



Report of the Assistant Chief Executive (Corporate Governance)

Standards Committee

Date: 16th December 2009

Subject: Standards for England Annual Review 2008- 09

Electoral Wards Affected:

Ward Members consulted
(referred to in report)

Specific Implications For:

Equality and Diversity

Community Cohesion

Narrowing the Gap

Executive Summary

1. The purpose of this report is to outline the contents of Standards for England's Annual Review for 2008-09. The review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.
2. Copies of the Annual Review have been provided to the Leader of the Council, the Chief Executive, the Monitoring Officer and the Chair of the Standards Committee for information.
3. Members of the Standards Committee are recommended to note the information in this report.

1.0 Purpose Of This Report

- 1.1 The purpose of this report is to outline the contents of Standards for England's Annual Review for 2008-09. The review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.

2.0 Background Information

- 2.1 The key conclusions drawn by Standards for England from its Annual Review are as follows:

- Standards of behaviour are generally high and there are relatively low numbers of complaints overall (one for approximately every 25 Members per year);
- Numbers of complaints are broadly consistent with previous years when they were received by Standards for England. However, significantly more are being investigated than under the previous regime, and more than two thirds of all investigations are revealing no breach of the Code;
- In a small but not insignificant number of authorities, taking on the role of overseeing standards for local parish and town councils had been onerous. Standards for England is working with representative groups active in this sector to find ways of helping principal authorities to provide leadership in the good governance of the local councils in their area;
- A key responsibility for Standards for England in 2009/10 will be to reach judgements over the proportionality of the local standards framework, with regard to issues such as effort expended, timeliness, cost and sanctions; and
- Whilst there is considerable officer and Member confidence in the Code of Conduct and local standards framework, it has made little impact on the public.

- 2.2 A copy of Standards for England's Annual Review 2008-09 has been sent to the Leader of the Council, the Chief Executive, and the Chair of the Standards Committee for their information. Copies of the Annual Review are available on request from the report author or can be accessed on Standards for England's website at:

<http://www.standardsforengland.gov.uk/Aboutus/Corporateinformation/AnnualReviewandReport/>

3.0 Main Issues

- 3.1 Standards for England's Annual Review has been split into two main areas: The local standards framework: One year on, and Standards for England: Our work as a strategic regulator.

The local standards framework: One year on

- 3.2 Since May 2008, Monitoring Officers have been responsible for providing periodic information to Standards for England about their Standards Committees and complaints received about member conduct. The first annual survey on standards committee activity also took place in May 2009, and the results are summarised below. This section of the Annual Review also includes several examples of best practice, and Leeds City Council is included as a case study.

3.3 Receiving, assessing and reviewing complaints

- 2,863 complaints were recorded by 345 different authorities between May 2008 and March 2009;
- Three authorities received more than 50 complaints, the largest being 209 as received by Sedgemoor District Council. However this was mostly due to a single complainant;
- More than half of all complaints were made by the public, and over a third by council members. The remainder came from officers, parish or town clerks, MPs, and other sources;
- Standards Committees decided to take no further action on over half of all complaints received and to refer almost a third for investigation;
- 12% (327) were referred to the Monitoring Officer for other action; and
- Standards Committees took an average of 20 working days to make initial assessment decisions.

3.4 Local investigations

- In almost 40% of cases where the Standards Committee decided to take no further action, the complainant asked for the decision to be reviewed. In 93% of cases the original decision was upheld;
- 233 investigations were completed at local level during the year. In 71% of investigations, no breach of the Code was found;
- Investigations took an average of 100 working days, however a small number took more than twice the average time;
- The most common breaches of the Code involved failure to treat others with respect and behaving in a manner that could bring the authority into disrepute; and
- Standards for England were disappointed that authorities weren't doing more to inform the public about standards hearings. The most common methods used were press notices and the authority's website, however, the information on websites is often hidden among records of Standards Committee meetings rather than being featured clearly as the outcome of a complaints process.

3.5 Promotion of standards in public life

- Training – over half of all Standards Committees said they have been involved in training, for example on the role and function of the Standards Committee, determinations and sanctions and how to identify when other action may be appropriate. Standards for England are encouraged by the energy that has been put into helping to educate Members and officers.
- Publications – almost a fifth of Standards Committees contribute articles to Council newsletters, and several have their own sections on the Council website and intranet. 60% of Standards Committees produce an annual report, and most are published on the authority's website. One of the more innovative methods of raising awareness is to conduct poster campaigns, an area where Standards for England is keen to see more good practice develop.
- Informing and engaging the public – the Council website is the most popular vehicle for promoting confidence in local democracy to the public. Some Standards Committees have opted to survey public perceptions to gain awareness of current understanding before starting to build up their profile and, in turn, public confidence;

- Promoting standards in partnerships – almost half of local authorities have considered how they monitor and ensure high standards of behaviour when working in partnership with other organisations;
- Other ways of promoting standards – some Standards Committees are engaged in specific ethical governance activities, such as self assessment and standards surveys. One way that Standards Committees can help nurture strong ethical standards is to embed them in their authority’s human resources framework, for example by contributing to inductions and training.

Helping Members to follow the Code of Conduct

- 3.6 Standards Committees and their associated officers have carried out a range of activities to help Members to follow the Code of Conduct, such as briefings, advice from officers and giving regular reminders to declare interests. Other initiatives included providing a flow chart that explains when to declare interests, supplying Members with information about decisions from the Adjudication Panel for England and enlisting officers to proactively check the register of interests before meetings.

Standards Committees and leadership

- 3.7 Standards for England believes that a key factor in creating a strong ethical framework is clear ethical leadership from Leaders and Chief Executives. On average, Standards Committees (or Standards Committee Chairs) met with the Chief Executive of their authority to discuss ethical issues at least once per year. Standards for England also believes that a regular dialogue on standards issues between the Chair and the Leader, senior politicians and senior managers is an indicator of healthy standards arrangements.

Standards for England: Our work as a strategic regulator

The Standards Environment

- 3.8 Standards for England’s annual survey of local authorities found that:
- 72% of respondents supported the devolved local standards framework;
 - 94% of Members and officers support the need for Members to sign up to the Code of Conduct (up by 10% since 2004);
 - 83% consider maintaining high standards to be one of the most important issues facing local government;
 - 75% of stakeholders have confidence in the way their local standards committee deals with complaints about Members;
 - 89% are confident that their authority is doing a good job of upholding standards; and
 - 47% of stakeholders think Members’ standard of behaviour has improved in recent times.
- 3.9 Standards for England will continue to monitor, evaluate and respond to the challenges and concerns raised by local authorities in managing the local standards framework. For example, further advice and guidance was issued on the appropriate use of ‘other action’, and evidence will be gathered to conclude whether politically motivated and vexatious complaints are a systematic burden.

- 3.10 As Members of the Committee will be aware, Standards for England have commissioned Cardiff University to carry out a five-year project examining the impact of the local standards framework within nine local authorities (including Leeds). The year one findings reveal that the local standards framework has become established and accepted in most Councils, and many participants identified the local standards framework as helping to achieve an improvement in Councillor conduct.

Supporting and guiding local authorities

- 3.11 Standards for England produced a range of guidance materials following the launch of the new local framework in May 2008. The seventh Annual Assembly was held in October 2008, and focussed on helping delegates and their authorities to effectively deliver the local standards framework. Work has also been undertaken with the National Association of Local Councils on two strands of a project funded through the government's capacity building scheme for local councils, an evaluation report on which will be published in 2009/10.

Identifying risk, providing solutions

- 3.12 Standards for England's engagements with local authorities have taken various forms, such as providing advice about recruitment of independent members, and visiting authorities to assist with training. A key part of Standards for England's new role is assessing and mitigating against risk of standards failure, which means gathering information from local authorities to spot potential problems. A risk assessment model is being developed to assess the level of risk that authorities pose to the standards framework.
- 3.13 Work has also been undertaken with Manchester City Council and its partners to set guidelines for the culture of partnership working between local authorities and their delivery partners. The guidelines will prescribe appropriate behaviour that can be applied to day-to-day partnership working. This work will be built upon in 2009/10 to produce a final protocol for partnership working.

Investigations

- 3.14 From May 2008 – March 2009, Standards for England received 177 referrals from local authorities, of which 123 were accepted for investigation. 66 of these were completed by 31 March 2009, and in the majority of cases there had been no failure to comply with the Code, although seven cases were referred to the Adjudication Panel for England for consideration. This year Ethical Standards Officers also completed 123 investigations that had been referred to them before the introduction of the local standards framework.
- 3.15 During 2008/09, Standards for England began an organisation-wide review of the investigations process, and have already achieved a significant reduction in the average time taken to conduct an investigation. Work will continue to improve the level of quality and consistency on investigations in terms of thoroughness, equity and sound decision making.

4.0 Implications For Council Policy And Governance

- 4.1 It is part of the Standards Committee Terms of Reference to make representations to and to liaise with external agencies about any matter relating to general principles of conduct or codes and protocols. It is therefore important that the Standards Committee ensure they are familiar with the role and work of Standards for England.

5.0 Legal And Resource Implications

- 5.1 There are no legal or resource implications to this report.

6.0 Conclusions

- 6.1 The Annual Review provides an overview of how things went during the first year of operation of the local standards framework, and the action that Standards for England has undertaken to position itself as a strategic regulator.
- 6.2 Copies of the Annual Review have been provided to the Leader of the Council, the Chief Executive, the Monitoring Officer and the Chair of the Standards Committee for information.

7.0 Recommendations

- 7.1 Members of the Standards Committee are recommended to note the information in this report.

Background documents

Standards for England's Annual Review 2008-09 available at
<http://www.standardsforengland.gov.uk/media/Annual%20Review%202008-09.pdf>