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The Clerk  
ODPM Select Committee  
Committee Office  
House of Commons  
7 Millbank  
LONDON SW1B 3JA

My ref: GE/dyb

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**[By e-mail : odpmcom@parliament.uk](mailto:odpmcom@parliament.uk)**

Dear Sir

**NEW ENQUIRY : THE ROLE AND EFFECTIVENESS OF THE STANDARDS BOARD FOR ENGLAND**

I write on behalf of the Association of Council Secretaries & Solicitors in respect of the above matter.

The Association represents senior legal and administrative officers in local government and many of its members are Monitoring Officers, appointed under Section 5 of the Local Government and Housing Act 1989, with specific and personal duties to report on illegality and to report to local Standards Committees in overseeing the Code of Conduct for Elected Members.

The Association has, recently, submitted evidence to the Graham Committee by way of a written submission, which is downloadable from the relevant website, along with a transcript of the oral hearing attended by John Polychronakis, the Immediate Past President of the Association, and Mike Kendall, a past President of the Association. This letter, therefore, builds on the evidence already adduced and made available to the Graham Committee, which can be summarised as follows:-

1. The Association does not believe that there is a great deal wrong with standards of conduct and behaviour in local government. The Nolan Committee confirmed this point.
2. There is no need for uniformity of application of Codes of Conduct at the national level, and the Association believes that the role of the Standards Board for England should be different; in that, it should be responsible for overseeing the National Code of Conduct for Members and perhaps dealing with more serious cases referred up to it by local Standards Committees. Monitoring Officers of relevant local authorities are best placed to judge whether a referral to the Standards Board for England was

appropriate based on the likelihood of a suspension of greater than 6 months or a disqualification of an Elected Member.

3. The current centralised system, where all written complaints by members of the public (and Elected Members) are referred to the Standards Board for England to consider does not appear to be the best model in terms of efficiency or effectiveness and the Association advocates the introduction of Local Dispute Resolution Procedures.
4. Monitoring Officers do not, primarily, advise the Standards Committee, they have a much wider role in terms of advising the Council, corporately and collectively.
5. The Standards Board for England's oversight of the National Code of Conduct for Members should be distinct from operating the same at a national level.
6. The current centralised system is proving to have a detrimental effect on the reputation of individual Councillors in view of the length of time it takes to determine such matters. This, invariably, will have an adverse impact on the reputation of local government generally, and may discourage individual members from standing for office as a Councillor. This cannot be good for building trust or confidence in local government.
7. Local authorities already have experience of applying national codes at the local level and the current National Code of Conduct for Members should be no exception to that. The current requirement for independent members of the Standards Committee being "unconnected" with local government, provides a certain element of independence and, in view of the fact that Standards Committees meet in public, they will be held accountable and responsible to the local public without any wrongdoing, impropriety or pressure being brought to bear on the members of the Standards Committee to support any particular Councillor.
8. The local determination of complaints by Standards Committees will provide a far faster remedy for complainants and those complained against. Any guidance from the Standards Board for England should be guidance and should not be prescriptive.
9. In terms of the National Code of Conduct itself, the Association submitted evidence that three areas needed further consideration. These related to the current whistleblowing provisions, registration of interests on external bodies that Members have been appointed to by the local authority itself and the provisions on speaking and voting which were in need of greater clarity and detailed guidance.

If for any reason you are unable to obtain the transcript and evidence presented to the Graham Committee, please do not hesitate to contact me and I will forward a copy of the same to you. In terms of the current enquiry into the "Role and Effectiveness of the Standards Board for England", the Association make the following comments:-

**Statement: The effectiveness of the Standards Board for England in overseeing the Code of Conduct, that sets out the rules governing the behaviour of Members of local authorities.**

**Response:** The Association believes that the Standards Board for England has done an exceptionally good job in promoting and overseeing the introduction of the National Code of Conduct and all indications are that the Standards Board for England takes its duties seriously and will continue to promote and oversee the Code of Conduct.

The Standards Board has also issued guidance and the Association is pleased that it has been formally consulted by the Standards Board on such guidance, as relevant Monitoring Officer experience at the local level is essential if Standards Board for England guidance is to be meaningful and helpful to the same and to Elected Members/Standards Committees.

On the whole, the guidance issued by the Standards Board is welcomed by many Monitoring Officers and tends not to be prescriptive in form or substance, as ultimately the arbiter will be the courts if the matter was ever adjudicated upon.

**Statement: The role of the Standards Board for England in ensuring local authorities adhere to the Code of Conduct and its ability to assess allegations of misconduct in a timely and fair way.**

Response: The Standards Board for England recommended that local authorities should not add to the National Code of Conduct and, on the whole, most if not all local authorities heeded such guidance and, it has to be said, this has assisted the Standards Board for England and local authorities to ensure a consistent application and common understanding across England. The whole process has, therefore, been a positive one for the Standards Board and for local authorities, in general.

In terms of the Standards Board's handling of complaints referred to it, in writing, it is clear that the Standards Board has suffered from staffing difficulties with the exceptional volume of complaints received from Parish Councils, in particular. It is not surprising, therefore, that the Standards Board for England has experienced delays in conducting and concluding investigations. Delays of nine months are not unheard of and such delays do not do justice to the complainant or the complainer, as such complaints "hang in the air" against the accused Elected Member for a very long time. Individual credibility of Councillors has, therefore, been affected by such complaints – which may ultimately, have been dismissed, but the damage has, of course, been done to such Elected Member's reputation.

In addition, vexatious and persistent complaints have, no doubt, been received by the Standards Board for England and its ability to respond to the same may be hindered by the current legislative provisions; in that, they have to consider each and every complaint on its merits and not the general demeanour and behaviour of certain persistent complainers or types of complaints (e.g. campaigns).

The Association maintains its view that the local determination of all written complaints should be the preferred method; in that local Standards Committees (which have independent members on them) are well placed to consider local complaints, the history of the complainers and generally to deal, appropriately, with any sanctions that may be necessary at the local level. A process of referral to the national level (Standards Board), with possible subsequent referral to the local level (Standards Committees) just adds bureaucracy and delay in the process and frustration for those involved. Furthermore, it is also clear that many complainers are deterred from having to complain to a national body, as they do not wish to elevate a local matter to a national level.

**Statement: The Standard Board for England's relationships with relevant stakeholders.**

Response: As indicated above, the Association is grateful to the Standards Board for England for consulting it on relevant issues. This is a credit to the Standards Board for England and clearly the Association will continue to assist it as far as it is able to do so. In terms of other regulatory organisations and Central Government relations, we believe that the Standards Board for England has established a credible standing within local government generally, and Central Government in particular. It is regarded as a highly influential organisation which takes seriously its legislative responsibilities and acts in accordance with the law and is, on the whole, fair and equitable; although, in view of the length of time that it takes to consider complaints, there have been delays in process/justice due to staffing difficulties.

**Statement: The role of the Standards Board for England in supporting the establishment and operation of Standards Committees at a local level.**

Response: The Standards Board for England has established an annual conference for Standards Committees and Monitoring Officers. These are extremely well attended and all indications are that this method of informing and influencing local committees and relevant decision makers is proving to be an effective and efficient one. It also provides a most useful networking opportunity for relevant professionals and Elected Members involved in the administration of standards and ethical behaviour in local government.

Beyond that, the Standards Board has also issued general guidance to Standards Committees and Monitoring Officers and, on the whole, both have been well received and have not, to our knowledge, been the subject of any judicial challenges.

In conclusion, the Standards Board for England plays an important role in supporting the ethical framework at a local level. The Association will continue to work with the Standards Board to ensure the successful improvement of the administration of standards and behaviour with a view to improving trust and confidence in local government.

Should you require any further information with regard to this submission, please do not hesitate to contact me, or Mirza Ahmad, Chief Legal Officer at Birmingham City Council, who is now taking a lead on such matters for the Association. If the Select Committee would value any oral evidence from the Association, we would be delighted to assist.

Yours sincerely

**Gifty Edila**  
**President of the Association**

cc Mirza Ahmad, Birmingham City Council  
Norman Yates – Executive Officer