



TITLE: FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES

TO/ON: STANDARDS COMMITTEE 5TH OCTOBER 2005

BY: MARK WESTON, HEAD OF LEGAL AND DEMOCRATIC SERVICES

LEAD MEMBER: COUNCILLOR JANET GRAHAM (HUMAN RESOURCES AND MEMBER DEVELOPMENT)

STATUS: FOR PUBLICATION

1. PURPOSE OF THE REPORT

- 1.1 To inform Members of the Fourth Annual Assembly of Standards Committee and the key learning points arising from it.

2. RECOMMENDATIONS

- 2.1 To note the report.
- 2.2 To recommend that the Chair of the Standards Committee, the Monitoring Officer and an Independent Member attend next year's Annual Assembly.
- 2.3 That the Monitoring Officer uses the Audit Commissions ethical diagnostic toolkit to assess the Council's ethical arrangements and brings a report back to a future meeting of this Committee in respect of these.

3. REPORT AND REASONS FOR RECOMMENDATIONS AND TIMETABLE FOR IMPLEMENTATION

- 3.1 Myself, as the Council's Monitoring Officer, and Councillor Janet Graham, Chair of the Standards Committee attended the Fourth Annual Assembly of Standards Committee on the 5th and 6th September at the International Conference Centre in Birmingham.
- 3.2 The Conference this year focused on investigations, hearings and building the trust of local communities in their authority.
- 3.3 David Prince, Chief Executive of the Standards Board for England, reported that the Standards Board had focused its attention on the most serious cases

that had been referred to it and that they had determinedly weeded out the frivolous, vexatious and politically motivated cases.

- 3.4 He informed the conference that the Standards Board now process new complaints within 10 working days.
- 3.5 The Standards Board intends to go for local case handling wherever possible. Since January 34% of cases have been referred for local investigation. Another 9% of cases have been referred to Local Standards Committees for local determination. He predicted that half of all cases would be investigated or determined locally by 2007.
- 3.6 He reported that Standards Board had speeded up their case handling. Since April they cleared 46% of cases within four months and hit 65% in July. He stated that they aimed for 90% of cases to be cleared in six months and that they achieved 71% last quarter, 79% in July.
- 3.7 He stated that prevention is much better than cure. The successful local ethical agenda is the one that is owned and driven locally, the one that is part of the day job and the way things are done daily. He reported that that is why the Standards Board had worked with the IDeA and the Audit Commission to jointly badge the Local Government Diagnostic, and why the ODPM has provided support through the Local Capacity Building Fund.
- 3.8 The Standards Board believes that culture starts from the top and that is why they have been working with Leaders and Chief Executives. Their relationship and behaviour set the pattern for the entire Authority. If ethical behaviour is on their agenda it will be on everybody's.
- 3.9 The Standards Board has been working with the Audit Committee to add an ethical component to the capacity section of the new comprehensive performance assessment.
- 3.10 The Standards Board is rapidly turning itself into a strategic regulator, focusing on the most serious cases, reducing the size of their investigations team and refocusing their resources to support Council's in their core purpose of improving confidence in local democracy.
- 3.11 He promised that during the coming year the Standards Board would remain committed to improving its own performance.
- 3.12 Phil Woolas MP., Minister for Local Government, addressed the conference. He stressed the importance of the Standards Board in making sure that high standards of conduct are maintained. He stressed the importance of trust between Local Government and members of the public. He stated as follows:-
- 3.13 "That trust is vital, I think we are all agreed on that and we share that commitment to Local Democracy. That means in an age when it would appear that people take less part in voting, and many people take part less in civic life, that our work is even more important. There is a very worryingly apparent

growing divide between those that have the education, and means, who are articulate, who can take part even more in civic life – and the majority of the public who seem for whatever reason not to wish to take part. I believe the existence of a healthy and strong Standards Board is pre-requisite towards increasing that trust.

- 3.14 If the trust between Members and the people they serve is missing, people will not invest their time and energy in taking part in the democratic process. For that to happen I take it as red that the starting point is to ensure our elected representatives follow the higher standards of behaviour when serving the public and to ensure that people understand such standards are the norm not the exception.
- 3.15 This point is especially important in the context of the Government's plans for improving neighbourhood participation. Councillors will need in the future to take on a much stronger community leadership role in their neighbourhoods within the wards or divisions they represent. That role as community leader will mean they have a much greater say in decisions affecting their neighbourhoods and the services that the public who live there receive, whether that be a rural parish area or an inner city urban area. For example, Councillors may well find themselves managing community assets and running community projects. So the need for trust and reconnection, and therefore a strong ethical context will be greater in the future than it is now.the number one task is not to pursue this conduct, whatever the impression is given, but to create an environment where misconduct does not arise or, on the few occasions where it does, its a rare exception to the norm. The expected norm is of course is a high standard of conduct throughout Local Government.
- 3.16 But to embed that culture properly it is not just a matter for Standards Committees and Monitoring Officers. You cannot do this on your own – the whole Council must take ownership of this agenda. The political leadership must set a good example. All Members and managers must not only actively promote high standards but also challenge inappropriate behaviour when they see it.
- 3.17 Sir Alistair Graham, Chair of the Committee on Standards in Public Life, addressed the Conference.

He stated that his key recommendations were as follows:-

- Sifting of complaints to be undertaken by local standards committees (from 2007).
- Within a national framework regulated by the Standards Board for England.
- Only the most serious cases referred to the Standards Board for England for investigation.

- Power for the Standards Board for England to audit and, where necessary, to remove delegation.
 - Independent chair the majority of independent members for Standards Committees (immediate).
 - Liberalisation of some aspects of the Model Code of Conduct (2005).
 - Parish and Town Councils should remain within the ethical framework.
- 3.18 Alistair Graham said “taken together, these proposals will enable the Standards Board for England to transform itself into a strategic regulator, able to establish, maintain and independently scrutinise the elements of a national framework within which local Standards Committees and Councillors can manage ethical issues primarily at a local level”.
- 3.19 If Members want to find out more about the Committee on standards on public live Members can go on to the website, www.public-standards.gov.uk and standards.evidence@gtnet.gov.uk
- 3.20 Patricia Hughes, Deputy Chair of the Standards Board for England addressed the Assembly. She reported on the review of the Members’ Code of Conduct. She stated as follows:-
- 3.21 “Probably the most significant in terms of Councillor concerns are the proposals for changes in respect of the definitions of personal and prejudicial interest. We believe that there is a risk that the current rules are over restrictive and can be used to exclude from even discussing in Committees certain matters which their community would expect them to be addressing. These are what could be called public service and community advocacy interest. It is apparent that this one issue is still causing confusion as well as frustration and general difficulty. The Board believes that the definition of personal interest should be restricted further than at present and that interest which arise solely from public service should be acknowledged. We also believe that Government should Standards Committees boarder powers to grant exemptions.
- 3.22 The second proposal is to remove the duty on a Councillor to report alleged breaches of the Code, on the basis that this has placed Councillors in considerable difficulty whilst proving relatively ineffectual. Our proposal is to replace this with a provision against the intimidation of witnesses and complainants.
- 3.23 Other proposals are in respect of changes to the duties of confidentiality where there is a general public interest offence, a specific duty prohibiting bullying, and amendment moving the current balance on matters concerning private conduct so that the Code only covers private activity which has the potential to bring a Members’ office or authority into disrepute. The proposals are now with the Minister for consideration. Not forgetting, of course, we do not know the outcome but by next year we should and we will be pressing the Minister to reach his decision and implement any changes quickly. The aim is for us to

have in place a Code which is perceived as fairer, simpler and more positive in its tone but which remains true to the 10 principles of public life”.

3.24 The Audit Commission reported that the next round of comprehensive performance assessments will contain an audit of the Council’s Governance arrangements. Evidence has shown that there are clear links between sound ethical governance and good quality services.

3.25 The Council will need to show that it has adopted Codes of Conduct, it monitors compliance and that it has arrangements to prevent and detect fraud and corruption.

3.26 The Council will need to demonstrate that:-

- It can demonstrate Members and staff exhibit high standards of personal conduct.
- The Council has undertaken an assessment of standards of conduct.
- Officers and Members comply with the requirements in respect of the registering of interest and gifts.
- The Council has a Members’ Code of Conduct.
- The Council has an effective Standards Committee.
- That the roles and responsibilities of officers and Elected Members are clear.
- The decision making process is transparent and results in relevant actions.
- Full account is taken of diversity, user focus and human rights in decision making.
- Elected Members and officers work effectively within the ethical framework.
- The Leader and Chief Executive promote the importance of the ethical agenda and are recognised as role models.
- The Monitoring Officer promotes high ethical standards.
- The Standards Committee has a majority of independent members.
- The Standards Committee promotes high ethical standards and is highly respected within the Council.
- The Council has a clear scheme of Member Delegated decision making.

- Officers are clear about responsibility.
- Senior Officers contribute to strategic and policy decisions.
- The Cabinet Members take full responsibility for key decisions and do not interfere with minor operational issues.
- Officers and Members treat each other with respect.
- The Council champions and promotes diversity to its staff, partners and wider community.
- Externally the Council is seen as upholding higher standards of ethics and probity and has a high reputation for efficiency and integrity.

3.27 In light of this the Audit Commission has worked with the Standards Board and IDeA to produce an “ethical” diagnostic toolkit for Local Government, and it is recommended that the Monitoring Officers uses this toolkit to assess the Council’s ethical arrangements and reports back to a future meeting of this committee.

4. CORPORATE IMPROVEMENT PRIORITIES

4.1 FINANCE AND RISK MANAGEMENT

4.1.1 The cost of attending the Standards Board Annual Assembly is met from the Council’s training budget.

4.2 MEMBER DEVELOPMENT AND POLITICAL ARRANGEMENTS

4.2.1 Attendance at the Annual Assembly ensures that the Council keeps up to date with the ethical agenda.

4.3 HUMAN RESOURCES

4.3.1 Not applicable.

5. RISK

5.1 If the Council does not attend the Annual Assembly there is a risk that it will not be up to date with the ethical agenda and that it will be perceived as not treating the ethical agenda with sufficient importance.

6. LEGAL IMPLICATIONS ARISING FROM THE REPORT

6.1 None.

7. EQUALITIES ISSUES ARISING FROM THE REPORT

7.1 None.

8. WARDS AFFECTED

8.1 None.

9. CONSULTATIONS

9.1 None.

Background documents: None.

For further information on the details of this report, please contact: Mark Weston, Head of Legal and Democratic Services on 01706 244502 markweston@rossendalebc.gov.uk