

Fifth Annual Assembly of Standards Committees
Venue: ICC Birmingham – 16/17 October 2006.

General:

Two thirds through the first day I wondered if I was wasting my time and the Council's money but I should not have worried. Enough came out of this Assembly to feed our minds for many months to come and hopefully give us the impetus to develop our role in Taunton Deane. In the end it was one of those conferences you come away from feeling a little shattered with the amount of information given to you. I hope to highlight many of the issues raised so we may have a thorough debate.

Phil Woolas MP, Minister for Local Government:

The Minister told us the White Paper on Local Government is only weeks away. This is intended to be devolutionary and there was even talk of the importance of neighbourhoods. It will need primary legislation to put into effect and will operate from 2008.

There will be a new Code of Conduct in place in time for the May 2007 elections. That in itself will present a problem for us for training for the new Code must be in place if new Councillors are to receive it when elected. We must consider the new Code and recommend adoption if necessary before May. We are assured the new Code will be user friendly but having done a session on personal and prejudicial interests at the conference, I have my doubts.

He recognised the problem over resourcing but apart from getting the clear message from the audience, no promises were forthcoming.

He touched on the need sometimes to co-operate with other authorities, perhaps on training or inter-support on determinations.

Patricia Hughes, Deputy Chair, Standards Board:

During this session we heard that the new Code will be far reaching. In respect of declarations of interest, Councillors will have the right to talk about issues unless there is a clear conflict of interest.

The process of moving the Standards Board to Manchester has begun and we are assured they will be taking on a strategic role, offering guidance to local SCs. The average number of complaints per District Council is 5 in a year. 66% of all complaints are now dealt with locally.

There will be a recommendation to ministers that SCs will have flexibility in the way they deal with complaints, something welcomed at the Assembly to avoid the bureaucracy of minor complaints. There will also be a system of 'filtering' and Greg went to a session on this so I will not steal his thunder.

The big question for us will be: What time targets will we set for dealing with complaints?

Professor Gerry Stoker.

We had an excellent analogy for SCs. He likened us to breeds of dogs!

Lapdog – a pawn of the L/A itself, politicised and disengaged.

Watchdog – Deals with rules and enforcement but is generally reactive.

Guide Dog – Again deals with rules and enforcement but pre-empt any problems, issues guidance, sets up organisational processes and is proactive.

The challenge for us all to is to move to the guide dog status.

In essence he was saying we should demonstrate ethical leadership, show transparency and adaptability to meet changing standards.

Frances Done – Managing Director at the Audit Commission:

Her advice was to look not only at procedures and arrangements but also behaviours of Councils in assessing ethical governance (a term often used at the conference).

Pointers included:

- Look at good leadership
- Failure in ethical governance impacts on performance and damages a Council's reputation.
- Most important were local values and leadership.
- Think about the Ethical Governance Diagnostic Tool, a voluntary web-based survey of members and senior managers.

The Audit Commission had found some Councils much more proactive than others on ethical governance. It was important to continually look at this aspect of local government and keep improving standards.

Post 2008, there will be a new assessment framework for Councils dealing with leadership and ethical governance and they will be key factors in assessing risk.

Workshops: Implications of the Revised Code for SCs.

Issues that came out of this workshops included:

- What will happen to those cases midway through when the revised code comes into force.
 - Funding
 - We need the details of the new Code now if we are to be in time for the May elections
 - SCs need to see a target for pre-hearings and filtering as well as determinations
 - Many expressed difficulty in recruiting. Suggestions included – Web site, Personal approach, and advertising.
 - 62% of monitoring officers were members of their Corporate Management Team. This was seen as beneficial as they can put the views and concerns of the SC to this team e.g. it needs a budget or needs a greater profile.
 - Good practice was felt to be:
 - An independent chair (shortly to be compulsory)
 - A majority of independent members
 - Visits to Council and Parish Councils
 - Few or no hearings
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The Revised Code:

In the group I attended, we went through a scenario which highlighted the problem of Declared Interests. I have brought the paper away with me and suggest this is dealt with at a training session for SC members. It will cover issues such as interests on public service bodies, election to Council on a single issue, defining a relative, lobby group members, speaking for your ward and many other issues.

The Hearing Procedure:

This is also a subject I suggest is dealt with at a training session. I have brought away the scenario and suggest it is used along with the Guidance for Monitoring Officers – 2004. It will be necessary to update ourselves on the new procedure including filtering (mentioned earlier). We can then agree the target dates for hearing complaints. From 2008 we will be receiving complaints directly and deciding if they should be investigated and, if so, whether locally or nationally.

Sir Peter Soulsby MP

This MP gave a gloomy picture of the public attitude to politics. He highlighted a declining turnout at elections, the absence of younger people coming forward, the fact that less than 1% of the public sign up to a political party and the general lack of interest in local governance. On the other hand he saw a media which constantly measured, inspected and denigrated politicians and wondered why so many entered politics when there were so many other activities.

He felt there were still serious issues concerning patronage and was fearful that the forthcoming white paper may not address some fundamental issues such as how local authorities should raise their funds.

Gillian Beasley CE of Peterborough Council:

Ms Beasley advocated some very novel ideas which we may wish to consider. She is an advocate of dealing with minor cases informally and highlighted the high number of cases dealt with where no action is taken.

The Peterborough approach:

- There are regular meetings of the Chair and Vice-Chair of the SC and the Group Leaders.
 - The behaviour of Councillors is monitored and if a monitoring officer sees conduct not considered appropriate or is not behaving properly (bullying for instance), the Chair of the SC is asked to write confidentially to the Councillor concerned.
 - If a Councillor does not declare an interest they will be called in by the monitoring officer and the issue discussed. If it happened a second time a complaint will follow.
 - She advocates a proactive role to deal with issues of ethics and probity.
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Raising the Profile of SCs:

This was another very successful training session and I suggest it is dealt with at a training session of our own. I have brought away the material for discussion. I fear if it is dealt with at our meeting, not enough time will be devoted to this important topic.

- However, some pointers did come out of the session which may be of interest:-
 - Communication is important (obvious)
 - What outcomes do we want
 - How will communication further the interest of the SC.
 - Avoid communication that lacks aims or targets.
 - Look to see if you have the right training skills
 - What budget do you have (You will need one when devolvement takes place). Is it a supplementary or contingency. Budget for training?.
 - What professional support do you have and resources from your local authority.
 - National support.
 - Tailor your message – internally: talks, newsletters, e-mails, intranet. Externally – media, Council magazine, leaflets, internet.
 - Be proactive.
 - Create a timetable of activities, spread over the year to keep an even profile and keep it under review. Make it someone's job. I suggest we think of a yearly diary of events.
 - Be opportunistic (maybe national or local events).

- Make your message informative and interesting and think of your audience.
- We should work out what profile we want to raise – the work we do – the work of Council.
- One MO member in the group talked of 32 media contacts including local radio.
- Ian Davison, MO to Horsham DC talked of how he links with the 32 Parish Councils and advocated engagement on topics:
 - Training
 - Communication
 - Education
 - Providing assistance
 - Information
 - Community engagement

Maybe an Annual Report to Parish Councils would be a good way of communication picking up the above topics.

He also said that:

- all SC agendas were sent to Parish Councils
- Parish Clerks meet quarterly
- Parish Clerk contact numbers collected
- The District Assn of Local Councils attends meetings
- Cluster meeting of Parish Councils are held and MO and Chair of SC visit them
- An outgoing relationship with PCs was advocated.
- A need to enthuse Parish Clerks and have a close rapport with them
- By visiting Clerks and PCs they found them beginning to trust more and were more willing to visit in reverse e.g. attend training.

It was important to emphasise to PCs:

- The significance of the Code. PCs very often felt that their need to look after PCs interests overrides their need to observe the Code.
- Members of SC and Officers' roles.
- Declaration of Interest (Appropriate means of communication (no slagging off))
- These could very well form the basis of a talk by an SC member when visiting a PC.

Outreach:

I thought this suggestion had a lot of merit. It would involve visits to Schools and Colleges with 6th forms/youth councils. It would mean involving the Headteacher and the Leader of TDBC and would mean much pre-planning.

Before the day, a copy of the Code and Constitution would be sent

On the day it would require careful setting up at the college/school etc with tables and seating arrangements. There would be the arrival of students, staff members and officers and to provide a convivial atmosphere, refreshments could be made available.

In essence it would begin with an introduction of the work of the Council by the Leader of the Council, an introduction on the work of the Standards Committee by the Chair of SC, a question and answer session. After that the SC will go into meeting session dealing with its normal agenda and the youth form/Outreach members would be spectators.

The benefit would be the involvement of young people in local governance and the emphasis on ethics in local government.

It would present an opportunity to get the press interested and spread the Council's message, particularly on ethics and probity.

Working Proactively:

Margaret Taylor, MO for Kingston upon Hull talked of the role of the SC.

It included:

- Training. Yearly training plus after elections training for new members after they are given copies of the Code and sign the Code of Conduct. Also training for PCs
- Looking at Protocols – guidance on access to information, membership of outside bodies, dual hatted councillors, registering interests, election publicity, use of resources.
- Analysis of Complaints –At each meeting, complaints published by the Standards Board are analysed and issues which might affect members discussed. Annual analysis – look at sources of complaints, grounds, look at MOs Annual Report.
- Registers – Every 6 months SC to issue a reminder for Councillors to check register and review and update. Monitor gifts and hospitality.
- Officer Code of Conduct – Inspect 6 monthly.
- Hearings
- Ethical Framework
 - carry out an ethical audit (maybe jointly with the audit commission & IDA) which will lead to developing a communication strategy
 - Whistleblowing – One member of the SC is the named contact for anyone to contact and discuss breaches.
- Corporate Governance – joining up across departments and guidance on protocol
- Good Practice
 - All Standing Committees should have Terms of Reference

- Communications Strategy – external communications should give public details of the role and contact details of SC chair and there should be meetings with committees and officers.
 - Work Programme – A review done annually to highlight key issues to be looked at during year.
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Suggestions:

Avoid the use of the word 'Training'. Use words such as 'Forum', 'Update' 'Networking'. Training puts people off. Other words overcome resistance to training.

Divide the Parishes among the SC members who will then keep in contact and liaise. Go to PCs armed with an agenda:

- Code
- Recent Problems of other PCs (SB web site)
- Disclosure of Interests.
- Forthcoming meetings (for Clerks PCs, etc)

Produce a small Card with printed Code. Give to each Councillor but take with you to PCs and hand out as 'gift' when talking of Code.

Produce leaflet on work of SC – contact South Gloucestershire MO for sample 3-fold leaflet and questionnaire to conduct internal audit on ethical framework they produce.

Finale:

To develop our work and take on board many of the proposals and suggestion in this report will be a major undertaking for Taunton Deane Standards Committee. More importantly it will need the support and co-operation of the Taunton Deane Council. The issue of resources and budget is an issue not in our control though I believe the benefits would outweigh the cost. I would in addition make a plea that the Monitoring Officer has a greater involvement too, particularly with the rapport necessary with the Chair of the Standards Committee. In that way, decisions can be made quicker and discussions take place directly rather than by referral. I feel that to be a desirable development with the more dynamic role of the Standards Committee.

David Baker.
Chair
Taunton Deane Standards Committee
25th October 2006.

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Introduction

As David Baker and I both attended all the plenary sessions together I will not reproduce details here. David's report gives a fair and balanced view of the key note speeches. The one point I would emphasise was the clear message that Standards Committees should aim to create a climate which creates good behaviour. A positive framework would result in all round good behaviour rather than just good intentions.

Phil Woolas MP also made the point that we were just about to go through a period of change where stability and experience would be of great benefit to Standards Committees.

We decided that in order to get the most value from the Conference we should attend separate workshops. David has submitted details of the workshops attended by him and details of the ones attended by me are set out in this report.

Implications of the revised Code and the future ethical environment – for Monitoring Officers

This was an opportunity for Monitoring Officers to debate the implications of the revised Code of Conduct, the local filter for complaints and the future ethical environment. Unfortunately because the new Code had not yet been published and no one knew with any certainty what it would contain, this was not an easy task. All rather ironic having just come from a speech where we were warned of the danger of good intentions. However, best use of the workshop was made by looking at what we felt was needed to make the new Code work.

The recruitment of independent members and the possibility of a national campaign was one suggestion and all agreed on the importance of training for both councillors and Standards Committee members. Some discussion of reciprocal arrangements between Monitoring Officers in the local filter process took place but this was approached with a great deal of caution by those present.

How do you measure up ?

Delegates discussed how their authority compares to the national picture of Standards Committees. The main focus was then to identify strengths and weaknesses of authorities and share best practice.

In my view we measured up pretty well. We had a far better developed relationship with our parish councils than most and our Chairman has regular

meetings with the political Group Leaders. Both of these were hailed as good practice (before I told them we already did it). Suggestions for improving included using Borough Councillors as ambassadors at Parish Council meetings and the ability of dealing with “low level” complaints without the need to go through the beauracatic process that we currently have.

Case Reviews

The final session of the first day saw me at a workshop where Case Reviews were looked at in some detail to try and establish precedents. Not surprisingly one of the most recent cases referred to involved the past Mayor of Chard.

A robust local filter

This was the best, if most worrying workshop that I attended. In 2008 standards committees will be receiving complaints and deciding if they should be investigated. The workshop, which was made up mostly of Monitoring Officers, considered the practicality of such a local filter.

Whilst acknowledging that a local filter would help improve local ownership of the ethical framework, general concern was expressed at how this would operate in practice. All sorts of issues will need to be addressed regarding consistency, who deals with initial complaints, who provides advice, how an appeal mechanism (against decisions not to investigate) would work and the possibility of reciprocal arrangements. Once again the spectre of an over beauracatic system raised its head. It possibly wasn't helped by one of the speakers who started his talk with the quote “There are always flowers for those who want to see them “

An inclusive approach to towns and parishes.

This workshop had something of a local flavour about it as it was run by Vivienne Pay the Monitoring Officer at Mendip and Peter Lacey of the Somerset Association of Local Councils.

The workshop highlighted a range of strategies that could be implemented to better engage with town and parish councils. Amongst the issues explored were providing proactive training and support arrangements, the effect that parish council behaviour can have on the overall reputation of local government, communication with parish councils and joint training with District Councils. It was interesting to note that one suggestion that had failed dismally (at least in Mendip) was the provision of ethics and probity roadshows for parishes. The one point that everyone was agreed on was the benefits of having a designated officer at District Council level to deal with parish issues, working in partnership with the County Association and the parish councils in the area.

It was also interesting to note that at the recent AGM of Local Council Associations one member had moved a resolution that all parish councils should express their continued dissatisfaction with an ethical framework that

included parish councils. Apparently this was roundly defeated with not one speaker in support. Indeed, the mood was apparently that everyone now appreciated the need for a Code and the protection it afforded all parish council members. This, of course, goes somewhat against the campaigns being continued in some sections of the media which would have us believe that the Code was responsible for destroying parish councils and losing thousands of members – nothing could apparently be further from the truth.

Freedom of expression – drawing the line.

This workshop looked at where the line should be drawn between freedom of expression and causing offence to others.

We had interesting speakers which included a newspaper reporter and the Vice Chair of the Discrimination Law Association. The session looked at freedom of speech, the use of speech to be deliberately offensive and the boundary beyond which it became unacceptable. The big problem would be how to regulate it, how to enforce it and how to judge whether it was an offence within the Code.

Greg Dyke
Member Services Manager