

**STANDARDS FOR ENGLAND – ANNUAL CONFERENCE**

**Report of Chief Solicitor**

**1. Introduction**

The 2009 Annual Assembly of Standards Committees was held on 12<sup>th</sup> and 13<sup>th</sup> October at the International Convention Centre at Birmingham.

The theme for the conference was “Bringing Standards into Focus”. This report summarises the main issues discussed at the three plenaries. In addition, workshops were held for Monitoring Officers and Members of Standards Committees, and in particular from the perspective of independent members.

It is envisaged that those Members also attending the conference will share their experiences when this report is considered.

**2. State of the Nation Address**

2.1 A video message was given by Rt Hon Rosie Winterton. The main points she made were as follows:-

- Trust is the cornerstone of local democracy.
- The devolved conduct regime is now fully implemented.
- Standards Committees create a sense of ethical well-being.
- Independent Members give the public re-assurance
- Misconduct damages the reputation of Local Authorities.
- Training and/or mediation can be more effective than suspension.

2.2 Dr Robert Chilton felt the key issues were as follows:

- Standards has become a political issue as a result of the anger at national level over MP’s expenses.
- The Conservative party green paper ‘Power to Local Communities’ proposed to scrap Standards for England, and it needed to fulfil its role by continued excellent performance.
- 50% of complaints were dismissed at the 1<sup>st</sup> stage of assessment. People had forgotten what the position was before the Code e.g. bullying was common.
- Pre-determination of planning applications was not a Code of Conduct but a common law issue and was difficult for Members to understand.

In response to the criticism of the function of Standards, there was a need to get the facts out. The vast majority of persons felt that

standards had improved since 2002, and that Local Government was more transparent and trusted than Parliament.

Support for the Code of Conduct was high:

Standards Committee members	98%
Monitoring Officers	97%
Elected Members	90%
Town/Parish Members	92%
Town/Parish Clerks	94%

The task was to improve the system. He asked:

- It is proportionate?
- Is it slow?
- Were the costs too high?
- No mechanisms for vexatious/persistent complainants.

Despite this, survey results revealed:

- 81% agreed that maintaining high standards is an important issue for local government.
- 47% think the standards have improved.
- 42% think the Standards Committee has a high profile in the authority.

An excellent Standards Committee:

- Secured compliance
- Had quality outcomes
- Innovated
- Had influence
- Communicated its role (e.g. annual report to Council and to outside world).

### 2.3 **Glenys Stacey – Chief Executive of Standards for England**

She referred to the Annual Review, “Local standards national perspective” and highlighted the following key figures:

- 2,863 complaints were received by local authorities.
- Standards Committees took an average of 20 working days to make initial assessment decisions about complaints.
- From 8 May 2007 to 31 March 2009, Standards for England received 177 referrals from Standards Committees.
- 74% of stakeholders agree that the local standards framework is now successfully bedded in.
- 94% of stakeholders support the need for Members to sign up to the Code of Conduct.

She highlighted the following work over the last 12 months:-

**Best Practice** – Developing their approach to best practice throughout the year.

**Communications** – Attended a local government communications officers' conference in May to spread our views.

**Other Action** – We have continued to offer advice on this over the past year, and published specific guidance on Other Action. [This was the subject of a report at the last meeting].

**Parishes** – We have talked to authorities about practical ways of dealing with difficult parishes, in particular those that are serial complainants and that have a high volume of tit-for-tat complaints. We have worked with representative organisations in the parish sector to improve relations between Standards Committees and parishes in general. We have also tried a different way of working with parishes – whole parish mentoring – the initial results of which look promising.

**Standards in local partnerships** – Advice is available on this and was a topic of one of the sessions at this year's assembly.

**Training** – We have produced a new DVD on local assessment.

### 3. **The Costs of Ethical Failure**

This session consisted of an introduction of Professor Alan Lawton of Hull University. The causes of major failures could include:-

- Pressure to meet targets
- Lack of understanding
- Personal differences

Failure impacted on:-

- The individual.
- The organisation (Council).
- The wider community

The most important quality for a Monitoring Officer was courage, in the face of stressful situations. The organisation's ethical failure resulted in a tarnished, difficulties in recruitment and retention staff, poor performance and lost credibility.

In respect of the community the impact was upon trust and community engagement through adverse perceptions of Councillors and officers.

Kim Riley former Chief Executive of Hull City Council indicated that Hull's troubles had started in 2002 and were due to poor political leadership and governance and bullying of officers. A peer review in 2004 stated Members were responsible for setting the mood and must take responsibility for behaviour and conduct.

In leading the Council to recovery it was important to have visible leadership from the top, improved systems and procedures with incentives to change as well as courage and determination. Although it had taken 4 years for a leading Member to be disqualified, Hull was now a 3 star authority and had recovered its reputation.

Peter Moore, the Executive Director of Lincolnshire County Council provided a similar account of troubles at his authority. In 2002 a KPMG public interest report referred to a "climate of fear, suspicion and mistrust" which was confirmed by an ethical governance audit in the same year undertaken by Rodney Brooke. The Leader had been jailed for misconduct in public office and his successor had been disqualified. In 2005, a corporate governance inspection was still critical but thereafter a peer review led by Sir Les Elton had signed off an improvement plan similar to that at Hull and the authority had again begun to recover its tarnished reputation.

#### **4. The Local Standards Framework a Force for Good or a Necessary Evil? A Debate**

David Prince CBE Chair of Standards for England believed that it had built a positive culture in Local Authorities and increased public confidence.

Councillor M Chater, Chair of NALC stated the ethical framework could not just be abolished but would have to be replaced. The system was well established and necessary.

Councillor Gloak of Somerset County Council felt that governance and high standards were necessary ingredients to good decision making. Standards Committees had a steady influence and were good for Members and good for public confidence.

Kirsty Cole, Monitoring Officer of Newark and Sherwood District Council referred to the problems in the 90s e.g. Lady Porter at Westminster and "Donnygate" which had diminished the reputation of Local Government. She felt that Nolan had been given a fresh start. Perception is as important as reality. She felt the framework could be managed with another regulatory system (Ombudsman). Monitoring Officers had insufficient discretion to weed out trivial and vexatious complaints. The system had been abused by those with personal vendettas making political points. She felt we needed a code with a lighter touch. It was disproportionate after potentially three hearings and an investigation for a Member to simply make an apology.

5. **Other Presentations**

Other workshops and presentations were attended by the Council's representatives and in summary these were felt to be more practical than in previous years.

6. **Recommendation**

That the Committee notes the content of this report.