

Report of the Assistant Director Corporate Services (City Solicitor) to the meeting of Standards Committee to be held on 4 December 2008.

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Subject:

7TH Annual Assembly of Standards Committee

Summary statement:

This report provides information to the Standards Committee on the 7th Annual Assembly of Standards Committee held on 13 and 14 October 2008 attended by the Assistant Director Corporate Services (City Solicitor).

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Suzan Hemingway, Assistant Director Corporate Services (City Solicitor)



1. Summary

- 1.1 This report provides information to the Standards Committee on the 7th Annual Assembly of Standards Committee held on 13 and 14 October 2008 attended by the Assistant Director Corporate Services (City Solicitor).

2. Background

- 2.1 The following paragraphs give details of the lectures and workshops attended by the Assistant Director Corporate Services (City Solicitor) together with information provided by the Standards Board for England at the Conference.
- 2.2 The 7th Annual Assembly of Standards Assembly was held in Birmingham on 13 and 14 October 2008. The Conference was well attended with more than 300 local authorities and joint authorities represented. The representatives included Monitoring Officers, Chair of Standards Committees and Members of Standards Committees. However it was noted that over recent years the number of Elected Member delegates has reduced significantly.
- 2.3 The Assistant Director Corporate Services (City Solicitor) attended the following lectures and workshops:

- Open plenary
Dr Robert Chiltern, the new Chairman of the Standards Board for England, opened the conference, stating he believed that local authorities had made good progress in adopting the new local framework. He indicated that the Standards Board for England is keen to hear from authorities themselves about their experience. He is to consider the relationship between local government and national politics and had commenced this work through the sharing of the Standards Board experiences at this year's party conferences.

In addition there was a key note speech from Sadiq Khan MP, the new Undersecretary of State for Communities and Local Government. Mr Khan said that the devolution of the conduct regime had been a success and thanked delegates for their hard work in delivering the new procedures. The Minister said that the public should have trust in their elected representatives and talked of the probity, accountability and objectivity expected of Members.

He went on to say that the conduct regime underpins healthy democracy and supports the expectation of honesty and integrity. He recognised that a high proportion of Councillors want to do a good job but accepted that there are a small number of members who fall short of the expected standards of conduct which undermines democracy both locally and nationally. However he recognised that the conduct regime must be fair and effective.

For this reason he explained that the 2007 Code was simpler and more proportionate and would be further reviewed to examine how it is working and identify revisions, specifically to look at the conduct of members in their official capacity and in their private capacity. The Minister also

mentioned the proposed Model Code of Conduct for Employees to be come part of the terms and conditions of Local Government employees.

- 2.4 At the opening session, Glenys Stacey the New Chief Executive of the Standards Board for England gave some useful statistical information regarding the new complaints procedure. Specifically that 1009 cases in total had been reported via quarterly returns, 385 were in the 1st quarter compared to 570 in the previous year and 624 in the 2nd quarter compared to 927 the previous year. 53% (249) authorities have received 1 or more cases.

Of complaints received, 541 were made by members of the public (54%), 364 by Members (36%) and 104 by other sources (10%) which included Monitoring Officers, Council Officers, Parish/Town Clerks and MPs.

She indicated that the Standards Board for England plans for 2009-2011 would be to move from an organisation based around case work towards a strategic organisation providing support and guidance. There would be 3 areas of work:

- Providing tools and support to Standards Committees
- Ensuring the Standards Board for England make a positive impact on the conduct regime
- To become a good regulator.

- 2.5 The Assistant Director Corporate Services (City Solicitor) was unable to attend any seminars or workshops on the 1st day of the conference as she was conducting a workshop herself on alternative action. The Standards Committee considered the presentation at its meeting on 30 October 2008 and a further guidance note is to be provided on the issues arising out of that workshop.

- Main plenary – Making an impact.

- 2.6 Sir Christopher Kelly, Chair of the Committee on Standards in Public Life spoke in the main plenary session on the first day. He explained that the Committee on Standards in Public Life is an independent committee which provides public policy advice to the Prime Minister on issues of Standards and propriety. The Committee is not a regulator.

The Committee has had considerable impact over the years on the ethical framework currently surrounding public life. For example, their third report led to the setting up of the Standards Board and their tenth report led to its reform into something closer to what the Committee had originally envisaged which included the return to local Standards Committees of first responsibility for considering alleged breaches of the Code.

- 2.7 Sir Christopher Kelly stated that high standards of behaviour in public office holders is not an optional bolt-on. It is an essential part of the democratic process. Public office holders have to take a lot of difficult decisions some of which will be unpopular. Research indicates that people are more likely to accept decisions which affect them adversely when they have confidence in the way those decisions were taken. This is one of the most important of

reasons why local politicians and others need to be able to show, not just that they are making the right decisions but they have robust and transparent processes for reaching them. He explained that it was an important role of local Standards Committee to help Elected Members to understand how they can discharge the responsibilities they were elected to undertake within the spirit of the rules without feeling stifled by those rules. In this way it was possible to give the majority who behaved well reason to hope that the reputation of all of them will not be tarnished by the poor behaviour of a minority. He did however reiterate that ultimately individuals from the Prime Minister downwards have to take personal responsibility for abiding by the spirit of the law as well as the letter. He also went on to say that changes in organisational culture need to be reinforced by leadership, by peer pressure and by performance management frameworks that don't focus only on ends and neglect the means. He did note that locally Elected Members seem to be much more hedged about with restrictions than their national counterparts. This is so even though many of the concerns that led to the creation of the Standards Board were actually about national politicians.

- 2.8 He ended by saying that we all had to worry about the fact that although standards in public life have probably improved, the public do not believe it. Although healthy scepticism is to be encouraged it can become disengagement which is bad for democracy. The low levels of trust and very low esteem in which the political class is currently held is not healthy and surveys show that a substantial number of people still believe that a significant number of Ministers are open to bribery even if you interpret that to mean improper influence rather than brown envelopes.
- 2.9 He finished by saying that all our lives will become poorer if we cannot maintain a stable and trusted political system.
- 2.10 Dr Richard Cowell, Senior Lecturer in Environment Policy and Planning from the University of Cardiff also spoke regarding his study on the impact of the Ethical Framework on local governments. He explained that they were looking at 3 sets of impacts:
- On the way Councils worked
 - On the conduct of Elected Members
 - On the dividends for public confidence in local democracy.

He explained that 9 Councils were participating in the case study and they were gathering data in 2008, 2010 and 2012 through interviews, documents, public surveys, focus group and local press analysis.

He explained that the ethical tone is set by leadership and creates a situation where everyone is disposed to be pro-active and pre-emptive towards possible misconduct and ethical risk. This creates a culture of respectfulness in which being virtuous is embraced as part of the Council's identity which feeds across to better performance.

The flip side of this is where the Ethical Framework becomes a weapon of personal and political advantage where accusations then trigger an

enormous bureaucratic workload, the spiral is reinforced where punishments are non-existent and seen as feeble or ignored by the transgressor. There was also a concern that there was a wide belief that the public were ignorant of or disinterested in the Ethical Framework and that some Councillors place little value on the reputation of the Council (and politics in general) as an interest in its own right. He also noted that some Councils were operating in very different (local) media environments. The outcome of the research should prove very interesting.

- 2.11 Finally in this plenary session Ben Page, Chairman of Ipsos Mori Social Research Social Research Institute spoke about the need to get the Standards Committee message across. He started by stating:

“Our reputation as institutions is lower than that of many of the services we deliver”.

He discussed the difficulties local councils have in engaging with local communities and the perceptions they have. Specifically his research showed that only 6% of those surveyed felt they knew a great deal about their local Council and 44% admitted they knew very little. There appears to be significant confusion over Councils’ responsibilities. 49% of those surveyed thought the Council were responsible for the local police service and 45% for their local hospital. Fewer than half surveyed knew which party was in charge of their local council and only 1 in 14 knew who the leader of their Council was.

He commented on the need to ensure communications were effective. In addition he pointed out that this could be reflected in comprehensive performance assessments in that no high performing Councils were poor communicators.

He argued that it was important that Councils agreed on what the message was and that they gave thought to their relationship with the media, mainly because the media is often negative about local government, specifically that failure to meet the requisite conduct standards often provided interesting headlines.

Interestingly the research did show that 2 in 5 think Councillors do a good job but only 25% felt that Councillors’ motives were their local area interests and 27% felt their motives were their own and 32% their parties.

He concluded by stating that politicians matter as much as ever and increased attention to complaints/allegations do not help the public perception of local politicians. There is no sign that the public are happier with local government and clearly there was a need for effective communication regarding the ethical governance framework.

- 2.12 On the 2nd day Assistant Director Corporate Services attended two workshops.

Delivering Local Determinations and Setting Sanctions

This was presented by Simon Bird, Deputy President of the Adjudication Panel for England and Mark Jones the Principal Legal Adviser at the Standards Board for England.

This was a practical session regarding the specific requirements of local determination and the setting of sanctions. As Monitoring Officer this was a useful session with constructive exercises looking at the appropriate sanctions to be applied.

In confidence

This was a presentation from Bernadette Livesey, Chief Law and Administration Officer at Calderdale Council, Lynne Shackley, Guidance and Promotions Team at the Information Commissioner's Office and Storm Westmass, Principal Legal Adviser for the Standards Board for England.

In this session there was a discussion regarding the legal requirements for protecting the personal information of complainants and Members. Again it was a very technical legal session which, as Monitoring Officer, was useful. Particular emphasis was on the public interests defence and the role of the Information Commissioner in respect of Data Protection Act and Freedom of Information Act requirements.

Plenary Session – A Higher Level

Robert Chiltern introduced Dr Michael Macaulay from the University of Teeside and Alison Kelly, Strategy Advisor on Governance and Accountability from the Audit Commission.

Dr Macaulay was considering the role of an effective standards committee, where an effective standards committee sits within an authority and with whom the key relationships are formed.

He suggested that an effective standards committee would be pro-active and is seen as a friend not a foe, to ensure that the work is embedded in the authority and dictates a leadership role. It should have authority-wide recognition and an appreciation among both Members and officers. It should be instrumental in driving change in everyday behaviour and attitudes, be responsive to new challenges and needs and ensures that Standards is at the heart of the organisational culture. A recognised standards committee develops close internal relationships and is part of a broader standards community. An effective standards committee will develop genuine trust within the standards committee, the authority and with the public.

Alison Kelly reported on the Audit Commission Self Assessment Ethical Governance Survey research which showed that 36% of officers are not sure what to do if a Member fails to comply with their Code of Conduct and although 85% of Members know the Standards Committee exists in their Council only 52% of senior officers know about it.

She stressed that the Standards Committee must be focused, resourceful and effective. The self assessment tools should be used to establish negative perceptions and change them through action. In addition, Council's should self assess against the Audit Commissions Use of Resources Key Lines of Enquiry.

General Comments

3. Overall the Conference was very informative. However from discussions with other delegates it does seem that it has perhaps lost its way slightly in that there were very strategic discussions and then some very focused technical workshops which were clearly of benefit to only a specific part of the delegation.

In addition it was felt that the information provided regarding those workshops was insufficient to enable particular delegates to assess whether they were of value to them.

4. **Options**

N/A

5. **Financial and resource appraisal**

No financial implications in terms of this report.

6. **Legal appraisal**

There are no legal implications of this report.

7. **Recommendations**

7.1 That Standards Committee considers the report and notes its contents.

7.2 That Standards Committee considers what, if any, feedback ought to be made to the Standards Board for England regarding the content of the conference and its format.

Reasons for the recommendations

7.3 To ensure the Standards Committee is fully aware of the Conference Agenda and contributes to shaping future conference content.

8. **Background documents**

8.1 Standards Committee Members is reminded that the full Conference Agenda and materials are available on the Standards Board for England website at www.standardsboard.co.uk on their events pages.