

## **Fifth Annual Assembly of Standards Committees**

### **Report of the Clerk**

For further information about this report please contact Sharon Lloyd, Corporate Services Manager, on 01743 260210.

#### **1 Purpose of Report**

To advise Members of the main issues discussed at the Fifth Annual Assembly of Standards Committees.

#### **2 Recommendation**

Members are requested to note the report.

#### **3 Background**

The Fifth Annual Assembly of Standards Committees, headlined 'Bridging the gap – Towards effective local regulation', took place on 16 and 17 October 2006 at the International Conference Centre in Birmingham. The focus of the Assembly was on the challenge for local government to become the champion of high standards across public life.

The Chair of the Standards Committee attended together with the Corporate Services Manager. The Fire Authority's Monitoring Officer, Deputy Monitoring Officer and Solicitor also attended but in their capacity as officers of Borough of Telford & Wrekin.

A brief summary of the issues considered during the conference is given in this report.

#### **4 Local Government White Paper**

In his plenary session the Local Government Minister Phil Woolas MP advised that the Local Government White Paper was a matter of weeks away. He said that the Paper would be devolutionary and would look to empower local



government, councillors and local people and that the standards regime must follow.

The Code of Conduct is a vital element of the more locally-based framework and the Minister said that the consultation on a revised, draft Code would be issued very shortly. The new Code, which resulted from a review by the Standards Board, would be in place for the local elections on 3 May 2007. For the new system to work effectively, the capacity and capability of Monitoring Officers and Standards Committees to carry out their new roles must develop.

The Minister said “The [new] Code will be user-friendly, fair and proportionate – in fact, a reflection of the conduct regime itself as it should be.” This means having the right training, development and guidance in place for both officers and Members, and this important role will be delivered by the Standards Board.

To help retain public confidence, the Minister said that Standards Committees should have an Independent Chair, but should not be required to have a majority of Independent Members. Maintaining a balance of Members, including those with a representative role, helps to ensure local democratic ownership.

The Minister recognised concerns about resource implications of the new regime and the need for Monitoring Officers to be robust and consistent, resisting political pressure. He added that he wanted to see authorities co-operate and work together. His speech ended by asking delegates to step up and meet the challenges facing them in the months ahead.

During the Annual Assembly delegates were advised that the draft, revised Code of Conduct was likely to be issued by the Government for consultation a few weeks later. It was anticipated that the consultation period would last until the end of December and parliamentary approval would be granted in late January / early February, with a view to bringing the revised Code into effect in May 2007, prior to local elections.

Many delegates thought at the time that this was unrealistic, which does appear to be the case, as to date the draft, revised Code has not even been issued for consultation. Enquiries to the Standards Board have revealed that the Code is still with the Department for Communities and Local Government and is likely to be issued shortly – a message we have been hearing for some considerable time.

## **5 The Future of the Standards Board**

Patricia Hughes, the Deputy Chair of the Standards Board for England, gave an overview of the future of the Board and the revised Code of Conduct.

She pointed out the consistency of the volume of complaints and the high threshold for referring cases. Experience of locally handled cases so far



showed smooth handling of the majority of cases, although there were a few teething problems. The focus of the Board is already adjusting in anticipation of the new framework: away from the volume of cases investigated and towards the provision of a stronger framework of support and guidance.

Patricia Hughes said “The proposed changes are far-reaching, they are radical; they give us the opportunity to get the Code we want and to get it right.”

The Standards Board is working closely with the Department for Communities and Local Government to make sure that the new system is designed to be as effective and flexible as possible. This raises a number of issues, for example ensuring equal treatment of Members from one authority to another, and resource implications for some authorities.

She urged delegates carefully to consider the proposed revisions to the Code, and stressed the need for authorities to adopt the revised Code as early as possible. She finished in summarising how the Standards Board sees its future role – increasingly strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support.

## **6 Implications of the Revised Code and the Future Ethical Environment**

In these sessions, delegates discussed and debated the implications of the revised Code of Conduct, the local filter for complaints and the future ethical environment.

One theme, which came up in the sessions, was the need for Members, both prospective and returning, to understand the Code of Conduct before taking office, with many delegates also stressing the need for guidance on the revised Code as soon as possible.

Monitoring Officers were concerned about whether they would have the resources to help authorities handle changes, and the need for powers other than investigation, such as mediation, to resolve issues. The need for guidance and resources to assist with the local filter was also emphasised.

Other issues raised were:

- Recruiting Independent Members
- Collaboration between authorities in respect of training
- Placing time limits on investigations, so that delays do not occur, and
- The need for Standards Committees to lead on training and ethical issues, not just on dealing with breaches of the Code.

The Standards Board for England will be producing guidance and training materials on the revised Code, when it comes into force, and on other areas, such as the local filter. The Board has asked the Department for



Communities and Local Government to look into the resources issue. It will continue to lobby on this and encourages authorities to do the same.

## **7 National Study of Standards Committees**

The findings of the first national study of Standards Committees and their work were revealed during the first day of the Assembly. This research was commissioned by the Standards Board for England in partnership with ACSeS (Association of Council Secretaries and Solicitors) in response to the shift towards local ownership of the ethical agenda. This shift will focus greater attention on the role of Standards Committees and Monitoring Officers, making the research both important and timely.

The aims of the study, carried out by BMG Research, were to discover views, experience and activities, to gather information on current practices and inform future direction. All Standards Committees and Monitoring Officers in England were invited to take part through a postal survey. Just over 3,000 questionnaires were sent out, and 60% of individual authorities responded.

The key findings presented at the Assembly were:

- Most Standards Committee Members serve for between one and five years, with just under a quarter serving for five years or more.
- When Standards Committees meet, (nearly all had met at least once since January 2005) the majority of Monitoring Officers surveyed said they attend these meetings.
- Key functions of Standards Committees include monitoring the effectiveness of the Code of Conduct, arranging training or seminars on the Code and being involved in local hearings.
- Recruitment of Independent Members is generally seen as neither easy nor difficult. Advertisements in newspapers are the most common method of recruitment and are also seen to be the most effective.
- Half of all authorities surveyed have undertaken a local investigation in the past. Although most feel it was undertaken to an acceptable standard, four in five Monitoring Officers report experiencing problems in the investigation process.
- Raising awareness of Standards Committees within the authority is seen to be the key benefit of investigations. One third of Monitoring Officers, who responded, said, however, that investigations can have a negative impact on the relationship between them and Members.
- Most Monitoring Officers and Standards Committee Members have received training in how to undertake a local investigation. Almost two-thirds, however, would like more training. Monitoring Officers, who



responded, reported that training on ethics and the Code of Conduct has been delivered in their authority, and that attendance by Standards Committee Members has been fairly, or very, good.

- Most Standards Committee Members have received training on how to undertake a local hearing, and training in relation to other aspects of their role. Whilst three-quarters of Standards Committee Members say they feel well prepared for their involvement in local hearings, two-thirds would like additional training relevant to their role.
- Standards Committee Members view their role positively, having good working relationships with their Monitoring Officer and receiving sufficient support from them.
- Three-quarters of Standards Committee Members expect their workload to increase in the future and over two-thirds believe they will be able to cope with the changes.
- Monitoring Officers are positive regarding: their working relationships; their role in the authority; resourcing; training; and support from their chief executive and the chief finance officer.
- Expectations are that workloads will increase following the proposed changes set out in the local government white paper *Standards of Conduct in English Local Government*. Less than half of Monitoring Officers surveyed feel confident they are fully prepared for these changes.
- Most Monitoring Officers are aware of the Ethical Governance Toolkit. Over a quarter have used some of the materials and over half plan to use the Toolkit in the future.

The full report is likely to be published on the Standards Board for England website by the end of January.

## **8 How Do You Measure Up?**

During these sessions delegates looked at their authorities in the context of the BMG research.

Issues arising included the need for a proactive Standards Committee Chair. The lack of Independent Member candidates and the lack of diversity of Independents were discussed, demonstrating the need for proactive recruitment. The need for public awareness of Standards Committees and the role of the Chair in raising this profile were highlighted.

Delegates felt that the issue of training was key, emphasising the need for training to be ongoing and suggesting that experienced Members mentor new Members. Collaboration on training between neighbouring authorities was also recommended. Opinion was divided in one session as to whether



Monitoring Officers should be legally trained. Some Members called for training for Members to be mandatory.

Tensions between elected and Independent Members were discussed. A formal support network for Monitoring Officers was suggested for sharing best ideas and practice.

## **9 Bridging the Gap: Knowledge, Techniques and Skills**

Sessions on a variety of topics addressed the challenges of a revised Code and a more locally focused system. Below is a snapshot of some delegates' discussions.

In the session 'Investigations – in-house or out-house?' topics discussed included the need to consider carefully the reasons why an investigation should be outsourced. If it is outsourced, prepare key points, choose the investigator with care, and make sure that the Monitoring Officer, or some other appropriate person, sees the draft report. There was discussion around the pros and cons of joint working more generally, and the level of involvement of the Standards Committee Chair in investigations.

'Holding an effective hearing' emphasised that preparation is key, and that the composition of Standards Committees is important. Delegates raised worries about time resources, the number of Panel Members, and the fact that Members could be susceptible to persuasion.

## **10 Bridging the Gap: Awareness, Development, Wider Debate**

These sessions focused on bridging the gap between simply fulfilling statutory obligations and integrating ethical standards into the corporate governance framework. Below is a snapshot of one of these sessions.

'Working proactively – the role of Standards Committees' covered:

- The need for Standards Committees to have terms of reference beyond their statutory obligations
- The fact that the capability of Standards Committees varies widely
- How Standards Committees can measure the ethical temperature of their authority
- Raising the profile of Standards Committees within their authority, and
- The need for work programmes and for the regular updating of protocols and registers



## **11 At the Fringe**

This year's optional fringe events were run by a range of bodies from local government, covering topics of key interest to delegates.

Discussion at the event organised by SOLACE (Society of Local Authority Chief Executives and Senior Managers) on 'Leadership and governance and the Lyons Inquiry proposals' was based around the key role of effective leadership and governance at all levels, particularly at locally, as proposed by the Inquiry. Topics highlighted included the need for Standards Committees to provide local context and an understanding of the real issues in their particular area. Also raised was the importance of participation, in particular the danger of stopping people with knowledge and understanding of the issues under debate from participating.

The fringe event 'Independent members gaining a voice' witnessed the inaugural meeting of the Association of Independent Members of Standards Committees. Many of those attending said that they saw it as an excellent way forward.

## **12 Financial Implications**

There are no financial implications arising directly from this report.

## **13 Legal Comment**

The proposed changes to the Code of Conduct and the procedure for processing complaints (referred to in paragraphs 4, 5, and 6 of this report) are not yet in place and will require new legislation. Accordingly there are no legal implications arising directly from this report.

## **14 Equality and Diversity Implications**

An Initial Equality Impact Assessment has been carried out for this report.

## **15 Appendices**

There are no appendices attached to this report.

## **16 Background Papers**

There are no background papers associated with this report.

More information relating to the various issues summarised can, however, be found on the Standards Board for England website:

[www.standardsboard.co.uk](http://www.standardsboard.co.uk)



Implications of all of the following have been considered and, where they are significant (i.e. marked with an asterisk), the implications are detailed within the report itself.

Balanced Score Card		Integrated Risk Management Planning	
Business Continuity Planning		Legal	*
Capacity		Member Involvement	*
Civil Contingencies Act		National Framework	
Comprehensive Performance Assessment		Operational Assurance	
Efficiency Savings		Retained	
Environmental		Risk and Insurance	
Financial		Staff	
Fire Control/Fire Link		Strategic Planning	
Information Communications and Technology		West Midlands Regional Management Board	
Freedom of Information / Data Protection / Environmental Information Regulations		Initial Equality Impact Assessment Form completed	*

