

FOURTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES
5-6 September 2005
Birmingham

This was, again, a very useful and informative Assembly. Although some of the material was repetitive and not very illuminating, much of it was, and it was reassuring to be aware that most of the Standards Committees are working well and doing their best to help with the maintenance and improvement of both probity in local government and the public perception of local councillors.

Rather than describe the sessions, here are some of the notes I made on points which will probably not appear in the official publications.

Plenary Session

The theme was "Ethical Standards – In Your Hands" and Mr. Phil Woolas MP, Minister for Local Government, in his "A Vision for Local Government" opening address made four points –

1. There is a cultural challenge to achieve consistently high standards.
2. Justice delayed is justice denied. Getting quick results is vital.
3. Penalties must be just and visible.
4. Vexatious allegations must be thrown out immediately.

He recognised the paradox of ensuring national standards of operation by Standards Committees whilst providing local ownership. He stated that April 2007 is the target date for Local Area Agreement throughout the UK.

David Prince, Chief Executive, The Standards Board for England, confirmed that the Board is becoming solely a regulatory unit and is devolving executive power to local Committees.

Sir Alistair Graham, Chairman of the Committee on Standards in Public Life stressed that Standards Committees need to be the focus of action in order to remain viable and of value. There is a challenge to narrow the gap between the public perception of ethical standards in local government and the reality. The Government should announce its intention to have Standards Committees run mainly by independent persons with an independent member as chairman. They should be the initial body to deal with allegations. Consistency does not mean national and rigid uniformity. Standards Committee chairman should take a robust view to ensure that probity issues are not used for political or personal vendettas. He answered questions:–

1. An independent member is independent of the council; has some local standing; is not involved in politics.
2. Some merit in the Board having a role in the recruitment of independent members & maybe a panel to appoint/recommend chairmen.
3. There are delays in Government Departments because legislation takes time but the Regulations are moving forward. It does take a long time for Government to move but there are many factors to balance and aspects to consider. No Government wishes to be accused of rushing legislation or failing to get it right.
4. The status of independent members within a council's regime is being studied and advice/guidance may become available.
5. There needs to be more public knowledge about the work of Standards Committees and the appeals procedure.

Individual Sessions

Investigations: The Practice – The Investigating Officer must convey all detail to enable the Standards Committee to reach a decision. Try to eliminate re-discussion of the facts. The Investigating Officer must decide what is and what is not relevant. Comment on sanctions is not appropriate. Possible that comparative aspects could be useful. A CV of the subject member will be included in future briefings.

Reaching the Right Decision – Dealt with the problems faced when compiling a report for a hearing. As might be expected, the investigation, consideration and completion of a report are not easy and require both expertise and application.

Holding Hearings: The Practice – Basic legal requirements and procedural notes. Stressed that a Standards Committee must make its own decision, must avoid unfairness and must complete its business directly and efficiently. Agreed that there is no single procedural system for every Standards Committee but Standards Board will be supplying guidance as to what a Standards Committee should or could be doing.

Hearings: Open Q&A – A wide range of questions from which the following were noted.

1. Confidential reports are sent from the Standards Board to the Monitoring Officer, complainant etc. but not to Standards Boards to avoid possible violation of criminal law. This is being reviewed but any disclosure would require individual justification.
2. In the unlikely event of a simultaneous investigation by police, customs etc., the criminal investigation takes precedence.
3. The cost of Regional Forums is clearly part of the expenditure of the local authorities involved. In fact all financial aspects of a Standards Committee devolve on the local authority, including training.
4. The role of a Standards Committee is to ensure that the ethical performance of a council is enhanced and to endeavour to prevent breaches. The Standards Board is identifying points which make good ethical authorities and bad ones. A Standards Committee should also participate in this process to help its authority improve.
5. A comprehensive performance assessment will investigate the position, authority and use of a Standards Committee. Moves towards a majority of independent members on Standards Committees will be supported.
6. The Standards Board will be supplying guidance as to what Standards Committees should and could be doing.

Engaging the Public – The following points were made –

1. The failure of correct behaviour by national politicians makes it almost impossible to improve the public opinion of local politicians.
2. The main problem lies with the senior executive offices and political leaders.
3. Standards Board & Standards Committee systems are seen as a hammer with which to crack a nut. Might be improved if a local system actually works.
4. If determination of correctness by councils is difficult, it's well nigh impossible for the public.
5. Local Standards Committees need proper and full powers to deal with local problems.
6. Some authorities lack corporate management confidence.
7. Good things done by local government are rarely reflected in the media.
8. Improvement in public perception is unlikely to improve until politicians perform properly and adequately. Too much expediency and too little moral fibre.
9. There is a general lack of social awareness and responsibility/

10. Many regard politicians as having no vision and being totally occupied with selfish aims. Prevarication and dubious conduct at the highest levels has destroyed public confidence.
11. Give power back to local councils. There may be no less corruption but it is much more transparent and easier to correct.
12. Consultation is part of democracy. It may be frustrating and time consuming but maybe it's the only way to check that people are getting the government they want.
13. Each Council should have its own Press Office. Passion and ideas are good but useless if there are no local powers to consider and implement them. There is a danger that passion may equal political dogma.
14. Democracy is in real danger worldwide. Conflict between national and local government is to be expected; it's often because of a lack of local leadership. Important that local people feel in charge. There is a need to stop 'narrow' legislation and to engage people in democracy.

Early Warning Signs – Essentially these are the same as those which an employer should discern if staff are discontented. A MORI poll revealed that there is an overall perception that local authorities provide good value for money. Only 3% of dissatisfied people thought that ethical standards were a problem. It is important to keep election promises, to watch expenditure, to be freely accessible and to act responsibly.

Closing Session

1. More local involvement may well result in the level of penalties available to Standards Committees being increased.
2. Vital to differentiate between minor, vexatious and politically motivated complaints so that the public is satisfied that money is not being spent on frivolous matters.
3. The decision to regulate for local decisions has still not been made because of disagreement between the Standards Board and the Office of the Deputy Prime Minister.

Materials from the Assembly are available on www.standardsboard.co.uk. These include keynote speeches, session slides, handouts and newsletters.

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28 November 2005