable to address meetings, and this may not be in the public's interest. Other recommendations from the national perspective were to consider that a public service interest should be registered but not always declared, considering common law principles of predetermination and bias. The public's perception should also be taken into account.

Finally questions were put from the floor. The main question was in respect of raising the profile of committees. It was stated that the Standard Board was being publicised, through local press and the website.

The Roadshow concluded with the presenters giving a final schedule of the consultation process, and the results being sent to the Deputy Prime Minister's office.