



NORWICH
City Council

ITEM 7 - REPORT FROM 2009 STANDARDS ENGLAND ANNUAL ASSEMBLY OF STANDARDS COMMITTEES, BIRMINGHAM 12 – 13 OCTOBER 2009

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Committee

1. Introduction

- 1.1. Norwich City Council was represented by Colin Thrower – deputy chair of the council's standards committee and Phillip Hyde – monitoring officer.

This Assembly was held against the backdrop of two unknowns. These were the delayed revised Code of Conduct which was promised for May 2009 by the Government and the uncertainty surrounding the future governance of local standards generally after the 2010 General Election.

- 1.2 The Standards Board under its new name of Standards for England seemed to be positioning itself to survive whatever the result of the election.
- 1.3 The overriding emphasis of the Assembly was about the” **management of failure**; (what to do when the Code is breached.)

2. Plenary Days One and Two

- 2.1 **State of the Nation**; the first speaker was chairman of Standards for England, Dr. Robert Chilton. He focused on the SE response to the Conservative Party's paper entitled “Control Shift- Returning Standards to Local Communities”. The response was in his words an attempt “to inform the debate with evidence”. The second speaker, Chief Executive Glenys Stacy publicized SE's web site.
- 2.2 The 3rd Minister in as many years to supervise SE, Rt. Hon Rosie Winterton MP also addressed the plenary via a pre-recorded DVD.

- 2.3 **Coming Back From Ethical Collapse;** Prof. Alan Lawton of University of Hull, Kim Ripley ceo Hull City Council and Peter Moore, executive director of Lincolnshire County Council gave presentations that focused on how failed authorities displaying a lack of trust and associated democratic deficit can recover public trust.

The main message from this was that recovery required political will and strong leadership from both the incumbent leader and the chief executive to commit to ethical governance by making visible commitments in public and then delivering them.

3. Workshops

- 3.1 **Local Assessment, Lessons Learned;** this session was for Monitoring Officer's and covered the leading of the process and the variation around the country and from authority to authority in knowledge, confidence and understanding processes. Monitoring Officer's seemed concerned about handling "political" complaints and in particular the amount of discretion they should exercise before starting off formal procedures. Discussion took place on how to approach and instruct members to desist before their behavior becomes an issue, getting referral panels together in a timely manner, training in general, explaining referral and later stages to all concerned, particularly the complainant and the member concerned.

- 3.2 **Local Government Standards Framework;** The attending officers and members generally thought the standards regime was a force for good. Presentations from David Price (former ceo of SE), Kirsty Cole (MO at Newark and Sherwood DC), Allan Gloak, (Lib Dem standards appointee on Somerset CC standards committee) and Michael Chater of the National Association of Local Councils all supported this view.

Most agreed that Monitoring Officers should be included on corporate management teams and that standards should be merged with governance.

- 3.3 **Effective Joint Working;** this session was an interesting look at how some Suffolk based Councils have co-operated. Suffolk County Council encourage joint training and have regularised Monitoring Officer and standards committees member meetings across many districts. This enables a consistent message county wide and has delivered benefits in cost, approach, public confidence and consistency of approach. The approach does not have seemed to demonstrate success in investigations or in sharing political members for referrals, appeals or hearings.

This is attributed to; the fact no one Monitoring Officer leads consistently, which in turn means sharing is adhoc, and can be bureaucratic and complex. There is a lot of resistance from officers and political members and the difficulty in a Monitoring Officer from one council leaving their “day job” to undertake a speedy professional investigation in a neighbouring authority. Problems arise also because costs are either shared or charged on an agreed basis. The resultant effect has been a “soft partnership” focusing on the possible rather than the idea.

It was important that Councils thinking of Joint Working to review their constitutions before hand.

- 3.4 **Councillors and Social Media;** this session concentrated on how Councillors can stay in line with the code when using Blogs, Facebook, Twitter etc. in the discharge of their duties. The answer, which is hardly surprising, is to apply the same standards to these media as they would to anything else covered by the code.
- 3.5 **Sharing Good Practice - Standards Committees;** 4 Independent chairmen of standards committees presented this session with an officer from Standards England. The key outcomes of this workshop were that the best standards committees seek to build trust and confidence in the community, seek to install standards as second nature to minimise the risk of failure, become known and trusted as an ethical beacon, maintain a professional distance to avoid the taint of bias and to promote training.
- 3.6 One suggestion to take away was the production of a carry about card with a flowchart or similar about prejudicial interests, pre-determination, bias etc. for use by members considering difficult issues.
- 3.7 **Local Standards Live;** this was a role play that used professional actors showing how a “rogue” councillor should be handled by the standards regime. The message was that in allowing for the bullying, harassment, the failure to declare interests, prejudicial interests, disrespect and probable criminal intent of the rogue, highlighted that the inaction of standards makes failures of councilors the failure of the standards committee. Committees should routinely evaluate their own performance and involvement in instilling ethical standards in local public life.
- 3.8 **Managing investigations with confidence;** Nicole Jackson, assistant chief executive at Leeds City Council gave an honest appraisal of how Leeds got its early investigations badly wrong. Her talk highlighted the following points for authorities to learn from the experience of Leeds; if a council is going to use external investigators set up the commissioning arrangements well in advance and test them, make sure it’s the same investigator who both starts and ends the work, include contingency arrangements such as to cope with the investigator leaving, test them and put in place the necessary mitigation plans and use checklists for key documents and make sure they arrive at their destinations.

- 3.9 For investigations; be clear what they are about, so scope and define them in plain English, always use a standard format for everything, always send draft reports to the Monitoring Officer and no one else, make sure the Monitoring Officer gets all papers, use a council key contact officer to make arrangements for interviews, agree milestones and use progress reports, notify of delays immediately, have a procedure to deal with un-cooperative witnesses, give all witnesses an explanation in writing about what's going on, have protocol in place with the Police, work out how to deal with complaints about the draft report before any hearing committee member sees it and becomes tainted, always do a 360 degree feedback after the event particularly with the complainant, work out the Council's **FOI S63** process before an investigation starts about what can be released, accept that what can go wrong will, and have a plan to mitigate the effect.

Leeds is now proposing to adopt a new protocol on getting things right and is intending to share it with others.