

STANDARDS COMMITTEE – 2ND NOVEMBER 2006

FIFTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – BRIDGING THE GAP

Report of the: Monitoring Officer

Status: For Consideration

Executive Summary:

This report gives a summary of what took place at The Fifth Annual Assembly of the Standards Committees (the Assembly) organised by The Standards Board for England (the Board). The focus of this year's conference was on the challenge for local government to become the champion of high standards across public life.

This report supports the Key Aim of promoting and maintaining high standards of conduct in local government.

Portfolio Holder Cllr. Loney

Head of Service Head of Legal and Committee Services – Christine Nuttall

Recommendation: Members are requested to note this report.

Background

- 1 The Assembly took place once again in Birmingham on the 16th and 17th October 2006 and was entitled 'Bridging the Gap'. The two-day Assembly focused through practical sessions and workshops, on the challenge for local government to become the champion of high standards across public life, standards that the public expects.
- 2 We were informed that leaders, elected mayors and chief executives will need to be leading this challenge, actively supporting standards committees, their independent chairs and members.
- 3 Monitoring officers will need the resources and capacity to give consistent and robust advice, and to handle cases locally.

Introduction

- 4 In the plenary session on the first day of the Assembly the local government minister Phil Woolas MP informed us that the Local Government White Paper will be published very shortly. He said that the paper will be devolutionary and looks to empower local government, councillors and local people. He spoke about the need for a health "body politic". We need a culture of high standards

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not just a set of rules to follow but a regime that is embedded in the culture. Then we will have the “body politic”.

- 5 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 will be issued very shortly. The new Code, which resulted from a review by the Board, will be in place for the local elections on 3rd May 2007.
- 6 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 new Code will be user friendly, fair and proportionate. This means having the right training, development and guidance in place for both officers and members, and this important role will continue to be delivered by the Board.
- 7 To help retain public confidence, the minister said 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.
- 8 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.

The New Strategic Outlook

- 9 Patricia Hughes, the deputy chair of the Board, gave an overview of the future of the Board and the revised Code of Conduct. She indicated that the Board was trying not to be an ivory tower regulator and this was evidenced by the Assembly.
- 10 The volume of complaints remains stable from year to year. Experience of locally handled cases so far showed smooth handling of the majority of cases, though there were a few teething problems to watch out for. The focus of the Board is already adjusting in anticipation of the new framework which will be the provision of a stronger framework of support and guidance. The proposed changes are far reaching and radical and give us an opportunity to get the Code we want and to get it right.
- 11 The Board is working closely with the Department for Communities and Local Government to make sure 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 district councils.
- 12 Delegates were urged to carefully consider the proposed revisions to the Code of Conduct and stressed the need for authorities to adopt the revised Code as early as possible.

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- 13 The Board saw its future role as strategic in outlook, making sure the system is running well, issuing formal and informal guidance, and giving individual advice and support.

National Study of Standards Committees

- 14 This research was commissioned by the Board in partnership with the Association of Council Secretaries and Solicitors in response to the shift towards local ownership of the ethical agenda.
- 15 The aims of the research were to discover views, experiences and activities, to gather information on current practices and inform future direction.
- 16 The information gathered included information about the number of local investigations undertaken, perceptions of workloads, the extent to which members feel supported and valued, the impact of local investigations and a profile of standards committee members.
- 17 The Board believes that the work will provide valuable information and add to the existing body of knowledge.
- 18 The Board is currently considering the full implications of the findings and a full report will be available from the Board's website by the end of November.

Workshops

- 19 Those attending the Assembly spent a large part of their time in workshops where delegates were offered the opportunity for discussion in a less formal setting.
- 20 The workshops also presented networking opportunities and the discussions in the workshops were largely delegate led which allowed delegates to share views and experiences.
- 21 Unfortunately, it was not possible to attend all the workshops and some workshops were more popular than others. One workshop that the Monitoring Officer found useful was entitled "Monitoring Officer/Standards Committee Open House Question and Answer". This was an open house for delegates to put questions relating to any topic to representatives from the Board.

Fringe Events

- 22 There was an extended programme of fringe events following the close of the main conference sessions covering a range of topics. These optional sessions were organised and run independently of the main conference programme by a range of bodies from local government.
- 23 One of the fringe events was entitled "Independent Members Gaining a Voice" and was the inaugural meeting of the Association of Independent Members of Standards Committees in England (AIMSce). Attached as an appendix are the notes from a member of the Committee who attended this fringe event.

Members' Comments

- 24 Members who attended the Conference are invited to give their comments.

Key Implications

Financial Implications

- 25 There are financial implications for not adopting high ethical standards and enhancing the role of corporate governance within the Authority.

Legal Implications

- 26 Knowledge of the imminent changes is vital in enabling the Authority to reach statutory compliance with the proposed new legislation.

Conclusions

- 27 The Assembly provided a useful sounding platform for debating the way forward for the Board and local Standards Committees. The Assembly gave an insight into the progress of the Board and what they wanted to achieve in the future. Any members of the Standards Committee who feel that they would like to attend next year's Assembly should contact the Monitoring Officer.

Sources of Information: Conference Newsletters

Contact Officer(s): Christine Nuttall – ext. 7245

Dr. Pav Ramewal
Corporate Resources Director

RISK ASSESSMENT STATEMENT

Attendance at the Assembly was crucial in enabling the Authority to keep up to date with the work of the Board and the new framework that is about to be introduced including the revised Code of Conduct.

Notes on the Fringe Meeting at the Standards Board for England's Conference

16th October 2006

Independent Members Gaining a Voice

This meeting was hosted by the Association of Independent Members of Standards Committees in England (AIMSce)

The object of the meeting was to form AIMSce and agree a constitution.

Bruce Claxton (Chairman of the AIMSce Formation Committee) outlined why it was thought an association was needed and the work that had been carried out so far.

- The existing regional forums are informal and don't cover the entire country.
- With regulations coming in making it necessary for Independent members to be Chairmen of both local Standards Committees, it was felt they should have a collective voice and not have individual opinions expressed ad hoc.
- The proposed constitution was based on a 'charities commission' model. It was suggested by those proposing it that it was not ideal but would form the basis of something the new committee would fundamentally review and they would then propose a more suitable version at the next AGM.
- No one, including the Standards Board, knows how many independents there are, who they are and on what authorities they sit.
- AIMSce is receiving considerable support including from Mr David Prince, the Chief Executive of the Standards Board
- Several local authorities have already agreed to pay the membership fees for their independents.
- The first AGM will be held in June 2007 at the House of Commons and will include a training session.
- AIMSce will disseminate information to its members via newsletters and a members only section on its website (www.aimsce.org.uk).

A lively discussion took place. The following is a summary of the key points made and questions asked.

- It was generally agreed that Independents should have a voice.
- Will the formation of the association cause end of the regional forums? Could these forums become branches of AIMSce?

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- Will such an association split independents from elected members? Could elected members join AIMSce? Could elected members have their own similar organisation?
- If AIMSce were to become the recognised consultative body for independents, it will exclude non members. How will these people have a voice if this happens? It was felt that the association must be able to represent all independents.
- The Standards Board were said to be keen to use AIMSce as their consultative route to independents but accept this would depend on the number of members and their geographical split
- Some independents felt that their local authority was marginalising them and wanted an association to give them support.
- There was quite a strong feeling that the formation of an association, whilst possibly a good thing, was premature at this time. Feelings were expressed that there was a need to see the new code and understand the new strategic role of the Standards Board before forming one. "Lets see if there is a gap to fill before we try to fill it"

Some confusion occurred with voting to adopt the constitution. Ballot forms were handed out which clearly stated that anyone casting a vote had either to be a member already or agree to pay a subscription. This obviously considerably reduced the number able or willing to vote as many people in the room were not prepared to commit to paying the subscription, either because they were not sure that the association should be formed anyway or were not prepared to commit before they knew whether their authority would reimburse them. The result was that the constitution was adopted and the association set up with 29 votes in favour and 1 against. This, I would suggest, represented considerably less than 50% of those present and may well not have reflected the consensus view of the meeting.

There were a number of procedural complaints about the voting for the committee in that nominations had been made for the officers etc and proxy votes cast whilst a number of those present felt that nominations should be possible on the night. In the end, arms were twisted and there was only one candidate for each post.

I have a copy of the constitution should anyone wish to read it.

Andrew M W Smith

23.10.06