

STANDARDS COMMITTEE – 28TH JUNE 2005

COMMITTEE ON STANDARDS IN PUBLIC LIFE

Report of the: Monitoring Officer

Status: For Information

Executive Summary: Members attention is drawn to the latest report of the Committee on Standards in Public Life entitled “Getting the Balance Right” which is available on www.public-standards.gov.uk. The report suggests slimming down the Standards Board to a strategic body and leaving all but the most serious casework to the Councils.

This report supports the Key Aim of improving the effectiveness of arrangements introduced to ensure high standards of conduct in Local Government.

Portfolio Holder Cllr. Loney

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

Recommendation: Members are requested to note this report.

Background

- 1 The Committee on Standards in Public Life (the Committee) was established in October 1994 in response to concerns about standards in public life. One of the selected areas for inquiry was the Ethical Standards Framework for Local Government

Introduction

- 2 The Committee concluded that despite incidences of corruption and misbehaviour, the vast majority of councillors and officers observe high standards of conduct.
- 3 Under the Model Code of Conduct, as prescribed by the Local Government Act 2000 all complaints must first go to the national body – the Standards Board for England.
- 4 However, the system has generated a large number of apparently minor, vexatious and politically motivated complaints that have created a significant backlog of national investigations, leaving many members with accusations hanging over their heads for long periods of time.
- 5 The centralised system has arguably removed primary responsibility for standards from individual authorities (and members). The Committee concluded that it was critical for Standards Committees to embed high standards in each local authority. However, the Committee felt that Standards Committees were under used and in danger of falling into disrepair.

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Positive Developments during the Committee' Inquiry

- 6 A number of positive developments to the operation of the framework in England occurred during the Committee's inquiry. Some of these are: -
- the new Chief Executive of the Standards Board is committed to try and address some of the operational problems (i.e. a reduction in the time taken to complete investigations, the clearing of case backlogs and improved initial complaints handling);
 - the Standards Board has already begun a review of the Model Code of Conduct to be completed in early 2005; and
 - the Office of the Deputy Prime Minister has introduced the long awaited regulations to allow the referral of some cases for investigation and determination to local Monitoring Officers and Standards Committees (these complement the 2003 Regulations that enable referral of completed Standards Board investigations of some cases for determination by local Standards Committees).
- 7 However, the Committee had to judge whether recent development would be sufficient to meet the significant concerns raised or whether the centralised approach is inherently flawed and that it should move to a system that enables locally-based handling of complaints, within a national framework where only the most serious cases are investigated and determined by national bodies.

The Committee's Conclusions

- 8 The Committee concluded that, although improvements can and should be made to the existing system, the framework must move to locally-based arrangements for the initial handling, investigation and determination of all but the most serious cases. Only by local ownership and involvement can issues of ethical organisational culture be properly addressed and the overall regulatory framework for standards in local government made proportional and strategic.

The Committee's Recommendations

- 9 The Committee recommended a package of interrelated changes to different aspects of the framework that, over a specified period of time, will deliver the necessary improvements. In particular the Committee recommended:
- a. moving to a more locally based system from January 2007;
 - b. strengthening the independent composition of local Standards Committees;
 - c. removing unnecessary restrictions on councillors representing their constituents; and
 - d. clarifying the distinction between private and official conduct.

Predicted Effects of the Recommendations if Adopted

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- 10 Taken together the Committee was of the opinion that their recommendations will enable the Standards Board to transform into a strategic regulator able to:
- establish and maintain the elements of a national framework within which Monitoring Officers, Standards Committees and councillors can manage ethical issues primarily at a local level;
 - provide independent scrutiny of the operation of this framework, auditing performance and where necessary intervening until improvements have been made;
 - supporting and enable Monitoring Officers, Standards Committees and councillors to deliver high standards of conduct in local government through self assessment tools, training materials and programmes and regional networks;
 - work collaboratively with other regulators both in England and in the devolved administrations to improve standards of governance in local government; and
 - investigate and determine (with the Adjudication Panel) those most serious complaints that pose a high risk to the reputation of local democracy.
- 11 The Standards Board in 2007 will therefore need to be very different to the Standards Board in 2004. The shift from a primary purpose of handling and investigating a large volume of complaints to the strategic approach described above will require a different allocation of resources. In the Committee's view this should in principle enable significant savings to be found from the current £9m annual budget of the Standards Board.

Conclusions

- 12 The Seven Principles of Public Life – Selflessness, Integrity, Objectivity, Accountability, Openness, Honesty and Leadership need to be embedded into organisational culture to achieve a healthy organisation with ethical behaviour at the heart of its culture.

Sources of Information: Getting the Balance Right – Implementing Standards of Conduct in Public Life - Summary of Tenth Report

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

Sr. Pav Ramewal
Corporate Services Director

RISK ASSESSMENT STATEMENT

The Committee's recommendations should achieve high standards of conduct in public life thus embedding the seven principles of public life into organisational culture.

