

## CHAIR'S REPORT ON STANDARDS CONFERENCE

Wales 10 – Theory into Practice.

The second All – Wales Conference for Standards and Monitoring Committees members was held at City Hall, Cardiff on 14 October, 2010.

Jon House, Chief Executive of Cardiff Council gave the Welcoming Address. He spoke of the need for Local Authorities to realise the necessity of having checks and balances on their powers because a few people could make decisions that would have a huge effect on many. Proper governance was an essential part of a Council's conduct of affairs and councils should look themselves in the face and stand up for the belief that self-scrutiny was important. Councils had to be concerned with their own standards and reputation and should seek to inspire confidence in the public that the safety, security and well – being of people was of paramount concern to their local council.

5 speakers contributed to the morning's Panel Session on the theme: 'A view from here: perspectives on the ethical framework and how it's working in Wales'.

Paul Hoey, Head of Strategic Relations, Standards for England, confirmed that the present Coalition Government had indicated that the Standards Board would be abolished. However, this would be reviewed because Government wanted to foster 'localism' and move towards greater decentralisation. Within the Board's current programme the major concern was the number of vexatious complaints being raised and about how those complaints were treated. But a Parliamentary Bill to abolish the Standards Board would mean no legislation to back Standards Committees within authorities. Any serious disciplinary offences arising within a council's affairs would then become an issue of criminality.

Abolition of the Standards Board would also require the consideration of other allied matters – a concern over national standards of behaviour by and within councils, proper declarations of interest relating to council matters and the possible imposition of a minimum 12 – month sentence for any misdemeanours arising. (The European Union is currently investigating 300 – 400 such cases a year).

With regard to serious offences the decision to prosecute would rest with the Police, on the assumption that there was a National Code of Conduct free of central prescription.

The Standards Board would continue to urge maintaining Standards and Monitoring Committees within councils. Even though this approach might be mechanistic it was probably the most effective way of meeting the objectives of the Code of Conduct.

Kate Berry, Monitoring Officer of Cardiff Council spoke of the need for an ethical framework within local democracy. The private sector recognised the importance of an ethical framework in the *modus operandi* of business and in the treatment of company workforces. (The high regard for the John Lewis organisation was cited as an example of this).

Citizenship was not about transactions but about answering issues with a common purpose in mind.

For those who think there is no need for regulation – that the answer lies in the Ballot Box – there has to be a sharp reminder. Ballots may take too long to solve the problems of the day and media intervention could not be discounted. The loss of public confidence over Parliamentary expense claims was quoted. MP's should have been aware that the rules were inappropriate.



Is Wales an ethical country? Well, the incidence of complaints is low (2009 figures) and falling. There was a realisation that regulators were vital to that well – being.

Local Authorities are large and complex and with human beings things do go wrong. Councils should abide by a set of agreed universal principles, there ought not to be decisions made which hinged solely on an individual's judgement. Local authorities were always faced with major issues, so trust is vital. Councils needed to have a relationship with the Code of Conduct and should help effect a framework which provided support for members. In achieving this, change was not as important as progress.

Jeff Cottrell, Chair, Isle of Anglesey Council Standards Committee told of the situation pervading in his Authority. He felt that there was a need for members of the Council to accept that the Authority must have a purposeful strategy, direction and tone. Members needed to better understand their briefs as elected representatives and objectively balance the relative importance of issues arising in Council business. Movers and shakers had not been challenged for some time and capable people tended to be self- or party – promotional rather than work for the good of the Authority.

Power was still dependent on association with certain individuals not on a member's own ability. The need to use different skills to solve differing situations was not appreciated by some members. Bad habits had become difficult to eradicate and looming financial austerity would make things worse. Whilst the cooperation and agreement of elected members was vital to make progress, tribalism was ever evident when, in defence of their opinions the natural response was to attack their opponents.

Intervention in the affairs of the Authority by the Welsh Assembly Government had effected some improvements –perhaps by 'twisting advice' but training of elected members in issues of conduct was still a priority.

(April 2011: the WAG has recently intervened in Anglesey's Council affairs again).

Peter Tyndall, Public Services Ombudsman for Wales gave an update on the passage of complaints through the Ombudsman's Office during recent years. He emphasised that any service delivery was directly dependent on resources and the nature of contemporary politics demanded services be 'accountable'. Everyone worked with limited resources. An increased level of complaints was expected, so times could be challenging. The Service worked within an ethical framework so the speed of dealing with complaints is sometimes lengthy because of their nature. In the year to August 2009 about 100 complaints had been dealt with by 'phone or e-mail. In the year to August 2010 this figure was approximately 200.

Had the Guidance on the Code of Conduct led to a reduction in the number of complaints? In the year to March 2010 the number of complaints brought against councillors had fallen from 165 the previous year to 129. Of these 15 had been sent for adjudication, 9 had been sent to Standards Committees.

The framework for dealing with complaints in Wales continued to be questioned usually because it was felt there were benefits to be derived from having a short time – scale to answer complaints. There was still a lack of public confidence in councillors' adherence to the Nolan Principles and there was much cynicism about the standards of behaviour perceived by the public.

Peter Davies, President of the Adjudication Panel for Wales summarised the work of the AJP over the 7 years of its existence. 21 referrals had been received leading to 8 appeals being heard.

In 2000 the need for an Adjudication Panel had been reviewed. Wales and Scotland had not abolished these bodies.

Over the years some trends were discernable. Appeals to the AJP were more likely to see appellants represented by members of the legal profession – solicitors, junior consultants, barristers and Q.C's. This increasing representation in tribunals was probably due to the risks of loss of income or status for appellants hinging on the result of the appeal. Appeals tended to be contested on technical points or allegations of bias. Higher costs per case and charges within the administrative system had ensued.

It was probable that any review of the current set – up would cause some changes but police pursuit of councillor misdemeanours was unlikely. (Stealing was given as an example).

Checks and balances were an electoral issue but it appeared the system evolved is working.

The remainder of the Conference was devoted to Workshop sessions.

7 topics were covered: Code of Conduct, Town and Community Council Issues, Police Authority Issues, Standards & Ethics Committee Hearings, So you want to be a Monitoring Officer?, Engaging with the new social media, Proactive Standards & Ethics Committees.

The final session involved a General Discussion and Closing Remarks by Akmal Hanuk, Chair of Cardiff Council Standards & Ethics Committee.