
Standards Committee

17 November 2006

Report of the Head of Civic, Democratic & 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.

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.

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Report Approved

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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.