

## **Standards Committee**

**To:** C Bainton (independent Member, in the Chair  
Councillors I Waudby (Vice-Chair), Scott, D'Agorne,  
R Leaman (Independent Member) and D Crawford  
(Parish Council Member)

**Date:** Friday, 17 November 2006

**Time:** 3.30 pm

**Venue:** The Guildhall, York

### **AGENDA**

**1. Declarations of Interest**

At this point, members are asked to declare any personal or prejudicial interests they may have in the business on this agenda.

**2. Minutes** (Pages 1 - 4)

To approve and sign the minutes of the meeting of the Standards Committee held on 6 October 2006.

**3. Public Participation**

At this point in the meeting, members of the public who have registered their wish to speak, regarding an item on the agenda or an issue within the remit of the Standards Committee, may do so. The deadline for registering is 10 am on Thursday 16 November 2006.

**4. Review of Workplan** (Pages 5 - 6)

To review the workplan for the Standards Committee for the 2006/07 municipal year.

**5. Update on the Review of the Complaints Procedure** (Pages 7-14)

This report provides details to the Standards Committee on the progress in the review of the Council's Complaints Procedure

**6. The Fifth Annual Assembly of the Standards Committees Conference held on 16 & 17 October 2006** (Pages 15-32)

This report provides information to Standards Committee on the Annual Assembly of Standards Committees held on 16 and 17 October 2006 attended by the Head of Civic, Democratic & Legal Services.

**7. Any other business which the Chair decides is urgent under the Local Government Act 1972.**

**If you require any further information, please contact Melanie Carr on Tel 01904 552061 or Fax 01904 551035 or email [melanie.carr@york.gov.uk](mailto:melanie.carr@york.gov.uk)**

For more information about any of the following please contact the Democracy Officer responsible for servicing this meeting:

- Registering to speak
- Business of the meeting
- Any special arrangements
- Copies of reports

Contact details are set out above.

City of York Council

Minutes

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MEETING	STANDARDS COMMITTEE
DATE	6 OCTOBER 2006
PRESENT	CHRISTINE BAINTON (INDEPENDENT MEMBER, IN THE CHAIR)  COUNCILLORS I WAUDBY (VICE-CHAIR), SCOTT, D'AGORNE  RITA LEAMAN (INDEPENDENT MEMBER), DON CRAWFORD (PARISH COUNCIL MEMBER) AND BRIAN MELLORS (SUBSTITUTE)

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**41. DECLARATIONS OF INTEREST**

Members were invited to declare at this point any personal or prejudicial interests they had in the business on the agenda. No interests were declared.

**42. MINUTES**

RESOLVED: That the minutes of the meeting of 19 May 2006 be approved and signed as a correct record.

**43. PUBLIC PARTICIPATION**

It was reported that there had been no registrations to speak at the meeting under the Council's Public Participation Scheme.

**44. REVIEW OF WORKPLAN**

Members received a report which detailed areas of work to be considered for inclusion in the workplan for Standards Committee. Members agreed that all should be included and agreed a timescale for commencement of each area of work as shown in annex 1:

RESOLVED: (i) That the amended workplan, at Annex 1 of the minutes, be approved.

**45. WORK PROGRAMME FOR THE OFFICER GOVERNANCE GROUP**

Members considered a report which detailed the progress made to date in respect of the Officer Governance Group work programme.

It was noted that the officer group dealt with corporate governance issues and provided a vehicle for exercising the on-going stewardship responsibilities of the S151 Officer and Monitoring Officer. Also, that any matters arising in the future would be reported to Standards Committee.

The key issues to be addressed by the group were detailed in annex A, and the report detailed progress made to date and highlighted those areas where key work was outstanding. These included:

- Stakeholder awareness and information work
- Post implementation roll out and training work
- Strategic decision making and reporting

Annex C of the report detailed the day to day working procedures that the council followed, which could be used by the District Auditors to evidence ways of working.

RESOLVED: That Members note:

- (i) The role and function of the Officer Governance Group as set out in the report and annexes A & B.
- (ii) The annual work programme, progress made to date, and the key issues outstanding
- (iii) The intention of the Officer Governance Group to report any matters relating to their work to Standards Committee Members should they arise in the future

CHRISTINE BAINTON  
Chair

The meeting started at 3.00 pm and finished at 4.45 pm.

## 2006/07 Workplan for Standards Committee

### Ongoing Activities

Cases referred for investigation or determination  
 Database of Standards Committee topics  
 Standards Board Guidance  
 Parish Council Issues  
 Member and Officer Training

### Programme of New Work

<u>Programme of New Work</u>	<u>Meeting Date</u>	<u>Communication / Strategic Activity</u>
Confidentiality and Transparency – Conclusions of the Executive on the report of the Scrutiny Panel	TBA (following consideration by the Executive of a report on this matter – date not yet set)	
Employee Code of Conduct – Member/Officer training.	2006/07	
Full Ethical Audit	2006/07	Yes
Mock Local Determination of Complaint – Training (including viewing of a DVD on hearings).	TBA	
Comprehensive Performance Assessment (CPA) – contribution of Standards Committee	TBA (early in new Municipal Year)	
Review of the Complaints Procedure	17 November 2006	
Report of the Committee on Standards in Public Life	19 May 06	
Presentation on new Committee Management System	TBA	
Amendments to the Members' Code of Conduct	26 January 2007	

**Programme of New Work**

**Meeting Date**

**Communication / Strategic Activity**

Advice to Elected Members re activities during the purdah period

26 January 2007

Ethical Governance Audit

26 January 2007

Annual Report

23 March 2007

Parish Councils – Good Practice at Meetings

May 2007

## 2006/07 Workplan for Standards Committee

### Ongoing Activities

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**Programme of New Work**

**Meeting Date**

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May 2007





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**Standards Committee****17 November 2006**

Report of the Head of Civic, Democratic &amp; Legal Services

**UPDATE ON THE REVIEW OF THE COMPLAINTS PROCEDURE****Summary**

1. This report provides details to the Standards Committee on the progress in the review of the Council's Complaints Procedure.

**Background**

2. On 18 November 2005 the Standards Committee considered a report of the Head of Civic, Democratic & Legal Services setting out the progress in the ongoing review of the Council 's Complaints Procedure. A copy of that report is attached at Annex 1 to this report.
3. On consideration of that report the Standards Committee resolved :
  - (i) that the progress for the review of the Council's Complaints Procedure be noted;
  - (ii) that the revised timetable of meetings as detailed in the report be noted;
  - (iii) that the Standards Committee considered the draft Complaints Procedure at their meeting on 24 March 2006.
4. Due to various resourcing issues the progress in the review has been delayed and to date a draft Complaints Procedure has not been circulated for consultation.
5. The Complaints Procedure Review Project Team has continued to meet and over recent weeks there has been significant progress in producing a revised Complaints Leaflet and comprehensive Guidance to Staff on dealing with complaints. It is anticipated that these documents will be made available for consultation shortly.

## **Consultation**

6. The Project Team reviewing the Council's corporate Complaints Procedure will consult with the Standards Committee on the amended Leaflet and the Guidance to Staff in due course.

## **Options**

7. The options available to the Standards Committee are :
  - (i) to note the report without comment;
  - (ii) to note the report and make comment for feedback to the Review Team on any specific issues in advance of consultation on the documents to be produced shortly.

## **Analysis**

8. In considering the options detailed above, Standards Committee will want to consider whether there are any specific issues they would wish to raise with the Review Team prior to receiving the draft documentation.

## **Corporate Priorities**

9. The Council has identified as one of its corporate priorities the need to improve the way in which the Council and its partners work together to deliver better services for the people who live in York. Part of improving service delivery is having an effective Complaints Procedure which enables concerns to be raised in a positive way.

## **10. Implications**

- **Financial** - None
- **Human Resources (HR)** - None
- **Equalities** –

The review of the Complaints Procedure has included consideration of equalities issues.

- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology** -

The review of the Complaints Procedure has considered how the Procedure can be made available electronically.

- **Property** - None
- **Other** - None

## Risk Management

11. An ineffective Complaints Procedure will increase the risk of failure to address concerns at the earliest possible stage, which results in dissatisfaction amongst our customers and use of additional resources in dealing with complaints at later stages.

## Recommendations

12. The Standards Committee is asked to note the progress in the review of the Complaints Procedure.
13. The Standards Committee is asked to consider inclusion in its work plan consideration of the Complaints Leaflet and Guidance to Staff.

Reason: To ensure Standards Committee views are incorporated into the review of the Council's Complaints Procedure.

## Contact Details

### Author:

Suzan Hemingway  
Head of Civic, Democratic &  
Legal Services  
Chief Executive's Department  
Tel No. 01904 551004

### Chief Officer Responsible for the report:

Suzan Hemingway  
Head of Civic, Democratic & Legal Services

Report Approved

Date 1 November 2006

## Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

## Background Papers:

None

## Annexes

Annex 1 - Review of the Council's Complaints Procedure

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**Standards Committee****18 November 2005**

Report of Head of Civic, Democratic and Legal Services

**Review of the Council's Complaints Procedure**

1. This report provides information to the Standards Committee on the progress in the review of the Council's Complaints Procedure.

**Background**

2. On 30 September 2004, the Council's Urgency Committee resolved (inter alia):-
  - That the Head of Civic, Democratic and Legal Services be asked to review the processes for dealing with all complaints to the Council and particularly those which reach Stage 3, to ensure that any which have not been resolved after a period of 6 months are examined to determine the reasons for the delay;
  - That during this review particular attention also be paid to the procedures for keeping complainants informed of the progress of the complaint, to ensure that appropriate feedback is given at each stage of the process.

**Information**

3. Following discussion at the Standards Committee meeting on 19 November 2004, a Project Team was formed to include Rita Leaman as an independent Standards Committee representative.
4. The Project Team includes representatives from service delivery Directorates and from the corporate centre, all of whom have experience in dealing with different types of complaints.
5. The Project Team have met on five occasions and identified a number of issues to be considered as part of the review. In addition, there have been workshops facilitated by the Performance and Improvement Team looking at a range of issues which arise out of the proposal to develop a generic policy and procedure for getting and dealing with those complaints about the Council that can be dealt with in that way.

6. The issues identified to be considered as part of the review are as follows:-
- What is a complaint?
  - How are complaints recorded?
  - Who is the complaint passed to?
  - What do they do – do they just read a letter and answer what they think is a complaint/do they speak to the complainant to ensure they understand the issue/do they visit/do they write confirming their understanding of the complaint/ do they investigate and speak to staff involved or just check records etc?
  - Is there information for staff and how to actually undertake an investigation where relevant?
  - Is there information to support staff who may be on the receiving end of a complaint?
  - Is there information to enable staff to distinguish between a complaint and an HR issue (where disciplinary action may be appropriate)?
  - Who decides on the necessary action?
  - What are the timescales for resolution?
  - Who do they inform regarding the outcome of the investigation?
  - How do we know if the customer is satisfied?
  - What advice is given to the customer if they are not satisfied?
  - How are lessons learnt captured and how do we ensure that agreed changes to practice actually take place and how is this monitored?
  - Where do we record both the quantitative and the qualitative information – where is this reported and is this information used?
7. The review of the Complaints Procedure also forms part of the [Easy@York](#) Project. At the most recent meeting of the Project Team concerns were expressed that the timetable for delivery for the [Easy@York](#) Project might impact on the consultation to be undertaken as part of the review of the Complaints Procedure.
8. Head of Civic, Democratic & Legal Services is to meet with Head of Performance and Improvement who are leading on [Easy@York](#) to discuss these issues. In particular, the Complaints Procedure Project Team feel that the consultation process is an essential part of the review and, if necessary, the [Easy@York](#) Project should continue using the existing Complaints Procedure pending the final outcome of the review.

9. The Project Team has proposed future meeting dates with specific briefs for each meeting to ensure the review is completed promptly.

These are as follows:

**16 November 2005**

To discuss issues of principles raised in the Workshop to determine the framework for the new Complaints Procedure

**14 December 2005**

To discuss draft Complaints Procedure and Guidance and consider consultation process.

**14 February 2006**

To discuss the outcome of the Consultation Process and amendments to the Procedure and Guidance Note.

**22 March 2006**

To consider final draft Complaints Procedure and Guidance for submission for approval.

**Recommendations**

- (i) That Members of the Committee note the progress in the review of the Council's Complaints Procedure
- (ii) That the Members of the Committee consider the timetable of meetings as detailed above and determine how they would wish to participate in consultation.

**Contact Details**

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Legal Services  
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**Chief Officer Responsible for the report:**

Name Suzan Hemingway  
Job Title Head of Civic, Democratic &  
Legal Services

**For further information please contact the author of the report**

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**Standards Committee****17 November 2006**

Report of the Head of Civic, Democratic &amp; Legal Services

**THE FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES  
CONFERENCE – 16 & 17 OCTOBER 2006****Summary**

1. This report provides information to Standards Committee on the Annual Assembly of Standards Committees held on 16 and 17 October 2006 attended by the Head of Civic, Democratic & Legal Services.

**Background**

2. The following paragraphs give details of the lectures and workshops attended by the Head of Civic, Democratic & Legal Services, together with information provided by the Standards Board for England at the Conference.

**Information**

3. The Head of Civic, Democratic & Legal Services attended the Fifth Annual Assembly of Standards Committees, which took place in Birmingham on the 16 and 17 October 2006. The Conference was very well attended with more than 300 Local Authorities and Joint Authorities represented. The representatives included Monitoring Officers, Chairs of Standards Committees and Members of Standards Committees.
4. The Head of Civic, Democratic & Legal Services attended the following lectures and workshops :

Setting the Standard – Phil Woolas MP, Minister for Local Government

5. Local Government Minister, Phil Woolas MP, opened the Conference with a keynote speech setting out his proposals for the future of the ethical framework. He referred to the White Paper indicating that it would be devolutionary in theme to empower Local Government Councillors and Local Communities.
6. The Minister indicated that as part of these proposals a revised Draft Code of Conduct will be circulated for consultation in November and will reflect the review undertaken by The Standards Board for England. He indicated that it is the intention that the revised Code will be in place for the next municipal year.

Bridging the Gap: Towards Strategic Regulation – Patricia Hughes, Deputy Chair, The Standards Board for England

7. Patricia Hughes also delivered a keynote speech updating the position regarding the revised Code of Conduct, its implications and the timetable for implementation. In addition, she presented an overview of The Standards Board's plans for transforming itself into a strategic regulator. A copy of Patricia Hughes' speech is appended to this report at Annex 1 for the Committee's information.

What will an effective ethical environment look like

8. Three key Local Government figures presented their visions of the components of an effective ethical environment. These were Professor Gerry Stoker, Institute for Political and Economic Governance at the University of Manchester, Frances Done, Managing Director, Local Government Audit Commission, and Barry Quirk, Chief Executive, London Borough of Lewisham and immediate Past President of the Society of Local Authority Chief Executives and Senior Managers.
9. Professor Gerry Stoker stated that it was important to establish the ethical culture within an organisation. In his opinion the Standards Committee had two roles – enforcement of rules and a pre-emptive role of guidance that required a more proactive approach to the ethical framework. He stressed the importance of an independent chair to promote ethical behaviour and that the leadership of the organisation was important in maintaining the profile of the ethical framework within the organisation and supporting the credibility of the Standards Committee.
10. Frances Done explained that from the Audit Commission's perspective there were three issues to be considered when examining the corporate governance of an organisation :
  - Use of resources
  - Impact of behaviour on performance
  - Intervention where there appears to be an issue.

She stressed that in the Audit Commission's opinion a failure in ethical governance would lead to an impact on service performance and would damage the Council's reputation. She strongly recommended the use of the ethical governance diagnostic tool to survey Officers and Members to provide an audit of the framework and identify workshops on specific issues.

11. She reiterated that post 2008 the new CPA assessment framework would focus on risk assessment and that the quality of leadership and ethical governance would be a key factor in assessing risk.

12. Barry Quirk, the Chief Executive of Lewisham, stated that conduct is a key factor for Local Government and that Officers and Members had a duty to promote civility and co-operation in both the political and public dialogue. In his view, the barriers to positive ethical behaviour included :
- Lack of clarity as to purpose and values
  - A culture where poor conduct is allowed or rewarded
  - A breakdown of the framework arrangements.

Implications of Revised Code and Future Ethical Environment

13. The Council's Head of Civic, Democratic & Legal Services attended a workshop of Monitoring Officers to look at the proposed amendments to the Code of Conduct. The key issues for Monitoring Officers were :
- Clarification on personal prejudicial interests
  - Need for more lead-in time to get information circulated to Officers and Members
  - Disproportionate amount of time required for Parish Council issues
  - Consistency nationally
  - Sharing of information
  - Clarity regarding the criteria for investigation and sanctions where a breach is found.

Standards Committees: A National Snapshot

14. Standards Committee members will recall that earlier this year they were asked to complete a questionnaire for research being carried out by BMG Research on behalf of The Standards Board for England. The findings of this research were presented at the Conference. A copy of the key findings is attached to this report at Annex 2.

When Politics Become Personal is Local Level Governance the Panacea

15. Gillian Beasley, Chief Executive of Peterborough City Council, Michael Burton, Editor of the Municipal Journal, and Sir Peter Soulsby MP (Labour) discussed whether good ethical governance will really lead to better public trust in local politics and greater democratic engagement. All three agreed that good ethical behaviour was important in terms of public trust in the democratic process. Interestingly, Gillian Beasley promoted the use of informal action by the Monitoring Officer, supported by the Chair of the Standards Committee, to deal with minor issues to improve behaviour. In addition, all three were of the view that organisations should be proactive in their advice to Officers and Members.

16. In addition to the above lectures the Head of Civic, Democratic & Legal Services participated in a number of workshops on specific issues around the Code of Conduct and investigations into Member behaviour. These included consideration on the issues of prejudicial interests under the existing Code and the proposed amendments, a case review of the recent decisions and sanctions in respect of allegations of disrepute, disrespect, confidentiality and prejudicial interests, and a workshop on issues facing Town and Parish Councils when there is a breakdown in the operation of the organisation.
17. The Head of Civic, Democratic & Legal Services found the Conference very interesting. There was a balance between dealing with strategic issues affecting the direction of The Standards Board for England and the devolution of the ethical agenda to a local level, together with workshops on very specific issues relating to the application of the Code and the proposed amendments.
18. All the handouts and presentations in connection with the Conference and workshops are available on the Standards Board website at [www.standardsboard.co.uk](http://www.standardsboard.co.uk).

### **Consultation**

19. Not applicable to this report.

### **Options**

20. Not applicable to this report.

### **Analysis**

21. Not applicable to this report.

### **Corporate Priorities**

22. The Council has identified the need to improve leadership at all levels to provide clear, consistence direction to the organisation. Regard to the ethical agenda will promote leadership and assist in meeting this corporate priority.

### **23. Implications**

- **Financial** - None
- **Human Resources (HR)** - None
- **Equalities** - None
- **Legal** - None
- **Crime and Disorder** - None
- **Information Technology** - None
- **Property** - None
- **Other** - None

## Risk Management

24. Proper regard to the ethical agenda will reduce risk of challenge in terms of the behaviour of Members and Officers and the decisions taken.

## Recommendations

12. The Standards Committee is asked to note the report.

Reason: To keep Standards Committee Members informed of the issues discussed at a national level.

## Contact Details

### Author:

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Head of Civic, Democratic &  
Legal Services  
Chief Executive's Department  
Tel No. 01904 551004

### Chief Officer Responsible for the report:

Suzan Hemingway  
Head of Civic, Democratic & Legal Services

Report Approved

Date 1 November 2006

## Specialist Implications Officer(s)

None

Wards Affected:

All

For further information please contact the author of the report

## Background Papers:

None

## Annexes

- Annex 1 – Speech by Patricia Hughes  
Annex 2 – Findings of research carried out by BMG Research on behalf of  
The Standards Board for England.

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**Fifth Annual Assembly of Standards Committees  
16-17 October 2006, ICC, Birmingham**

**Bridging the gap: towards strategic regulation**

Patricia Hughes, Deputy Chair  
The Standards Board for England

Welcome to our Fifth Annual Assembly of Standards Committees. First, may I thank you for your continuing support for these events. They give us a valued opportunity to share views, which in turn helps us to make changes and provide you with better help. We did say at the very beginning that we would try not to be an ivory tower regulator and this assembly is an important way in which we keep that promise.

As I'm sure you are all aware, the Standards Board is now in exciting times as we seek to rise to the challenges the minister has set out for us. But before I talk to you about the changes, what they will mean to both the Standards Board and local authorities, and how we shall set about bridging the gap, I would like to bring you up-to-date on our work since we last met.

Bridging the  gap

**Standards Board case handling**

In 2005/06:

- 3,836 complaints received
- 687 complaints referred for investigation
- 57 standards committee hearings
- 77 cases were presented by the Standards Board to the Adjudication Panel for a hearing

68% of cases are now dealt with at a local level

One thing which has not changed since we started operating in 2001 has been the volume of complaints, which remains remarkably stable from year to year. I guess that the reasons for that pattern are open to interpretation: my view is that it demonstrates a continuing need for people – mainly members of the public and councillors – to have somewhere to turn when they perceive a failing of some kind. And where, if the complaint is relevant and serious, there is the opportunity for redress.

In the 2005/06 financial year we handled over 3,800 allegations. Of these we referred 687 for investigation – that is 22% of those we received. This, I think, shows that our threshold for referring cases is high – and, in fact, we raised it still higher in 2005/06. It does mean that we do in effect reject 'trivia' – quite rightly – but we also lay ourselves open to much criticism from disappointed complainants. But then, nobody ever became a regulator to be loved.


Our policy is that allegations referred for investigation should be handled locally unless there is a particular reason why not – for example seriousness of the allegation, or local conflicts of interest. 68% of allegations referred for investigation are now dealt with at a local level.

It is also worth noting that 57 standards committee hearings were held in 2005/06. The range of standards committee sanctions went from suspension for three months in 19 cases, through to censure in 18 instances, and in the current year we have seen greater use of other sanctions such as imposition of additional training. All of this strikes me as a healthy indicator of local decision-making at work.

During the year, 77 cases were presented by the Standards Board to the Adjudication Panel for England and a finding secured in 69 of those cases. Sanctions were imposed on 64 members. This is, of course, only a tiny proportion of those complaints received – and that is exactly what we would expect and how it should be. But in those very few cases the complaints were about serious matters that were doing much harm to individuals affected, to local communities, and to the reputation of local government, so these outcomes are significant.

While I'm on statistics, I should say that ethical standards officers who, as I've already said, now deal only with the most complex and serious cases, now meet – or exceed – their target of completing 90% of cases in six months. Decisions on whether or not to refer an allegation for investigation now routinely better the target of ten days, averaging eight working days.

So that is a measure of the nature of the workload and we see no reason why it should change. That perhaps is an important context for our discussions over the next few days about how you will handle the system when it becomes locally based.

Bridging the  gap

### **Local investigations and hearings**

- Overall going well
- Some difficulties
- More guidance and support planned

And what has been our experience of locally handled cases so far? Well our view is that most of the cases we have seen handled locally have been done smoothly, efficiently and with common sense outcomes. We would of course find your views on this particularly valuable.



However, a few cases have had their problems and I'm sure you'll hear more about those in the next few days. This is of course inevitable under any new system, as we ourselves well know.

Some of those problems relate to delay in dealing with the case. There have been some concerns about the level of member cooperation. This seems to have been particularly so where cases have been delegated below monitoring officer level, which may need some consideration in our discussions. And I know that the president of the Adjudication Panel for England has expressed some concerns about procedures in some cases he has seen on appeal. The Adjudication Panel comment was that "the standards committees were having difficulties in getting to grips with procedure issues and with how to produce a reasoned decision. 38% of appeals cite procedural irregularities as grounds of appeal".

But these are the types of teething problems you might expect, and from which we will all learn during the conference, and in advice and guidance afterwards. I guess that issues of more pressing concern are the additional implications of local referral and in particular the volume of allegations that will be received. The evidence we've collected over the years on that is interesting.

 **Local allegations in 2005**

- District councils averaged five allegations each
- County, unitary and metropolitan borough councils averaged six allegations each
- 15% of district councils had no allegations
- 34% of county, unitary and metropolitan borough councils had no allegations
- 551 parish and town councils averaged three allegations each

For example, it shows that in 2005, district councils were the subject of an average of five allegations each, although 15% of you didn't have any complaints.


For counties and unitaries, the average was nearer six allegations, although a third of you again didn't receive any.

And an average figure is of course misleading – we all know there is no such thing as 'an average authority' and I'm afraid the figures are skewed by a small handful of authorities subject to a rather larger number of complaints than the average.

Finally, of the eight and a half thousand parishes, we have received no complaints in respect of seven thousand during the whole of the period that the Code has been in force. Of the 1,500 about which we have received complaints, there are only a few which have generated large volumes of complaints. Indeed, during 2005, there were complaints about only 551 parishes with an average of around three per parish complained about.

Of course that may be scant consolation for those of you with a large number of parishes, but again our evidence shows that it is only when you are getting above 40 parishes that the average number of cases starts to rise. Below that number you may have an additional ten cases a year to deal with on top of your own. Above that number it starts to get nearer 20 additional cases. And please bear in mind that we are simply talking about allegations here – of which around three quarters are currently not referred for investigation by our Referrals Unit – not the numbers of investigations.

As to how to deal with large volumes of complaints, more later. Overall, however, we believe the situation looks more manageable for most authorities than it at first seemed. However for those of you with a large number of parishes and also for those very few of you where your own council will give rise to scores of complaints, there will be resource implications which we all need to address.

Bridging the  gap

### Challenges ahead

- Local filter – making it work
- Balance between local discretion and consistency
- Revised Code of Conduct

So how do we use the time between the current system and one which is locally based – where referrals are made locally and most cases are investigated and decided upon locally? We are hopeful that legislation providing for the local filter will be in place by summer 2007 and the system in operation by 2008.

Well, at the Standards Board we are already adjusting the focus of our work away from the volume of cases we investigate and towards the provision of a stronger framework of support. An example is the training DVD – *Going Local - investigations and hearings* – which was released in January 2006 (and which, if you don't mind us blowing our own trumpet, I should say won a prestigious international award for training materials!). I understand that copies have been made available to all local authorities.

We have strengthened our support and guidance functions to help you with the transition to the new system and more immediately with the implementation of the revised Code. We will continue to monitor the national picture to help us assess the impact of the system on standards and, we hope, to identify good practice. We are ensuring that we are best placed to help the small number of councils which have real local difficulties. Again, we look forward to hearing from you about how you see our role in that.

Looking further forward, we are working closely with the minister's department to make sure the system is designed as effectively and flexibly as possible. This of course raises a number of issues for us as the Standards Board and for you. The first is the issue of striking an appropriate balance between the importance of the exercise of local discretion in decision-making on the local filter on the one hand, and the need for a degree of consistency and fairness on the other, so that there is not substantially unequal treatment of members from one authority to another.

We do believe that local discretion should be paramount, but we also think that the two principles can be reconciled to some extent by means of the guidance which we will issue. We will give guidance on matters such as thresholds for referral, which will be based on the experience we have gained from the thousands of complaints made to us over the years. To illustrate: we apply a higher threshold to complaints of rudeness by a member to another member, than to a member of the public, and we may well consider advising a similar approach in local referral. Your view on this approach will be welcomed since this may well be a crucial issue.

We have concluded over time that there are certain categories of complaint where some form of action other than investigation would be warranted. An example is where a very large number of complaints about one council suggest that there is something fundamentally amiss about the way it works rather than about the conduct of a number of individual councillors. In such cases, ethical standards officers have chosen to issue directions to the monitoring officer, about which incidentally you can read in the latest edition of our *Case Review* – which I promise makes engrossing reading. We think that the same discretion should be available locally and we are asking the minister to include that flexibility in the legislation.

We are also concerned about potential conflicts of interest that may arise when the system operates under the new local framework. For example, will a conflict arise if those taking the decision to refer a case, later hear the case? We believe that this can be avoided if the decisions on referrals and investigations are taken by small sub-committees, rather than the whole standards committee. We are also pressing the minister to ensure that the framework allows for joint working between standards committees and other options such as county-wide panels to deal with parish matters. What do you think?


Finally, as I have said, we are concerned about the resource implications for some districts if they are asked to filter parish cases, particularly if there is no joint working. Whilst we are fully convinced of the need for parishes to be within the system of regulation, our statistics do show that local filtering may place some strain on smaller districts with a large number of parishes. The strain of actually handling such cases currently referred by the Standards Board is already apparent among a handful of districts – and a similar strain is possible when future local referrals come in to force. Bear in mind that our research shows that this will be a problem only for a few authorities, but we do recognise that it could nevertheless be a considerable task for some of you. Again, possible solutions will be looked at over the next few days and your contribution will be essential.

Turning now to the other big gap we will all be bridging – the move from the current to the revised Code of Conduct. We are grateful to have heard from the minister that the Department for Communities and Local Government will now be consulting on the proposed revisions and I urge you all to consider it carefully with your colleagues. The proposed changes are far reaching and this is a unique opportunity for us all to get it right.

Last year, we reported back on the consultation we had run and I'm delighted the minister took all the points on board. Our starting aim was to be a light touch and liberalising wherever possible – and we believe that the draft fulfils that aim. You will hear more about the proposals over the next few days so I won't go into detail here.

However, there is one issue I want to raise now, namely the proposed changes to the rules in respect of declarations of interest. The issue of interests has caused the greatest concern and has undoubtedly proved far from easy to advise on, either for the Standards Board or for monitoring officers. We hope that the proposed changes go a long way to overcoming the difficulties. However I want to say at this point, even before the changes are made, that the purpose behind the current Code was to reinforce the presumption in favour of councillors, as democratically elected representatives, being able to talk about and vote on an issue unless there is a paramount public interest against it – in effect that they are patently operating in their own interest rather than the public good.

You will have seen the newspaper headlines about councillors being gagged – not being able to talk about phone masts because they own a mobile and so forth. A lot of this is of course nonsense but I'm afraid some of it does arise from some overly cautious monitoring officer advice which is clearly at odds with the purpose of the Code and tends to bring the whole framework into disrepute, and which in turn does local government a disservice. Maybe this will be an issue you will want to consider further in the context of our discussion on Code revision.

Bridging the  gap

## The Standards Board for England

- Increasingly strategic
- Investigating the vital few
- Ensuring public confidence in the system

So those are some of the challenges you will face over the coming year. What of the Standards Board in all this? Well, I leave you with how we see our role in the future.

As we move away from investigating a high volume of cases, we can become increasingly strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support. We will retain a small team to deal with those cases which, for whatever reason, cannot be handled locally.

Then there is a gap of another kind which we will be seeking to bridge by next year which is the move of the organisation to Manchester. We've already got a bridgehead in place and we're looking forward to the move being complete by next summer.

And finally, we will continue to promote the importance of high standards of conduct in local government and to assist those who also work to promote them. That is why we place so much importance on events such as this where you play a large role in setting the agenda and we try as hard as we can to meet your needs.

So I hope very much you find the rest of the conference stimulating and enjoyable.

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## Standards committees: a national snapshot

### Key findings to be presented at the Fifth Annual Assembly of Standards Committees

Monday 16 October 2006  
ICC, Birmingham

This document includes key findings of research into standards committees and monitoring officers within local authorities, further details of which will be presented at the conference session *Standards committees: a national snapshot*. It should be noted that these are initial findings and analysis is ongoing.

This research has been undertaken against a background of the shift in local ownership of the ethical agenda, and will provide valuable information on current activities of standards committees and future support needs.

Two surveys were administered: one targeted at monitoring officers within local authorities and the other at members of standards committees. The focus of the research incorporates several strands, including:

- profile of standards committee members and monitoring officers;
- training received and future training requirements;
- role of monitoring officers and members of standards committees;
- experiences of recruiting independent members;
- experiences of local investigations and hearings, and the level of confidence with which they are approached by authorities.

## Key findings

- Most standards committee members serve on the committee 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 for recruiting independent members and are also seen to be the most effective.
- Half of all authorities surveyed have undertaken a local investigation in the past, most of who feel it was undertaken to an acceptable standard. However, 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. However, one third of monitoring officers who responded said 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. However, almost two-thirds would like more training. Monitoring officers who responded to the survey 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.

**Please note: this document summarises only some of the key findings of this piece of research. The Standards Board for England is currently considering the full implications of the findings, its response and any possible future courses of action.**

**A full report will be available on the Standards Board for England's website – [www.standardsboard.co.uk](http://www.standardsboard.co.uk) – by the end of November 2006.**

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