

**Report from the Delegates Attending the 2009
ANNUAL ASSEMBLY OF STANDARDS COMMITTEES (“the Assembly”)
held on the 12th and 13th October 2009 at the International Convention
Centre Birmingham**

Delegates Attending: David Sayer (Vice Chair), Councillor Rhoda Bailey, and Teresa Eatough (Parish Representative)

1 Introduction:

The Assembly was well subscribed with over 800 delegates attending from authorities spread countrywide and comprising an eclectic mix of representatives. In addition to elected and independent members there were several chief executives, monitoring officers, senior legal and democratic services staff and a wide selection of parish representatives.

As in previous years, Assembly time was allocated between plenary sessions focussing on broad central issues and smaller workshops dealing with narrower specific items and inviting a high level of delegate participation. For those untiring delegates Monday evening sponsored in addition a number of fringe events covering a range of subjects from “The Development of Independent Members” to “The Local Government Ombudsman - An Agenda for Change”.

2 Opening Plenary Session:

The first of these sessions bore the title “The State of the Nation” and was, after a short video address from the Local Government Minister Rosie Winterton who was unable to attend due to pressing matters in Westminster, addressed by Dr Robert Chilton Chair of Standards for England who took as his central theme the future for standards and Standards Committees in the light of a possible change of government in the coming months and the Green Paper heralding the possible abolition of the Standards Board. Dr Chilton was upbeat and reminded the Assembly of three important premises i.e. (1) the Standards Board is an impartial statutory body (2) the whole Standards debate is well informed based on fact and free of political mantra (3) As long ago as 1992 the then Home Secretary vowed to dissolve the Nolan Commission – but Standards has survived. His closing comment addressed to Standards Committees is worthy of mention “Just be excellent and you will have a future”.

Other speakers, including Glenys Stacey as Chief Executive of Standards for England (as it is now known) adopted a likeminded theme reminding delegates of the important role of Standards Committees and the overall raising of standards of ethical governance throughout local authorities and the statistical evidence which, as a matter of public record, is available to support this contention. To look at one statistic in isolation is perhaps being over selective but the fact that during the past year serious complaints referred to the Adjudication Panel of Standards for England amounted to marginally less than one per 3,000 members and of the 224 serious complaints referred 158 were found not to amount to a breach, 56 were found to have breached the

Code of Conduct with penalties imposed and 10 found to amount to a breach but recommended no further action. Interesting to note that of those complaints referred more than half came from members of the public which in itself is an interesting reminder of the growing awareness in the community of not only the existence of Standards Committees but also their function and effectiveness

3 The Second Plenary Session:

The afternoon (Monday) plenary session was described thus: “Local Standards Framework - Force for Good or Necessary Evil ?” This rhetorical question triggered what turned out to be a lively discussion by the end of the session which was opened by David Prince CBE a former Chief Executive who posed a further question in that given the cost of investigating often trivial and vexatious claims frequently groundless and motivated by ‘tit for tat’ could we go on affording the present system? Equally could we afford not to ? David stressed the need to look inward and closely at ways and means of performing effectively and maintaining the same levels of transparency as hitherto. Easily said but not so easily achieved. Michael Chater, National Association of Local Councils (NALC) who stressed the important role played by parish and town councils and the need for Standards Committees to work closely with parish/town council members and parish council and town council clerks.

The final speaker at the afternoon session Kirsty Cole Statagic Director (Customers and Resources) Newark and Sherwood District Council. Kirsty barnstormed the Assembly and took us right back to basics. She, like the preceding speakers, threw out a question for delegates to ponder “Standards for England was it necessary? Yes – Is it still necessary ? Yes – but is it proportionate ? Kirsty was not afraid to highlight what she saw as the defects in the present system and stated unequivocally that in her view and in a number of respects the present system is not proportionate. Lengthy procedures, long apparent delays – complainants not knowing what was happening to their complainants. Kirsty also spoke up strongly for parish and town councils reminding the assembly that parish and town councillors (and clerks) have no other recourse in the context of complaints than to the District Council and the Monitoring Officer.

Kirsty’s robust delivery was well received and provoked some searching and well composed questions . The session concluded with two substantial and important recommendations (1) the person complained about should be afforded an opportunity to make an early reply to the current allegation(s) against him/her (2) there should be an easier procedural access to the use of the apology much sooner in the procedure i.e. without having to go through the process of investigation and the making of findings of fact. The present standards process was not proportionate certainly in regard to these two issues.

4 Third Plenary Session:

The third and final plenary session on Tuesday was headed "On the Brink - The Costs of Ethical Failure". A lot of careful planning had gone into this presentation which was introduced by Professor Alan Lawton of the University of Hull who highlighted the key areas of concern which give rise to ethical failure and diminishing performance with consequent falling standards and in some instances outright misconduct by members. Instances cited included bullying, disputes, systemic failure within the authority and the causes most frequently encountered were target pressure, lack of or misunderstanding, personal differences and Professor Lawton then illustrated how these could impact on individuals e.g. falling morale, performance, relationships etc., and on the authority as a whole as in reputation, recruitment, legitimacy and credibility and finally the public perception of an authority in decline and its members (and sometimes officers) in freefall.

The Assembly was then invited to hear from two very experienced battle scarred senior executives who brought to the debate first hand experience of encountering and dealing with an authority which was failing, whose members and leadership were out of control and one of which was described as "the worst local authority in the country".

First up Kim Ryley former Chief Executive of Hull City Council who took up that office in 2004 at the height of the problems. Kim gave an enlightening and amusing account of his head on exchanges with the Council and political leaders and the problems of transforming chaos and malpractice into good order and effective governance with proper lines of cross communication and mutual respect for member and staff alike. If one aspect of this delivery stands out (and it applies equally in respect of the second speaker Peter Moore) is the courage required of Chief Officers when confronted by a bullying and threatening membership. Kim is pleased to advise the Assembly that Hull is much changed authority and in many respects an example to others. The second speaker Peter Moore was acting Chief Executive to Lincolnshire County Council when it received a critical public interest report, critical ethical governance review and critical corporate governance inspection. Peter clearly played a key role in the restoration of this authority to an acceptable level of good governance. Another fascinating account and Peter left the assembly with this question "Who runs the Council ? The answer is that the Council is not run by the members and political leaders, it is not run by the officers. The Council is run by the effective and strategic partnership of membership and officers working together. Not surprisingly this presentation encouraged a number of helpful questions from the floor.

5 Conclusion:

We hope that members of the Standards Committee will be able to glean from this short report something of the flavour and general thrust of the Assembly which was well organised and provided a balanced agenda of both broad and narrower specific issues. There can be no doubt that the overriding theme throughout was and continues to be the uncertainties which presently

surround the future of Standards for England and as a direct consequence Standards Committees nationwide - so much work has been done and remains to be done that your assembly delegates feel that Standards will survive, indeed must survive though it must always be prepared for improvement and change and in so stating we hope that we have managed to reflect the mood of the 2009 Assembly.

David G.Sayer
Rhoda Bailey
Teresa Eatough

14th October 2009