

STANDARDS COMMITTEE – 3RD NOVEMBER 2005

FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES – SEPTEMBER 2005

Report of the: Monitoring Officer

Status: For Consideration

Executive Summary:

This report gives a summary of what took place at The Fourth Annual Assembly of the Standards Committees (the Assembly) organised by The Standards Board for England (the Board). The conference focused on the ethical agenda and putting it into practice, particularly in light of the introduction of local investigations and determination regulations.

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 Services – Mrs. Christine Nuttall

Recommendation: Members are requested to note this report.

Background

1 The Assembly took place once again in Birmingham on the 5th and 6th September 2005 and was entitled 'In your hands'. The two-day conference focused through practical sessions and workshops on the role of standards committees in shaping the ethical agenda and putting it into practice, particularly in light of the introduction of local investigations and determination regulations.

Introduction

2 Delegates were informed that the Board over the last year has seen improvements in its performance and are now working towards making local investigations as effective as possible. The Board is now carrying out a review of the Code of Conduct. In addition the Board has had its role and the ethical framework scrutinised by two committees.

3 The challenge ahead is to build on the achievements. With more cases being handled locally, the Board can start to concentrate resources on giving authorities the support and guidance to enable them to take ownership of the ethical agenda while continuing to deal with the most serious cases nationally.

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- 4 The Board wants to see the Code of Conduct embedded into the fabric of local democracy, so that the importance of high standards and the principles of respect and selflessness are recognised and become an integral part of how authorities go about their business.

External Scrutiny

- 5 The Committee on Standards in Public Life sees the key role for the Board as a strategic regulator. It has asked the government to consider changes to the regulations to enable complaints to first be assessed locally, by the local authority. The government is considering the recommendation.
- 6 However, the Committee of the Office of the Deputy Prime Minister recognised the importance of having an independent regulator overseeing standards of conduct in local government and noted the progress the Board had made in speeding up investigations.
- 7 The select committee took a different opinion to the Committee on Standards in Public Life on the local filtering of complaints, stating “Rather than being a unique weakness of the current system, we believe that central initial assessment of complaints by experienced officers applying a consistent set of criteria is one of its unique strengths.”

A First Hand Account

- 8 Delegates were informed that between January and June 2005 34% of cases were now referred for local investigation and a breach had been found in 60% of cases. The reasons for non-local referral were considered such as:
- the seriousness of the allegation
 - the scope of the investigation
 - local factors such as a Monitoring Officer conflict
- 9 Local investigations were taking between two to seven months to complete. However, there was no statutory time limit on an investigation unlike a determination hearing.
- 10 The experiences of two local authorities were considered - those of Scarborough Borough Council and Slough Borough Council.
- 11 Training prior to a hearing was considered essential and some authorities had gone through a mock hearing with the help of Peter Keith Lucas.
- 12 It was considered important to manage the complainants. This was often a difficult task and it was easy for the Monitoring Officer to quickly experience a conflict of interest.
- 13 The appointment of an investigator seemed essential. The investigator needed to be of robust character as they could often be subjected to criticism.

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They needed to be thick skinned and able to see the wood for the trees and be a good communicator. The investigator had a neutral role to play and was not a prosecutor.

- 14 When investigating a complaint it was important to strike up a good relationship with the Board who could provide vital help along the way.
- 15 The investigations did take up a great deal of time. Slough could only realistically deal with one investigation at a time. Investigations were politically sensitive and difficult to handle.
- 16 External investigators could be appointed. However, they were expensive and no better than in house officers. Reciprocal arrangements often did not work.
- 17 It was thought that bullying and harassment cases should be dealt with by the Board.
- 18 A way forward for the future was considered to be mediation.

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. One of the workshops was entitled the 'CPA Inspection and Auditing'.
- 20 In this workshop it was emphasised that that the Chairman of the local Standards Committee should be an independent chair.
- 21 The authority should be taking the Standards Committee very seriously and the Monitoring Officer should be given a high profile within the organisation.
- 22 There should be a clear scheme of member delegation and clear lines of responsibility. Externally the public should be engaged.
- 23 An ethical toolkit was being devised by the Audit Commission. This was to concentrate on the follow:
 - the role of the Chief Executive and the Monitoring Officer;
 - preparation for local investigations;
 - Member and Officer training needs;
 - Member and Officer Behaviour and the culture of the organisation.
- 24 Another workshop was entitled 'Confidence in Local Government' with a presentation being given by the Chief Executive of the London Borough of Richmond upon Thames.
- 25 In this workshop it was thought important to get the communication right by giving a balanced view and allowing the opposition to comment.

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- 26 Leadership was considered to be crucial with leaders being visible, open and accountable.

Future Proposals

- 27 With the Board concentrating on a more strategic role in the future they are planning to produce more publications for the coming year, including a guide for standards committee, a DVD guiding Monitoring Officers and Standards Committees through the process of local investigations and hearings and the usual complement of newsletters.

Members' Comments

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

Financial Implications

- 29 There are large financial implications for not adhering to high Ethical Standards and enhancing the role of Corporate Governance within the authority. In addition public confidence can be eroded.

Conclusions

- 30 The Assembly provided a useful sounding board 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 years National Assembly should contact the Monitoring Officer.

Sources of Information: Taking an objective approach regulation with a local focus – the Standards Board for England

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Corporate Resources Director
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RISK ASSESSMENT STATEMENT

Attendance at the Assembly was crucial in enabling this Authority to keep up to date with the work of the Board and the need to increase ethical standards within the authority thus enhancing corporate governance within the organisation.