ANNEXE 'B'

REPORT OF DUDLEY WILLIAMS
SIXTH ANNUAL ASSEMBLY OF STANDARDS COMMITTEES - 15 -16 OCTOBER 2007,INTERNATIONAL CONVENTION CENTRE, BIRMINGHAM.

The theme of this year's Assembly, following the introduction of a new revised Code last May, was the devolution of powers of investigation and resolution from the Standards Board for England (SBE) to local ownership.
Nearly 800 delegates were welcomed to the opening plenary session by Sir Anthony Holland who introduced Parmjit Dhanda MP, Minister at the Department for Communities and Local Government. The Minister outlined the Government's focus in this area, stressing the importance of Standards Committees in creating a climate of trust and respect for local governance; commented on the changing role of the SBE as more guidance and support oriented, and; surprisingly, yet another review of the Code next year.
In taking questions it was clear that several delegates had concerns over resource implications of their new responsibilities - one authority reporting legal costs of £47K for a parish case, while another pointed to the cost of statutory newspaper announcements being greater than the Parish precept. The Minister was pretty cagey on this matter!

Selection of some of the points made by other speakers from the SBE :-

- Overall a decreasing trend in number of cases, hopefully a result of greater awareness of the Code.
- Very important to set a local ethos of values rather than a culture of slavish compliance.
- Issues surrounding questions of conduct and criminality in a *public* and *private* capacity have yet to be finalised. This will depend on the enabling legislation contained in The Local Government and Public Involvement in Health Bill, currently before Parliament.
- SBE has initiated a series of pilot projects in authorities to establish how they could cope with local determination.
- Standards Committees (SC's) have an obligation to inform electorate of the complaints process, a particularly useful tool being the Authority news sheet or similar.

Delegates then dispersed to the first breakout session dealing with "The Local Filter in Detail". These were geared to the various interest groups at the conference. Mine was the experience of the Independent Chair of Newark and Sherwood Council in dealing with the hypothetical cases contained in the SBE's pilot project. Points to emerge:-

- The involvement of the Monitoring Officer (MO) has the potential for later confliction.
- Important that decisions and reasons are placed on record in detail throughout the process as could be later needed.
- Grounds for appeal if decision is flawed, unreasonable in law or procedurally incorrect.
- Essential to set aside enough time for study of evidential papers.
- The three step process of Filter, Hearing, Review/Appeal potentially for each case, requires the formation of a sub-committee for each element. This predicates having a Committee of a certain size and also sufficient Independent members to chair each phase.

- While Committee members are able to sit on either Filter and Hearing or Filter and Appeal they may not sit on Hearing and Appeal.

Other points to consider:-
Post April 2008 should MO's filter complaints?
Should there be reciprocal arrangements with neighbouring authorities?
Should there be a pool of investigators?

The next session I attended entitled "Safeguarding Standards" dealt with how the SBE and other regulatory bodies would monitor and audit SC's as they took on a greater responsibility for maintaining ethical standards at local level.
It is proposed that the SBE will require SC's to complete a quarterly submission of data derived from allegations, appeals, investigations and other activities of SC's. By April 2009 an annual report signed off by the SC's Full Council (though not amended by them) will be required. This evidently will be of a standardised format to enable inter authority comparisons to be made and for data to be collated. There will be the possibility of SC's going into a form of special measures culminating in suspension if they do not perform or co-operate effectively.
The speaker from the Audit Commission made the point that good governance often correlates with good behaviour within an authority. He also pointed out that while ethical standards are currently dealt with in the Comprehensive Performance Assessment (CPA) this will end in 2008 and be replaced by a new regime, the Comprehensive Area Assessment (CAA). This promises a multi inspectorate approach examining at the local level quality of life and peoples expectations. It is against this background that the examination of the work of SC's will be set.

The final session of day one entitled "Referrals - Lessons Learnt" involved speakers from SBE who dealt with case referrals.
Experience showed that there were common triggers for complaints:-
- Elections -eg content of party literature, funding.
- Media moral panic on political ethics - sleaze, corruption stories etc.
- Post summer and Christmas recesses - issues seem to fester.
- Dysfunction - interpersonal relationships particularly at Parish Council level.

In deciding to proceed with an allegation essential to consider:-
- Is it a breach of the Code?
- If it is, is it serious enough?
- Is there sufficient evidence/information to build a case?
- Has the passage of time neutralised the issue? (may depend on the gravity of allegation)

To achieve consistency of approach certain requirements are needed:-
- Good records management - reveals serial complainers, case duplication etc.
- Contact management - devise strategies to neutralise and deal with particular complainants.
- Communications - ensure uniformity and consistency of terms and language.

Other issues:
- Anonymity should only be promised in exceptional circumstances eg threat of physical or emotional harm. It can as well be problematic in the investigation process.
- Complainant can withdraw the allegation providing a notification has not already been issued, but there are caveats. Is there intimidation? Is there a public interest to be upheld?

- Review - a complainant can seek a review of the decision not to proceed.
- A decision can be set aside by Judicial Review if certain conditions are not adhered to.

Day two of the Assembly started with a session "Key Case Review" that looked at a variety of cases brought before the Adjudication Panel for England (APE) and the implication of their rulings for the application of the Code. The most high profile case considered was the *cause célèbre* of Ken Livingstone as he left a party and remarks made to a journalist. The APE decision and sanction was overturned by the High Court, though whether there would have been the same outcome had the proposed legislation been in force is doubtful. While many of the cases examined involved the driven and the misguided you were left wondering with one or two how they had slipped past security to be elected. All the APE adjudications are open to view on their website www.adjudicationpanel.co.uk

There followed a presentation for all the delegates under the title of "What's the Score?" In this three speakers examined the current state of the regulatory framework. Was it able to deliver and was it robust enough to cope with the transition to greater local involvement? Much of what followed was based on the findings of a questionnaire sent to authorities in July 2007 for completion by both members and officers. What was slightly disconcerting about the results was the fact that members as a group reported far more positively on their perceptions of the Code, Standards Committees function and role within an authority than did the officers who responded. It was reiterated that CIPFA/SOLACE have redefined what constitutes good governance within an authority and one of those areas now encompasses culture, values, mission and ethics.
Reflecting some of the questionnaire's findings it was deemed desirable that SC's should be more high profile and integrated into the corporate structure of their authority.
A great deal of this session was given over to questions from the floor, which for the most part were not particularly illuminating.

My final workshop session "State of Independence" was tailored for independent Chairs and Members of SC's. The aim was to get them to develop and recognise the skills involved with implementing the local filter. Section 57 of the new Act covers most of the work of Standards Committees. Inevitably some of the detail covered in earlier session was revisited such as eligibility to sit at the various stages of the process and who should chair them. The question was posed as to whether hearings should only be chaired by those with legal qualification or whether access to legal advice would be sufficient. It was suggested that members should have a personal audit of their strengths and weaknesses in relation to the skills and qualities required for serving on a Standards Committee. Delegates were asked to rank the top six skills/qualities from some four dozen attributes and there was surprisingly a fair degree of uniformity.

The Assembly closed with a short plenary addressed by the retiring head of the SBE, Sir Anthony Holland.

Dudley Willams