



Briefing Report No: **252/2009** Public Agenda Item: **Yes**

Title: **Annual Review of Past Year and Proposed Future Strategy and Work Programme**

Wards Affected: **All Wards in Torbay**

To: **Standards Committee** On: **26 November 2009**

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1. Statistics

Complaints received by Torbay Council alleging Member misconduct in 12 months to 31 October 2009:

Complaints received	7
Referred for investigation	2
No breach found	2
Not relevant to Code of Conduct	5

2. Recent Actions

The following paragraphs describe some principal features of the Committee's work in the last year:

- (a) The Standards Committee has met with the Lead Officer for the development of community and strategic partnerships in Torbay. Ideas and experiences have been shared for developing probity and ethical standards models as part of the development of the partnerships and community engagement to ensure that they work to the same codes and principles as those followed by the statutory local authorities.
- (b) The Monitoring Officer has instituted a series of publications designed to raise the profile and explain the importance of ethical standards in local authorities to the public via the media and community partnerships, and to employees, and through induction material and sessions for new employees. These publications are part of a drive to raise trust in local democracy. An up to date account of the practices involving investigations and hearings has been placed on the Council's website, supplemented by leaflets in Council outlets, to facilitate public knowledge and understanding of the process involved.
- (c) The Standards Committee has commissioned a questionnaire to all senior and middle level staff and all members designed to discover attitudes, knowledge and ideas about the ethical standards process and regime in the authority. Following a reasonably good level of return, the Standards

Committee carefully reviewed the results, authorised a programme of action in response and the Monitoring Officer used the results to influence changes to the Constitution.

- (d) Standards Committee independent members have attended training sessions on member development alongside Council members to learn more of the working of the Council, the Chairman and Vice Chairman have attended the Standards for England Annual Assembly and independent Members have attended a regional seminar in Bristol.
- (e) Standards Committee members have attended Council, Cabinet and other Committee meetings to observe and report with a particular emphasis on probity and conduct issues. Feedback reports have been given to the Chief Executive, Chairman and Group Leaders.
- (f) The Standards Committee Chairman has given a talk to the Council's Senior Managers following an invitation from the Chief Executive as part of a programme to promote high ethical standards in the authority and give a higher profile to the Committee.
- (g) Standards Committee members have received training on the skills needed to conduct hearings successfully from the Monitoring Officer who is also a member of the Adjudication Panel. The Committee has also benefited from viewing the Standards for England training video on assessments which explored a variety of important and contentious issues.
- (h) The Monitoring Officer has revised the criteria for sanctions in the light of recent decided cases in the Adjudication Panel Tribunals and these are attached to this Report with a request for approval by the Committee (Appendix 1).
- (i) In addition to the steer given to the Monitoring Officer in the Council protocols, the Council has ensured that independent members are always in the majority on its subcommittees in an effort to boost public confidence in the assessment and hearings process. The number of members on the Committee has also been increased to expedite the speed with which meetings can be called.
- (j) The Standards Committee has received from the Monitoring Officer a digest of significant Adjudication Panel cases numbering well over a hundred so that it can learn more from the processes and experiences of the appeal body and take them into account in improving its own conduct of cases. The Committee also receives training reports from the Monitoring Officer at each meeting on recent Adjudication Panel case tribunal and appeal cases so that it can see why decisions have been made in the way they were and why some Standards Committee decisions elsewhere have been overturned.
- (k) The Monitoring Officer has issued updates and reminders to all members on topical issues such as gifts and hospitality, lobbying, declaring interests, development control issues etc via the Members Bulletin or email. Four joint training sessions have been held for Members of the Council and Brixham Town Council. Several one to one sessions have been completed by the Democratic Services Manager during which case studies on each code paragraph and model answers, prepared by the Monitoring Officer, were examined with individual Councillors.

- (l) The Standards Committee has examined an analysis of practices in other authorities prepared by the Monitoring Officer to see whether it might need to explore any so far undeveloped areas in performing its statutory duty to promote and maintain high standards of conduct. The Committee resolved to do more to promote knowledge and understanding of its role amongst the general public and partnership organisations etc and will continue to use opportunities to promote the importance of measures which enhance trust and confidence in local democracy and the principles of conduct in public life. Following encouragement from the Committee, the Monitoring Officer has entered the Council for this year's Local Government Chronicle Ethics and Standards Award.

3. Future Strategy and Work Programme of the Committee

(i) Promoting high standards and probity

A key means of ensuring workforce pride in local government is by building confidence in local democracy and local government and public perceptions of them. This includes greater public confidence in the integrity of both officers and members as well as confidence in services proffered. Ethics and standards of behaviour are a cornerstone of ensuring trust in local government. If the trust between members and the people they serve is missing people will not invest their time and energy in taking part in the democratic process. The importance of promoting high standards in public life was recognised in the recent concordat between central and local government, developed by the Department for Communities and Local Government and the Local Government Association. The Councillors Commission, in their report *Representing the Future* (2007,) also recommended that maintaining high standards and ethics should be a key feature of any councillor role description.

Citizens can expect, and should experience and perceive there to be, good ethical behaviour and governance whenever decisions are taken and resources allocated that effect their lives and communities. Nationally, there are not high incidences of serious poor behaviour at a local level but where incidences do occur these have a disproportionate impact on the public's perception of local democracy as a whole. If the public have confidence in local government it follows that local government will be perceived as being at the heart of communities and a place in which officers can be proud to work.

The Committee will aim in the next twelve months to encourage members and officers to put high ethical standards at the heart of their work. Council documents and other publications can be used to promote the current high standards of professionalism and make high ethical standards central to the objectives, behaviours and culture of the Authority. The Committee wishes to encourage proactive leadership of these themes by members and officers. The monitoring and feedback reporting on member meetings will be increased as a way of assisting with providing a view of how people outside the Council perceive the Council's democratic processes and conduct. Constructive suggestions for improvement as well as perceived good practice will be brought to the attention of members and officers.

(ii) Increasing trust in local democracy

The ethical behaviour of members and officers can have a direct impact on the trust of the people they serve. Evidence abounds of public distrust in politicians. The Councillors Commission report, referred to above, concluded that there was “A prevailing atmosphere of public mistrust with formal politics, political parties and institutions of government”. The Power Inquiry (2006) into disengagement from formal democratic politics concluded that political institutions were perceived as untrustworthy, and research commissioned by Standards for England suggests that much work needs to be done to improve the trust that citizens have in local government.

The Committee will encourage the publication of internal and external communications which promote the value of high ethical standards, inform the public and external organisations of the Principles of Good Conduct in Public Life and demonstrate how the Council complies with them. It will publicise practices which the Council currently pursues to ensure good governance, high standards of probity and highlight the provisions of the Code of Conduct and the ethical standards regime so that their importance becomes better known. The Committee will seek to consult with local communities and organisations on their perceptions of ethical standards in the Authority and how public trust can be improved.

(iii) Promoting effective governance of partnerships

The growth in partnership working has implications for ethical governance arrangements at a local level, particularly in terms of accountability and decision-making. The Audit Commission in 2005 highlighted concerns about an accountability gap in the way that governance of partnerships work. The importance of effective governance of partnerships has been recognised by the Audit Commission in the latest draft of its ‘use of resources’ key lines of enquiry. The descriptor for a council that is performing well is:

The organisation can demonstrate that partnerships, stakeholders and local people have confidence in the organisation, including the standards of conduct of its board members and officers, and its governance arrangements.

The Committee will carry out a programme of visits to partner organisations to assist with, and learn from, practices and ideas on how transparency, integrity and accountability can be improved and public trust enhanced.

The plethora of organisations involved in the provision of services, combined with the various governance arrangements, makes it difficult for the public to understand local governance arrangements, and subsequently it is hard for them to feel a sense of engagement with what is happening at a local level.

The Committee will engage with other local organisations to promote ways of publicising clearly and comprehensively the range of governance arrangements in the Bay in order to promote transparency and accountability

Councils, as elected multi-purpose authorities, have a unique democratic legitimacy to take the lead in local partnerships and ensure an appropriate accountability framework. The Standards Committee will, over the next year,

endeavour to promote the values inherent in the Code of Conduct and the Statutory General Principles of Conduct order amongst other organisations in the Bay, particularly those with whom the authority works in partnership. The objective will be to make progress in building trust with the communities the authority has been elected to serve.

Keith Stevens
Monitoring Officer

Appendix 1 Sanctions