



Beyond the Standards Board

SUMMARY

- 1.1 The government is proposing to abolish the existing local government standards regime using provisions within the Localism Bill. Under the proposals, Standards for England would be abolished and councils would no longer be required to have a Code of Conduct for elected members or to have a Standards Committee.

RECOMMENDATION

- 2.1 To consider what arrangements could be in place for the future standards of behaviour of councillors and other appointed members.

SUPPORTING INFORMATION

- 3.1 Local government recognises that it is vitally important to maintain high ethical standards within the sector in order for citizens to have trust in local councils and the democratic process. There are currently no alternative arrangements being considered once the current regime is abolished. It is also unclear what the new audit arrangements will cover (if any) in terms of governance and ethics. On 15th September the Local Government Improvement & Development agency convened a meeting of a range of elected members, senior officers and experts from relevant fields met to discuss “beyond standards”. Emerging from that meeting were a number of issues for consideration for the future:
- Whilst there is widespread support for the abolition of the overly bureaucratic and burdensome aspects of the current standards regime, it is important to also reflect upon the benefits that a focus on ethical standards has brought over the years. Whilst popular perception may differ, with this having been exacerbated by the MPs’ expenses row, there can be little doubt that standards of conduct and behaviour within local government are generally very high, with serious failures being in a tiny minority.

- Standards compare favourably with most, if not all, other sectors. There is a determination within the sector to see that this continues to be the case and the overall message is therefore one of welcoming the government's abolition of the excessive elements of the current regime whilst clearly signalling it is taking responsibility as a sector to ensure standards remain high.
- As with professional bodies in other sectors, enabling councillors to have a clear understanding of their role and the framework within which they are expected to operate is only right and proper and there is clearly a desire within the sector to see such a framework in place. Similarly, there is a wish to see the means established by which such a framework is shared and understood and breaches of it can be acted upon. Within this, however, it is important that councils can determine for themselves what is appropriate for their local circumstances.
- Democracy, in the form of the ballot box, provides a key means by which any councillor who is seen to breach an ethical framework can be held to account. However, this is a sanction that may well take time to come about, with the lack of immediacy opening the sector up to criticism for failing to act decisively and quickly enough. Given that the majority of concerns regarding councillors are raised by members of the public, it is vital that the means by which breaches of an ethical framework are highlighted and considered are open and transparent to local people and seen to operate independently and in a timely way.
- The national Code of Conduct for elected members has served as their ethical framework in recent years. It has faced criticisms but, despite this, is seen as a concept that should be retained, albeit with the need for revision and adaptation first and with a shift to a 'voluntary model'.
- There is a relationship between high ethical standards to good governance standards. (The CIPFA/SOLACE Good Governance Framework).
- One of the primary recommendations of the Committee on Standards in Public Life is that each authority should be required to adopt a local code of conduct. It is difficult to perceive that the need for this has changed since 1997.

- 3.2 The key question is one of how such a Code is established and implemented. This is seen to be a role that the Local Government Group could fulfil, by developing a model Code that allows for local adaptation and discretion and by recommending councils adopt it. The roundtable discussion identified little desire for a statutory Duty on local authorities to adopt such a Code – indeed seeking one would go against the ‘localism’ grain. Similarly, there was no appetite for councils adopting such a Code being made a condition of membership of the Local Government Association, with this considered to be unrealistic. Rather, it should be a matter of choice, with a belief that political parties nationally and the leaders of political groups within councils would work to encourage adoption. There would also be an expectation that any political leaders of councils not adopting such an approach would need to articulate the rationale behind such a stance to the public and wider local government.
- 3.3 It is important to recognise the responsibility councils have in ensuring such Codes, whether for elected members or officers, are clearly understood by those expected to operate in line with them. Adequate training and development, both in Codes and wider governance issues, is seen to be vital. In order to aid this process, the Local Government Group is seen to be well-placed to develop tools that can be made available across the sector.
- 3.4 For a Code of Conduct to be effective, it must be backed by the ability to probe alleged breaches and apply proportionate sanctions where a breach has been proven. It is felt to be important for councils to have a local body that operates openly and transparently when complaints are received and enables ‘quick justice’ – whether through exoneration or the application of proportionate sanctions. One proposal was that an existing council body, such as the Audit Committee, could extend its remit to fulfil this role. Again, however, this should be locally determined.
- 3.5 Given the benefits that co-opted members are seen to have brought to Standards Committees, councils may well wish to continue the involvement of independent representatives in any arrangements they establish. It is felt that the remit of such a body might differ slightly to that of Standards Committees, with a more streamlined approach to considering complaints initially in order to determine whether they should be taken forward. Also, such bodies might offer brokerage or mediation between those involved in a complaint rather than just focusing on investigating an issue. Councils may also wish to consider having the means by which to probe the most sensitive or complex matters through support provided by other councils in the form, for example, of a joint committee to escalate issues to or providing them with expert officer support.

- 3.6 Whilst, ultimately, intervention via the Secretary of State or the legal system can be utilised to deal with the most flagrant conduct violations and governance issues, it is important to recognise the other mechanisms available for dealing with issues below that level.
- For major conduct and governance issues that are understood internally, there are avenues open to the Head of Paid Service, Monitoring Officer and Section 151 Officer.
 - For complaints put forward by the public to a local body, it will be important to have recourse to an independent body if they are not satisfied with the way it has been dealt with. This could be the type of joint committee referred to above or it is a role that the Local Government Ombudsman could potentially fulfil, although this would be outside their traditional remit.
 - In view of the proposal for Council's to appoint their own external auditors (with the removal of the Audit Commission) there is likely to be an extended role for Audit Committees in the future.

This report has been approved by the following officers:

Legal officer	Stuart Leslie
Financial officer	N/A
Human Resources officer	N/A
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Background papers:	None
List of appendices:	Appendix 1 – Implications

Appendix 1

IMPLICATIONS

Financial

- 1.1 None arising directly from this report.

Legal

- 2.1 The Standards Framework will be subject to the provisions in the Localism Bill.

Personnel

- 3.1 None arising directly from this report.

Equalities Impact

4.1 None arising directly from this report.

Health and Safety

5.1 None arising directly from this report.

Carbon commitment

6.1 None arising directly from this report.

Value for money

7.1 None arising directly from this report.

Corporate objectives and priorities for change

8.1 None arising directly from this report.