



City of Westminster Standards Committee

Date:	15 November 2010
Classification:	For General Release
Title:	Results of the Best Practice Exercise
Report of:	The Head of Legal and Democratic Services
Wards Involved:	All
Policy Context:	High Ethical Standards
Financial Summary:	There are no financial implications arising
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1. Executive Summary

- 1.1 This report sets out details of the results of the best practice exercise, agreed as part of the response to the follow-up ethical governance audit. The findings of the follow-up audit, presented to the Committee at its meeting on the 15 February 2010, raised the issue of how the Standards Committee can raise its profile, have a greater impact and widen its role. The Committee subsequently agreed to undertake a best practice exercise to explore and compare the role of other local authority Standards Committees, with a view to improving the Council's own standards framework.
- 1.2 The results of the exercise will not only be used to improve our own best practice approach but inform the response to the impending consultation on what the Government has planned to replace the existing Standards regime.

2. Recommendations

- 2.1 That the Committee note the content of the report and advise on any areas it wishes Officers to investigate further, with a view to improving the City Council's own governance arrangements.

3. Background

- 3.1 As agreed by the follow-up audit action plan, Officers authored a comprehensive ethical governance questionnaire (attached as appendix 1) which aimed to learn about the good practices of other local authorities and benchmark Westminster's Standards framework against the findings. The questionnaire was circulated between July and August of this year to all London Borough Councils, as well as some other authorities which are recognised as having an excellent Standards regime in place (by the LGA).
- 3.2 The questions were chosen to firstly, gain some basic contextual information about the Committee and its role, secondly, find out what measures other local authorities have taken to maintain and promote ethical governance and thirdly, gain an understanding of what, in the view of that authority, has worked well and what has not.

Results

4. Size and Composition of the Standards Committee

- 4.1 The questionnaire asked participating authorities to describe the size and composition of its Committee (specifying the ratio of Independent Members to elected majority and minority party Members) and explain why it was chosen. Most of the authorities who responded reported that their Committee had a majority of Independent Members and an equal majority:minority party ratio. Perhaps the most striking example of this is Islington LBC, whose Standards Committee comprises of 5 Independent Members and 2 elected Members – one from each party who are the respective Chief Whips. Where the number of Independents were not in the overall majority, the elected Members did not overwhelmingly exceed them and balance was generally achieved. One Council even reported a higher ratio of minority party than majority party Members (4:2). However, in this case the Council in question comprised of two minority parties, making a more reflective ratio 2:2:2.
- 4.2 The general explanation for the size and composition of the Standards Committee, as outlined above, was that a majority of Independent Members was appropriate for the purpose of the Committee, to reflect best practice and truly ensure the Committee is independent. It seems that the priority of many Councils was not simply to comply with the membership regulations, but to go beyond this to ensure the composition of the Committee inspires confidence in the public that the Committee is serving its purpose as effectively as possible.
- 4.3 Other motivations for the composition of the respective Standards Committees were practical. Namely, that a certain number of Independents are required for chairing the assessment and hearing Sub-Committees and a certain number of Members required to sit on them to enable a quorum. Some Councils reported that the membership of their Committee has enlarged over the years to allow for a greater degree of flexibility when arranging Sub-Committee meetings.

Benchmarking

- 4.4 From the responses received, the composition of the City Council's Standards Committee is atypical with regard to the fact that there are twice as many elected Members as Independent Members and the majority party substantially outweighs the minority party 6:2.

5. The Role of the Standards Committee

- 5.1 The questionnaire asked participants to describe the role their Standards Committee has within the authority and detail its main functions. From the responses received, the core functions of the Standards Committees were broadly similar – to maintain and update the Code of Conduct, to undertake an assessment, review or hearing of complaints against Members and to grant dispensations (among others). However, certain Standards Committees were given wider powers and responsibilities than others.
- 5.2 Notably, the London Borough of Croydon's Standards Committee are involved in a number of areas within the Council beyond that of the majority of reported remits, including issuing advice, briefings and guidance to Members and championing the Council's learning and development programme for Members. The Committee has also considered reports about and been involved in commenting on: Member's expenses, security provisions in relation to email systems for handling and holding sensitive data, the Council's information management strategy and a Members only IT portal which contains a video library of Members seminars for later viewing by Members.

Benchmarking

- 5.3 Comparatively, the role of the City Council's Standards Committee is in-line with the vast majority of participating local authorities. Whether the City Council's Standards Committee should expand its remit, and what those appropriate areas of expansion should be, is something to consider. This is however best left until the Government's proposals have been published in full. The Committee may also wish to consider ways in which it can receive information to enable Members to identify areas for expansion. Some local authorities reported that Senior Officers are invited to address the Committee to outline the ethical governance arrangements within their area of responsibility. Such a practice may aid the Committee in the aforementioned task.

6. The Role of the Independent Members

- 6.1 The questionnaire asked participants to note any role the Independent Members of their Standards Committee have outside the Committee. There were three commonly cited roles:
1. The regular attendance of Independent Members at other Committee meetings – to gain a better understanding of the Council and also to feedback on how the meeting ran, was Chaired etc.

2. The attendance of the Chairman at a full Council meeting to present the Standard Committee's annual report.
3. Holding meetings with the Monitoring Officer, Leader of the Council and/or Leaders of the main political parties to discuss ethical governance issues.

6.2 Notably, the Chair of Suffolk County Council's Standards Committee works with the Chair of the Audit Committee to compile a quarterly newsletter on governance issues ('Raising the Standard'), sent to all Members. The Chair of Leeds City Council's Standards Committee holds quarterly meetings with the alternate Leaders of the Council, the Leader of the Opposition, the Chief Executive, the Monitoring Officer and the Chair of the Corporate Governance and Audit Committee, of which he is a co-opted non-voting Member.

Benchmarking

- 6.3 The Committee's Independent Members do not attend other Committee meetings regularly, as a matter of course, but have attended Planning meetings and full Council meetings in the past. The Chairman of the Standards Committee does not meet with the party leaders, but does meet with the Monitoring Officer (Head of Legal and Democratic Services) prior to each Standards Committee to discuss the issues to be considered on the agenda. The Chairman does not present the annual report to full Council, but the annual ethical governance report submitted to and endorsed by the Committee is circulated by the Committee's Chairman.
- 6.4 With regard to the subject of a newsletter, the Audit Clientside team produce the quarterly 'Audit Newsletter' which includes updates and information on audit, fraud and governance issues during the period. Members (elected or Independent) are not involved in its production, however, in recent months the Legal and Democratic Services Officers involved in work of the Standards Committee have contributed to the newsletter with relevant updates on ethical governance issues.

7. Promoting Ethical Standards Internally and Externally

- 7.1 Participating authorities were asked about the role their Standards Committee plays in promoting democracy or ethical standards either internally or externally. A common message from the responses was that, although the ethical standards of the authority were often promoted in numerous ways within the respective Council, progress made in extending this to the wider public realm has been limited.

Benchmarking

- 7.2 Many of the measures taken by participating authorities to promote democracy and ethical standards internally are ones which Westminster have already implemented. Some of these, such as introducing an ethical governance component to the corporate induction programme for new employees and Members, have been put into practice for some time, whereas

others, such as promoting ethical governance on the staff intranet, in newsletters and in training courses are recent innovations.

7.3 As the responses suggest, it can be more difficult to find effective ways of promoting the ethical governance of the Council externally. However, Westminster does this to a degree by utilising a web page dedicated to the Standards Committee in the Governance section of its website. This page contains the following information:

- a brief description of the Committee;
- a link to the Committee's terms of reference;
- details of the Committee's membership and its forthcoming meetings;
- a link to all its agendas and reports;
- a Monitoring Officer Protocol;
- the Procedure for Complaints against Members of the Council; and
- details of the Independent Members of the Standards Committee, including their Register of Interests for the purposes of transparency.

As detailed in a report received by the Committee at its last meeting, the City Council has also implemented measures to promote and ensure high ethical standards from council contractors and frontline staff.

8. Strengths and Weaknesses of the Standards Regime

8.1 Participating authorities were asked to share their views on the current standards regime with regard to complaints. As we now know from the recent proposals detailed in the Localism Bill, the Government plans to legislate to make serious Councillor misconduct a criminal offence dealt with by the courts, while a newly empowered Local Government Ombudsman will investigate public complaints on behalf the electorate.

Interestingly, the responses received reflected many of the problems cited by the Government as reasons for the above mentioned changes. One participating local authority stated that, in their view, the biggest problem was the overwhelming temptation for politicians to use the complaints system to attack political opponents. The Council in question reported that every complaint they had received to date was from a serving or former councillor against another elected member. No complaints had been received from a member of the public. This Council's experience appears to reiterate the Government's view that the current Standards regime has become a vehicle for malicious and frivolous complaints.

Fortunately, this experience is not one which the City Council shares. Westminster has received few complaints, but the ones it has received have been from both elected Members and members of the public – none of which have, following investigation, required serious further action.

8.2 Another problem mentioned was that the current complaints process has many unnecessary stages and prolongs the procedures beyond what is required. With regard to the issue of prolonged timescales for the

determination of complaints, the City Council has already recognised this as a problem and, at its last meeting, the Committee approved amendments to the Local Procedures Protocol which substantially reduced the overall time taken for complaints against members.

- 8.3 One Council commented that the disclosure of information is an issue that continues to be debated amongst its members – specifically the point at which a member should be informed if they are the subject of a complaint. Some of its Standards Committee members are of the view that full details of the complaint should be given straight away, rather than once the Assessment Sub-Committee has met to consider the complaint.
- 8.4 Having a clearly outlined complaints process was considered to be both a strength and a weakness. In one sense, it is useful to have a defined complaints protocol to follow – providing a common structure and assessment criteria for all local authorities. However, many participants considered the current arrangements to be overly-bureaucratic and time consuming in respect of necessitating meetings for each stage of the process and disallowing any initial filter of complaints (such as the judgement of the Monitoring Officer) beyond a formal Sub-Committee.

9. Conclusion

- 9.1 This report summarises the results of the best practise exercise undertaken and provides the Committee with a comparison between the make-up and operation of the City Council's Standards Committee and that of other local authorities. The Committee are invited to use this information to assess whether changes to the current Standards Committee are necessary or desirable, with a view to improving ethical governance at Westminster. With the Government's proposals in mind (as detailed in Item 3 of the agenda for this meeting and in 8.1 above), the report also aims to provoke initial thoughts about the forthcoming changes to the Standards regime and feed-in to the City Council's response to those proposals.

If you have any queries about this report or wish to inspect any of the Background Papers, Please Contact Naomi Stauber
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Background Papers:

- Questionnaire response – London Borough of Barnet
- Questionnaire response – London Borough of Croydon
- Questionnaire response – London Borough of Enfield
- Questionnaire response – London Borough of Havering
- Questionnaire response – London Borough of Hounslow

- Questionnaire response – London Borough of Islington
- Questionnaire response – Kent County Council
- Questionnaire response – Royal Borough of Kingston upon Thames
- Questionnaire response – London Borough of Lambeth
- Questionnaire response – Leeds City Council
- Questionnaire response – London Borough of Merton
- Questionnaire response – Metropolitan Police Authority
- Questionnaire response – Suffolk County Council
- Questionnaire response – London Borough of Wandsworth