

Communities and Local Government

Unlocking the talent of our communities

1. The Standards Board for England welcomes the opportunity to contribute to this debate on forging more influence, control and ownership by local people for the benefit of local democracy and improving public services and local areas. While these factors are inextricably linked, our input to this debate focuses on encouraging active citizenship, reviving civic society and local democracy and strengthening local accountability.
2. The Standards Board for England was set up under Part III of the Local Government Act 2000. Its role is to promote and maintain high standards of conduct in local government. It currently receives allegations that the member Code of Conduct has been breached and can, if necessary, refer the allegation for investigation.
3. The Local Government and Public Involvement in Health Act 2007 introduces a locally managed framework of compliance with the Code of Conduct and a new over-arching and strategic regulatory role for the Standards Board.
4. The new system will involve local standards committees making initial assessments of misconduct allegations, and most cases being handled locally. The Standards Board will champion and promote high standards, provide support and guidance and ensure an effective local standards framework. The new arrangements will emphasise the importance of local ownership of standards, support transparency and accountability in decision making, and thereby improve local public confidence in local government.

5. We agree with the position adopted in the paper '*Unlocking the Talent of Our Communities*' that developing public services that are truly able to respond to local need is dependent on citizen engagement, and belief and confidence in local democracy.

6. Our key message in this submission is that designing good ethical governance into our system of local government, and ensuring that the public are aware of the accountability mechanisms that this brings, will help ensure public confidence and trust in local government. This is particularly important at present given the accountability gap created by the emphasis on local empowerment and partnership working. We suggest that sustaining a good ethical environment necessitates high standards and their promotion, accountability and leadership.

7. Our response, below, follows the format of the questions outlined in your consultation paper.

Encouraging active citizenship, and reviving civic society and local democracy

- What is the role of government in encouraging and supporting citizens to be active?

 - What steps need to be taken to revive involvement in local civic and democratic roles?
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8. There is general agreement that public disengagement from politics, clearly reflected in the fall in general election turnouts since 1992¹, is not just about political apathy, but is also about distrust of politicians generally. The Councillors Commission report, *Representing the Future*

¹ Ipsos MORI, Social Research Institute, Blair's Britain: the political legacy

(2007), concluded that there was “a prevailing atmosphere of public mistrust with formal politics, political parties and institutions of government”. *The Power Inquiry* (2006) into disengagement from formal democratic politics concluded that political institutions were perceived as untrustworthy, and research commissioned by the Standards Board suggests that much work needs to be done to improve the trust that citizens have in local government (Ipsos MORI 2005, GfK NOP 2007).

9. Ethics and standards of behaviour are a cornerstone of ensuring confidence in local government. Indeed, the Local Government Minister, John Healey (January 2008), has said, “we are committed to devolving decision-making as much as possible to the local level, and local councils are best placed to deal with all but the most serious conduct issues. This new tough but proportionate regime means the public will be able to have full confidence in their local representatives.”

10. The importance of promoting high standards in public life has been recognised in the recent concordat between central and local government, developed by the Department for Communities and Local Government and the Local Government Association. The Councillors Commission, referred to above, also recommended that maintaining high standards and ethics should be a key feature of any councillor role description. Indeed, our research amongst monitoring officers and members found that 80% of respondents felt that maintaining exemplary standards of behaviour for members is one of the most important issues facing local government (BMG survey of satisfaction with the Standards Board, 2007).

11. There are not high numbers of incidents of serious poor behaviour by local councillors. However, where they do occur, they have a

If the public are to be engaged with the democratic process, it is crucial that members adhere to exemplary standards of conduct and behaviour.

12. The emerging picture from our research is that the perception amongst council members and officers is that standards of behaviour are improving. Crucially, however, this is not translating into changes in public perceptions. One explanation for these differences may lie in the low levels of public awareness of their local councillors and low levels of contact with them (*Ipsos MORI 2005, GfK NOP 2007*).

13. Therefore the Standards Board supports and encourages local authorities to be proactive in promoting to the public what standards of behaviour councillors are expected to adhere to, and what the authority is doing to ensure that this happens. To support local authorities, the Standards Board is producing a range of comprehensive guidance on their new role. In our guidance for standards committees we emphasise the point that standards committees will be at the heart of the new arrangements and a key role for them will be ensuring that the highest standards are an intrinsic part of the culture of a local authority. It is important that standards committees take a proactive approach to promoting standards both internally within a council and externally to raise awareness and promote confidence amongst the general public.

Strengthening local accountability

- What more is needed to encourage consistently strong local leadership?
- How best can we increase opportunities for communities to hold public officials to account?

14. Leadership is an important vehicle for supporting and promoting an ethical culture. The leadership of an authority has a key role in championing and living out values of ethical standards. A further role of the leadership, which is also outlined in the CIPFA/SOLACE Good Governance Framework, which the Standards Board contributed to, is to ensure the systems and processes which ensure an ethical environment are in place and to monitor that these are working.

15. The Local Government and Public Involvement in Health Act 2007 gives local government greater responsibility for ensuring high standards of conduct, including the assessment of allegations in the first instance and undertaking a greater proportion of investigations than previously. The Standards Board believes that the highest ethical standards should be at the heart of each authority's culture and lived out on a daily basis, with leadership from the top.

16. As things currently stand, the behaviour of councillors is regulated through a framework of accountability including a Code of Conduct. In response to a Parliamentary Question, the government recently expressed their commitment to considering the introduction of a statutory model code of conduct for officers. The Standards Board for England strongly supports the latter development, as it is extremely important that those responsible for decision-making and the allocation of resources are seen to be accountable. A Code for Officers will be complementary to that for members and the delay in this has been unfair to members who have had to adhere to higher standards of behaviour than officers, some of whom have considerable decision-making powers.

17. Non-elected individuals or bodies who are involved in decision-making (as a result of partnership working or devolution), whilst often subject to different forms of accountability, are not subject to the same rules

governing their behaviour. They may be subject to employment contracts or other contractual arrangements, but it is important that the partnership is underpinned by shared values that reflect the Principles of Public Life.

18. Research undertaken for the Standards Board for England by the University of Manchester (Greasley et al, 2006) highlighted the problems of differences between organisations in partnership with respect to openness and transparency, inconsistency in the codes of conduct that partners are working to, and the difficulties of enforcement. A further problem, and one identified in the Councillors Commission report, is that the plethora of organisations involved in the provision of services, combined with the various governance arrangements, makes it difficult for the public to understand local governance arrangements, and subsequently it is hard for them to feel a sense of engagement with what is happening at a local level.
19. People involved in partnership arrangements are often making decisions or allocating resources that affect the lives of the wider public without necessarily being accountable for those decisions. Ultimately, local people should be able to see that the people making the decisions in their local area, whether that is in the capacity of a local businessperson sitting on a Local Strategic Partnership or their elected member, are not bolstering their own protected interests but have to account publicly for their decisions. It is important that high standards of behaviour are built into any system where people are making decisions on behalf of the wider public.
20. Closing the accountability gap will involve a locally agreed framework of values that all decision makers agree to adhere to. This does not mean a 'one size fits all' set of rules. However, there does need to be an accountability framework which is commensurate with the risk

involved in terms of the nature of the decision-making, does not duplicate existing regulatory safeguards and helps ensure public confidence in local governance systems. We are concerned to ensure that the emphasis on innovation in partnerships on the one hand, is matched with clear and proportionate accountability on the other. Councils, as elected multi-purpose authorities, have a unique democratic legitimacy to take the lead in local partnerships and ensure an appropriate accountability framework.

21. Local government, as the body with democratic legitimacy and demonstrable high standards, has both the right and the responsibility to lead the development of an appropriate local accountability framework and define the standards it would expect from partners in the context of its own communities' needs. By demonstrating that it lives out high standards and holds those within its community to the same high standards, local government can take a further step in building trust with the communities it has been elected to serve.

22. Exemplary ethical standards help build confidence in local democracy, and play a role in encouraging a more active citizenship. Developing public services that are truly able to respond to local need is dependent on citizen engagement. Trust and confidence in local democracy is key to achieving fuller engagement. Good ethical governance should be designed into our system of local government and also promoted to the public. This is particularly important at present given the accountability gap created by the emphasis on local empowerment and on devolution and partnership working.

23. In short, those involved in local government need to behave in a manner that sets an example since at local level, inevitably, the impact of poor behaviour is at its greatest.