

Seminar of London Standards Committees

11 February 2010 at 2pm in London's Living Room, City Hall.

1. Introduction

- 1.1 Approximately 80 representatives from 26 boroughs, the Corporation of London, the Metropolitan Police Authority (MPA), the London Fire and Emergency Planning Authority (LFEPA), Transport for London and the GLA attended the seminar. In addition Alan Lawton, Professor of Public Sector Management at Hull University and Professor of Integrity of Governance at the VU University, Amsterdam, and Alison Kelly, National Lead Governance and Accountability, Audit Commission attended the seminar.
- 1.2 Claer Lloyd-Jones, Chair of the GLA Standards Committee, welcomed everyone to the seminar.
- 1.3 Richard Barnes, Statutory Deputy Mayor and a member of the GLA Standards Committee, welcomed everyone on behalf of Boris Johnson, Mayor of London.
- 1.4 The seminar was divided into two sessions to discuss the following topics:

Session 1 – Effectiveness and Added Value

Discussion area:

- *How do standards committees contribute to the effectiveness of your authorities and how do they work?*

Session 2 – Experience to Date and What the Future Holds

Discussion areas

- *What have been your greatest successes or innovations and biggest problems in relation to the local handling of complaints?; and*
 - *Looking to the future, do you believe that the Standards regime is fit for purpose, should it be changed, and, if so, how, and how we can go about securing the changes?*
- 1.5 Delegates discussed the topics in eight groups and then fed back their comments to the whole group.

2. Comments raised during Session 1 – *Effectiveness and Added Value*

2.1 The comments on the discussion area are summarised below.

The role of Standards Committees - Internal role

- a. Some Standards Committees are looking for a role, as they do not receive many complaints under the local assessment regime, are not very busy and have a low profile in their authority.
- b. What should the role of the standards committee be in relation to an authority's audit committee?
- c. Standards Committees can provide a useful role by Independent Members attending planning and licensing committees to monitor the Council's performance. There are also examples of Independent Members attending cabinet meetings. The attendance of Independent Members at other meetings has led to improvements in behaviour.
- d. Standards Committee Chairs and Independent Members should meet regularly with the leaders of the main political parties in the authority and with the monitoring officer to gain an understanding of the authority.
- e. Should Standards Committees lead rather than be led by the authority? How wide should their role be just to judge or to promote democracy?
- f. Standards committees are receiving reports on the authorities' general complaints handling, the extent of compliance to the complaints procedures (eg are they dealt with in time and properly), a summary of the activity that the authority is undertaking under the Regulation of Investigatory Powers Act 2000. They are also involved in reviewing protocols, officer codes of conduct, planning codes of conduct and whistle-blowing policies.

Independent Members

- g. Standards Committees can be very legalistic and bureaucratic and it can be overwhelming for new Independent Members. The quality of the legal advice can help them to pick out the pertinent points.
- h. Independent Members have many skills and much experience but is the best use made of those skills and experience?
- i. In some authorities, Independent Members lead on training.

Promoting Ethical Standards Externally

- j. Standards committees can improve corporate governance standards and improve attitudes and culture within an authority. Some standards committees have succeeded in changing the whole ethical nature of an authority, going into local schools to talk about democracy and working in partnership with other local authorities. This builds confidence in public bodies.
- k. There is a need to raise the profile of Standards Committees and Independent Members. There is confusion amongst the public as to what exactly standards committees are, for example, muddling up standards committees with trading standards! Also the public is confused about where to direct complaints about Council performance (as opposed to complaints about member conduct), making assumptions that the Standards Committee is responsible for dealing with general complaints. Does the public care about standards committees unless something goes wrong?
- l. How proactive should standards committees be in improving authorities' websites? The accessibility of complaints policies on websites varies a great deal.

Effectiveness

- m. Does the number of complaints received reflect the effectiveness of the Standards Committee i.e. does few complaints mean that the Standards Committee is effective or does a higher number of complaints reflect a transparent process with local ownership of the complaints process?
- n. The goals for standards committees have been set nationally. Improvements have been made to standards committees but they are still developing their roles and effectiveness.
- o. There were varying views on the perception of how effective standards committees have been. Some authorities feel that standards committees have added to the openness, integrity and transparency of decision-making, and an improvement in member behaviour.
- p. How do you measure effectiveness? An independent audit every three years, anecdotal evidence and annual reports on the work of the standards committee.
- q. A broader remit for standards committees internally can possibly increase perceptions of effectiveness.
- r. It can take a long time to determine a complaint and can be costly – the regulations seem to provide a sledgehammer to crack a nut. The Monitoring Officer could be empowered to dispose of trivial and minor complaints.

- s. The local government regime should apply to Members of Parliament, Members of the European Parliament and officers of an authority.

Consistency

- t. There seems to be a wide range of practices and processes across authorities. Is it timely to promote consistent approaches across standards committees?
- u. A London-wide Code of Conduct for Members would be useful, rather than each authority having to produce its own.

Observations

2.2 The Chair invited Professor Alan Lawton to make some observations about the issues, which had emerged from the discussions.

- There is no one best way for a standards committee. Around the country Standards committees do work very differently.
- Learning from each other is crucial.
- Some standards committees are more established, that is they were in existence before the RIPA legislation (Regulation of Investigatory Powers Act 2000) came into effect and that influences what they do.
- Standards committees are now more confident in what they do and have a clearer idea about the role they want to play. They are now less Monitoring officer led.
- There is a good range of skills on standards committees and the question is to what extent use is made of those skills. The skills sets could be used to shape the work that standards committees do.

3. Comments raised during session 2

Session 2 – Experience to date and What the Future Holds

- *What have been your greatest successes or innovations and biggest problems in relation to the local handling of complaint? and*

Successes

- a. The involvement of Independent Members. It has given a voice to the community. Independent Members bring a range of skills and perspectives. It has made elected members up their game.

- b. Local assessment is seen as very important because of the significance of the local context, which can be crucial.
- c. Informal resolution can be a very useful tool, prior to the assessment stage and may mean that it is not necessary to convene a meeting of the assessment sub-committee.
- d. Prior to an initial letter being sent to a member to say a complaint has been received the monitoring officer contacts the member to let them know what is happening, which demonstrates good customer care.
- e. One authority manages to arrange assessment and review meetings within 10-14 working days.
- f. Very few review sub-committee meetings have been held, suggesting that assessment sub-committees are making the right decisions.
- g. Standards committees can make a real difference to the culture of a new or evolving authority.
- h. A high profile case involving bullying led to many positive messages being disseminated through the authority concerned. Investigations have thrown up issues of concern that have then been properly addressed.
- i. Reciprocal arrangements between two local authorities are working well.

Weaknesses

- a. Work on the complaints process can take up the capacity of officers. A local authority can go through a lengthy process of assessment, review, consideration and hearing a complaint and then the subject member can appeal to the First-tier Tribunal (Local Government Standards in England), where the complaint is heard afresh. There was a suggestion that the review stage should be scrapped and it was noted that investigations could be very costly and take a lot of time.
- b. It can be very difficult to arrange assessment and review meetings in the statutory timescales.
- c. The system is very prescriptive and heavy handed. It is difficult to filter out trivial complaints. Monitoring Officers should have wider powers to deal with unmeritorious complaints (but this will require further regulations). There needs to be a more effective way of dealing with trivial complaints so that a meeting of the assessment sub-committee does not need to take place. Two delegates commented that their monitoring officers did filter out complaints, but other delegates stated that their understanding was that the regulations did not permit monitoring officers to do that.

- d. The current procedure for the assessment stage only allows a finding of no action or a referral to the Monitoring Officer to investigate, which is limiting. There ought to be more scope for mediation or other solutions, which might be more appropriate.
- e. Whoever is investigating is seen as a prosecutor and it can lead to difficulties in the relationship between members and officers.
- f. Many investigations take a long time to carry out but still result in a finding of no action.
- g. Two boroughs have an agreement to undertake investigations for each other when it is appropriate to do so (but not everyone thinks that is beneficial, as it is seen as “You’re not airing your dirty linen in public”).
- h. There is political resistance to joint working between boroughs.
- i. Complaints can be anonymous, which one delegate viewed as cowardly (but it was noted that in certain circumstances the person may be too scared to reveal their identity).
- j. Enabling straightforward decision-making is an issue, particularly when there is overlapping membership.
- k. Non-co-operation of elected members, for example councillors refusing to be interviewed for an investigation, and submitting their response only when the investigating officers’ report was final, with witness statements attached. Elected members have also refused to undertake training.
- l. There can be practical problems with arranging concurrent meetings of authorities, where the complaint concerns an alleged breach of two codes of conduct.
- m. There is a question of whether a standards regime is needed if elected members are experienced.
- n. The move to local assessment leaves room for weak monitoring officers to be leaned on by strong politicians, potential politicisation of the standards committee and complaints process.
- o. Standards for England takes a long time to make its decisions, and then it often refers the complaint back to the local authority anyway. Sometimes its decisions are inconsistent.
- p. Has the Code of Conduct restricted the normal member-to-member political exchange and have people become over sensitive to the way in which members robustly present their advocacy on behalf of members of the public?

- q. There was some concern over Independent Members attending meetings other than standards committee ones, as elected members when they see an Independent Member suddenly start to behave themselves.
- r. There was some concern over the content of the Code of Conduct in relation to personal but non-prejudicial interests if a number of elected members were affected, in that it could cause problems for the way in which the authority worked.
- s. The Association of Independent Members of Standards Committees in England (AIMSce) has been of limited use.
- ***Looking to the future, do you believe that the Standards regime is fit for purpose, should it be changed, and, if so, how, and how we can go about securing the changes?***
 - a. Local determination should mean local and local authorities should be able to determine their own procedures rather than have them prescribed, as it is currently.
 - b. One authority is planning to put into place a protocol to deal with member on member complaints, so that the elected member will complain to the chief whip of the opposing political party first of all and then if that does not prove successful then the member will make a formal complaint through the complaints process.
 - c. It is very difficult for elected members to be told about a complaint but not be allowed to know any of the details (the regulations do not allow monitoring officers to tell the subject of the complaint the details).
 - d. Having an input from an elected member who is the subject of a complaint would help the assessment sub-committee's deliberations. It might speed up the process. At the moment assessment sub-committees often do not have sufficient information to dispose of a complaint. However, it was felt that elected members did not appreciate being told about complaints if they could not do anything about it or make their views known.
 - e. One view was that standards committees should comprise independent members only. Sub-committee/ panel meetings might have problems if there is a majority of elected members who might take decisions on party lines. On the other hand a majority of elected members means that it is very much the elected members' responsibility for investigating and judging their peers with an independent member present to make sure it is done properly, whereas a panel comprising a majority of independent members means that it is more like an external tribunal hearing a complaint. It was noted that there does need to be a partnership between the independent members and elected members if the standards committee were to have credibility across the authority.

- f. The GLA includes all the case precedents of cases that have already been considered in its documentation for Assessment Sub-Committee and Review Sub-Committee meetings, to assist the sub-committees in making their decisions.
- g. There should not be a role for Standards for England (SFE). Advice should come from the Department of Communities and Local Government rather than SFE. On the other hand, some delegates found the SFE bulletin and good practice guidance very helpful and would like to receive the bulletin on a regular basis. The SFE procedure manual is also appreciated and if it did not exist authorities would have to reinvent it.
- h. One Code of Conduct for authorities in London would facilitate training events (but there would be difficulties as authorities have adapted the model code to suit their own local circumstances).
- i. Marketing, the promotion of good conduct, recruitment of Independent Members and training could be dealt with on a regional level.
- j. More thought needs to be given to joint working.
- k. There could be more consistency in the recruitment of independent members (to ensure greater diversity, attract younger members and more experienced people).
- l. There should be an appraisal process for Independent Members, perhaps by an external person to make the process completely fair and transparent.
- m. Perhaps standards committees should be renamed ethics committees, as that would set out their role more clearly to the public.

4. Conclusions

4.1 The Chair summed up the themes that were emerging from the seminar.

- Local assessment has been a good step away from the constraints of the all complaints having to be determined by Standards for England. However, authorities want to have their own procedures that reflect what they need to do locally, for example, the monitoring officer having the power to deal filter out trivial complaints and look at early forms of mediation (the amendments may require primary legislation).
- The fairness of keeping the subject member informed at a very early stage about what is going on (whether it is to indicate to which part of the code the complaint relates or very vaguely the nature of the complaint). Elected members do not need to be treated as hostile witnesses.

- The composition of assessment sub-committees will vary depending on local circumstances and should not be prescribed.
- The capacity of authorities to share resources and help each other. There is a possibility of joint training and recruitment of independent members. The GLA, as a regional body, would be able to lead on those issues.

4.2 The Chair invited Professor Alan Lawton to make some observations, which are set out below:

- The question being fit for purpose is crucial, as thought needs to be given as to what was the problem that the ethics regime and standards committees were set up to deal with in the first place. Was it to enhance local democracy, punish transgressions of individual politicians or to root out systemic fraud and corruption in local authorities? They are very different kinds of problems and what has been created may not be the best fit to deal with all those problems.
- It is very clear from the delegates at the seminar that different practices do occur in different authorities (and that is even more pronounced across the country).
- From the monitoring officer point of view, there are authorities where the monitoring officers may not have legal expertise or be part of the senior management team, may not have resources and may be dealing with lots of parishes where there have been problems historically. They may not want more responsibility and more powers. A piece of work that Professor Lawton had undertaken for Standards for England, involving a large scale survey of monitoring officers, had found that the skills that monitoring officers most needed in their jobs was courage and a sense of humour rather than legal expertise and an understanding of local government.
- The question of whether we need a central body (for example subsuming Standards for England into the Department of Communities and Local Government), what role a central body could do and what type of organisation it should be is a legitimate one. However, whatever the views on Standards for England, if you put the sort of issues that standard committees deal with in some other body, they will get lost and not be high profile.
- Joint training, such as the seminar, is absolutely crucial. London can learn from the northwest and southwest of England where they have regular assemblies. In the southwest they have a regular conference for all the people involved in standards committees, which works very well.

4.3 The Chair thanked everyone for attending, the GLA officers who had supported the seminar and the Mayor for the use of London's Living Room.

4.4 A report of the seminar would be sent to all the attendees and authorities that had been invited to attend.

4.5 A delegate thanked the GLA for organising the seminar.

5. Feedback from the Seminar

5.1 34 feedback forms were received. The feedback was extremely positive. The vast majority of delegates considered that the seminar had covered the areas they expected, the discussion had been wide ranging and that they received many helpful suggestions.

5.2 Delegates commented that the seminar had been very useful and in particular the opportunity to share ideas and meet colleagues from other authorities and to network was very much appreciated.

5.3 On the whole delegates were very happy with the format for the seminar. However, suggestions for improvements to such seminars in the future included short (verbal) presentations to introduce the topics, allowing more time for discussion, and a question and answer session with an expert panel

5.4 Suggestions for the future included the following:

- holding meetings for London standards committees (chairs, elected members and independent members) at half yearly intervals, perhaps focussing on one topic.
- strengthening the London-wide role of independent members to allow them to gain experience, knowledge and networking opportunities.
- Promoting joint working across boroughs.