

**City of Durham**

At a Meeting of the **STANDARDS COMMITTEE** held in the Town Hall, Durham, on Thursday, 18<sup>th</sup> December, 2008, at 9.30 a.m.

**Present:** Mr B.R.J. Ingleby (in the Chair)  
and Councillors Lodge and Turnbull (City Council Members)  
and Councillor J.S. Anderson (Parish Council Member)  
and Mrs T. Naples (Independent Members).

**318. APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Holland and Mr Hollingworth.

**319. MINUTES**

The Minutes of the Meeting held on 20<sup>th</sup> November, 2008, were confirmed as a correct record and signed by the Chairman.

Mrs Naples confirmed that copies of the letter sent to Mr Stabler as a consequence of Minute No. 276 had been circulated to all Members and further correspondence had been received. The Committee discussed the fact that Mr Stabler was attempting to prolong the correspondence despite the fact that the Committee had been clear in their stance. As a consequence of the repeated correspondence, the Committee discussed what action should be taken in relation to the continuing correspondence.

**Resolved:** That the Chair of the Committee write to Mr Stabler to reaffirm the previous decision of the Committee that individual replies to him not be sent and that staff had been instructed not to deal with correspondence from Mr Stabler which related to procedural issues.

**320. DECLARATION OF MEMBERS INTERESTS**

There were no declarations of interests.

**Report of the Monitoring Officer**

**321. COMPLAINTS TO THE STANDARDS BOARD FOR ENGLAND**

**SBE 21948.08 – SBE 21953.08**

Following a discussion with the Standards Board for England, it was agreed that the outcome of this investigation should be combined with the investigations currently being conducted in respect of complaints SC0019.08 to SC0046.08

**Resolved:** That the report be noted.

**322. COMPLAINTS TO THE STANDARDS COMMITTEE**

The Monitoring Officer updated the Committee as to progress on matters A - L of her report and confirmed that full details of each complaint would be reported as appropriate once concluded.

**Resolved:** That the report be noted.

**323. CONSULTATION ON CODE OF CONDUCT FOR LOCAL AUTHORITY MEMBERS AND EMPLOYEES**

Comments had been respect in of the consultation and the response would now be forwarded and reported as appropriate

**Resolved:** That the report be noted.

**324. FEEDBACK ON THE LOCAL ASSESSMENT PROCEDURE**

The Local Assessment Procedure has been in place since 8<sup>th</sup> May, 2008, and a number of hearings and reviews had been conducted. The Committee discussed how the process was working, including the frequency and administration of the meetings and concluded that things were working well and that they were happy with the procedures which had been adopted. It was agreed that consistency was being achieved and should be strived for particularly in respect of the time scales in which complaints were considered. The Committee would usually not wish to take action in respect of complaints which were more than 12 months old, however could choose to exercise their discretion in respect of such complaints should the circumstances surrounding the complaint require them to do so.

**Resolved:** That the Monitoring Officer amend the guidance to complainants to reflect the Committee's view on the age of complaints.

**325. BULLETIN 41**

Bulletin 41 from the Standards Board for England was provided for information.

**Resolved:** The information be noted.

The meeting terminated at 10.15 a.m.

Chairman

**CITY OF DURHAM**

**STANDARDS COMMITTEE  
19<sup>th</sup> January 2009**

**REPORT OF MONITORING OFFICER**

**1. Complaints to Standards Board for England**

**(a) SBE21948 – SBE21953.08**

The report will be circulated under separate cover.

**2. Complaints to Standards Committee**

**(a) SC0003.08**

The report of the investigating officer is attached for the consideration of the Committee.

**(b) SC0004.08**

The report of the investigating officer is attached for the consideration of the Committee.

**(c) SC0014.08**

Mr Malcolm Stabler (the Complainant) submitted a complaint in relation to the alleged conduct of Councillor Morland of West Rainton & Leamside Parish Council (the Member) in accordance with the Local Assessment of Complaints. The complaint was received by the Councils Monitoring Officer on 7 September 2008. The Local Assessment Sub-Committee considered the matter on the 5 November 2008 and determined to take no further action in relation to the complaint. A Review of that decision was requested by email dated 17 November 2008, and the Review Sub-Committee considered the complaint on 18<sup>th</sup> December 2008.

The Complainant alleged that the Member:-

1. Failed to treat the Complainant with respect
2. Acted in a manner which compromised the impartiality of a person working on behalf of the Council
3. Conducted himself in a manner which brought the office or authority into disrepute
4. Failed to register an interest
5. Failed to declare an interest

If proven, the above allegations may have constituted a breach of the following elements of the Code of Conduct:-

- 3.(1) You must treat others with respect
- 3.2 (d) You must not do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 9.(1) Subject to sub-paragraphs (2) to (7), where you have a personal interest in any business of your authority and you attend a meeting of your authority at which the business is considered, you must disclose to that meeting the existence and nature of that interest at the commencement of that consideration , or when the interest becomes apparent;
- 13.(1) Subject to paragraph 14, you must, within 28 days of-
  - (a) the Code being adopted by or applied to your authority; or
  - (b) your election or appointment to office (where that is later) register in your authority's Register of Members' Interests (maintained under Section 81(1) of the Local Government Act 2000) details of your personal interests where they fall within a category mentioned in paragraph 8(1)(a), by providing written notification to your authority's Monitoring Officer.

In accordance with Section 57A(2) of the Local Government Act 2000, as amended, both the Assessment Sub-Committee and the Review Sub-Committee of the Standards Committee have decided that no action should be taken in respect of any of the allegations.

**(d) SC0015.08 – SC0018.08**

Mr Malcolm Stabler (the Complainant) submitted a complaint in relation to the alleged conduct of Councillors Carr, Mason, Morland and Percival of West Rainton & Leamside Parish Council (the Members) in accordance with the Local Assessment of Complaints. The complaint was received by the Councils Monitoring Officer on 7 September 2008. The Local Assessment Sub-Committee considered the matter on the 5 November 2008 and determined to take no further action in relation to the complaint. A Review of that decision was requested by email dated 17 November 2008, and the Review Sub-Committee considered the complaint on 18<sup>th</sup> December 2008.

The Complainant alleged that the Members:-

1. Failed to treat the Complainant with respect
2. Caused the authority to breach equality Enactments
3. Acted in a manner which compromised the impartiality a person working on behalf of the Council
4. Prevented another person from gaining access to information to which that person is entitled by law
5. Conducted himself in a manner which brought the office or authority into disrepute
6. Used their position as a Member improperly to confer on or secure for them or any other person an advantage or disadvantage

If proven, the above allegations would appear to involve the following elements of the Code of Conduct:-

- 3(1) You must treat others with respect
- 3.2 (a) [You must not] do anything which may cause your authority to breach any of the equality Enactments (as defined in Section 33 of the Equality Act 2006)
- (d) [You must not} do anything which compromises or is likely to compromise the impartiality of those who work for, or on behalf of, your authority.
- 4 (b) [You must not] prevent another person from gaining access to information to which that person is entitled by law.

5. You must not conduct yourself in a manner which could reasonably be regarded as bringing your office or authority into disrepute.
- 6(a) You must not use or attempt to use your position as a member improperly to confer on or secure for yourself or any other person, and advantage or disadvantage.

In accordance with Section 57A (2) of the Local Government Act 2000, as amended, both the Assessment Sub-Committee and Review Sub-Committee of the Standards Committee have decided that no action should be taken in respect of any of the allegations.

**(e) SC0019.08 – SC0026.08**

The report of the investigating officer will be circulated once received.

**(f) SC0027.08 – SC0030.08**

The report of the investigating officer will be circulated once received.

**(g) SC0031.08 – SC0039.08**

Complaints have been received in relation to eight parish councillors and a parish Clerk. The matter was considered by the Assessment Sub-Committee on accordance with the local assessment procedure on 3<sup>rd</sup> December 2008. The Assessment Sub-Committee decided to take no further action in respect of the complaint. A request for a review has been received and a Review Sub-Committee is in the process of being arranged.

The complainant has until 21<sup>st</sup> January 2009 to request a review of the decision.

**(h) SC0040.08 – SC0046.08**

The report of the investigating officer will be circulated once received.

**(i) SC0047.08**

The report of the investigating officer will be circulated once received.

**(j) SC0048.08**

A complaint has been received in relation to the conduct of a parish councillor. An assessment hearing took place on 3<sup>rd</sup> December 2008. The Sub-Committee decided to take no further action in relation to the Complaint.

The Complainant has until 21<sup>st</sup> January 2009 to request a review of the decision.

**(k) SC0049.08 – SC0050.08**

A complaint has been received in relation to the conduct of a parish councillor. An assessment hearing took place on 3<sup>rd</sup> December 2008. The Sub-Committee decided to refer the matter to the Monitoring Officer for further investigation.

**(I) SC0051.08**

A complaint has been received in relation to the conduct of an ex-district councillor. An assessment hearing took place on 3<sup>rd</sup> December 2008. The Sub-Committee decided to take no further action in relation to the Complaint.

**3. Third National Survey of Public Attitudes on Standards of Conduct in public life.**

The Committee on Standards in Public Life have issued a press notice in respect of their third national survey of public attitudes on standards of conduct in public life. A copy of the press notice is attached for Members information.

**4. DCLG Case tribunal Regulations**

DCLG – case tribunal regulations 2008 – SI/2938

**5. Call for evidence on Local Leadership and Public Trust: Openness and Accountability in Local and London Government.**

The Committee on Standards in Public Life has launched an inquiry into local leadership, the exercise of power and how decisions are made, in the wake of the introduction of executive models of government at the beginning of the decade.

The Committee inquiry will assess how well the new arrangements reflect the requirements for openness and accountability in the Seven Principles of public life, and what impact these changes have had on public trust and confidence in government. The findings will be reported to the Prime Minister and the leaders of the devolved governments, and will where necessary include recommendations on how the effectiveness of the current arrangements could be improved.

Submissions are requested from interested parties by 25<sup>th</sup> February 2009. Submissions need not be restricted to the issues raised in the paper. Public meetings will take place across the UK in March, April and May.

## **PRESS NOTICE**

**PN217**

**10 November 2008**

### **THIRD NATIONAL SURVEY OF PUBLIC ATTITUDES ON STANDARDS OF CONDUCT IN PUBLIC LIFE PUBLISHED**

The Committee on Standards in Public Life today published the results from their third biennial national survey of public attitudes on standards of conduct in public life.

The research, conducted by BMRB Social Research for the Committee, uses information gathered from face-to-face interviews with a random sample of over 2000 people across the UK. It offers an opportunity to assess public attitudes, expectations and perceptions about the behaviour of those in public life against the previous surveys conducted in 2004 and 2006.

For example, the 2008 survey shows that:

- Most people think that standards of conduct of office holders in the UK overall are 'fairly high' (38%) or neither high nor low (38%) but 20 per cent in 2008 rate standards as 'low', compared with 12 per cent in both 2004 and 2006. 41% believe that standards have fallen, as against 30% in earlier surveys. And public confidence that the authorities are committed to upholding standards and that people will be punished for wrong doing has also declined (from 59% to 52% for confidence, and from 44 to 33% for punishment)
- People continue to show very high levels of confidence in the honesty of front line professionals but lower levels of trust in national politicians. However, a new survey measure suggests that confidence may have been underestimated in the past. On the new measure, 44% say they would trust

government ministers 'a lot' or 'a fair amount' to tell the truth, compared to 94% for family doctors, 83% for head teachers, 42% for estate agents and 33% for tabloid journalists.

- People's beliefs in what values should underlie public office have remained broadly similar over the three surveys. While 'telling the truth' remains the behaviour that most people value, fewer people in 2008 (47%) rank it among the three most important values than in previous years (53%) and almost as many people in 2008 choose financial prudence (44%).
- People are less satisfied with the way in which government ministers perform their jobs in 2008 than in previous years. For example, 22 per cent of people think that all or most government ministers tell the truth, compared with 27% in 2006. In contrast, people's confidence that MPs decision making in the House of Commons will be guided by factors that the public believes to be acceptable has risen, with 63% expressing confidence in comparison to 52% in 2004.
- Levels of confidence in the electoral system are reasonably high, but people are attracted to the greater security and accuracy of individual voter registration.
- People living in Wales, Scotland and Northern Ireland are consistently more positive about standards of conduct in their own country than about standards in the UK as a whole. For example, 47 per cent of respondents rated standards of conduct in Wales as high compared with 39 per cent rating standards in the UK as a whole as high. In Scotland, 47 per cent rated standards of conduct in Scotland as high, compared with 42 per cent for the UK. In Northern Ireland, 49 per cent of respondents rated standards overall in Northern Ireland as high, compared with 41 per cent for the UK.

Commenting on the new research, Chairman of the Committee on Standards in Public Life, Sir Christopher Kelly said:



“The research shows that people’s perceptions of standards in public life have been fairly stable over the three surveys, but there are some worrying trends. For example 41% of respondents thought that standards had deteriorated over the past few years compared with only 30% in both 2004 and 2006. People are also less satisfied with the way in which government ministers perform their jobs, with only 38% thinking that all or most government ministers do not use their power for their own gain compared to 49% in 2006.

“As in previous years, the public continue to show high levels of confidence in front line professionals such as doctors and teachers. National politicians whether MPs or Ministers continue to languish near the bottom of the league tables, ranked alongside estate agents and tabloid journalists.

“It is interesting to note that, across the board, people in Northern Ireland, Wales and Scotland perceive standards within their own jurisdiction as higher than those in the UK as a whole. This backs up a major trend in the research which illustrates the fact that people feel more comfortable with ‘local’ elected representatives as opposed to generic national representatives as a whole.

“The changes to the ethical culture over the last 14 years have, I believe, put in place greater transparency and accountability. Ultimately, however, it is the duty of all public servants to ensure that their behaviour is of the highest standard and that they consider how their own and their organisation’s behaviour matches up to the expectations placed up on them by the public.

“What is clear from this survey is that the public have clear and strong views about the standards that those in positions of public trust should be meeting and that it matters greatly that those standards are met.”

### **Notes to Editors**

1. Media enquiries about the work of the Committee should go to Maggie O’Boyle on 07880 740627.

2. Full copies of the BMRB research "Survey of public attitudes towards conduct in public life 2006" please go to [www.public-standards.org.uk](http://www.public-standards.org.uk) or telephone 020 7276 2589, or e-mail to [standard.evidence@gtnet.gov.uk](mailto:standard.evidence@gtnet.gov.uk) or collect a copy from the Committee at 35 Great Smith Street, London SW1P 3BQ.
3. The Committee's standing terms of reference are: "To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life."
4. On 12 November 1997 additional terms of reference for the study on the funding of political parties were announced by the then Prime Minister as: "To review issues in relation to the funding of political parties, and to make recommendations as to arrangements." The Committee's terms of reference specifically preclude it from investigating individual cases or specific allegations of misconduct. Nor has the Committee any powers to require others to do so. But the Committee may take account of information on material cases in formulating its recommendations.
5. The full current membership of the Committee is: Sir Christopher Kelly KCB (Chair), Lloyd Clarke QPM, Oliver Heald MP, Sir Derek Morris MA Dphil, Baroness Maddock, The Rt Hon Alun Michael JP MP, Dame Denise Platt DBE, Dr Elizabeth Vallance JP and Dr Brian Woods-Scawen DL CBE.
6. BMRB Social Research contact Bruce Hayward Tel: 0208 433 4072
7. Welsh Assembly Government Press Office contact Non Jones Tel: 02920 898683
8. Northern Ireland Executive Press Office contact Paddy Cullen on 02890 521840 or Jeremy Gardner on 02890 521905.
9. Scottish Government Press Office contact Murray Meikle on 0131 244 2852 or Emma Shea on 0131 244 3054.

**Issued by:**

**The Committee on Standards in Further information from:**

**Public Life**

**35 Great Smith Street**

**London**

**SW1P 3BQ**

**Internet site:**

**[www.public-standards.org.uk](http://www.public-standards.org.uk)**

**e-mail:**

**[public@standards.x.gsi.gov.uk](mailto:public@standards.x.gsi.gov.uk)**

**Maggie O'Boyle**

**Press Officer**

**Mobile:07880 740627**

**Ruth Alaile**

**Secretary to the Committee**

**Tel: 0207 276 2597**

**Mobile: 07818 075284**

**Peter Hawthorne**

**Assistant Secretary to the Committee**

**Tel: 020 7276 2598**

**Mobile: 07718031477**



C. Greenlay  
Step 19/1/09.

1 December 2008

To Chief Executives of:  
County Councils and District Councils in England  
London Borough Councils  
The Greater London Authority  
National Park Authorities  
The Broads Authority

The Clerk:  
City of London  
Council of the Isles of Scilly  
Combined Fire and Rescue Authorities  
Fire and Civil Defence Authorities  
Police Authorities in England

RECEPTION SERVICES  
09 DEC 2008  
CITY OF DURHAM

Dear Colleague

**THE CASE TRIBUNALS (ENGLAND) REGULATIONS 2008 (SI 2008/2938)**

I am writing to let you know that the Department issued on 18 November 2008 the Case Tribunals (England) Regulations 2008. The Regulations will come into effect on 12 December 2008 and are available to online at [http://www.opsi.gov.uk/si/si2008/uksi\\_20082938\\_en\\_1](http://www.opsi.gov.uk/si/si2008/uksi_20082938_en_1).

Following the introduction of the new devolved conduct regime for local authority members in May 2008, under the Local Government Act 2000, as amended, and the Standards Committee (England) Regulations 2008 (SI 2008/1085), the Department has now issued the Case Tribunals (England) Regulations 2008, which make provision regarding:

- the sanctions available to a case tribunal of the Adjudication Panel for England where it has determined that a local authority member has failed to comply with his or her authority's code of conduct. The sanctions available to case tribunals will range from censuring a member or requiring them to participate in a process of conciliation to disqualifying a member from office for five years;
- the content and effect of decision notices served on local authority standards committees by a case tribunal of the Adjudication Panel; and
- the circumstances in which a reference of a matter by an ethical standards officer to the Adjudication Panel may be withdrawn, and the procedure for doing so.

Karl Holden  
Policy Adviser  
Conduct and Council Constitution Team  
Department for Communities and Local Government  
Eland House  
Bressenden Place  
London, SW1E 5DU

Tel 020 7944 5962

The Regulations have been informed by responses to the consultation paper, '*Orders and Regulations Relating to the Conduct of Local Authority Members in England*', which the Department published in January this year. The Department is grateful to all who responded to the consultation and helped to shape the Regulations, and in particular to the many local authorities and their representative bodies, including the LGA, NALC, ACSeS, and SOLACE, who commented.

We are also grateful to the Standards Board, the Adjudication Panel for England and the Administrative Justice and Tribunals Council for the key role they have played in the consultation process and the formulation of the Regulations. In the coming months, the Standards Board will be publishing guidance on the circumstances where an ethical standards officer may withdraw a reference made to the president of the Adjudication Panel, and the procedure for doing so. The Adjudication Panel will also be publishing guidance on the sanctions available to a case tribunal and the content and effect of decision notices of case tribunals.

A summary of the consultation responses, and the Department's response to those comments and issues raised by consultees, can be viewed on the Department's website at <http://www.communities.gov.uk/publications/localgovernment/lamembersconduct>.

Yours sincerely

Karl Holden  
**Policy Adviser**

# Committee on Standards in Public Life

**Standards in  
Public Life**

35 Great Smith Street, London, SW1P 3BQ  
Tel: 0207 276 2595  
Fax: 0207 276 2585

Chair: *Sir Christopher Kelly KCB*

Email: [public@standards.x.gsi.gov.uk](mailto:public@standards.x.gsi.gov.uk)

21 DEC 2008

19th December 2008

CITY OF DURHAM

## Call for evidence on Local Leadership and Public Trust: Openness and Accountability in Local and London Government

The Committee on Standards in Public Life has launched an inquiry into local leadership, the exercise of power and how decisions are made, in the wake of the introduction of executive models of leadership in both local and London government at the beginning of the decade.

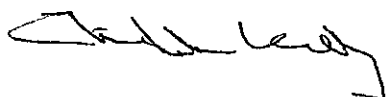
The Committee inquiry will assess how well the new arrangements reflect the requirements for openness and accountability in the Seven Principles of public life and what impact these changes have had on public trust and confidence in local and London government. The findings will be reported to the Prime Minister and the leaders of the devolved governments, and will, where necessary, include recommendations on how the effectiveness of the current arrangements could be improved. For more details go to [www.public-standards.org.uk](http://www.public-standards.org.uk).

We welcome submissions from all interested parties. The consultation paper is also available on our website at [insert link].

You do not have to confine your comments to the issues raised in the paper or indeed answer all the questions posed. **The closing date for responses is Wednesday 25<sup>th</sup> February 2009.** Written submissions should be sent by e-mail to [inquiry@standards.x.gsi.gov.uk](mailto:inquiry@standards.x.gsi.gov.uk).

The Committee will also be holding a series of public hearings throughout the UK during March, April and May.

We look forward to hearing from you.



**Christopher Kelly**

Members: *Lloyd Clarke QPM, Oliver Heald MP, Rt Hon Alun Michael JP MP, Baroness Maddock, Sir Derek Morris MA Dphil, Dame Denise Platt, Dr Elizabeth Vallance JP and Dr Brian Woods-Scawen DL CBE.*

The Committee on Standards in Public Life  
Internet: [www.public-standards.org.uk](http://www.public-standards.org.uk)

Secretary: *Ruth Alaille*





**Local Leadership and Public Trust:  
Openness and Accountability  
in Local and London Government**

**ISSUES AND QUESTIONS PAPER**

**12th Inquiry of the Committee on Standards in Public Life**

**DECEMBER 2008**

## Act in the public interest

Holders of public office should act solely in terms of the public interest. They should not do so in order to gain financial or other benefits for themselves, their family or their friends.

## Integrity

Holders of public office should not place themselves under any financial or other obligation to outside individuals or organisations that might seek to influence them in the performance of their official duties.

## Merit

In carrying out public business, including making public appointments, awarding contracts, or recommending individuals for rewards and benefits, holders of public office should make choices on merit.

## Accountability

Holders of public office are accountable for their decisions and actions to the public and must submit themselves to whatever scrutiny is appropriate to their office.

## Openness

Holders of public office should be as open as possible about all the decisions and actions that they take. They should give reasons for their decisions and restrict information only when the wider public interest clearly demands.

Holders of public office have a duty to declare any private interests relating to their public duties and to take steps to resolve any conflicts arising in a way that protects the public interest.

Holders of public office should promote and support these principles by leadership and example.

# Contents

CHAPTER 1. INTRODUCTION .....	2
The Committee and its terms of reference .....	2
The scope of the inquiry.....	2
Why the Committee is undertaking this inquiry .....	3
Local Leadership and the Seven Principles of Public Life .....	3
Local leadership and public confidence and trust .....	5
Purpose of the consultation paper .....	5
How to submit evidence.....	5
Public hearings .....	6
CHAPTER 2. LOCAL GOVERNMENT.....	7
Background .....	7
Local government: leadership and decision-making.....	7
England .....	8
Wales.....	9
Scotland.....	9
Northern Ireland.....	10
Local government: openness and accountability.....	11
Local government officers: role and accountability.....	13
Local government accountability and partnerships.....	15
CHAPTER 3. LONDON GOVERNMENT.....	16
Background .....	16
London governance.....	16
Leadership and decision-making within the Greater London Authority .....	16
Role of the Assembly: accountability of the Mayor and Assembly.....	17
Appointments within the Greater London Authority .....	19
Relationships and accountability beyond City Hall .....	20
The Greater London Authority and the four functional bodies .....	20
The Greater London Authority and the London boroughs.....	21
The Greater London Authority and central government.....	22
ANNEX A. SUMMARY OF ISSUES .....	24
ANNEX B. PREVIOUS REPORTS .....	25

## CHAPTER 1. INTRODUCTION

### The Committee and its terms of reference

- 1.1. The Committee on Standards in Public Life was set up in October 1994 by the then Prime Minister, Rt. Hon. Sir John Major. Its terms of reference are:

*'To examine current concerns about standards of conduct of all holders of public office, including arrangements relating to financial and commercial activities, and make recommendations as to any changes in present arrangements which might be required to ensure the highest standards of propriety in public life.'*

- 1.2. In November 1997, the then Prime Minister, the Rt. Hon. Tony Blair announced additional terms of reference:

*'To review issues in relation to the funding of political parties, and to make recommendations as to any changes in present arrangements.'*

- 1.3. This inquiry is located within these combined terms of reference.

- 1.4. The Chair of the Committee is Sir Christopher Kelly. The other members of the Committee are Lloyd Clarke, Oliver Heald MP, Baroness Maddock, Rt. Hon. Alun Michael MP, Sir Derek Morris, Dame Denise Platt, Dr Elizabeth Vallance and Brian Woods-Scawen.

### The scope of the inquiry

- 1.5. There are currently 388 local authorities in England, 22 in Wales, 32 in Scotland and 26 in Northern Ireland. Depending on their status and size they are responsible for a wide range of vital services including education, social care, refuse collection, leisure facilities and planning. The London Mayor provides strategic governance for London, is responsible for developing strategies to improve the city, and runs transport services in London.
- 1.6. This inquiry will review how well the governance arrangements for London and local government across the United Kingdom reflect the Seven Principles of Public Life, with a particular emphasis on leadership, openness and accountability. It will also examine what impact these governance arrangements have had on public trust and confidence in public office holders in local and London government.
- 1.7. There are a number of constitutional issues related to local government that the Committee will not be examining, except in so far as they relate to the Committee's interest in the Seven Principle of Public Life. They are:

- How local government is funded.
- The merits of the current restructuring of some local authorities in England.
- The role and functions of local government in England, Northern Ireland, Scotland and Wales.

1.8. Respondents should also note that **the Committee's terms of reference specifically preclude it from investigating individual cases or specific allegations of misconduct. Nor has the Committee any powers to require others to do so.** But the Committee may take account of information on material cases in formulating its recommendations.

## Why the Committee is undertaking this inquiry

### Local Leadership and the Seven Principles of Public Life

1.9. The Committee set out Seven Principles of Public Life in its first report. These principles attempt to capture values that are intrinsic to the nature of public office in a modern, representative democracy.

#### SEVEN PRINCIPLES OF PUBLIC LIFE

Selflessness

Integrity

Objectivity

Accountability

Openness

Honesty

Leadership

1.10. Since its inception in 1994 the Committee has been undertaking inquiries into, and advising on, how the Seven Principles can be wedded into the fabric of public life in the United Kingdom.

1.11. The Committee first examined standards of conduct in local government in England, Scotland and Wales in its third report (1997).<sup>1</sup> It made 39 recommendations which were designed to facilitate the implementation of the Seven Principles of Public Life in local government. These recommendations focused on the management and enforcement of standards of conduct, but included other areas as well, such as protocols on member-officer relations; a review of working methods to identify barriers to serving on councils; and rules on openness in planning.

1.12. In 2004-05, the Committee returned to the issue of the management and enforcement of codes of conduct in local government in the light of concerns from the sector.<sup>2</sup> It reiterated its call for a local system for investigating alleged breaches of the member code of

<sup>1</sup> *Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales*, CM3270-1

<sup>2</sup> *Getting the Balance Right: Implementing Standards in Public Life*, CM 6407

conduct. Such a system has now been introduced.

1.13. The way in which decisions are made in towns and cities including London has changed significantly since our last full review of local government. Local authorities in England and Wales have moved away from the traditional committee system of making decisions, and have adopted executive models of decision-making. There are now 13 directly elected mayors in England – The Mayor of London and 12 local authority mayors.<sup>3</sup> Many other areas across the United Kingdom have switched to a leader and cabinet model. Only Northern Ireland fully maintains a committee system across the region. These changes are explained in more detail in Chapters 2 and 3.

1.14. The Government envisaged that these new executive structures would promote better leadership and more effective decision-making, while also improving accountability to local people. The White Paper which proposed the new structures in England and Wales stated:

*'Councils need new structures which create a clear and well known focus for local leadership. Local people should know who takes decisions, who to hold to account, and who to complain to when things go wrong.'*<sup>4</sup>

1.15. A similar aspiration lay behind the creation of the current London governance arrangements.

1.16. The Committee takes the view that openness and the culture of transparency that it fosters are powerful tools for ensuring the proper conduct of public business. They are a necessary prerequisite for holding public office holders to account. It also recognises that that there are multiple approaches to local governance and that different models of accountability might be appropriate for different localities.

1.17. This inquiry is concerned with how well the Seven Principles of Public Life are promoted by the current structures of local and London governance. One of those principles, accountability, has been brought into sharp focus recently by incidents involving children's services in England. The Committee would welcome views and evidence on how power is exercised, i.e. how decisions are being made in local and London government and whether, in practice, the standards of openness and accountability embodied in the Seven Principles of Public Life are being met.

---

<sup>3</sup> Soon to be 11, following the referendum vote in Stoke on Trent to move towards the leader and cabinet model.

<sup>4</sup> *Modern Local Government: in touch with the people*, CM 4014

## Local leadership and public confidence and trust

- 1.18. The Committee has been tracking public attitudes towards the conduct of public office holders, including levels of trust in various professions since 2004. It has recently published the results of its third survey which reveals that 45 per cent of people trust local councillors to tell the truth, with the percentage that trust senior managers in local authorities to tell the truth being lower, at 35 percent.<sup>5</sup>
- 1.19. Underlying the move to new executive structures and the creation of a strategic authority for London was the notion that stronger and more visible local leadership combined with a suitable system of checks and balances would improve public trust and confidence in local and London government.
- 1.20. The Committee would welcome views and evidence about levels of public confidence and trust, and factors that influence levels of confidence and trust, in local and London government. It is particularly interested in the impact, if any, of the mode of governance and decision-making on public perceptions.

## Purpose of the consultation paper

- 1.21. This consultation paper seeks views on aspects of the governance arrangements for London government and local government across the United Kingdom.
- 1.22. The full scope of the inquiry will depend upon the evidence received. This paper sets out the issues which seem most relevant at this stage. But the Committee does not consider itself restricted to the questions asked here. The issues and questions sections of the paper are intended to stimulate and focus public debate and to invite responses. For convenience, a complete list of the issues is set out in Annex A. The questions are not exclusive, nor intended to preclude comments on other related issues.

## How to submit evidence

- 1.23. The Committee would welcome written submissions on any or all of the subjects raised in this consultation paper. **There is no need or requirement for respondents to answer every question or to confine submissions to the specific questions in the paper.** Respondents are encouraged to set out fully the evidence in support of their views. Where respondents are not satisfied with present arrangements or approaches, they are encouraged to describe how to amend, improve or replace them. The Committee is also interested in receiving examples of good practice.
- 1.24. All submissions, with the exception of those that appear to the Committee to be

---

<sup>5</sup> Survey of Public Attitudes towards conduct in public life 2008

defamatory, will be displayed on the Committee's website at [www.public-standards.org.uk](http://www.public-standards.org.uk) and be available for public scrutiny as soon after they are sent to the Committee as is practicable. They will also be published with the final report. Any respondents who would prefer their submissions to be treated as confidential should state this clearly and their wishes will be respected so far as they are compatible with the provisions of the Freedom of Information Act 2000 and any other legal obligations placed on the Committee.

- 1.25. Submissions and further evidence in response to this paper should be sent by email to: [Inquiry@standards.x.gsi.gov.uk](mailto:Inquiry@standards.x.gsi.gov.uk)
- 1.26. Alternatively, they can be delivered to us at the following address:  
Peter Hawthorne  
The Committee on Standards in Public Life  
35 Great Smith Street  
London SW1P 3BQ.
- 1.27. If you have any queries about submitting evidence then please email the inquiries address, above, or contact Peter Hawthorne, tel: **020 7276 2598**.
- 1.28. **The closing date for submissions is 25 February 2009.**

### **Public hearings**

- 1.29. In addition to receiving written evidence, the Committee intends to hold a number of public hearings, throughout the United Kingdom. The provisional dates for these hearings are:
- Edinburgh - 24<sup>th</sup> March 2009  
Cardiff - 26<sup>th</sup> March 2009  
Belfast – 20<sup>th</sup> April 2009  
Birmingham – 30<sup>th</sup> April 2009  
Newcastle – 5<sup>th</sup> May 2009  
London – 12<sup>th</sup> March, 23<sup>rd</sup> April, 19<sup>th</sup> May 2009
- 1.30. Further details will be published on the Committee's website: [www.public-standards.org.uk](http://www.public-standards.org.uk). The Committee regrets that it is unlikely to be possible to invite every respondent who expresses an interest in giving oral evidence to participate in the public hearings.



## CHAPTER 2. LOCAL GOVERNMENT

### Background

- 2.1. The way local authorities across the United Kingdom are governed has changed since 2000. This chapter outlines those changes and the issues that they raise in terms of the Seven Principles of Public Life.
- 2.2. Historically, most local authorities have used the committee system in one form or another in reaching and implementing policy decisions. Executive power to act or make decisions was vested in the council of the local authority as a whole. In practical terms this power was discharged, or decisions were made, through a number of committees that were required to reflect the political composition of the council of the local authority. Members of the public could attend and observe the proceedings at a committee meeting unless certain 'exempt' – i.e. confidential or sensitive – matters were being discussed.
- 2.3. Most local authorities in the United Kingdom have now moved towards executive models of decision-making where the political group with the largest number of seats on the council or a mayor makes decisions under the scrutiny of the local authority as a whole.
- 2.4. The 1998 White Paper *Modern Local Government: In Touch with the People* explains the rationale behind the changes:

*'Traditional committee structures, still used by almost all councils, lead to inefficient and opaque decision-making. Significant decisions are, in many councils, taken behind closed doors by political groups or even a small group of key people within the majority group. Consequently, many councillors, even those in the majority group, have little influence over council decisions.*

*Councillors also spend too much time in committee meetings which, because the decisions have already effectively been taken, are unproductive [...] The emphasis ought to be on bringing the views of their community to bear on the council's decisions, and on scrutinising their performance [...] There is rarely any identifiable figure leading the local community.*

*This is no basis for modern, effective and responsive local government.'*<sup>6</sup>

### Local government: leadership and decision-making

- 2.5. Strong and recognised leaders are seen by the Government as being essential to

---

<sup>6</sup> *Modern Local Government: In touch with the people* (DTLR, 1998), CM 4014.

modernising local government. In their view people need to know who, in practice, is politically responsible for running the local authority.

2.6. Responsibility for policy on local government in Wales, Scotland and Northern Ireland is now largely the responsibility of their respective devolved governments. A summary of the position in each of the four countries is set out below.

### England

2.7. The Local Government Act 2000 introduced major changes to the way in which local authorities are governed. Its aims were threefold:

- to create a more visible and effective political leadership in local councils;
- to enhance the democratic legitimacy of local government; and
- to provide sufficient checks and balances in the construction of new council constitutions to ensure that other objectives such as transparency and accountability were not undermined by the drive for stronger executive leadership.

2.8. The Act marked the end, in all but the smallest authorities, of the long-established committee system. Authorities with populations of over 85,000 were required to adopt either:

- a directly elected mayor with cabinet, the latter chosen by the mayor from among the council members, and with the mayor deciding how executive powers are exercised;
- a directly elected mayor and 'council manager', with the mayor exercising a leadership role but delegating day to day decision-making to the council manager; or
- a leader with a cabinet – the leader is chosen by the council; either he/she then appoints the cabinet, or they are elected by the council, with the leader and individual cabinet members having executive powers.

2.9. These new political structures were considered to be fundamental to the modernisation process. The Government took the view that the right structures were crucial if local authorities were to be responsive to their local communities. The new executive models would guarantee openness and accountability and the efficient delivery of quality local services.

2.10. As was noted in the *Strong and Prosperous Communities* White Paper (2006), the results of this change in terms of authorities adopting 'the strongest leadership model' of an elected mayor have been very limited. Only 12 authorities have adopted this model, which

originally required a local authority or voter request and ratification by referendum, although this has been changed in the Local Government Act 2007 to a simple council resolution following local consultation.

- 2.11. 11 local authorities adopted the directly elected mayor and cabinet model: Bedford, Doncaster, Hartlepool, Mansfield, Middlesbrough, North Tyneside, Torbay, Watford and the London boroughs of Hackney, Lewisham and Newham. The mayor and council manager option was only adopted by Stoke-on-Trent, and proved unworkable in practice. It was legislated out of existence by the 2007 Act and following a referendum in November 2008 the voters of Stoke decided to reject the elected mayor model and adopt the leader and cabinet model.
- 2.12. In 25 further authorities, referenda for an elected mayor were held but lost. Campaigns for directly elected mayors in some parts of England were waged on the basis that electing a mayor would address the perceived governance problems in those local authorities.
- 2.13. The vast majority of authorities have adopted the leader and cabinet model. There are still some smaller authorities that have retained the committee system. The Government has expressed a wish to see more directly elected mayors leading local authorities.<sup>7</sup>
- 2.14. The 2007 Act also allows local authorities to appoint leaders for four year terms.

#### Wales

- 2.15. The scope of the Local Government Act 2000, referred to above, includes Wales, although responsibility for local government policy in Wales has now been largely devolved to the Welsh Assembly Government. As in England, most local authorities in Wales have adopted the leader and cabinet model, although there are a few authorities that have opted for a fourth option, referred to as 'politically balanced boards'. There are no directly elected mayors in Wales, although one local authority held a referendum in response to a petition, in which the proposal for an elected mayor was defeated.

#### Scotland

- 2.16. Following the Macintosh Commission Report on local government under devolution, local authorities were encouraged on a voluntary basis, to examine their decision-making and scrutiny processes. Local authorities in Scotland have introduced a range of new political management structures. Some local authorities have maintained the committee system but streamlined it to try and improve the decision-making process. Some others have moved to

---

<sup>7</sup> *Community Empowerment Power White Paper: Communities in Control, Real People, Real Power* (CLG 2008), Cm. 7427

executive structures and created formal scrutiny committees or panels. Unlike the executive models in England, there is no locus in law for a leader of a council in Scotland to take an executive decision without the agreement of other councillors.

- 2.17. The main drivers in Scotland for improving openness and accountability have been the Single Outcome Agreements and Best Value regimes arising from the Local Government in Scotland Act 2003. Additionally, the introduction of the Single Transferable Vote in the local government elections of 2007 has transformed the shape of many local authorities in Scotland with 30 out of 32 local authorities now being run by coalitions.

### Northern Ireland

- 2.18. Decisions in local government in Northern Ireland are made using the committee system. Executive authority is still vested in the council of the local authority as a whole. Local authorities consist of members elected according to the proportional representation system, and seats on local authority committees are allocated proportionally. However, the Northern Ireland Executive is currently considering new local governance arrangements as part of the ongoing Reform of Public Administration programme which is seeing the number of local authorities in Northern Ireland reduced from 26 to 11 from 2011.

### Issues

- 2.19. Executive models of decision-making were seen as a way of improving leadership, accountability and openness of local government. The Committee is keen to receive evidence on what has been achieved. **The Committee would like to receive views and evidence on whether certain models of leadership or decision-making in local government (elected mayors, leader and cabinet, committee system or other models) better support the Seven Principles of Public Life.** Respondents may wish to consider some or all of the following questions:

- What are the strengths and weaknesses of the new executive models of decision-making?
- Have the new arrangements increased public trust in local governance; if so, how?
- Why are there so few elected mayors? Is there any evidence to support the hypothesis that an elected mayor can help to rebuild public confidence and trust in a failing local authority?
- In practical terms, what are the differences between the mayor and cabinet model and leader and cabinet model?

- How do the different models of local governance in the UK compare with each other, and with practice in other countries, in terms of accountability and openness?

### **Local government: openness and accountability**

- 2.20. As noted in paragraph 2.4 above, one of the stated aims of the new executive or streamlined committee arrangements was to make local decision-making more open and transparent. It was expected to make clearer who was responsible for taking key decisions affecting the quality of life of local communities, even if these decisions were being made out of public view.
- 2.21. One of the main provisions for holding the executive to account under the current arrangements are overview and scrutiny committees. Local authorities in England and Wales, and some authorities in Scotland, have established overview and scrutiny committees. The role of an overview and scrutiny committee is to scrutinise the strategies, policies and actions of the executive – i.e. elected mayor or leader and cabinet. Specifically, the scrutiny process should help to clarify the reasons for decisions and the facts and analysis on which policy and actions are based.
- 2.22. Councillors serving on the executive are not able to sit on an overview and scrutiny committee. It was felt that this separation of roles had advantages in terms of transparency and accountability, because scrutiny would more likely be impartial if undertaken by councillors who had played no part in the original decision. In addition, councillors would no longer have to accept responsibility for decisions in which they took no part. However, there have been a number of reports on the difficulty of establishing an effective scrutiny function and communicating the importance of scrutiny both within and outside local authorities.
- 2.23. In areas where there is more than one tier of local government there is a question about the extent to which the public understand the respective roles and responsibilities of each tier of local government, and consequently who is responsible for holding the different tiers to account.
- 2.24. Distinct from the arrangements outlined in paragraphs 2.7 to 2.14 above, local authorities are required to appoint a lead member for children's services. This member of the cabinet is politically accountable for the local authority children's services. While this might help to clarify responsibility for children's services in certain respects, it raises questions about the accountability of the mayor and leader for children's services and the accountability of the rest of the council for decisions of the council as a whole that impact on children's services.

- 2.25. Openness and transparency, and by implication accountability in local government are also supported by the requirement and practice of producing forward plans of key decisions, and the publication of meeting papers and a record of decisions made. Councillors and members of the public can of course continue to make requests for information and ask a local authority to explain its decisions or actions.
- 2.26. Other legislative measures that support openness and accountability in local government include, the Freedom of Information Act; the initial requirement in Best Value in England and Wales that local authorities should consult with local people in improving services; and the new duty which will come into force in England on 1st April 2009 to involve local people in decision-making.<sup>8</sup>
- 2.27. The 2000 Act also introduced a new ethical framework for local government in England and Wales. Local authorities in England and Wales were required to establish standards committees to oversee ethical issues and provide guidance on the code of conduct and its implementation.
- 2.28. The Committee considered the arrangements for the management and enforcement of codes of conduct following the implementation of the 2000 Act in its Tenth Report. It recommended the introduction of a locally based system for managing and enforcing councillors' codes of conduct in England and Wales, and a new role for the Standards Board for England to ensure the effectiveness of local standards arrangements. New arrangements, in line with the Committee's recommendations, were introduced in 2008. The Committee takes the view that it is too early to review the effectiveness of these arrangements. But is interested in receiving views and evidence on the role of standards committees in promoting openness and accountability and improving trust.

### Issues

- 2.29. As paragraphs 2.20 to 2.28 above highlight, there are a number of provisions to promote openness and accountability in local government, the role that senior officers play in the accountability framework is dealt with in the section below. **The Committee would like to receive views and evidence on how well the provisions to support openness and accountability in local government work in practice.** Respondents may wish to consider some or all of the following questions:
- What are the key elements of an effective accountability framework for local government, and how well do the current arrangements work in practice?
  - How should effective scrutiny be judged, and to what extent do current measures lead to

---

<sup>8</sup> *Local Government and Public Involvement in Health Act 2007*

effective scrutiny?

- Do overview and scrutiny committees have adequate powers and resources to hold the executive to account, and if not, what additional powers and resources are required?
- How effectively have local authorities embedded a culture of scrutiny into their decision-making processes?
- Do certain models of local decision-making provide for stronger accountability and openness; if so, why are they more effective?
- Is there a role for standards committees in promoting openness and accountability in local government, and if so, what should their role be?
- How effective are the arrangements for giving certain elected members lead member responsibility and accountability working in practice?
- What is the role of external organisations – including for example, regulatory bodies or the media – in holding local government to account, and how does this impact on public trust?
- What impact has the use of the single transferable vote in local elections in Scotland and Northern Ireland had on openness and accountability in local government?
- Is there a tension between openness and 'getting things done'? If so, how can they be reconciled?

### **Local government officers: role and accountability**

- 2.30. The Committee is interested in the role of senior officers in decision-making and the accountability framework.
- 2.31. Under each of the models of leadership and decision-making, the head of the paid service, senior officers and front line staff continue to be appointed by the council of the local authority as a whole and not just by the executive.
- 2.32. Senior local government officers play an important role by advising councillors and implementing decisions under their direction. The important role of senior officers is recognised in the *Community Empowerment White Paper* published by the Department of Communities and Local Government. It includes a proposal to make local government officers more visible in England by introducing a new right for local people to petition to hold senior officers to account at public meetings.
- 2.33. The relationship between the elected mayor or leader of the council and senior officers has been placed under the spotlight in some local authorities where relations between them

appear to have broken down. These high profile disputes are sometimes attributed to a blurring of the lines of responsibility between leaders or elected mayors and the senior management team. It is sometimes suggested that where there once used to be a clear dividing line, with elected councillors responsible for strategy and senior officers responsible for operational matters or implementation, the new executive structures have heralded the full-time or professional elected councillor or mayor who expects to play a leading role in implementation as well. On the other hand, it has also been suggested that the national performance management frameworks have encouraged senior officers to take a more active role in developing strategy. These competing pressures could lead to a lack of clarity about roles and responsibilities, which in turn could adversely impact on accountability.

- 2.34. Senior officers also play a key role in the system of checks and balances.
- 2.35. The head of the paid service has powers to issue a report on the manner in which the discharge of the local authority's functions is co-ordinated. Every local authority is required to ensure that one of their officers has responsibility for financial administration and this officer is required to submit a report to councillors, if there is or is likely to be unlawful expenditure or an unbalanced budget. The monitoring officer is required to prepare a report for the consideration of the full council of the local authority if any proposal, decision or omission by the local authority is believed to contravene any legislation or to constitute maladministration.
- 2.36. Local government officers are required to support scrutiny committees in their role of holding the executive to account as well as the executive in setting and implementing strategy and policy. This could give rise to a conflict of interest. The Local Democracy, Economic Development and Construction Bill introduced in the House of Lords in December 2008 included a measure which would require certain local authorities to appoint a scrutiny officer. This measure aims to promote and improve the effectiveness of the scrutiny function.

### Issues

- 2.37. **The Committee is interested in receiving views and evidence on whether the roles and responsibilities of senior officers are clearly defined and understood by the public; how well senior officers are held to account; and their role in supporting the accountability framework.** Respondents may wish to consider some or all of the following questions:
- How clearly is the role of senior officers understood by the public?



- How successful are the mechanisms currently in place to hold senior officers (such as Chief Executives) to account for their actions?
- Are additional measures necessary to hold senior officers to account; if so, what form should such measures take?
- Does the fact that senior officers are required to support both the executive and scrutiny give rise to a conflict of interest, and if so, how should this conflict be addressed?
- What impact, if any, have the new arrangements for local government had on member-officer relationships?

### **Local government accountability and partnerships**

2.38. Local authorities are now working both formally and informally with a wide range of partners to improve outcomes for local citizens. Partnership arrangements such as those underpinning Local or Multi-Area Agreements in England, Improvement Agreements in Wales and Single Outcome Agreements in Scotland can bring huge benefits for local citizens, but can also obfuscate responsibilities and decision-making.

2.39. The remit of overview and scrutiny committees in local authorities in England has been broadened to include partners to Local Area Agreements. But questions remain about the effectiveness of arrangements for ensuring accountability of partnerships. It has been suggested that there may be instances where there are trade-offs between delivering in partnership and effective accountability for local services.

### **Issues**

2.40. **The Committee is interested in receiving views and evidence on how local authorities ensure openness and accountability when working in partnership.**

Respondents may wish to consider some or all of the following questions:

- How do partnerships ensure effective accountability and open decision-making?
- How do local authorities reconcile partnership working with the principle that individual public office holders should be accountable for their decisions and actions?
- What, if any, improvements could be made to ensure the principles of openness and accountability are further embedded in partnership working?

## CHAPTER 3. LONDON GOVERNMENT

### Background

- 3.1. London has a unique form of governance within the United Kingdom. Since 2000, in addition to its 33 local authorities, there has been a further tier of government – the Greater London Authority. This chapter sets out these arrangements and the issues that they raise in terms of the Seven Principles of Public Life.
- 3.2. After the abolition of the Greater London Council in 1986, no single authority delivered strategic governance for the city. The 33 London local authorities made decisions on issues affecting London as a whole through a complex web of committees and partnerships.
- 3.3. The idea of a directly elected mayor for London first began to emerge in the early 1990s, and the Labour Party made a new metropolitan government for London a manifesto pledge for the 1997 General Election. A referendum was held in London in May 1998 in which 72 per cent of those who voted favoured the formation of a Greater London Authority made up of a directly elected executive mayor, and a separate elected authority.
- 3.4. In bringing forward this new model of leadership, the Government aimed to create:

*'A new model of local government, small, strategic and focused and backed up by five million London voters to give the capital the leadership it deserves.'*<sup>9</sup>

### London governance

- 3.5. The Greater London Authority Act 1999 re-established elected strategic governance for London as a whole. It created a strategic authority which operates alongside the London boroughs. The Act provided for a Mayor and a 25 member Assembly. The Mayor holds executive power. The Assembly's role is to hold the Mayor to account on behalf of Londoners and also to 'investigate issues of importance to London'. However, the London Mayor is not responsible for all of the strategies affecting London; and a number of central government strategies continue to be delivered by the Government Office for London.

### Leadership and decision-making within the Greater London Authority

- 3.6. The Mayor is the leader of the Greater London Authority. He/she is the primary locus for decision-making within the Greater London Authority. While the Assembly can scrutinise the Mayor's strategic plans and make recommendations about them, the Mayor is not

---

<sup>9</sup> John Prescott, then Deputy Prime Minister, speaking in July 1997, quoted on: <http://www.bbc.co.uk/politics97/news/07/0729/london.shtml> [accessed, 21 November, 2008]

required to follow those recommendations. Likewise, although the Assembly now has powers to hold confirmation hearings for certain appointments, the Mayor can reject the Assembly's recommendations.

- 3.7. The Mayor operates through the Greater London Authority which does not provide any services itself, but provides policy direction to the four functional bodies:
- Transport for London – responsible for managing most aspects of London's transport system;
  - Metropolitan Police Authority – responsible for overseeing the Metropolitan Police Service, which provides policing across Greater London;
  - London Fire and Emergency Planning Authority – administers the London Fire Brigade and coordinates emergency planning;
  - London Development Agency – promotes development across London.

### **Issues**

- 3.8. **The Committee is interested in receiving views and evidence on openness and transparency within the Greater London Authority.** Respondents may wish to consider the following question:
- In practice, how effective are arrangements for ensuring openness of the decision-making process in the Greater London Authority; and, what steps, if any, should be taken to improve these arrangements?

### **Role of the Assembly: accountability of the Mayor and Assembly**

- 3.9. The Assembly's role is to scrutinise the Mayor's actions. In the main, legislation provides for the Assembly to achieve this through examining the Mayor's draft strategies and calling the Mayor and his advisers before it to face questions. The Assembly can also amend the Mayor's budget through a two-thirds majority decision. The Assembly's scrutiny power is broad and gives it a remit to 'investigate issues of importance to London'.
- 3.10. The Mayor must formally consult the Assembly on all draft strategy documents and is required to respond to any recommendations made by the Assembly, giving explanations where the Assembly's proposals are rejected. The Mayor is also required to attend ten Assembly question times a year to enable the Assembly to enquire into his or her actions and policies. These sessions may be observed by the public.
- 3.11. The Assembly now has the power to hold confirmation appointments for the Mayor's nominees for the posts of chair and deputy chair of the functional bodies. However, the

Mayor is not required to follow the recommendations of the Assembly on such appointments.

- 3.12. In addition the Mayor is required to produce an annual report, and to hold an annual public debate on the state of London. Since 2007, the London Assembly has also been required to produce its own annual report.
- 3.13. The framework for ethics and standards introduced in local government by the 2000 Act outlined in Chapter 2 above, also applies to London Government. The Greater London Authority Standards Committee has wide terms of reference which include promoting high standards of conduct by the Mayor, Assembly members and Greater London Authority staff. The issue raised in relation to local government above, about the role of the Standards Committee in promoting openness, accountability and public confidence and trust is also relevant here.
- 3.14. As outlined in Chapter 2 above, one of the advantages of executive models of governance is said to be the separation of responsibilities for decision-making and the scrutiny of those decisions. The arguments for this separation of roles in London Government are the same as those made for local government. In essence it is that scrutiny is more likely to be impartial if it is undertaken by those who played no part in the original decision. However, the Mayor is required to appoint one of the assembly members to the position of Deputy Mayor. Assembly members must also be appointed to two of the functional bodies – the Metropolitan Police Authority and London Fire and Emergency Planning Authority. This has led some commentators to suggest that this may make it difficult for the Assembly to 'scrutinise effectively' either the police or fire services. Many Assembly members believe that by being members of these authorities they can provide accountability.'

### Issues

- 3.15. **The Committee is interested in receiving views and evidence on the effectiveness of the current arrangements for holding the London Mayor and the Assembly to account.** Respondents may wish to consider some or all of the following questions:
- What should the key elements of an effective accountability framework for the Greater London Authority be, and how well are the current arrangements working in practice?
  - What is the role of external organisations – for example, regulatory bodies or the media – in holding the London Mayor and Assembly to account?
  - How should effective scrutiny of the London Mayor and the Assembly be judged?
  - Does the Assembly have sufficient powers and resources to hold the mayor to account?

- To what extent does a 'culture of scrutiny' exist within the Greater London Authority and the London Assembly?
- What is the role of the Greater London Authority Standards Committee in promoting openness and accountability within London government?
- What impact has the creation of the Greater London Authority had on public trust and confidence in London governance?
- To what extent are those responsible for public services in London more accountable today than they were before the introduction of the Greater London Authority?

### **Appointments within the Greater London Authority**

- 3.16. The Mayor and the Assembly are supported by approximately 600 permanent staff. The Chief Executive (Head of Paid Service) is appointed by the Mayor and Assembly acting jointly, and is responsible for overseeing the permanent staff of the Authority, and ensuring that it operates effectively and properly.
- 3.17. The Mayor can make key appointments within the Greater London Authority. The Mayor is entitled to appoint two political advisers and ten other advisers. The Mayor and the Assembly jointly appoint the Chief Executive, Authority Monitoring Officer, and Chief Finance Officer. The London Mayor's powers of appointment are unique within the United Kingdom and concerns have been raised about some of the appointments made by both the previous and the current mayors of London. Since January 2008, the Assembly has held powers to scrutinise some appointments.
- 3.18. Mayoral advisers in London act in accordance with powers granted to them by the Mayor, but can manage permanent staff and are also subject to the Authority's staff code of conduct.

### **Issues**

- 3.19. **The Committee is interested in receiving views and evidence on the relationship between the staff appointed by the Mayor and permanent staff within City Hall.**

Respondents may wish to consider some or all of the following questions:

- How is the principle of public appointment on merit upheld for political appointments within City Hall?
- What impact does the existence of senior politically appointed staff have on the culture and operating practices of staff at City Hall?
- What role should mayoral advisers play in decision-making at the Greater London Authority?

## Relationships and accountability beyond City Hall

3.20. The Mayor has a key role in sitting on and making appointments to the four functional bodies. Additionally, as mentioned in paragraph 3.14 above, some assembly members sit on the Metropolitan Police Authority and London Fire and Emergency Planning Authority boards.

3.21. The 33 London local authorities and central government also have a significant role in governing the city. There are important questions on how these bodies are held to account within the context of London governance, and their relationships with the Greater London Authority.

### The Greater London Authority and the four functional bodies

3.22. The four functional bodies are responsible for delivering services within London. The Mayor and the Greater London Authority have varying degrees of influence over the composition of the bodies governing boards and their strategies. The table below summarises the composition of each board.

Functional Body	Appointments
Transport for London	Board appointed by the Mayor of London, and chaired by the Mayor.
Metropolitan Police Authority	Consists of a 23 member board. The Mayor appoints 12 Assembly members to the board (including the Deputy Mayor). The Board also has 11 independently appointed members (1 appointed by the Home Secretary, and 10 chosen from open competition by the existing members and an independent assessor). The Mayor has the power to appoint the Chair and Deputy Chair of the board. The current Mayor chairs the board himself.
London Fire and Emergency Planning Authority	The board consists of 17 members. The Mayor appoints the members of the LFEPA and its Chair. 9 Assembly members must be appointed to the board.
London Development Agency	The board consists of 12 members appointed by the Mayor.

3.23. Given that many important services are delivered to London via these bodies, and that these bodies also receive the majority of the Greater London Authority tax levied on those living in London, this raises important questions about accountability. In London, the functional bodies are not directly accountable to Londoners but held to account through the Greater London Authority. In some other countries city government includes commissioners directly elected to certain roles, e.g. separate commissioners for housing and transport.

### Issues

3.24. **The Committee is interested in receiving views and evidence on how effectively the functional bodies are currently held to account on behalf of Londoners.** Respondents may wish to consider some or all of the following questions:

- What should an effective accountability framework for the functional bodies look like, and how well do the current arrangements work in practice?
- How open is the decision-making process of the functional bodies both to the Greater London Authority and to Londoners, and what measures could be taken to improve openness and transparency?

### The Greater London Authority and the London boroughs

3.25. The Committee's interest in accountability and openness in local government is highlighted in Chapter 2 of this consultation paper. Specific issues arise in London due to the relationship between the local authorities and the Greater London Authority.

3.26. Local government in London is divided into 32 borough councils and the City of London. It is estimated that the 33 local authorities spend over £12 billion a year, on services such as education and social care. They repair 95% of London's roads, and are responsible for refuse collection, planning applications, and licensing entertainment venues. They are required to have regard to the strategies for London set by the Mayor, and it is the local authorities which are required to deliver many of the targets set in those strategies. The current Mayor has agreed a memorandum of understanding setting out principles governing the relationship between the Mayor and the borough councils.

3.27. Although the majority of planning decisions are left to local authorities, the Mayor may override local authorities' decisions on certain key planning applications. Should he do so, the local authority in question may appeal the Mayor's decision to the appropriate Secretary of State. This example highlights the complexity of the relationship between the Mayor and the boroughs, where a locally elected body can be overruled if the elected London Mayor believes the planning decision would affect London as a whole. However,

ultimate power remains with the Secretary of State. The Committee would like to receive evidence about the relationship between the Mayor and the boroughs, in terms of accountability and openness.

3.28. Three London authorities are also led by directly elected mayors. This raises the question about how well Londoners who live in those areas understand the differences between the roles and responsibilities of the local authority mayor and the London Mayor.

### Issues

3.29. **The Committee would like to receive views and evidence on openness and accountability between the Greater London Authority and Local Authorities in London.** Respondents may wish to consider the following questions:

- What are the arrangements for ensuring that decision-making across the different levels of London government is open and transparent?
- How well do the public understand the different roles and responsibilities?
- Should the London local authorities have a more formal role in holding the Greater London Authority to account and vice versa?

### The Greater London Authority and central government

3.30. Beyond the local authorities and the Greater London Authority is another tier of governance. The Government Office for London negotiates Local Area Agreements with London's local authorities on behalf of central government, and seeks to ensure delivery of a range of Government programmes. It also incorporates the London Resilience Team, which conducts emergency planning for London and it provides funding to the Greater London Authority and its functional bodies.

3.31. The Government Office for London describes itself as 'the bridge between Whitehall and the Greater London Authority ensuring they set the strategic framework for London in the context of national policy.'<sup>10</sup> The Committee is keen to understand how this relationship operates in practice and the arrangements for ensuring that there are clear lines of accountability, and open and transparent decision-making.

### Issues

3.32. **The Committee is keen to examine the relationships between the Mayor and the Government Office for London – in terms of accountability and openness.**

Respondents may wish to consider the following questions:

---

<sup>10</sup> *Government Office for London Explained* (Government Office for London, 2006); <http://www.gos.gov.uk/497417/docs/211255/golexplained.pdf> [accessed 21 November 2008]



- What are the arrangements for clarifying the difference in roles and responsibilities of the Government Office for London, the Minister for London and the Mayor of London?
- How well do the public understand the different roles and responsibilities?

## **ANNEX A. SUMMARY OF ISSUES**

This annex lists the issues set out in Chapter 2 and 3. The Committee welcomes views and evidence on all or any of the issues listed below and anything else that you feel might be relevant. For more details about a particular issue please go to the relevant paragraph in Chapter 2 or 3.

### **Local government: leadership and decision-making (Paragraph 2.19)**

The Committee would like to receive views and evidence on whether certain models of leadership or decision-making in local government (elected mayors, leader and cabinet, committee system or other models) better support or reflect the Seven Principles of Public Life.

### **Local government: openness and accountability (Paragraph 2.29)**

The Committee would like to receive views and evidence on how well the provisions to support openness and accountability in local government work in practice.

### **Local government officers: role and accountability (Paragraph 2.37)**

The Committee is interested in receiving views and evidence on whether the roles and responsibilities of senior officers are clearly defined and understood by the public; how well senior officers are held to account; and their role in supporting the accountability framework.

### **Local government accountability and partnerships (Paragraph 2.40)**

The Committee is interested in receiving views and evidence on how local authorities ensure openness and accountability when working in partnership.

### **Leadership and decision-making within the Greater London Authority (Paragraph 3.8)**

The Committee is interested in receiving views and evidence on openness and transparency within the Greater London Authority.

### **Role of the Assembly: accountability of the Mayor and Assembly (Paragraph 3.15)**

The Committee is interested in receiving views and evidence on the effectiveness of the current arrangements for holding the London Mayor and the Assembly to account.

### **Appointments within the Greater London Authority (Paragraph 3.19)**

The Committee is interested in receiving views evidence on the relationship between the staff appointed by the Mayor and permanent staff within City Hall.

### **The Greater London Authority and the four functional bodies (Paragraph 3.24)**

The Committee is interested in receiving views and evidence on how effectively the functional bodies are currently held to account on behalf of Londoners.

### **The Greater London Authority and the London Boroughs (Paragraph 3.29)**

The Committee would like to receive views and evidence on arrangements for ensuring openness and accountability between the Greater London Authority and Local Authorities in London.

### **The Greater London Authority and central government (Paragraph 3.32)**

The Committee is keen to examine the relationships between the Mayor and the Government Office for London – in terms of accountability and openness.

## **ANNEX B. PREVIOUS REPORTS**

**The Committee has published the following reports:**

First Report, **Standards in Public Life**, London, May 1995, Cm 2850-1.

Second Report, **Standards in Public Life: Local Public Spending Bodies**, London May 1996, Cm 3270-1.

Third Report, **Standards in Public Life: Standards of Conduct in Local Government in England, Scotland and Wales**, London, July 1997, Cm 3702-1.

Fourth Report, **Standards in Public Life: Review of Standards of Conduct in Executive NDPBs, NHS Trusts and Local Public Spending Bodies**, London, November 1997.

Fifth Report **Standards in Public Life: The Funding of Political Parties in the United Kingdom**, London, October 1998, Cm 4057-1.

Sixth Report, **Reinforcing Standards: Review of the First Report of CSPL**, London, January 2000, Cm 4557-1.

Seventh Report, **Standards of Conduct in the House of Lords**, London, November 2000, Cm 4903-1.

**The First Seven Reports: A Review of Progress**, London, September 2001, Cm 4557-1.

Eighth Report, **Standards of Conduct in the House of Commons**, London, November 2002, Cm 5663.

Ninth Report, **Defining the Boundaries within the Executive: Ministers, Special Advisers and the permanent Civil Service**, London, April 2003, Cm 5775.

**Survey of public attitudes towards conduct in public life**, Prepared by BMRB Social Research for CSPL, London, September 2004.

Tenth Report, **Getting the Balance Right: Implementing Standards of Conduct in Public Life**, London, January 2005, Cm 6407.

**Survey of public attitudes towards conduct in public life**, Prepared by Ipsos Mori Social Research Institute for CSPL, London, September 2006.

Eleventh Report, **Review of the Electoral Commission**, London, January 2007, Cm 7006.

**Survey of public attitudes towards conduct in public life**, Prepared by BMRB Social Research for CSPL, London, November 2008

**STANDARDS IN PUBLIC LIFE**

**Committee on Standards in Public Life**

**35 Great Smith Street**

**London**

**SW1P 3BQ**

**Tel: 020 7276 2599**

**Email: [Public@standards.x.gsi.gov.uk](mailto:Public@standards.x.gsi.gov.uk)**

## DURHAM CITY STANDARDS COMMITTEE

### Annual Report 2008/2009.

#### 1. Introduction

1.1 This will be the last Annual Report of the Durham City Standards Committee. From April 2009, the new Durham County Council unitary authority will assume responsibility for standards matters. The report covers the period up to 31<sup>st</sup> December 2008 and we will endeavour to provide an update for the year-end to facilitate the handover to the new organisation.

1.2 In last year's report we highlighted that the Standards Board for England would be handing down the overwhelming majority of complaints cases for local assessment, investigation and determination. This took effect from 7<sup>th</sup> May 2008 and has proved to be the major part of our work ever since. We have been surprised by the sheer volume of complaints that we have had to deal with, as indicated in the statistics shown later. It is pleasing to report that the new procedures that were put in place to handle them have proved to be both robust and flexible, enabling us to deal with matters smoothly and expeditiously.

#### 2. Our Purpose and Work

2.1 The Durham City Standards Committee is comprised of both political nominees and independent members and is chaired by an independent member. We are committed to preserving the good name of the city and surrounding parishes and we always bear this in mind in carrying out our work. The whole Committee feels strongly that our major purpose is to encourage good governance through the support of the Code of Conduct that is binding all elected councillors. The message that we want to get across most strongly is that we regard the highest standards of behaviour and compliance as paramount.

2.2 However, as suggested earlier, the assessment, investigation and determination of complaints is now the majority of our work. Whilst there have been complaints covering a range of individuals and types of allegations of breaches of the code, overall it is our view that the standards and conduct achieved have been satisfactory. Clearly, each complaint is of significant importance to the individuals concerned but, from what we have seen, the good governance of the city and parishes remains strong. The exception is the single parish council upon which the vast majority of complaints have centred. Complaints have come from other councillors and from members of the public and suggest a council that is bordering on being dysfunctional. This is illustrated in the following Case Study and in the statistics.

### Case Study

The Parish Council has become divided into factions that lead to meetings being disruptive and unproductive. Numerous complaints about behaviour have been received often apparently on a tit-for tat basis. A complaint by one councillor almost always leads to a similar complaint from the other faction. Members of the public are weighing in on one side or the other. There are matters, many of them historical, in the village which are inflaming passions.

At the time of writing, the Standards Committee has X complaints under investigation. The intention is to clear these cases before handover.

Clearly, where breaches of the code take place it is entirely appropriate to make a complaint, but the Standards Committee hopes that the parish council in question will be able to settle its differences and work together for the good of the community. We stand ready to offer what help we can and will be keeping this whole situation under continuous review.

### Complaints Statistics for 2008-2009 up 31<sup>st</sup> December 2008

No. of complaints received a) from members of the public b) from councillors c) from staff	X	
No. of cases referred for investigation	X	
No. of allegations found to have been proven	X	Note that a case may contain more than one allegation
No. of allegations dismissed	X	
No. of cases involving District councillors	X	
No. of cases involving Parish Councillors	X	
No. of cases still under investigation	X	

2.3 Of the total of X complaints received, Y related to the single Parish Council referred to earlier. Not all were referred for investigation.

2.4 As well as routine Committee meetings we have been obliged to have a system of sub-committees to deal with the initial assessment of complaints, appeals against sub-committee decisions and, where required, special meetings for the hearing and determination of cases referred for investigation. The statistics give an indication of the level of commitment that has been made.

## 2.5

### Standards Committee Meetings 2008-2009

<u>Type of Meeting</u>	<u>Number of Meetings</u>	<u>Committee Members Attending</u>
Main Committee		
Local Assessment Panel		
Review Panel		
Hearing		

### 3. Looking to the Future

3.1 Most, if not all of us, will have no further involvement in standards matters after April 2009. At the time of writing, the way these matters will be organised in the new authority is not clear. We are therefore, working hard to minimise the number of cases that are handed over.

3.2 It has been a great privilege for the committee members to have played a part in helping to underpin the governance standards in Durham through the application of the Code of Conduct. As a committee and as individuals, we have built up a significant degree of expertise that we are happy to share with our successors.

### 4. Conclusion

4.1 This has also been a particularly arduous year for the Monitoring Officer and her staff. A significant additional volume of work has been taken on and discharged with cheerfulness and efficiency. The committee could not operate without this help and support. Our grateful thanks, therefore, go to Clare Greenlay and all her staff. We wish them well in whatever the future may bring.

