

# **Confidence in local democracy**

The First Annual Assembly of Standards Committees

Monday, 20 May 2002  
ICC, Broad Street, Birmingham

AGENDA ITEM: 7

## **Conference programme**

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Over 100,000 people give their time as members of local and other authorities because they care about their neighbours and neighbourhoods. The vast majority carry out their duties with the highest standards of ethical behaviour. Public perception, however, too often focuses on the minority who let everybody else down.

The Local Government Act 2000 introduced a code of conduct for members, to be adopted throughout local government. It is intended to make clear to members what is expected from them, to the public what they can expect from members and enable those members who break the code to be held to account.

This gathering, the first in what will become an annual event, brings together the practitioners most closely involved in making the code work. This is an opportunity for members of Standards Committees, and the officers who support them, to get together and begin to share their experience of the new system.

This conference is about much more than the code of conduct. It is about confidence in local democracy.

In response to the high demand for places at this event, we have divided attendees into two groups, white and purple. All delegates are invited to attend the first and last sessions together. In the morning, following the first session, delegates with white badges are asked to remain in the main hall for a series of presentations while those with purple badges are invited to attend workshops.

After lunch, delegates with purple badges are invited to attend the presentations in the main hall while those with white badges attend workshops. Finally, all delegates are invited to come together, in the main hall, for the closing session.

## Agenda

<b>08.45 – 10.00</b>	<b>Registration</b> Delegates are welcomed to the Birmingham International Conference Centre. Refreshments will be available
<b>10.00 – 10.05</b>	<b>Welcome</b> <b>Tony Holland</b> Chair of the Standards Board for England welcomes delegates and outlines the day
<b>10.05 – 10.20</b>	<b>Supporting Local Democracy</b> <b>Dr Alan Whitehead</b> Parliamentary Under Secretary of State for Local Government and the Regions explains the reasoning behind the code of conduct and its role in supporting those who serve local democracy
<b>10.20 – 10.35</b>	<b>100,000 volunteers deserve better</b> <b>Peter Riddell</b> political columnist at The Times gives his perspective on the ethical framework for members
<b>10.35 – 10.45</b>	<b>The code of conduct – the story so far</b> <b>Patricia Hughes</b> Deputy Chair of the Standards Board for England and former Chief Executive for London Borough of Sutton recaps the history of the new code of conduct and progress in its implementation
<b>10.45 – 12.15</b>	<b>Morning sessions and workshops</b> The assembly now splits into two groups. Delegates with white badges please remain in the main hall for the sessions listed opposite. Delegates with purple badges now attend their choice of workshops
<b>12.15 – 13.45</b>	<b>Lunch</b> Lunch is served in Hall Three. We hope this will be an opportunity for attendees to meet colleagues and councillors from other authorities
<b>13.45 – 15.00</b>	<b>Afternoon sessions and workshops</b> The assembly continues to be split into two groups. Delegates with purple badges now return to the main hall for the sessions listed opposite Delegates with white badges attend their choice of workshops
	<b>Closing sessions</b> All attendees are now invited to come together in the main hall
<b>15.15 – 15.35</b>	<b>Winning back the public</b> <b>Chris Clarke</b> OBE, Chair of the LGA Liberal Democrat Group and Leader of Somerset County Council presents a vision for rebuilding the public's confidence in local democracy
<b>15.35 – 16.00</b>	<b>What now?</b> <b>Tony Holland</b> Chair of the Standards Board for England sums up the day and considers the immediate future of the drive to promote ethical standards in local democracy
<b>16.00</b>	<b>Close</b> Refreshments will be served

## Morning and afternoon sessions

**11.00 – 11.30**

for delegates  
with white badges

### Question time

**Paul Downie** Head of the New Ethical Framework from the DTLR, **Patricia Hughes** Deputy Chair and **Allan Cairns** Chief Executive from the Standards Board for England answer some of the questions previously submitted by delegates on the introduction and operation of the code of conduct

Session chaired by **Tony Holland** Chair of the Standards Board for England

**14.00 – 14.30**

for delegates  
with purple badges

**11.30 – 12.00**

for delegates  
with white badges

### Ask the audience

**Ben Page** Head of MORI's Social Research Institute conducts an instant poll on some of the key issues concerning ethical behaviour and the code

**14.30 – 15.00**

for delegates  
with purple badges

## Workshops

**11.00 – 12.00**

for delegates with purple badges

**14.00 – 15.00**

for delegates with white badges

**A range of workshops has been organised giving delegates the opportunity to exchange views and ask questions**

### Workshop A

#### The role of the Ethical Standards Officer and the investigative process

What is the role of the new Ethical Standards Officer? How will investigations be conducted? What will their relationship be with authorities?

Introduced by **Lisa Klein** Senior Ethical Standards Officer at the Standards Board for England

### Workshop B

#### The role of Standards Committees

How can Standards Committees carry out their duties to oversee, promote and facilitate high standards of conduct by members?

Introduced by **Phillip Richardson** Chair Birmingham City Council Standards Committee

### Workshop C

#### The role of the Monitoring Officer

Monitoring Officers are charged with advising members on matters of conduct, supporting the Standards Committees and maintaining the register of interests for each authority and much more. How are they going about this considerable task? What are the problems they face?

Introduced by **Mike Kendall** County Secretary West Sussex County Council and **Chris Boothman** Head of Legal Services at the Standards Board for England

### Workshop D

#### Parish issues

This is the first time Parish and Town Councils have been required to sign up to a code of conduct with nationally determined provisions. What are the issues facing what is perhaps the most local arm of local democracy? How can Parish and Town Councils contribute to the public's confidence in local democracy?

Introduced by **Peter Chalke** of the Standards Board for England

### Workshop E

#### The role of independent members

Independent members are an important feature of all Standards Committees. But what exactly is their role? How do they remain truly independent?

Introduced by **Paul Sabapathy** of the Standards Board for England

## THE STANDARDS BOARD FOR ENGLAND CONFERENCE - I.C.C. BIRMINGHAM

### "CONFIDENCE IN LOCAL DEMOCRACY"

#### WORKSHOP SESSION - 'THE ROLE OF INDEPENDENT MEMBERS' - A REPORT.

Chair: Paul Sabapathy, Independent Member Birmingham C.C. Standards Committee.

Speakers: David Abrahams, Barrister at the Standards Board.

Jonathan Swan, Independent Chair, Newham (London) Standards Committee.

Abrahams initially outlined what he felt the role of Standards Committees (SC) should be:-

1. To promote and maintain high standards of conduct by members - but this should be something more than merely ensuring compliance.
2. To assist, advise, monitor and train in relation to the Code of Conduct. Here SCs might wish to advise on Code revisions or adaptations but probably not for another year. We should also flag up any problems or difficulties encountered in monitoring the Code. While SCs have an obligation to ensure members receive training about the Code he thought they might play a more useful role in relation to Parish Councils.
3. To consider the possibility that additional functions for SCs might emerge, e.g. ethical audits, but mixed views on this. (See later Question and Answers)
4. That SCs should not just be about disciplinary hearings but rather they should be proactively involved in the above areas.

With regard to Independent Members (IM) Abrahams believed they required certain qualities and skills in addition to the legal requirements of such appointments.

The former he listed as *Objectivity, Impartiality, Outside Experience* and *Credibility with the Public*. The skills considered appropriate were *Assertiveness* - seen as a mixture of toughness and diplomacy; *Good interrogation ability* - in view of the likelihood of having to elicit information to reach decisions when adjudicating on issues. (It was also suggested that an independent member should chair any 'hearings'.) IM should be familiar with the work and conduct of a committee system. His final skill, something of a misnomer, was for there to be no close association with local government or party politics. (Though it did emerge that there were IM who were party members) Legally it is a requirement that there should always be one IM at a SC meeting and that they must constitute at least 25% of a SCs membership.

The second speaker, Jonathan Swan, is an IM who Chairs the London Borough of Newham Standards Committee. This body was formed before the recent legislation and had originally been composed entirely of eight independent members but now includes two councillors. He outlined some of the difficulties that might be faced by IM's.

- Ignorance of Council procedures.
- Being "*outside the loop*" i.e. in not being an elected member or officer you missed the nuances of in-house gossip and politics.
- Viewed with suspicion and hostility by councillors - often by longer serving members who questioned your capacity and right to make any judgement about them.
- Question marks over how you were selected and appointed, particularly prior to open advertising of these posts.
- Question marks over your credibility, qualifications for the job, motivation etc., typically expressed as "if you are so interested in local government etc. stand for election".
- Are you really independent?

Swan's experience was that most of these difficulties could be overcome. He had found that the IM role could be enhanced by:-

- ◆ Specific training and support.
- ◆ The acceptance of an "Open Door" policy. In his authority IM's have ready access to members and officers to answer questions that they may have.
- ◆ Being present at formal events - getting known by councillors and officers by attending council and committee meetings.
- ◆ Being present at informal events - attending civic social "do's". Need for caution though as over familiarity might later prejudice ones impartiality.

Finally he believed demonstration of good practice was important. IM's should be seen working in and as a co-operative team; exercise their independence, but not be afraid to ask when appropriate; and perhaps most importantly be aware of the "public perception" aspect, representing as they do the collective values and concerns of the wider public.

#### **Question Session - a sample of those raised at the workshop.**

**Q.** Should IM's be copied all Council papers?

**A.** Yes. Good idea, but they may be snowed under so perhaps only agenda & minutes.

**Q.** A SC chair had been threatened with an action for defamation by a councillor if the allegations she was charged to investigate were repeated. Is this a possibility?

**A.** No. Under the new system members are legally required to report suspected Code violations and therefore in law such action is protected by privilege.

**Q.** Should SCs take on other roles?

**A.** Thought not to be a good idea as potentially a threat to the SCs detachment. However it emerged that some SCs have examined Constitutions, carried out Ethical Audits, scrutinised Attendance records and reviewed member allowances!!!

**Q.** Shouldn't the Standards Board be detailing how tribunal and disciplinary procedures are run?

**A.** Procedures are at the discretion of the local authority. This answer raised much concern because of worries over 'natural justice' and implications of Human Rights Act. Consensus was that the Standards Board should at least produce an outline model for guidance.

Finally one independent member in the audience commented that it was clear that there were still big issues floating around unresolved and that a lot of help was going to be needed. He advised us all to take out 'local indemnity insurance'!!

Dudley Williams  
20.5.02

PS Should you wish to see further questions answered the Standards Board has a web site: [www.standardsboard.co.uk](http://www.standardsboard.co.uk) Under Code of Conduct click onto "frequently asked questions" where you will currently find 60 further examples. Worth a visit.

