



## Standards Committee

<b>Date:</b>	<b>Monday, 29 March 2010</b>
<b>Time:</b>	<b>6.00 pm</b>
<b>Venue:</b>	<b>Committee Room 1 - Wallasey Town Hall</b>

**Contact Officer:** Brian Ellis  
**Tel:** 0151 691 8471  
**e-mail:** [brianellis@wirral.gov.uk](mailto:brianellis@wirral.gov.uk)  
**Website:** <http://www.wirral.gov.uk>

---

## AGENDA

### **1. MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members are asked to consider whether they have personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they are.

### **2. MINUTES AND MATTERS ARISING (Pages 1 - 2)**

To receive the minutes of the meeting held on 25 January, 2010.

### **3. STANDARDS COMMITTEE - ITEMS FOR DISCUSSION (Pages 3 - 4)**

To receive the views of the political groups on the Chair's discussion paper which was circulated at the last meeting.

### **4. ASSESSING THE IMPACT OF STANDARDS COMMITTEES (Pages 5 - 40)**

### **5. LOCAL GOVERNMENT OMBUDSMAN PERFORMANCE REVIEW - APRIL TO DECEMBER 2009 (Pages 41 - 46)**

### **6. STANDARDS FOR ENGLAND - ONLINE GUIDES (Pages 47 - 62)**

### **7. USE OF RECORDING MEDIA AT MEETINGS AND IN COUNCIL MEETINGS (Pages 63 - 66)**

### **8. ANY OTHER URGENT BUSINESS APPROVED BY THE CHAIR**



## **STANDARDS COMMITTEE**

Monday, 25 January 2010

Present:

Brian Cummings (Chair)

Councillors

P Williams

K Hayes

C Blakeley

WJ Davies

AR McLachlan

C Meaden

C Teggins

A Bridson

L Fraser

Independent  
Members

Ken Harrison (Vice-  
Chair)

Apologies

Councillors

Alex Nuttall

(Independent  
Member)

**18 MEMBERS' CODE OF CONDUCT - DECLARATIONS OF INTEREST**

Members were asked to consider whether they had personal or prejudicial interests in connection with any item(s) on this agenda and, if so, to declare them and state what they were. No such declarations were made.

**19 MINUTES AND MATTERS ARISING**

The Director of Law, HR and Asset Management, submitted the minutes of the meetings held on 29 September and 7 December.

Further to minute 15 (Attendance at Meetings), Councillor Blakeley reported that members had not received an email from the Director of Law, HR and Asset Management, explaining the reasons why he was unable to attend the meeting on 29 September.

Resolved –

(1) That the minutes be received.

(2) That the Director of Law, HR and Asset Management, be asked to attend the next meeting of this committee on 29 March and explain the reasons for his non-attendance at meetings of this committee.

**20 STANDARDS COMMITTEE - ITEMS FOR DISCUSSION**

The Chair and Vice-Chair referred to their attendance at the Annual Assembly of Standards Committees and presented a paper identifying a number of issues for further discussion.

There was a general discussion during which members identified a number of follow up actions for the Director of Law, HR and Asset Management

- enquiries with the Standards Board and Merseytravel regarding their reports on the proceedings of the Annual Assembly of Standards Committees.
- copies of the Code of Conduct booklet for circulation to all members of the Council
- the need for further standards training sessions
- the procedure for adoption of the revised Code of Conduct in 2010

Resolved – That members be requested to seek the views of their respective political groups on the discussion paper and report back to the next meeting.

## **21 INVESTIGATION OF COMPLAINTS - UPDATE**

The Director of Law, HR and Asset Management, referred to arrangements made for 3 Standards Initial Assessment Panel meetings today to progress a number of outstanding complaints, and he thanked members for co-operation in this matter.

Resolved – That the report be noted.

## **STANDARDS COMMITTEE**

- Build relationships between L.A. and public
  - should be advertised in local press and public buildings. Make public aware of Committee.
- Must be:- Impartial, dutiful, informative, factual and evidential
- Confirm percentage of Officers and Members accept the Code of Conduct and the Standards Committee.
- Apparently there will be a Revised Code in 2010.
- Beware of “tit for tat” complaints. There should be no penalty for putting forward ‘Frivolous’ complaints.
- Discuss with Chief Executive what other roles should be carried out by the Independent Members of Committee.
- Committee should have the opportunity to discuss feedback from the Ombudsman.
- Chairman of Standards Committee is expected to have regular meetings with the Monitoring Officer/Borough Solicitor.
- Hold a review to enable all applicable to understand and interpret the Standards Committee.
- Preach “we can make a difference”. Take up the challenge and invoke our standards.
- Values:- Strive for higher values, conduct, respect, ethics and standards. These and the code must be integral to all Council activities.
- Members must receive training on the Code of Conduct.
- Officers must take strong action against any aboration of the Code.
- Members of the Standards Committee should have access to the Annual Report and attend Council Meetings (Independent Members).
- Standards Committee should build relationships with Officers and Members.
- Chairman of Committee should have meetings with group leaders – build trust.
- Should share experiences with neighbouring Councils.

This page is intentionally left blank

## WIRRAL COUNCIL

STANDARDS COMMITTEE – 29 MARCH 2010

### ASSESSING THE IMPACT OF STANDARDS COMMITTEES

---

#### 1.0 EXECUTIVE SUMMARY

1.1 This report provides information on recent research into examples of good practice amongst Local Standards Committees.

#### 2.0 BACKGROUND

2.1 The Standards Committee has recently commissioned research to investigate examples of good practice from Local Standards Committees. The research was centred on nine case studies and the authors have drawn a number of general conclusions, including the importance of leadership of a balanced composition and skills mix across the Standards Committee and the importance of networking and Standards Committees learning from each other

2.2 The nine areas of best practice are as follows:-

Bristol City Council	Organisational Learning
Taunton Deane Borough Council	Working with Town and Parish Councils
Surrey Police Authority	Member Development
Newark & Sherwood D C	Working with Partnerships
South Cambridgeshire DC	Recruitment and Retention
Herefordshire CC	Training and Development
Runnymede BC	Joint Standards and Audit Committees
Greater London Council	High Pressure Investigations
Newcastle City Council	Embedding Standards

2.3 A copy of the full report is attached at Appendix 1.

#### 3.0 FINANCIAL IMPLICATIONS

3.1 There are no specific financial implications arising from this report.

#### 4.0 STAFFING IMPLICATIONS

4.1 There are no specific staffing implications arising from this report.

#### 5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no specific equal opportunities implications arising from this report.

#### 6.0 COMMUNITY SAFETY IMPLICATIONS

6.1 There are no community safety implications arising from this report.

## 7.0 LOCAL AGENDA 21

7.1 There are no local agenda 21 implications arising from this report.

## 8.0 PLANNING IMPLICATIONS

8.1 There are no specific planning implications arising from this report.

## 9.0 ANTI-POVERTY IMPLICATIONS

9.1 There are no anti-poverty implications arising from this report.

## 10.0 SOCIAL INCLUSION IMPLICATIONS

10.1 There are no social inclusion implications arising from this report.

## 11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 There are no local member support implications.

## 12.0 BACKGROUND PAPERS

Assessing the Impact of Standards Committees – October 2009  
Professor Alan Lawton , University of Hull, and Dr Michael Macaulay, Teeside University.

## 13.0 RECOMMENDATION

13.1 Committee is requested to note the contents of this report.

BILL NORMAN

DIRECTOR OF LAW, HR AND ASSET MANAGEMENT



# Assessing the impact of standards committees

October 2009

**Professor Alan Lawton**

University of Hull

**Dr Michael Macaulay**

Teesside University



## Executive Summary

1. The aim of this research is to investigate examples of notable practice in standards committees. Our cases are summarized in the table below:

Notable Practice	Case study authority
Organisational learning	Bristol City Council
Working with town and parish councils	Taunton Deane Borough Council
Member development	Surrey Police Authority
Working with partnerships	Newark and Sherwood District Council
Recruitment and retention	South Cambridgeshire District Council
Training and development	Herefordshire County Council
Joint standards and audit committees	Runnymede Borough Council
High pressure investigations	Greater London Authority
Embedding standards	Newcastle City Council

2. The research is founded on a purely qualitative methodology, centred on nine case studies, which was designed to establish real-life stories rather than a scientific measure of how notable the practice may be.
3. Context does not appear to be crucial to developing notable practice, and authorities that were investigating numerous complaints could be equally as innovative as those with few investigations.
4. A key finding is that notable standards committees are notable for several reasons: we found that in each case study the standards committees were committed to a number of innovative practices.
5. Leadership is essential, particularly in terms of political support within the authority.
6. Composition of standards committees need to be balanced. The majority of our case studies deliberately attempt to bring a range of skills, knowledge and experiences to the standards committee, especially in regards to independent members.
7. Standards committees learn from each other. Organisational learning was a key aspect of all of our case studies to some degree but what was extremely apparent was the sheer range of networks now in existence in the local government standards community.
8. The research findings are not to be viewed as a recommendation for all authorities to try and emulate: they are all examples of notable practice that have worked in these specific instances with these specific authorities. We hope that the research will be viewed as informative rather than prescriptive.

## **Contents**

<b>Acknowledgements</b>	<b>4</b>
<b>1 Background and rationale</b>	<b>5</b>
<b>2 Methodology</b>	<b>7</b>
<b>3 Case study 1 – Organisational learning</b>	<b>9</b>
<b>4 Case study 2 – Working with town and parish councils</b>	<b>12</b>
<b>5 Case study 3 – Member development</b>	<b>15</b>
<b>6 Case study 4 – Working with partnerships</b>	<b>18</b>
<b>7 Case study 5 - Recruitment and retention</b>	<b>21</b>
<b>8 Case study 6 – Joint training and development</b>	<b>24</b>
<b>9 Case study 7 – Joint standards and audit committees</b>	<b>26</b>
<b>10 Case study 8 – High pressure investigations</b>	<b>28</b>
<b>11 Case study 9 – Embedding standards</b>	<b>30</b>
<b>12 Conclusions</b>	<b>32</b>
<b>13 References</b>	<b>34</b>

## **Acknowledgements**

We would like to thank all of our case study authorities for giving us their time and sharing their experiences with us. We would also like to thank Jonathan Goolden of Jonathan Goolden Solicitors and Mike Wilkinson, Chair of the standards committee at Leeds City Council. Their advice and support were invaluable. We would also like to thank the steering committee at Standards for England for its advice and support.

## 1 Background and rationale

This research investigates the development of *notable practice* in local authority standards committees. It builds on previous research that has discussed: the initial creation of standards committees (Doig and Skelcher, 2001); the development of standards committees after the *Local Government Act 2000* (Lawton and Macaulay, 2004; Macaulay and Lawton, 2006); the roles of standards committees (Greasley, 2007); and the position of standards committees in the wider standards framework (Iles and Macaulay, 2008). The research has been conducted jointly by the University of Hull and Teesside University.

We acknowledge that the term ‘notable practice’ has a variety of connotations and does not specifically refer to the more common terms, ‘best practice’ or ‘effective practice’. In the context of this research, however, we have defined notable to mean practice that is both innovative and that has had positive effects on the corresponding local authority.

These examples can be split into three groups: statutory functions; non-statutory roles; and organisational cultural perspectives. Examples of notable practice in statutory functions could include:

- training arrangements for members
- investigations
- management and conduct of hearings
- updating and monitoring the code

Examples of notable practice in non-statutory roles were identified by Greasley (2007) and could include:

- developing whistle blowing procedures
- advising on internal and external audit
- developing innovative relationships with ombudsmen
- advising on Member/Officer protocol
- reviewing the authority’s constitution
- developing anti-fraud policies
- commenting on employment disciplinary policies and procedures

Examples of a wider organisational practice were identified by the research team’s steering group, and could include:

- recruitment, retention, training, motivation and remuneration of committee members
- dynamics between independent and councillor members
- dynamics between the committee and the officer support
- risk management of conduct complaints (e.g. feedback loop to lessons learnt to inform future resource allocation, any proactive audit style work set out in a risk based work plan)
- developing an outward face in terms of public recognition
- creating an accessible website

- forging a meaningful relationship with the local press
- creating sustainable relationships with other standards committees
- engaging in national debates and the wider standard community
- developing innovative standards committee meetings.

In short there are myriad examples of notable practice from which to choose the case studies. What we have sought to develop in this research is a series of narratives around how these practices have emerged and the impacts that they have had.

## 2 Methodology

The project adopts a critical incident case-study strategy, designed to describe *specific instances* of notable practice. The case studies were designed to answer the following questions:

- What is the example of notable practice that is being described?
- How was the practice identified?
- What (if any) were the specific problems that the practice was set up to resolve?
- Who were the leaders in championing the good practice?
- Was there any opposition to the practice being introduced?
- What obstacles were faced during implementation?
- What have been the impacts within the authority?
- What have been the impacts outside the authority (i.e. public and local media recognition)?
- What further elements of good practice have been achieved?

The benefits of a case study approach are that it gathers rich data that allows both a real time and retrospective analysis. Cases can study multiple perspectives on the same event or incident and this allows for a more generalisable conclusion. Finally the development of nine cases allowed for cross case comparisons to be made where appropriate, which is often throughout the study.

As with all case studies, the critical incident technique must build up a chain of evidence (Yin, 2009) to create a narrative of the event. This approach, therefore, required a multi-method approach and cases utilised a range of research methods:

- Desk based research to develop a bank of documents, minutes of meetings, committee records and other physical artefacts.
- Participant observation of a standards committee meeting where this was possible within the time frame of the case visits.
- Key informant interviews were used to investigate the perspectives of other stakeholders: specifically the monitoring officer; chief executive; political leaders.

By adopting a multi-method approach the case built up a deep understanding of the practice that was identified. The rationale for case study selection was the extent to which each authority presented an example of notable practice.

Nine authorities were studied in the course of the research, each looking at a specific example of notable practice. In choosing the cases we were guided by advice from our Steering Group, from our own experiences from previous research in this area and from examining the web-sites of potential cases, focusing on the minutes and agendas of standards committees meetings. After consultation with the SfE steering group and our own advisory panel, it was decided that the following examples of notable practice would be investigated:

1. Organisational learning
2. Working with parish and town councils
3. Member development
4. Working with partnerships
5. Recruitment and retention
6. Joint training and development

7. Joint standards and audit committees
8. Dealing with high pressure investigations
9. Engaging leaders

It will become quickly apparent in this report that our case study organisations were frequently involved in other examples of notable practice and it therefore seems to us that many standards committees are likely to engage in a host of notable practices. At the same time, we came across examples of notable practices outwith our case studies, almost by chance. Thus we attended a training day for the Tees Valley Town and Parish Councils offered by a partnership of Stockton-on-Tees, Middlesbrough, Hartlepool, Redcar and Cleveland, and Darlington councils, and addressed by one of our case study Monitoring Officers. We spoke at Somerset County Council's annual standards assembly; and we also participated in a special event with the Adjudication Panel held at North Tyneside Metropolitan Council. In short, we came across manifold examples of notable practice within the local government standards community, and hopefully this report will provide a flavour of some of the interesting work that is currently being conducted by standards committees throughout the country.



### **3 Case study 1 – Organisational Learning: Bristol City Council**

#### **Background**

Bristol City Council covers a population of approximately 420, 000 residents, and its council comprises 32 Liberal Democrat members, 24 Labour, 13 Conservative and 1 Green Party member. The standards committee is composed of three elected members (one from each of the main parties) and four independent members (although at the time of our visit it was seeking to recruit a fifth independent).

Bristol's standards committee has had comparatively little work in terms of investigations and hearings: 2008-09, for example, saw only two complaints being put to the committee, only one of which required an investigation. Partly as a result of this low demand, the standards committee has been as proactive as possible in terms of setting itself a workload that impacts on the authority on several levels. For example, it is involved in overseeing the procedure for the selection of the Lord Mayor's medals. More importantly, the standards committee is also broadly involved in continuous improvement through organisational learning: going over protocols, internal codes of conduct, constitutional arrangements, etc.

Bristol standards committee also has an interesting membership structure inasmuch as its political members are all party whips. It is difficult to tell how unique this occurrence may be in a national comparison, but it is certainly the only case that we came across in this study, although the importance of support from party whips and other leading political figures was an oft-repeated mantra throughout our case studies. Political support was seen by all case authorities as being essential in making members aware of issues revolving around the code and also keeping the profile of the standards committee high throughout the authority. This was certainly the case in Bristol: we were informed that the party whips 'add gravitas' to the process whilst being aware that they 'are not trying to take over the council's role'. It was a deliberate decision to have the group whips on the Committee to provide the committee a high degree of respect and status within the authority. Also, the independent members have a high profile around the city and are known as being committed to public life, which raises the profile of the committee externally.

As a consequence of its proactive approach, strong political support, and visible independent members the committee has a high profile inside the authority and has a very positive status among members and officers.

#### **Notable Practice**

The notable practice that is most visible in Bristol is organisational learning, by which we mean the dissemination of other notable practices to the wider local government community. Clearly the extent to which organisations learn from each other is a key issue as organisations seek to improve their performance and Bristol standards committee has acted as a hub for other authorities and independent members in the South West.

A basic premise of organisational learning is that organisations can learn not only directly from their own experiences but also directly and indirectly from the experiences of others. Knowledge transfer takes place through a number of different mechanisms and these will include personnel movement, training, communication, observation, alliances and other forms of inter-organisational relationships (Argote et al., 2000) . Organisational learning is a long-term activity and requires (Goh, 1998):

1. Mission and Vision
2. Ethical Leadership
3. Experimentation and questioning the status quo
4. Transfer of knowledge
5. Teamwork and co-operation

Bristol standards committee meet these criteria in a number of different ways. Its mission and values (like some of the other cases we have studied) are clearly available in public documents and on the committee's own web pages. Ethical leadership and teamwork have already been alluded to in the structure and membership of the committee, which has been designed to bring together a range of skills and, more importantly, decisive leadership.

Experimentation and the transfer of knowledge is attained by the sheer range of different work that the committee undertakes, particularly in commenting on various protocols, changes to the code and other aspects of council business (in 2007, for example, the council adopted a new code of conduct which was heavily indebted to standards committee discussion; in 2008, the standards committee approved both the draft summary of the Constitution and a local Code of Corporate Governance which set out six core principals to measure governance). In addition, the independent members of the standards committee regularly attend other meetings in the council and have a standing item on their own agenda to give feedback on the meetings that they have attended. They regularly review their own workings so, for example, they regularly debate their own powers.

An even more explicit example of sharing notable practice and transferring knowledge is that the standards committee works closely with networks of other authorities in the south west, perhaps most notably in the South West Independent Members Committee conference, which in 2008, attracted 65 attendees from 32 different authorities. Feedback from the event was extremely positive and included the following remarks: "both informative and interesting"; "comprehensive and relevant"; and "a rounded overview". Topics discussed included how best to interact with parish councils, problems of vexatious complaints, changes to legislation, and generally just the sharing of experiences. Regrettably the authors were unable to attend this year's conference in September 2009 where we had hoped to speak about our research. In short, Bristol's standards committee is committed to expanding its own spheres of influence both within the authority and outside its boundaries to offer its knowledge and experiences throughout the region.

#### **Developing practice**

- Aim for a good balance of skills among members of the standards committee, which allows for a high profile internally and externally

- A balanced standards committee can profitably apply its expertise to a wide range of authority issues in order to continually develop the committee's own learning
- Knowledge and experiences travel well from committee to committee and should be shared

## **4 Case study 2 – Working with town and parish councils: Taunton Deane Borough Council**

### **Background**

Taunton Deane Borough Council covers a population of approximately 100, 000 residents. It has 41 parish councils and 1 town council. Council membership comprises 23 Conservative members; 27 Liberal Democrats; 3 Independents; and 1 Labour member. The standards committee comprises 7 independent members, 3 elected members; and 3 parish members.

One of the most common sources of complaints against the code of conduct are town and parish councils, which have consistently accounted for around 50% of all complaints nationally every year since 2001. Taunton Deane Borough Council has 41 parishes and 1 town council yet it has not received a single complaint either from the parishes, or regarding any of their activities, since the standards framework was established (even though the standards committee has received 4 complaints regarding the Borough Council itself). The research team felt that this was a notable achievement and worthy of investigation.

### **Notable practice**

Every single person we spoke to at the authority attributed Taunton Deane's successful liaison with parish and town councils to the contribution of the Parish Liaison Officer who has been sitting on the standards committee since its creation in the late 1990's (before standards committees were statutory requirements under the *Local Government Act 2000*). The Parish Liaison Officer was described to us as "fantastic" and the "go-to" man on matters of standards and ethics in the parishes. The actual role was created by the Local Government Act 1974 although the exact number of authorities that still maintain the office is currently unknown.

The Parish Liaison Officer is not only there to advise on matters of standards and ethics but acts as a general conduit between parishes and the Borough Council. The Officer described himself as "the human face of the Borough Council" and he identified a range of skills he felt were needed to successfully carry out the role:

- must be flexible and prepared to work out of hours
- good interpersonal skills
- acts as a critical friend
- prepared to admit that one does not know everything and brings back queries to the Council
- recognises the unique differences that parish and town councils bring to local government
- is both reactive and proactive – is able to respond quickly to issues but also lead on new matters of interest

We would also add listening, understanding, empathising, influencing, brokering and negotiating skills.

The office is a 100% full-time job involving evening work, typically 3-4 nights a week. The Parish Liaison Officer has currently worked for the council for 15 years and is well-known and highly

respected within the Borough. Most of the queries he receives are about conflicts of interest, and are usually planning related (8 out of the 41 parishes have delegation for planning). However, several respondents argued that it is costly to have a planning officer attend parish meetings and therefore the Parish Liaison Officer represents significant value for money.

The Parish Liaison Officer also delivers training 'on site'. The council previously delivered training for parish councillors at the council offices with mixed attendance; the present arrangement involves the training delivered in bite size chunks (30 minutes) at the Parish Council meeting itself.

The officer identified the need to build up trust and personal relations: he acknowledged his good relations with the Parish Chairs and clerks who can ring him up at any time for advice. Indeed the Parish members we spoke to were very grateful for the officer's efforts. One told us: "I don't know where the idea [for a dedicated officer] came from but it was inspired". Indeed the officer is so highly regarded that when the council considered getting rid of the post as part of rationalisation of the authority in 2004, the parish and town members responded with such vigour that they persuaded the authority to change its mind and maintain the office.

In addition, the Parish Liaison Officer regularly networks with other local government organisations: he works with NALC and regularly speaks at the Somerset Association of Local Councils. He also has a small budget and can contribute £50-£100 to, for example, help with playing fields or footpath maintenance, which is not much but is enough to make a difference. As a result of all his activity, we would argue that the Parish Liaison Officer is an excellent example of a "boundary spanner" (Williams, 2002) – an individual that reaches across different organisational boundaries and builds relationships between different groups. In particular, the boundary spanner acts as a conduit for different elements of organisational knowledge and can pass on expertise to various stakeholders. It was actually during a meeting of the Somerset Association of Local Councils that the Parish Liaison Officer at Taunton Deane was brought to our attention as a success story in terms of local government in the South West.

Two possible objections could be levelled at our selection of the Parish Liaison Officer as an example of notable practice. First, that it may be difficult for an authority in the current economic climate to establish such an office (assuming that it was not already in place). Second, that this is an example of notable practice by the officers of Taunton Deane rather than the standards committee. Even the Parish Liaison Officer acknowledged the difficulties surrounding the first objection and did not think such a post was likely to be established from scratch. It is important to note, however, that many local authorities have such an office and further research would be useful to establish whether or not there is a consistency of role across the country. More importantly it might be argued that even where such an office does not exist, some person (or persons) could take up the mantle and engage directly and regularly with parish and town councils.

The second objection elicits a slightly more straightforward response. As part of his duties the Parish Liaison Officer ensures that one independent member of the standards committee accompanies him to each parish meeting he attends. These visits are divided up into a rota system so that each independent member goes to several meetings per year, allowing parish members to put faces to names and build up a direct relationship with the standards committee itself. Thus the notable

practice, while dependent on the excellent work of the Parish Liaison Officer, is by no means solely his responsibility.

We must stress again that such an office may not be an ideal solution to every authority with parish and town councils, but it has certainly led to very important bonds of trust within Taunton Deane Borough.

This case does illustrate the pivotal role of individuals in sustaining key relationships. The challenge is to embed the role within the authority so that if a particular individual leaves the authority he or she can be replaced.

### **Developing practice**

- Face to face contact is extremely important so develop direct relationships between parish and town members, and members of the standards committee
- Personal relationships help develop trust
- Flexibility and empathy are key virtues, recognise that managing at the 'boundary' of different organisations requires particular skill

## **5 Case study 3 – Developing members: Surrey Police Authority**

### **Background**

Surrey Police Authority is an independent body consisting of 17 members. Membership is made up of nine elected councillors appointed by Surrey County Council and eight independent members, appointed after interview. Members are supported by a Secretariat consisting of a Chief Executive and eight members of staff. The standards committee has six members, three from the Police Authority (One authority councillor and two authority independents) and three of whom are appointed as independents to the committee.

The Terms of Reference for the standards committee are wider than many standards committees. In addition to advising the authority on the code of conduct and the register of interests, the Committee;

5. Maintains high standards of conduct by its Members:
  - The Independent Members of the standards committee review the Scheme of Allowances for authority members and bring recommendations to the Authority for approval
  - The Authority members of the standards committee review the scheme of allowances for independent members of the standards committee and bring recommendations to the Authority for approval
6. Review the effectiveness of the Police Authority:
  - assisting the Police Authority to develop and improve through the Self-Assessment process
  - review standing orders of the Police Authority and make any recommendations for change to the Authority
  - advising the Authority on any protocols which need to be developed in order for the Authority's business to be carried out appropriately
  - review audit and inspection reports relevant to the Police Authority and oversee implementation of any agreed recommendations
7. To assist in the implementation of the Authority's Equality Schemes

### **Notable practice**

The relationship with the wider Police Authority is of particular interest. The standards committee has been overseeing the implementation of the Authority's self-assessment as part of the preparation for the Police Authority's inspection carried out by the Audit Commission and Her Majesty's Inspectorate of Constabulary (HMIC). This involves a 'lightness of touch and a willingness to raise a head above the parapet'. It is about "continuous improvement and not just inspection." Clearly, there is a balance to be struck so that "the standards committee is not taking decisions that the authority should be taking." The role of the standards committee is as a "bit of grit in the oyster" "...if we do not do it then nobody else will".

The standards committee is particularly involved in remuneration and is seeking to develop a performance based culture, driven by personal development. The Remuneration Panel is made up of the three independent members of the standards committee and puts forward recommendations to the full Authority on the level of remuneration for Authority members and others, including the level of expenses and necessary equipment. The Remuneration Panel met in January 2009 and had carried out a 'light touch' review and recommended that allowances should be kept at the current level - "we cannot award ourselves any increase in the present climate"

The committee agreed that there was some evidence of differences in member contributions but this could be improved by having a robust annual training programme and a Personnel Development Review (PDR) in place. The committee agreed that the Authority should work towards a performance oriented culture in the future.

The members' annual review takes place with the Chair of the Authority. The standards committee has helped develop the processes for appraisal, objective setting and review. The impact of any training is to be assessed and elements of self-assessment will include a 360 degree appraisal, objectives setting and a training log. The *Member Development Charter* self-assessment has been submitted to the South East Employers for approval and the target date for assessment had been set for January 2010.

A 4-day workshop is part of the induction of new members to the Authority and 33 different training courses are offered, not just in the code of conduct but in areas such as equality and diversity, scrutiny and performance management training, corporate governance, data sharing and security, audit committee training, risk management, chairing and recruitment of senior officers and overview of the budget- setting process. Under the Integrated Member Development Process, each member has their own budget of £400. The focus is on 5 key areas:

1. Role and Deployment
2. Individual objectives and Deliverables
3. Self-assessment supported by 360 degree assessment
4. Personal Development
5. Longer term "own wishes"

The Authority has identified the member capabilities it wishes to develop and these are identified in the box below.

<b>Proposed "Member Capabilities" are clustered under three headings</b>	
<i>1. Incisiveness and Intellect</i>	<i>2. Leadership and Operational Abilities</i>
- Strategic Thinking	- Leadership
- Good Judgement	- Ability to communicate
- Analytical Ability	- Time management
- Ability to scrutinise and challenge	- Decisiveness



### 3. *Mindset and personal behaviours*

- Respect for others
- Integrity
- Enthusiasm and drive
- Team working
- Openness to change
- Community engagement
- Self-confidence

Surrey Police Authority faced a low number of complaints, and the standards committee has widened its scope, particularly to include individual development. The committee is taking performance seriously, both at the individual and the organisational level.

#### **Developing practice**

- Be sensitive to the role of the standards committee within the wider authority.
- Demonstrate a commitment to training and development.
- Locate responsibility for self-development with individual members.

## 6 Case study 4 – Working with partnerships: Newark and Sherwood District Council

### Background

NSDC will probably be familiar to you from its success in being highly commended for the LGC awards. The council consist of 46 members; 26 Conservatives, 9 Independent, 6 Labour, 4 Liberal Democrat and, at the time of writing, 1 vacant. The authority has a population of approximately 112,000 and the geography of the area is dominated by three major towns and over 80 villages in which community engagement is an important part of the local fabric. NSDC displays a number of strands in its community engagement programme; one strand focuses on its work with schools, which has started recently. A second strand has involved developing a protocol for partnership working. The standards committee has established a separate sub-committee, working with the communications team, which is seeking to promote standards issues and to publicise the role of the Committee. One recent example was an article in the Newark Advertiser (18<sup>th</sup> September 2009), from the Leader of the Council reassuring the readership that standards are taken seriously at NSDC. The standards committee consists of 15 members made up of 7 district councillors, 4 parish councillors and 4 independents

### Notable practice

The work with schools is in its early stages. The entire authority supports this programme and it draws upon the particular skills of members of the standards committee. Thus, one of the independent members is a magistrate heavily involved in schools engagement through the magistrates' service. A second member is a church Minister with experience of running discussion groups with young people (14-18 yrs.), and a third is a parish representative who is a retired deputy schools head. One possible benefit of schools engagement is that young people may be encouraged to vote and take part in local democracy and even stand for election as local councillors.

A key issue addressed by the standards committee is how to ensure high standards of conduct in partnerships and the committee has begun to develop a partnership toolkit. Over 120 partnerships characterised as strategic, operational and consultative, have been classified in risk management terms. A typical issue that they face is described in the box below:

Cllr A represents Barchester Borough Council on Barchester Town Partnership's Board. Her fellow board members include the Primary Care Trust, County Council, Police, local business club member and manager of the local CAB. The Board is chaired by the CAB manager, Mrs T. Board meetings are held in public. The partnership has terms of reference and a constitution describing how decisions are made.

A personal and public dispute develops between Cllr A and Mrs X of the Barchester business club. The disagreement involves personal accusations from both parties regarding bullying behaviour, intimidation and comments that erode their reputation with peers. Mrs X lodges a complaint with the local Standards Committee about the behaviour of Cllr A and speaks with the editor of the local newspaper about the incident.

Following an investigation, the council's standards committee decides that no action is necessary against Cllr A.

One issue seems to be that if elected members on partnerships do not observe the highest standards of behaviour they face damage to their reputation and are subject to sanctions through a regulatory framework. There is no effective sanction against other partnership members who do not observe ethical standards. A major concern is the extent to which all partnership members need to sign up to the same code of conduct. This issue has caused some concern for standards committees generally and has caused resentment amongst elected members. "Everybody should be subject to the same rules." Clearly, this is not an easy matter to resolve and members of the committee expressed different views. Some felt that the members' code might be too prescriptive, and others felt that it would be difficult practically to enforce a code on a member of a private organisation, particularly where there was no legislative framework to underpin this. It was suggested that the assessment sub-committee could deal with complaints involving members of private sector organisations and that a sponsoring organisation might be asked to change its representative in the event of unethical behaviour. The committee agreed that it is unfair if some members of a partnership are being scrutinised more closely than others and felt that adoption of partnership values could be a starting point. The committee endorsed the development of a partnership protocol which could reflect the 10 general principles for holders of public office which underpin the local government members' code and might address:

1. Equal opportunities issues
2. Behaviour during meetings
3. Declarations of interest
4. Behaviour outside of meetings
5. Confidentiality
6. Hospitality and Gifts
7. Conflicts of interest

The general principles could be included within a governance framework for partnerships with the standards committee having a role in determining appropriate action. What is clear is that this is an issue that most local authorities will face; the standards committee agreed that there must be standards for partnerships no matter how tricky the operation. The committee identified the need for an independent oversight body to judge the quality of governance within the local partnerships arguing that this may provide a "significant step" towards improving their confidence and the deficit perceived by elected councillors.

The standards committee is committed to sharing its experiences with other organisations. As Andrew Muter (Chief Executive) put it:

*"We worked with our neighbouring councils to talk them through the experience that we'd had. We ran a number of training sessions for other councils locally and we took part in the national dissemination and discussion about how to do local assessment work. We have a neighbouring authority which was struggling with the introduction of local assessment and we actually spent some time with their own standards committee to help them think through the process."*

Members of the standards committee will lead a workshop on standards at a forthcoming Parish Conference.

## **Developing practice**

- Engagement with the wider community is an important part of the standards committee role. NSDC takes its 'duty to involve' citizens in the democratic process seriously and believes that promoting the work of the standards committee will help build the community's trust and confidence in its elected representatives.
- Standards committees, in seeking to deliver a wider remit, will face challenging issues, and will have disagreements on how to deal with them. This is normal and such debates should be encouraged.
- If standards are part of the vision for the community as a whole then ethics and standards should be at the core of the authority, and not a bolt on.
- Standards committee members have a wealth of experience and expertise and are drawn from all walks of life. This can be drawn upon to enhance the work of the committee.

## **7 Case study 5 – Recruitment and retention: South Cambridgeshire District Council**

### **Background**

South Cambridgeshire District Council covers a population of approximately 130, 000 residents. It has 101 parish councils and their membership comprises 31 Conservative councillors; 16 Liberal Democrats; 1 Labour; and 9 Independents (8 of whom form an Independent coalition). The standards committee is made up of 8 elected members; 7 independent members; and 4 parish members.

Unfortunately, South Cambridgeshire District Council has a long history of problems with standards, which can be divided into two distinct categories: issues emerging from dealing with around 100 rural parishes; and problems of entrenched political divisions among members. These difficulties culminated in a negative Corporate Governance Report from the Audit Commission after which an improvement plan was established, particularly focussing on member behaviour. Under the plan senior members went to a local leadership forum and training was made available for political party spokespeople. Despite a more positive culture within the authority problems still exist: in the last year 18 complaints had been received: 10 complaints about District Councillors and the rest about parish matters.

Despite such seemingly entrenched problems, or perhaps because of them, South Cambridgeshire standards committee has grasped the nettle and been extremely proactive in addressing these local issues.

### **Notable practice**

Under the stewardship of the independent chair, the standards committee has created its own mission statement: “To support and enhance the democratic process in South Cambridgeshire by acting as the guardians of ethical conduct for the public we serve and elected members”. Although the researchers have a limited frame of reference it is one of the first specific mission statements of its type that we have encountered and it may be an interesting idea for other standards committees to approach.

South Cambridgeshire has also undertaken a series of operational procedures designed to enhance the local standards agenda. It has specifically engaged with parish councils by creating a parish toolkit, which has been sent to each council in order to perform a self-administered health-check. It also created a parish liaison group and ran an event in conjunction with the local County Association, delivering 4 sessions in 3 days on topics such as Freedom of Information Act, data protection and planning, all of which was in addition to issues surrounding the code of conduct. In addition, Key performance indicators have been identified and training has been expanded to incorporate specific sessions for the new sub-panels. Finally, the website has been updated and expanded, and in the views of the research team it certainly compares very favourably even to other well developed websites. The levels of information contained on the website are extremely high as well as providing

extensive means of communicating with each of the committee members. As the Monitoring Officer suggested “we [South Cambridgeshire DC] have gone from being a reactive to an extremely proactive standards committee”.

In the midst of all this activity, however, were instances of particular notable practice surrounding recruitment and retention. South Cambridgeshire embraced the changes towards local investigations and had volunteered to take part in Standards for England’s pilot scheme on local returns. Its standards committee also realised that with the issues it had faced throughout the years there would be a strong likelihood of very high workloads, coupled with potential concern about conflicts of interest from elected members. Thus it was decided each of the new panels (Assessment; Hearing; and Review) would be chaired by an independent member, and that there must be enough independent members to act as cover in case of unforeseen circumstances. As a result the standards committee needed to expand its membership.

Recruitment of non-elected members has often been identified as a problem for standards committees and the lack of incentive to join was summed up by the independent chair: “[It’s] not a nice job – zilch money, high profile and you have to make tough decisions”. Recruitment was potentially even more of an issue in South Cambridgeshire as some candidates may have had their own personal agenda for wishing to join and also because of the very high public profile of the committee, which is undoubtedly off-putting to many candidates.

Nevertheless the committee was to be expanded and subsequently the standards committee undertook a significant process of recruitment. A working group was established to look at the complex issues surrounding recruitment and, as the Deputy Monitoring Officer explained, a key decision was that the committee wanted to appeal to “average people, not the usual high flying businessmen and academics”. The working group also ensured that the committee received full training in recruitment.

A recruitment kit was created comprising an overview of the standards committee and a job description; a person specification; an application form (along with a description of the appointments process); and a copy of the code of conduct.

A further key decision was where advertising should be placed. Previously the advert had been placed in the public notices section of the local newspaper and 5 candidates had applied for 2 positions. In contrast, the new advertising was placed in the situations vacant section of the local newspapers and key organisations (including Parish Councils, the NECC, and the CBI) were directly targeted. Adverts were also placed on a number of websites. The result was a three-fold increase in applications: 16 candidates applied for 2 positions; 7 candidates were interviewed and finally 3 were chosen. As a result all panels have been given independent chairs, all of whom have been given specific chair’s training. So far it would appear that this strategy has circumvented concerns about membership of the panels from within the authority.

It would be fair to report that South Cambridgeshire District Council has encountered more problems than any other authority in this research project, but it is equally fair to argue that few

have done more in the last three years to tackle these issues. The one notable practice that we have looked at – recruitment of independent members – is inextricably linked with the other work that the standards committee had undertaken. Time will tell what effect this will have on public confidence and also on the levels of complaints that the authority receives, but it is unquestionable that the standards committee is working flat out to establish a proactive, preventative approach.

### **Developing practice**

- Ensure that you understand who you want to attract as an independent member: what skills, knowledge and other attributes are required for your committee.
- Use effective media: target the newspapers you wish to advertise in and utilise situations vacant sections in local press rather than public notices.
- Ensure that candidates all have the fullest available information regarding the role and if necessary develop job descriptions and person specifications.

## **8 Case study 6 – Joint training and development: Herefordshire Council**

### **Background**

Herefordshire Council covers a population of approximately 180, 000 residents. It has 134 parish councils and its membership comprises 31 Conservative councillors; 14 Independent members; 9 Liberal Democrats; 2 Labour; and 2 members for the Alliance for Accountability and Democracy. Its standards committee comprises 4 independent members, 2 elected members, and 2 parish and town council representatives.

As with other cases identified in this study, Herefordshire Council's standards committee provide a good example of organisational learning in the local standards arena. Over the last two years the standards committee has taken a role in developing and shaping many key elements of the authority's constitution, including revising the planning code, Member/Officer protocols, communications protocols, and the protocol of use of council resources. In addition the standards committee was very proactive in seeking to get ahead of the curve on the new requirements (under the *Local Government and Public Involvement in Health Act, 2007*) to establish new local hearings, assessments and review panels, and took part in the Standards Board for England's pilot scheme that ran in 2007. Again this is in keeping with another of our case study organisations.

### **Notable practice**

Perhaps the most notable aspect of Herefordshire's commitment to learning, however, is its extensive use of joint working for training and development purposes, which has involved numerous other authorities. The research team was fortunate to join one of the joint training sessions on the requirements of the new assessment panels, and local hearings. The session was organised jointly by Herefordshire Council and Worcestershire County Council and was provided to members of standards committees in each of those authorities plus standards committee members from Hereford and Worcester Fire and Rescue Authority (totalling approximately 35 delegates). The training allowed the research team to engage in full participant observation, and we were allowed to join in the discussions and activities throughout the day. The training covered many key aspects of the new arrangements and was enhanced by scenario work in which small groups from different authorities could work through fictionalised incidents.

We would suggest that such joint arrangements are becoming increasingly more prominent, either formally in arranged training sessions such as this, or else less formally in the various regional meetings that we have already noted in the course of this research.

Herefordshire standards committee has gone much further than this, however, by establishing a close relationship with HALC (Herefordshire Association of Local Councils), the regional division of the National Association of Local Councils. Herefordshire standards committee and HALC have developed a close working relationship over the years: the parish and town council representatives on the committee are both members of HALC and there is traditionally a joint briefing session between the two organisations immediately before standards committee meetings.

The arrangement is particularly beneficial in light of the number of parish and town councils that fall within Herefordshire Council's boundaries. With a total of 134 councils, Herefordshire has one of



the highest numbers of parish and town councils in England. As one of the parish representatives told us, however, the governance arrangements are beneficial for the relationship between authorities: “all parish and town councils go to the same Monitoring Officer for advice, they use the same code and regulations. They understand the regime”.

As a result of the extensive joint working arrangements, Herefordshire standards committee and HALC have been involved in a pilot study for Standards for England to develop a working “compact”. The pilot study has recently drawn to a close and is currently being evaluated by BMG Research (whose report is not yet available to the research team).

What is particularly interesting about the compact is not in its breadth of joint roles and responsibilities (although these are wide ranging enough) but the depth of activities that the two organisations are involved in. All public information on issues pertaining to the code, for example, is to be developed and issued jointly. The regular pre-standards committee meeting has been enshrined in the compact, and there have been official agreements to work together with other organisations.

The new joint training arrangements are particularly detailed. The compact pledges:

- Joint training sessions for the benefit of all HALC members will be provided by Herefordshire standards committee and HALC.
- In-house training for individual HALC member councils will be jointly provided by Herefordshire standards committee and HALC upon request.
- Records will be kept by HALC of attendance at the training sessions.
- Monitoring and evaluation of the training sessions will be conducted by HALC, using feedback forms to assess the relevance, timeliness and quality of the session.

The benefit of such joint arrangements is clear. Joint provision allows a consistent and accurate message to be delivered, which is particularly important in updates to legislation that can become confused when outlined by different providers. Joint training also allows the standards committee to extend its sphere of influence in a way that reaches out and develops relationships, rather than potentially being viewed by parish and town councillors as interference.

Indeed, this case fits as neatly into liaising with parish and town councils as it does with organisational learning. We feel, however, that the extent of joint training for such a large number of other authorities – in addition to the other joint training and development that standards committee currently engages in – makes Herefordshire stand out as an exemplar of notable practice.

### **Developing practice**

- Keep your options open - joint training is an efficient and effective way of covering crucial ground in a number of authorities as well as sharing experiences, problems and good practice. It also builds trust and adds weight to what can often be viewed as an onerous task.
- Cast your net far and wide: joint provision can be very usefully extended to organisations other than neighbouring authorities.

## **9 Case study 7 – Joint standards and audit committee: Runnymede Borough Council**

### **Background**

Runnymede Borough Council covers a population of approximately 82, 600 residents. It has zero parish councils and its membership comprises: 36 Conservative members; and 6 members of the Runnymede Independent Residents' Group. Its standards committee comprises 5 elected members and 2 independent members.

Of all the areas of notable practice identified in this report, perhaps the most controversial would be creation of joint standards and audit committees, not because there is anything inherently difficult with the idea of a joint committee but because there has been conflicting points of view over the years from different agencies about what the best arrangements should be. The current legislative requirement, of course, is that a standards committee is a statutory obligation whereas a separate audit committee is voluntary.

### **Notable Practice**

It was very interesting, therefore, to come across an authority which housed a long-standing joint standards and audit committee in Runnymede Borough Council. Runnymede had set up its joint committee as far back as 2003, partly to reduce the number of its committees and also to fit in with its governance structure as an alternative arrangements authority (i.e. it has no Executive structure).

The decision to create a joint authority was one that was very carefully considered. As the Monitoring Officer informed us: "a lot of thought has gone in at officer and member level about it [the committee's structure]". Nevertheless a lot of pressure fell onto the Monitoring Officer in the first instance to create a workable arrangement. After consulting best practice guidelines it was decided that it would be more useful to join together standards and audit rather than scrutiny and audit, a move that Runnymede also felt was comparable to private sector corporate arrangements. Policy and planning were seen as scrutiny issues whereas history and process were viewed as the remit of an audit committee.

Inevitably there was an initial period of nervousness among committee members that they would be required to have a much greater degree of accounting procedures than would ordinarily be assumed, but such fears were allayed relatively quickly. Whereas previously the chief audit officer would report directly to the corporate management team he now reports to the standards and audit committee who consider and comment on his reports. As the Chief Audit Officer told us, however, the key is to communicate the relevant information: "try and give the committee an overview rather than pitching too much detail".

Indeed it was made very clear that to be successful, it was crucial that the roles and responsibilities of a joint committee are firmly drawn and explicitly communicated. During the process of establishing a joint committee a working party met regularly, after which members returned to their respective political groups for discussion and further consideration. A key decision was to try and

find a cohesive remit for the joint committee, based around the corporate governance agenda, which would not be too taxing on members. The Monitoring Officer advised “think very carefully about the workload – avoid throwing the kitchen sink into it”.

Thus the joint committee was given clear roles from the outset. In addition to looking at reports from the Chief Audit Officer (and carrying out its statutory functions as a standards committee) the joint committee annually reviews Runnymede’s constitution following an initial redrafting by the Monitoring Officer. The joint committee also looks into staff grievances and appeals, a role that has been assigned to the committee since its inception. In the researchers’ experience this is a fairly unusual arrangement but one that neatly echoes some of our previous research (Lawton et al, 2005) in which we argued that standards committees could usefully apply themselves to broader HR issues. Clearly such a function may be expanded still further if the Officers’ code of conduct becomes enshrined in law in the future. For the minute all respondents argued that the arrangement was highly valued within Runnymede and that staff felt appreciative that independent members were looking into their cases. There was also an interesting contrast here in terms of workloads: while the joint committee had heard three appeals in the first six months of 2009 it has yet to enact a single hearing against a member.

One final notable point is that Runnymede mirrors the experience of another case – South Cambridgeshire District Council – in its experiences with recruiting independent members. Its first recruitment drive was very poorly received and so for the second four-year term a more prominent advert was placed in more prominent local media. As a result the response rate increased to around 25 applications, 4 of whom were considered as eminently suitable for the post.

It is apparent that opinions regarding joint standards and audit committees are still very much a mixed bag. Nobody at Runnymede suggested that it was ideal for every type of authority but that, when given careful and close consideration, it was an arrangement that worked. This could not have been better summed up than in the words of the independent chair of joint committee: “I’m very worried about this government, and I’m very worried about this country, but I’m not worried about Runnymede Borough Council”.

### **Developing practice**

- A joint committee requires very careful planning so take your time and establish clear boundaries.
- Roles and responsibilities need to be explicitly communicated to all members from the outset.
- Committee members should not be overloaded with audit information.

## **10 Case study 8 – High pressure investigations: Greater London Authority**

### **Background**

Issues around standards, at both local and national level, are raised frequently in the media. Many authorities have to deal with the glare of local (and occasionally national) media. How authorities respond to high profile or 'hothouse' cases is worthy of investigation and this case study focuses on the recent investigation into the Mayor of London, Boris Johnson.

Our interest in this case is in the inevitable goldfish bowl of publicity that surrounded the case rather than the investigation or the results of that investigation. The complaint arose following the arrest of Damian Green, the Conservative spokesman on Immigration, by the Metropolitan Police. The complaint against the Mayor arose after he had contacted Mr Green after his arrest and was made by the GLA's Labour leader, Len Duvall. The Mayor was accused of jeopardising the integrity of the Metropolitan Police Authority, of which he chairs, and of bringing the MPA and the GLA into disrepute.

Part of the background consisted of a relatively new political administration, a new role for the mayor as Chair of the MPA, and the appointment to the mayor's staff of individuals without local government experience. At the same time, a robust standards regime was one of the building blocks in the creation of the GLA and its standards committee and MO had some experience of handling high profile cases.

### **Notable practice**

The standards committee of the GLA was also confident in its processes for complaints handling, confident in its ability to make 'big' decisions without fear or favour, and committed to accountability and transparency as a normal way of carrying out its activities. The GLA has a clear step-by-step procedure and this case was to be treated no differently than any other.

The decision was taken by the MPA and the GLA to conduct a joint investigation, producing a single report. To carry out the investigation a number of options were available, including that the investigation be carried out by a member of their own staff (e.g. Deputy MO or Head of internal audit or similar individual), an officer from another authority under a 'buddy' system, a large law firm or one of the small law firms that specialise in such investigations. It chose the latter and appointed an external investigator to carry out the investigation. The name of the investigator was known once the report was published. The choice of investigator was made on the basis of the independence of the investigator and his experience and expertise in both local authority and police authority work.

The investigation was completed within six weeks. The investigators were made aware of the 'goldfish bowl' of publicity through the interest of the community of political 'bloggers'. For example, the decision by the assessment sub-committee of the standards committee to conduct an investigation was on the Internet before the committee members had even left the meeting room.

The investigators were keen to stay focused on the investigation not least because "it was a very crowded landscape." The Home Affairs Select Committee was conducting a parallel investigation and

interviews were being held for the new head of the Metropolitan Police. Subsequent events have illustrated the tense relations between the Mayor's Office and the Metropolitan Police. The investigators had full co-operation from all parties in the investigation and there was no suggestion of the process being manipulated. The "background noise did not make a difference".

The standards committees managed the timescale so that the investigation would be completed as quickly as possible and made sure that the findings were published openly. The GLA and the MPA are small organisations, subject to world-wide scrutiny and a high profile mayor and any investigation of this kind is full of "elephant traps". The outcome of the investigation was reported in both the print media and online. Depending upon who was doing the reporting, the line taken was either that "Boris is in the clear" or the adverse findings were reported such as his actions were "extraordinary and unwise" (para 8.20) or risked being "perceived as furthering private interests."

Throughout the process, the MOs of the two authorities were in constant touch to ensure consistency in terms of the documentation being produced and the communications with all parties concerned.

### **Developing practice**

- In conducting the investigation in such a high profile case, demonstrating that acting 'without fear or favour' will enhance the integrity of the standards committees and their authorities.
- By appointing their own investigator the standards committees retained control over the timescale.
- Ensuring that existing processes are robust and focusing upon the specific complaint to be investigated diminishes the 'background noise'.
- Communications, and good relations, between the MOs of the respective authorities ensures that there are 'no surprises' or mixed messages.
- In high profile cases, it will be difficult to 'manage' the media, particularly with instant reporting on the web. Standards committees need to be aware of the changing dynamics of, for example, communicating the results of committee meetings to relevant parties in a timely manner.

## 11 Case study 9 – Embedding standards: Newcastle City Council

### Background

Newcastle City Council covers a population of approximately 271, 600 residents. It has 6 parish councils and the council membership comprises 78 councillors: 49 Liberal Democrat and 29 Labour (0 Conservatives or Independents). The standards committee is made up of 6 elected members, 4 independent members, and 3 parish members.

In 2009 Newcastle City Council found itself shortlisted for the inaugural LGC standards committee of the year award. Unlike other authorities shortlisted for the same prize, Newcastle's standards committee had no single specific achievement to make itself stand out. Instead it put itself forward as a sustained success story, in which the standards committee had become an embedded and vital element of the authority. The committee had achieved this success through a long term commitment and continual engagement of leaders whether these were political, officers, or independent members of the standards committee itself.

### Notable Practice

The first notable element of the case, like several others previously identified in the study, is that standards were a part of Newcastle's agenda before the *Local Government Act 2000* introduced standards committees as a legal obligation in local authorities. Originally introduced in 1999 as a joint standards/audit committee, the standards committee was not designed to tackle any particular problem but rather to reinforce the already favourable public view of the council. The Monitoring Officer explained to us: "you can criticise Newcastle for many things but we have never had a history of bad behaviour"; a point reinforced by the legal advisor to the committee who highlighted "a culture of good behaviour and compliance [in Newcastle]".

The standards committee was also ahead of legislative requirements in a number of other key aspects. From its inception it had been chaired by an independent member and it has always maintained three independent members as part of its structure.

The standards committee thus seems to be part of a symbiotic relationship between local authority and public, which appears to be largely one of trust and respect. The authority had never experienced a complaint about breach of the code of any sort until late 2008, when two complaints were levelled against members. As a result the standards committee has not sought to introduce any specific public facing roadshows or open days, but it has been involved in broader initiatives such as Newcastle's *City of Peace* campaign to look at cultural awareness within the city. It has also been involved in issues outside of its statutory duties.

There is a further symbiosis in the relationship between members of the standards committee, officers, and political members that has led to the committee being recognised as central to the local authority.

In terms of members there is widespread recognition that the Independent Chair of the committee is very highly regarded throughout the authority: "[he] has established such a rapport with everyone in the authority, there is clear respect in the way he is received at council". The Chair has remained

in post since the committee was first established (although there are regular elections every three years) and he has managed to build up sustainable relationships with others. He personally also indicates that one notable reason for his longevity is his understanding of politics and local government more generally: his father was involved in local government for 40 years and he himself is involved in trade unions. Also due to his wider political interests the Chair is well known in other regional circles and is a familiar figure to politicians and officers in other (non local government) areas. As both the Monitoring Officer and legal advisor both recognise, however, the Chair has managed to retain a strong sense of independence and has been at the forefront over proactive measures regarding the code of conduct, perhaps most notably establishing a requirement that all members hand in regular gifts and hospitality accounts, even though these are regularly nil returns. Seen initially by some members as a rather futile exercise, the Chair successfully persuaded the authority that it was a very proactive way of displaying transparency and accountability throughout the city. It would be inaccurate, however, to view Newcastle's standards committee as the beneficiary of just one single individual. Other members are equally important, and there was a crucial exchange of knowledge when the joint standards and audit committee split into two separate committees. To maintain a sense of continuity the Vice Chair of standards became Chair of audit, while the Chair of standards moved into the Vice Chair's position in the new committee.

Perhaps even more important, however, is the level of political support that the standards committee has always received. All respondents were keen to highlight the support that party whips give the committee, crucial in maintaining discipline within political parties and ensuring that the views of the standards committee are taken seriously elsewhere. Again we have seen how this has occurred in other cases, most notably in Bristol City Council. In addition there are senior political members on the standards committee itself, reinforcing the importance and gravitas of the committee.

There has also been sustained support from senior officers, perhaps most notably the Chief Executives that have been in place in the last decade who have often presented specific reports from the standards committee to senior management meetings. These factors have all contributed to a situation in which the standards committee is held in high regard within the authority, to the extent that all members of the committee are given allowances for their work, whereas the Chair is regarded as being on a par with any full-time committee chair (planning, licensing, etc.) and is remunerated accordingly.

The notable practice most clearly identified in this case, therefore, is the ongoing and sustained engagement of the leadership of the authority, focussing on the triumvirate of political leadership, officer leadership and independent leadership of the committee itself.

### **Developing practice**

- A committed independent chair is invaluable.
- Political support is crucial for long-term development.
- Committee members need to be valued by the authority.

## 12 Conclusions

We feel it is important to emphasize yet again here that this research is *not* intended to be prescriptive. None of the case study authorities argue that their experiences are necessarily ideal templates, but simply that they adopted innovative ideas that worked for them. We hope that their stories are taken in the context of information and not outright recommendation.

It has never been the intention of this research project to provide scientifically precise, mathematically validated conclusions about what may be regarded as notable practice in standards committees. On the contrary, our aim has always been to flesh out some of the very real stories that standards committees have to tell and allow any reader to draw their own lessons from them. It is fair to say, however, that in the course of our nine in-depth case studies some fascinating patterns emerge that we would like to draw out here as general considerations for the future of standards committees.

1. *Context does not appear to be crucial.* In the course of our project we have been privileged to encounter all sorts of different standards committees in a wide variety of local authorities. The variations were extremely apparent throughout: cases ranged from urban to rural; large to small populations; nearly one hundred and fifty parish councils to zero. Most importantly our studies took us to standards committees that faced almost continual complaints and investigations and also to others that are still to face a single case. What was extremely interesting to note was that despite this broad spectrum, each committee we investigated had managed to produce some type of notable practice. This may seem a rather bland conclusion until one considers that the two most common complaints about proactivity in standards committees is either: (a) that standards committees are too busy to be able to progress beyond a heavy workload, or; (b) that standards committees have nothing to do and little direction. Our research strongly suggests that neither of these issues need apply: standards committees in both extremes have managed to forge notable ways of working that have made them a valued and valuable cog in the wheel of local government.
2. *Notable standards committees are notable for several reasons.* One of the unexpected features of our research was that not once did we find a standards committee that was notable solely for the practice that we were initially interested in. Indeed several of the standards committees had done, or are considering, many of the practices we have identified. Several committees, for example, are now considering creating a joint standards and audit committee; several others have engaged in public awareness campaigns of one form or another; nearly all of the standards committees had been involved in joint training of some variety; more than one had utilised more accessible forms of recruitment for independent members. Thus it seems reasonable to suggest that standards committees are beginning to engage with their roles in an expansive and very productive fashion – even those that are heavily under fire from a barrage of complaints and potential hearings.
3. *Leadership is essential.* This conclusion may seem so blindingly obvious that it barely warrants mention, but leadership is one of those organisational virtues that is constantly extolled but rarely elaborated upon. Nowhere is this more apparent than in the realm of local government, a sector which has commonly found itself being encouraged to take up a



leadership role while having the forces of centralisation simultaneously act as a restraint. It was very interesting, therefore, to see that in all the cases we investigated there was a strong sense of shared leadership: from members of the standards committee itself; politicians; and leading officers. One of our previous pieces of research (Lawton, et al 2005) found substantial evidence that Monitoring Officers were still the lynchpin of the standards committee and that the majority of committees were reliant on MOs for their expertise and guidance. In the cases we studied this no longer appeared to be the case. While Monitoring Officers were (and no doubt always will be) absolutely central to the work of the standards committee non-elected members and independent chairs appear to be acting with confidence and a sense of genuine authority. Even more important was that standards committees that genuinely embraced elected members (for example, having leading politicians on the committee or encouraging the attendance of party whips) were seen as having authority, respect and standing within the authority. Our research may not provide a definitive model of the ideal standards committee, but it certainly fleshes out genuine and sustained stories of successful leadership in local standards.

4. *Composition of Standards Committees needs to be balanced.* We have found that Standards Committees are now being more imaginative in their recruitment of independent members and now have less difficulty in attracting applicants. This gives standards committees the opportunity to think about the skill mix of those that they recruit. Not only that, but the independents can bring a range of different experiences, often from different sectors, to the committee and this adds to organisational learning.
5. *Standards committees learn from each other.* Probably the single most crucial finding from this research is that standards committees are involved in a substantial array of networks throughout the country, which act as a focal point for organisational learning. Some of these are based on national bodies, such as the *Association of Independent Members of Standards Committees*; others are geared towards specific tiers within the standards framework, for example the *North East Assembly of Independent Chairs*, or the South West conference for independent members; others still are based within specific regions, such as an annual assembly of authorities in Somerset, which the research team were fortunate to attend. These are not isolated incidents, however, and every standards committee throughout the country seems to be attached to one or more informal networks. This is crucial as it would indicate that standards committees are taking their lead from each other as well as from Standards for England or the DCLG, not that these agencies are unimportant but that standards committees are now much more confident about doing things for themselves.

As we stated in the introduction one of the most important facets of our research has been the manifold application of organisational learning within, and across, standards committees. Standards committees do not have to 'reinvent the wheel' whenever they wish to develop a new protocol or engage in new activities. The willingness to learn is, we believe, a sign of a healthy organisation and on that basis it seems to us that many standards committees are in robust condition.

## References

- Argote, L., Ingram, P., Levine, J.M. and R.L. Moreland (2000) 'Knowledge Transfer in Organizations: Learning from the Experience of Others' *Organizational Behavior and Human Decision Processes* 82 (1): 1-8.
- Doig, R.A. and C.K. Skelcher (2000) 'Ethics in local government: evaluating self-regulation in England and Wales' *Local Government Studies* 27 (1): 87-108.
- Goh, S.C. (1998) 'Towards a learning organization: the strategic building blocks' *SAM Advanced Management Journal* 63 (2): 15-22.
- Greasley, S. (2007) 'Maintaining ethical cultures: self-regulation in English local government' *Local Government Studies* 33 (3): 451-464.
- Iles, P. and M. Macaulay (2007) 'Putting principles into practice-developing ethical leadership in local government' *International Journal of Leadership in Public Services* 3 (3): 15-28.
- Lawton, A. and M. Macaulay (2004) 'Ethics at the crossroads? The ethical framework for local government' *Local Government Studies* 30 (4): 624-638.
- Lawton, A., Macaulay, M., Iles, P., Llewellyn, N. and B. Thompson (2005) *Supporting Monitoring Officers* Standards Board for England.
- Macaulay, M. and A. Lawton (2006) 'Changing the Standards? Assessing the impact of the Committee on Standards in Public Life on Local Government in England' *Parliamentary Affairs* 59 (3): 474-490.
- Williams, P. (2002) 'The Competent Boundary Spanner' *Public Administration* 80 (1): 103-124.
- Yin, R.K. (2009) *Case Study Research: Design and Methods* Fourth edition. Sage: Thousand Oaks, California.

## WIRRAL COUNCIL

## STANDARDS COMMITTEE

29 MARCH 2010

## REPORT OF THE DIRECTOR OF FINANCE

## LOCAL GOVERNMENT OMBUDSMAN PERFORMANCE REVIEW APRIL TO DECEMBER 2009

### 1. EXECUTIVE SUMMARY

- 1.1 This report provides a summary of council performance in dealing with enquiries received from the Local Government Ombudsman (LGO), covering the period 01 April 2009 to 31 December 2009 as well as the last comparator period with other North West Authorities. The report is for noting.

### 2. WIRRAL'S PERFORMANCE COMPARED TO OTHER NORTH WEST LOCAL AUTHORITIES

- 2.1 The latest figures available from the LGO (01 April 2008 to 31 March 2009) show Wirral as a top performing council in comparison with other North West authorities, despite the Strategic Asset Review contributing to the high volume of contacts. As shown in the table below, the LGO filter initial enquiries through an advice team before deciding to instigate an investigation; the council is measured against a standard timescale of 28 calendar days.

<b>LGO Contacts for the period 01 April 2008 – 31 March 2009</b>			
	Total Enquiries by advice team	Investigations instigated	Average response rate (days)
Halton	23	13	31
Liverpool	187	81	18.2
Knowsley	25	8	38
Sefton	52	32	21.7
St Helens	30	17	17.4
<b>Wirral</b>	<b>215</b>	<b>180</b>	<b>16.2</b>

### 3. BACKGROUND

- 3.1 Outline performance analysis of LGO enquiries is provided as part of the quarterly corporate performance reports to Cabinet but this review aims to provide a more detailed summary of how effectively the council liaises with the LGO to Standards Committee.

- 3.2 This report focuses on the enquiries received in the period (01 April 2009 to 31 December 2009), the response times along with service area analysis and determinations made by the LGO.

#### **4. NUMBER OF ENQUIRIES**

- 4.1 The Director of Finance from 1 April 2009 is responsible for the administration of complaint handling as well as liaising with the LGO. All contacts are recorded and categorised as preliminary requests for information, follow-up enquiries or full investigations. Increasingly the LGO is using requests for information and subsequent enquiries to make a determination, rather than instigating a full investigation.
- 4.2 The council received 62 contacts from the LGO between 01 April 2009 and 31 December 2009. Of these, 47 were preliminary requests for information; 13 were follow-up enquires and 2 were full investigations.
- 4.3 Due to changes in working practices implemented by the LGO (2.1 above – use of LGO advice team and reduced number of full investigations being initiated) and Wirral's internal amendments in how LGO contacts are recorded, meaningful comparison with previous periods is not possible. However once the end of year is reached we will be able to offer future years and quarters comparisons.

#### **5. RESPONSE TIMES**

- 5.1 Response times are measured against a target timescale of 28 calendar days, unless the LGO specifies otherwise. The only exception to this are enquires about Schools which have a standard response of 14 calendar days.
- 5.2 The average response time for 2008/09 was 16.2 calendar days (as shown in 2.1), which was a marked improvement on previous years.
- 5.3 For the period 01 April 2009 to 31 December 2009 the average response has been 18.4 calendar days, an increase of 2.2 days but still well within the target.
- 5.4. The table below gives a breakdown by department of numbers and average days for response. This is followed by a commentary on these results for the first three quarters of 2009/10 to give members some idea of the reasons that lie behind these figures.

<b>LGO Contacts for the period 01 April 2009 – 31 December 2009</b>						
<b>Department</b>	<b>Service Area</b>	<b>Preliminary Requests</b>	<b>Follow-up Enquiries</b>	<b>Full Investigations</b>	<b>Total Contacts</b>	<b>Average Days response</b>
CYPD	Schools	13	4	0	17	14
	Social Care	1	0	0	1	1
	Support Services	0	1	0	1	13
	Youth Service	2	0	0	2	26.5
DASS	Care Services	8	4	1	13	34
Finance	Benefits	3	1	0	4	41
	Revenue	3	2	0	5	3.5
Regeneration	Licensing	3	0	0	3	45
	Sports and Recreation	1	0	0	1	1
Technical Services	Planning	10	1	1	12	11
	Residents Parking	1	0	0	1	7
	Support Services	1	0	0	1	27
	Traffic Issues	1	0	0	1	15
<b>Total</b>		<b>47</b>	<b>13</b>	<b>2</b>	<b>62</b>	<b>18.4</b>

5.5 From the above table the service areas with an average response outside the standard LGO 28 day limit are:

5.5.1 Adult Social Services - Care Services (34 days). This particular service area attracts detailed enquiries from the LGO. The LGO increasingly relies on preliminary or follow-up contacts to reach a decision on individual cases, requiring extensive investigation by the service. The service also accounted for 21% of all LGO contacts across the council which places further pressure on available resources to respond to LGO contacts. It is significant that three complex cases took an average of 65.7 days to respond to, concerning standard of care provided by an 'elderly mentally infirm' care home (preliminary request and follow-up enquiry) and a contact regarding financial assessment for a care package. The complexity of the response required is not taken account of by the LGO in assessing time taken to reply.

- 5.5.2 Finance – Benefits (41 days). One particularly complex case, which was jointly investigated with DASS and assisted by Legal Services due to the scope of the enquiry (involving discretionary housing payments), took 90 days for a response to be collated and sent.
- 5.5.3 Regeneration – Licensing (45 days). One enquiry took 86 days for a response to be sent out, though it was still within the target date specified by the LGO. The issue concerned how effectively a complaint was dealt with leading up to the referral to the LGO and clarification on the corporate complaints process was sought.
- 5.6 The highest proportion of LGO contacts (27%) were received by the CYPD service area of schools. The majority of these contacts (13 preliminary requests and 4 follow-up enquires) concerned schools admissions and tend to be seasonal (all but 2 of these contacts for this service area were received between 01 June 2009 and 14 July 2009) which highlights the effort made by staff to achieve an average response of 14 days per contact. For this service area the standard timescale required by the LGO is 14 calendar days.

## **6. COMPLAINT OUTCOMES**

- 6.1 The two investigations resolved in the reporting period concerned Adult Social Services (Care Services) and Technical Services (Planning). The Care Services investigation was responded to in 18 days and resulted in a LGO finding of no evidence of maladministration. The Planning investigation was responded to in 15 days and resulted in the LGO using their discretion to discontinue the investigation due to insufficient evidence of wrongdoing.
- 6.2 Of the remaining contacts (preliminary requests and follow-up enquiries) the LGO has communicated a decision in 37 cases. All of these decisions have been made without recourse to a 'full investigation' from the LGO though a significant amount of service resource have been used in collating responses for the LGO.
- 6.3 The range of LGO decision categories are as follows:
- Premature complaints - council has not had a reasonable opportunity to consider complaint first
  - Outside jurisdiction - precluded from investigation by LGO due to legal statute
  - Local settlement – during course of LGO investigation the council takes some course of action which the LGO considers a satisfactory resolution of issue(s)
  - Ombudsman's discretion – discontinued as complainant withdraws complaint; LGO unable to maintain contact with complainant; the complainant takes court action or insufficient injustice found to continue the investigation
  - No evidence of maladministration – council has acted appropriately and no indication of any wrong-doing

- 6.4 The table below breaks down the LGO decisions received so far in the reporting period by service area:

<b>LGO Decisions received for the period 01 April 2009 – 31 December 2009</b>					
<b>Service Area</b>	<b>Local Settlement</b>	<b>No evidence of maladministration</b>	<b>Ombudsman's discretion</b>	<b>Outside of jurisdiction</b>	<b>Premature application</b>
Schools	1	5	10		
Support Services		1			
Youth Service	1				
Care Services	2	1	1		1
Benefits		2			
Revenue s		1	1	1	
Licensing			1	1	
Sports and Recreation					1
Planning		3	1	1	
Residents Parking		1			
<b>Total</b>	<b>4</b>	<b>14</b>	<b>14</b>	<b>3</b>	<b>2</b>

## **7. FUTURE DEVELOPMENT**

- 7.1 In support of the Customer Focus work stream within the Corporate Customer Access Strategy, the analysis of customer feedback, which includes LGO contact outcomes will help inform how the council delivers services.
- 7.2 The LGO see the purpose of a complaints system as to "...put right what has gone wrong and to learn from it." – the council has to make use of this invaluable feedback provided through both corporate complaints and LGO contacts to shape future service delivery.
- 7.3 Work is progressing to 'benchmark' the corporate complaints system against LGO best practice, with the intention to improve customer satisfaction and learn from complaint outcomes. A consequence of this should be to minimise the number of cases being referred to the LGO.

## **8. CORPORATE OBJECTIVES**

- 8.1. The manner in which the Council responds to the LGO contributes towards the Council's objective to be an excellent council. Maintaining the standard set in

response times is a significant step towards that objective, with Wirral out-performing other North West local authorities in 2008/09. We are continuing during the final quarter of the year to ensure we respond in as fast as possible a time while ensuring full and accurate responses are given to assist the LGO. The ability to effectively review LGO contacts and make informed decisions based on this data further supports this objective.

## **9. FINANCIAL AND STAFFING IMPLICATIONS**

9.1 There are none arising directly from this report.

## **10. LOCAL MEMBER SUPPORT**

10.1 There are no implications for individual wards arising directly from this report.

## **11. EQUAL OPPORTUNITY IMPLICATIONS**

11.1 There are none arising directly from this report.

## **12. HUMAN RIGHT IMPLICATIONS**

12.1 There are none arising directly from this report.

## **13. LOCAL AGENDA 21 IMPLICATIONS**

13.1 There are none arising directly from this report.

## **14. COMMUNITY SAFETY IMPLICATIONS**

14.1 There are none arising directly from this report.

## **15. PLANNING IMPLICATIONS**

15.1 There are none arising directly from this report.

## **16. BACKGROUND PAPERS**

16.1 There were no background papers used in the preparation of this report.

## **17. RECOMMENDATION**

17.1 That the report be noted.

IAN COLEMAN  
DIRECTOR OF FINANCE



## WIRRAL COUNCIL

### STANDARDS COMMITTEE – 29 MARCH 2010

#### STANDARDS FOR ENGLAND - ONLINE GUIDES

---

##### 1.0 EXECUTIVE SUMMARY

1.1 This report provides information on the range of on-line guides which supplement the existing guidance in relation to Members Code of Conduct.

##### 2.0 BACKGROUND

2.1 Standards for England have produced a range of on-line guides which supplement the existing guidance on the Members Code of Conduct. The guides deal with more complex parts of the Code, which tend to generate the majority of enquiries to Standards for England.

2.2 The Quick Guides are intended to provide a clear and concise explanation to clarify issues. The following Quick Guides are available:-

- Bullying and the Code of Conduct
- Disclosing Confidential information
- Freemasons and the Code of Conduct
- Gifts, Hospitality and the Code of Conduct
- Independent Members
- Lobbying
- Personal and Prejudicial Interests

Copies of the on-line guides are attached at Appendix 1.

##### 3.0 FINANCIAL IMPLICATIONS

3.1 There are no specific financial implications arising from this report.

##### 4.0 STAFFING IMPLICATIONS

4.1 There are no specific staffing implications arising from this report.

##### 5.0 EQUAL OPPORTUNITIES IMPLICATIONS

5.1 There are no specific equal opportunities implications arising from this report.

##### 6.0 COMMUNITY SAFETY IMPLICATIONS

6.1 There are no community safety implications arising from this report.

## 7.0 LOCAL AGENDA 21

7.1 There are no local agenda 21 implications arising from this report.

## 8.0 PLANNING IMPLICATIONS

8.1 There are no specific planning implications arising from this report.

## 9.0 ANTI-POVERTY IMPLICATIONS

9.1 There are no anti-poverty implications arising from this report.

## 10.0 SOCIAL INCLUSION IMPLICATIONS

10.1 There are no social inclusion implications arising from this report.

## 11.0 LOCAL MEMBER SUPPORT IMPLICATIONS

11.1 There are no local member support implications.

## 12.0 BACKGROUND PAPERS

12.1 [www.standardsforengland](http://www.standardsforengland) –online guides

## 13.0 RECOMMENDATION

13.1 Committee is requested to note the contents of this report.

BILL NORMAN

DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

## Bullying and the Code of Conduct

---

Paragraph 3(2)(b) of the Code of Conduct says 'you must not bully any person'. This includes other members, officers and members of the public.

### What is 'bullying'?

---

We characterise bullying as offensive, intimidating, malicious, insulting or humiliating behaviour which attempts to undermine, hurt or humiliate an individual or group. It can have a damaging effect on a victim's confidence, capability and health.

Bullying conduct can involve behaving in an abusive or threatening way, or making allegations about people in public, in the company of their colleagues, through the press or in blogs, (but within the scope of the Code of Conduct).

It may happen once or be part of a pattern of behaviour, although minor isolated incidents are unlikely to be considered bullying. It is also unlikely that a member will be found guilty of bullying when both parties have contributed to a breakdown in relations.

### What are the consequences of bullying?

---

When officers are bullied, it can affect the authority's ability to provide services. This is because bullying can create a working environment with an atmosphere of mistrust, insecurity and fear.

In some cases, bullied officers require long periods of leave because of ill-health or stress which can damage the running of an authority. This can particularly be the case in parish and town councils, where there may only be a small team of employees. Quite often, officers feel unable to return to their role.

### What about criticism of officers?

---

Criticism of officers will not in itself constitute bullying. Members are allowed to express disagreement with officers, and question officer performance, so long as it is done in an appropriate and private way. A personal attack, or criticism that is offensive, is likely to cross the line of what is acceptable behaviour.

### Complaining about bullying

---

If you believe you have been the victim of bullying by a member you can complain to the local standards committee. Information about making a complaint to a local standards committee can be found [here](#).

### Anyone alleging bullying should:

---

provide examples of the words or actions used provide clear, objective evidence of bullying try to describe the specific behaviour they are concerned about, providing dates, times and locations. This is because it is more

## Standards Board for England - Bullying

difficult to judge bullying from general remarks.


### Find out more

---

Please read our Code of Conduct: Guidance for members 2007

Call our enquiries line on 0845 078 8181

Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

 Print this page

## Disclosing Confidential Information

---

Confidential information is covered by paragraph 4(a) of the Code

Paragraph 4(a) of the Code says you must not disclose information given to you in confidence by anyone. You must also not disclose information which you believe, or ought reasonably to be aware, is of a confidential nature – except where certain exceptions apply.

### What is 'confidential information'?

---

Information is a broad term. It includes facts, advice and opinions. It also covers written materials, including tapes, videos, CDs, DVDs and other electronic media.

Information is confidential:

- if it is about something serious and not trivial
- if the nature of the information is sensitive or personal, for example it is a business secret
- if it is information that you would expect people would want to be private
- if it was divulged in a way which implied it should be kept confidential
- if disclosing the information would be detrimental to the person who wishes to keep it confidential

If the council, the executive or a committee of the council has voted to treat the information as exempt, then you should maintain it as confidential.

### When can confidential information be disclosed?

---

You are able to disclose confidential information when:

- the person authorised to give it has given you the consent to disclose it
- you are required by law to do so
- the disclosure is made to a third party in order to obtain professional advice, for example a lawyer
- the disclosure is in the public interest.

### Justification for disclosure in the public interest

---

Disclosing confidential information in the public interest can only be justified when all of the following points are met:

- **the disclosure must be reasonable** – this is a matter of judgment. However, when making this decision, you should consider carefully why you want to disclose the information, whether it is true, how serious the

issue is and who to tell

- **the disclosure must be in the public interest** – information is in the public interest if:
  - a criminal offence is committed
  - the authority fails to comply with its legal obligations
  - a miscarriage of justice occurs
  - the health and safety of an individual is in danger
  - the environment is likely to be damaged
  - information about any of the issues above is deliberately concealed
- **the disclosure must be made in good faith** – the disclosure will not be justified if it is being made to promote your interests or is for political gain
- **the disclosure must be made in compliance with any reasonable requirements of your authority** – you must first raise your concerns through the appropriate channels set out in your authority's policies and procedures. For example, policies on whistle-blowing or member-officer relationships should be followed before making a disclosure.

### When would a public interest disclosure not be justified?

---

If the disclosure would amount to a criminal offence or when information is protected by legal professional privilege, it is unlikely that its release could be justified as being in the public interest.

### Find out more

---

- Please read our [Code of Conduct: Guidance for members 2007](#)
- Call our enquiries line on 0845 078 8181
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Published on 8 October 2009.

 [Print this page](#)

## Freemasons and the Code of Conduct

---

### What is a Freemason?

---

Freemasonry is one of the world's oldest secular, fraternal and charitable societies. The United Grand Lodge of England administers Lodges of Freemasons in England and Wales. When freemasons pay their annual subscription fee to their respective Lodges, part of the fee goes automatically to the Freemasons' Grand Charity. The United Grand Lodge distributes charitable grants to individuals and groups through the Grand Charity.

### Why do I need to declare my membership?

---

Personal and prejudicial interests are covered by paragraphs 8-13 of the Code of Conduct.

You have a personal interest in any business of your authority where either it relates to or is likely to affect any body directed to charitable purposes.

Overall, freemasons are not singled out by the Code. The Code applies to membership of any body that is directed to charitable purposes.

Under paragraph 8(1)(a) (ii) (bb) of the Code, freemasons who are members of the Grand Charity must register membership of the Grand Charity in their register of members' interests and, where appropriate, declare their membership of the Grand Charity as a personal or prejudicial interest before or during council meetings. If an individual lodge is one which has charitable status or could be described as a body directed towards charitable purposes, then membership of that lodge would also need to be registered.

Councillors who are freemasons will also need to declare membership of their lodge as a personal interest in a matter to be discussed if that matter would affect the member to a greater extent than the majority of other people in the area affected by the decision. The member will also need to consider whether that interest is prejudicial. For example, if the councillor's own lodge was making a planning application it would be necessary to declare a personal and prejudicial interest when that matter is considered.

The recent government decision that freemasons will no longer need to declare their membership when applying for positions on the judiciary does not affect the need to register membership as an interest under the Code.

### Find out more

---

- Please read our [Code of Conduct: Guidance for members 2007](#)
- Call our enquiries line on 0845 078 8181
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Published on 4th January 2010.

## Gifts and hospitality

---

Gifts and hospitality are covered by paragraphs 8 and 13 of the Code.

### What do I have to do?

---

- You must register any gifts or hospitality worth £25 or over.
- You must also register the donor (for example, the person, company or body) of the gift or hospitality.
- You only have to register gifts that you receive in connection with your official duties as a member. You do not have to register other gifts and hospitality, such as birthday gifts from family.
- Ask yourself "Have I been given this because I am a member?" If the answer is "yes" then you must register the item.
- You should register an accumulation of small gifts you receive from the same donor over a short period that add up to £25 or more.
- You must register the gift or hospitality and its donor within 28 days of receiving it, and if an accumulation, when it gets to £25.

### What are the implications?

---

- You will have a **personal interest** in a matter if it relates to, or is likely to affect, the donor of the gift or hospitality that is registered.
- You must declare the existence and nature of the gift or hospitality, the donor and how the business under consideration relates to that donor. You must then decide whether that interest is also a prejudicial interest.
- If more than three years have passed since you registered the gift or hospitality, you will no longer have to declare a personal interest in a matter that relates to or is likely to affect the donor.

For further information on interests see our factsheet on personal and prejudicial interests.

### What happens if I do not know the value of the gift?

---

- We suggest you register it anyway as a matter of good practice.

### Do I have to register gifts or hospitality I do not accept?

---

- No, but you may wish to do so as a matter of good practice.



## What does “hospitality” mean under the Code?

---

- Hospitality can be defined as any food, drink, accommodation or entertainment provided free of charge or heavily discounted.

## Do I have to register the interests of the donor of the gifts or hospitality?

---

- No. We believe the Code only requires you to register the gift or hospitality worth £25 or over, received in connection with your official duties, and the donor of that gift or hospitality.

## Do I have to register gifts or hospitality from council-owned companies?

---

- Yes. Wholly-owned companies are separate bodies from the authority.

## What about official gifts or hospitality given to the civic mayor or chair of a council?

---

- There are no special rules for those who serve as mayor or chair of an authority.
- Gifts that are clearly made to the authority do not need to be registered.
- Gifts made directly to a mayor or chair's charity appeal also do not need to be registered.
- We take the view that there is no requirement under the Code to register hospitality, if that hospitality has been extended to the office holder for the time being rather than the individual.

## Find out more

---

- The Code of Conduct: Guide for members May 2007 offers more guidance on the Code and can be downloaded [here](#).
- Call our enquiries line on **0845 078 8181**
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Published on 15 October 2009.

## Independent members

---

### Who is an independent member?

---

Independent members are members of standards committees with no link to the authority they are overseeing. They are important in helping increase public confidence in the local standards framework. They provide a clear signal that the standards committee is acting fairly and impartially. Independent members also bring a wider perspective from their outside experiences. A person can only be an independent member if they:

- have not been a member or employee of the authority for the previous five years, or
- are not a member or officer of that or any other relevant authority, or
- are not a relative or close friend of a member or employee of your authority.

### Attributes and skills of an independent member

---

Coming from outside the authority gives the independent member a different perspective and gives balance to the standards committee. Some of the attributes and skills expected of an independent member are:

- a keen interest in standards in public life
- a wish to serve the local community and uphold local democracy
- high standards of personal integrity
- the ability to be objective, independent and impartial
- sound decision-making skills
- questioning skills
- leadership qualities
- the ability to chair meetings.

### The process of selecting an independent member

---

The position of independent member will be published in at least one local newspaper and in other similar publications or websites.

Each authority will have slightly different procedures for the recruitment of independent members but all will have an application and interview process. The appointment of an independent member has to be approved by a majority of the members of the council.

Each authority decides how to select independent members and how long an independent member should sit on the committee. This period of time should be long enough for them to gain an understanding of the committee, the authority and its workings, but not so long that independence is lost.

## Independent members on multiple standards committees

---

An independent member can be a member of several standards committees, for example on county and district committees. Independent members may also be temporarily appointed to another standards committee to consider a particular assessment, review or hearing or for a particular period of time. For example, an independent member can be appointed to a neighbouring standards committee for a short period in situations where a permanent member is unwell or if there is a conflict of interest.

## Reappointment of independent members

---

Standards for England recommend independent members should serve no longer than two four year terms, but this is at the discretion of each authority.


Independent members cannot be automatically reappointed, and must go through a recruitment process.

## Find out more

---

- Please read our Code of Conduct: Guidance for members 2007
- Call our enquiries line on 0845 078 8181
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Published on 4th January 2010.

 Print this page

# Lobbying

---

Lobbying is covered by paragraphs 8 to 12 of the Code of Conduct.

## What is Lobbying?

---

Lobbying and campaigning is the practice of influencing decisions made by government at a national or local level. Many local councillors are involved in a number of groups or campaigns either as a member of a particular interest group or as an individual.

## What should I do?

---

### 1) Register your interest

Membership of lobby or campaign groups should be included on your register of interests, as these are bodies "whose principal purposes include the influence of public opinion or policy".

Even if your lobby group does not keep a formal membership list, the Code of Conduct still applies to you. If you are acting as a member of the group – perhaps attending meetings or participating in group activities – you should still register your membership of the group and declare interests, where appropriate.

### 2) Declare your interest

If you are a member of a group that lobbies or campaigns about an issue that comes up for discussion or decision at your authority you are required to declare a personal interest.

You will not normally have a personal interest in the related discussion or decision of your authority if you merely campaigned on an issue as an individual, perhaps during an election campaign, but you are not a member of or in a position of general control or management of a lobby group campaigning on the same issue.

You should declare the existence and nature of your interest at the meeting so that members of the public are informed about interests that may relate to your decisions.

You can continue to participate unless the interest is also prejudicial.

### 3) Consider whether to withdraw from the meeting

Under the Code of Conduct, you only have to withdraw from a meeting where your personal interest is also prejudicial.

You cannot have a prejudicial interest in a matter if:

- The matter falls within one of the exempt categories of decisions under paragraph 10(2) (c). A full list of exempt categories can be found in the Standards Board's Code of Conduct guidance, which is available on our website - [www.standardsforengland.gov.uk](http://www.standardsforengland.gov.uk)
- The matter does not affect your financial interests or does not relate to a licensing or regulatory matter brought by you or a person or body in which you have a personal interest.

For example, you will not have a prejudicial interest in a developer's planning proposal which you and any groups you are a member of have campaigned against, if you, any person, or any body you have a personal interest in is not financially affected by the proposal.

If your personal interest in a matter falls outside the exempt categories mentioned above, and does affect your financial or regulatory interests, you will then have to consider the following general test for prejudicial interests:

- Would a member of the public, who knows the relevant facts, reasonably think your personal interest is so significant that it is likely to prejudice your judgement of the public interest?


If the answer is 'yes' then you would have a prejudicial interest.

If a prejudicial interest arose, you would still be allowed to address the meeting on the issue in order to answer questions or make representations, provided that same right was available to members of the public.

### Find out more

---

- The Code of Conduct: Guide for members May 2007 offers more guidance on the Code and can be downloaded [here](#).
- Call our enquiries line on **0845 078 8181**
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

 Print this page

## Personal and prejudicial interests

---

Personal and prejudicial interests are covered by paragraphs 8-13 of the Code of Conduct.

### What is a personal interest?

---

You have a personal interest in any business of your authority where it relates to or is likely to affect:

1) An interest that you must register.

2) An interest that is not on your register but where the well-being or financial position of you, members of your family, or people or bodies with whom you have a close association, is likely to be affected by the business of your authority more than it would affect the majority of:

- inhabitants of the ward or electoral divisions affected by the decision (in the case of authorities with wards or electoral divisions)
- inhabitants of the assembly constituency affected by the decision (in the case of the Greater London Authority)
- inhabitants of the authority's area (in all other cases).

### What should I do if I have a personal interest?

---

You must declare that you have a personal interest and the nature of the interest as soon as it becomes apparent to you in all formal meetings before the matter is discussed.

However, where an interest arises solely from membership of, position of control or management on:

- any other body to which you were appointed or nominated by the authority
- any other body exercising functions of a public nature, for example if you have been appointed as a school governor
- you will only need to declare your interest if and when you speak on a matter, provided that you do not have a prejudicial interest.

### What is a prejudicial interest?

---

Your personal interest will also be a prejudicial interest if it meets all of the following conditions:

- a) The matter does not fall within one of the exempt categories of decisions under paragraph 10(2) (c), for example setting the council tax.
- b) The matter affects your interests financially or is about a licensing, planning or other regulatory matter that might affect your interests.
- c) A member of the public, who knows the relevant facts, would reasonably think your personal interest so

significant that it is likely to prejudice your judgement of the public interest.

---

### What should I do if I have a prejudicial interest?

---

You must declare that you have a prejudicial interest and the nature of that interest as soon as that interest becomes apparent.

You should leave the room unless members of the public are allowed to make representations, give evidence or answer questions about the matter. If this is the case, you can also attend the meeting for that purpose.

You must leave the room immediately once you have finished speaking, or when the meeting decides that you have finished (if that is earlier).

If your authority does not provide members of the public with any right to speak, you would need to leave the meeting room after declaring the nature and extent of your interest. However, you can:

- Make written representations in your private capacity. These should be addressed to officers rather than members of the authority.
- Use a professional representative to make an application, for example a planning application, on your behalf.
- Arrange for another member of the authority to represent the views of your constituents.


---

### Find out more

---

- Please read our [Code of Conduct: Guidance for members 2007](#)
- Call our enquiries line on 0845 078 8181
- Email us at [enquiries@standardsforengland.gov.uk](mailto:enquiries@standardsforengland.gov.uk)

Published on 27 October 2009.

 [Print this page](#)

This page is intentionally left blank



## WIRRAL COUNCIL

### STANDARDS COMMITTEE – 29 March 2010

#### REPORT OF THE DIRECTOR OF LAW, HR AND ASSET MANAGEMENT

#### USE OF RECORDING MEDIA AT MEETINGS AND IN COUNCIL BUILDINGS

---

##### 1. Executive Summary

- 1.1 This report considers the possible standards implications of the use of recording media in Council buildings, whether during Council meetings or at other times.

##### 2. Background

- 2.1 A question has recently been raised as to whether there are any rules governing the use by Members of recording media in Council buildings, whether during Council meetings or at other times. Recording media may include sound recording, or video or stills photography.
- 2.2 The conduct of Council meetings is governed by the authority's Council Procedure Rules Standing Orders as set out in the Constitution. No Standing Order expressly addresses the use of recording media during Council meetings. However, Standing Order 15 governs disorderly conduct and provides that:

##### ***'15. Disorderly conduct***

*'(1) If any member of the Council misconducts himself/herself at a meeting by persistently disregarding the ruling of the Mayor, or by behaving irregularly, improperly or offensively, or by wilfully obstructing the business of the Council, the Mayor or any other member may move "That the named member be not further heard". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall take no further part in the debate in question.*

*'(2) If the named member continues the misconduct after a motion under the previous paragraph has been carried, or if any member acts so irregularly, improperly or offensively that the member's continued presence at the meeting cannot reasonably be tolerated, the Mayor or any other member may move "That the named member leave the meeting immediately". That motion, if seconded, shall be put to the vote and determined without discussion. If the motion is carried the named member shall leave the meeting immediately.*

*'(3) If the named member continues the misconduct after a motion under paragraph (1) has been carried, the Mayor shall have a discretion, and as an alternative to pursuing the action set out in paragraph (2), to adjourn the meeting for a period of up to 30 minutes.*

*‘(4) In the event of a general disturbance which in the opinion of the Mayor prevents the Council from disposing of its business in a proper and orderly manner, the Mayor may, without the question being put, adjourn the meeting for a period of up to 30 minutes.’*

- 2.3 In addition, the Mayor, as the person presiding at meetings of Council (or the Chair at committee meetings), has extensive common law powers to control the conduct of a meeting. This could extend to authorising (or limiting, or prohibiting) the use of recording media during meetings.
- 2.4 Some local authorities have adopted express Standing Orders relating to the use of recording media during Council meetings. Whilst some local authorities proscribe the recording of meetings, others routinely sound record meetings and a few have experimented with broadcasting live video coverage of meetings via the internet.
- 2.5 On balance it is recommended that consideration be given to adopting an additional Standing Order to formalise the common law powers of the Mayor (or Chair) to control the conduct of a meeting, including the use of recording media.
- 2.6 The position regarding Members’ use of recording media on Council premises other than during meetings is less clearly controlled. The Members’ Code of Conduct, however, contains two provisions that are general in nature and might, arguably be relevant, depending upon the particular circumstances of a case.
- 2.7 First, paragraph 3(1) of the Code requires Members to ‘treat others with respect’. Second, paragraph 5 stipulates that ‘You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute’. These are both worded in subjective language that is capable of being interpreted in a variety of ways by different people.
- 2.8 What is clear from previous rulings of the Adjudication Panel and the guidance from Standards for England (formerly the Standards Board for England), is that different levels of latitude are likely to be given in interpreting these (and other similar) provisions in the Code. This will depend upon whether the matter relates to Member to Member behaviour, or is directed to officers, or to a member of the public.
- 2.9 When interpreting the Members’ Code of Conduct greatest latitude is generally allowed in Member to Member situations, where allowance tends to be given for ‘the rough and tumble of politics’. Least latitude tends to be given where the victim is a lay member of the public.
- 2.10 On balance, it is probably unlikely that an isolated use of recording media by one Member to record other Members within a communal part of a Council building would constitute a breach of the Code of Conduct. However, the views of the Standards Committee are sought as to whether the use of recording media by Members within Council buildings should remain unregulated; or whether it should be prohibited (or subject to other controls) by way of a local protocol to be incorporated in the Council’s Constitution.

**3. Financial and Staffing Implications**

3.1 None

**4. Other Implications**

4.1 None

**5. Human Rights Implications**

5.1 The covert use of recording media may have implications for the human rights of those recorded.

**6. Local Member Support Implications**

6.1 None

**7. Background Papers**

7.1 None

**8.1 Decisions Required**

8.2 That the Committee indicates whether it considers that:

- (a) Council should adopt an additional Standing Order to formalise the common law powers of the Mayor (or Chair) to control the conduct of a meeting, including the use of recording media; and/or
- (b) The use of recording media by Members within Council buildings should remain unregulated, or whether it should be prohibited (or subject to other controls) by way of a local protocol to be incorporated in the Council's Constitution.

**Bill Norman**

Director of Law, HR and Asset Management

This page is intentionally left blank