
Annual Assembly of Standards Committees**12/13 October 2009**

Although an interesting conference, it was disappointing in many ways in comparison with the last two years and I found many of the speakers uninspiring. The principal issue discussed was in relation to the proposed changes to the code of conduct. Where members are acting or seen to be acting in their official capacity as councillors only minor changes are contemplated (rules relating to gifts and hospitality are expected to be clarified). The new code is to be extended so as to apply to conduct in a member's private life so that a breach of the code may occur where he or she is convicted of a criminal offence (not including a fixed penalty offence or where there is only a caution) and is thereby deemed to bring the Council or the office of councillor into disrepute. This would then apply even though the member was not at the time acting in his or her official capacity. Details of the new code are not expected until late November or December so that there was some element of speculation in the discussions. The new code is expected to come into effect in May 2010.

It is also expected that the new legislation will deal with such matters as dispensations (there is some guidance on the Board's website), joint committees (with model terms of reference also being issued) and circumstances where initial assessment functions of a committee might be suspended (normally where the committee has in some way become dysfunctional).

There was also much discussion about the importance of a standards committee being proactive and engaging with the leadership and with the community. There was some significant support for going out to the community and schools to explain the role of the Standards Committee although, conversely, many felt that standards committees were more effective by adopting a lower profile and by working quietly but effectively in the relative background.

Certain speakers indicated that they had been an Independent member or chairman of their standards committee for ten or more years. While this enabled them to acquire experience it was inevitable that they also became more involved with elected members and so risked compromising their independence, and straying beyond the role of overseeing, guiding and where necessary adjudicating upon allegations of breaches of the code. I felt that there was a strong argument for independent members to serve for a fixed term only given the significant difficulty of avoiding becoming too closely associated (or appearing to be so) with elected members over a protracted period.

Many (but by no means all) independent members expressed views suggesting that they were not content with their remit to provide independent thought and transparency but wanted their standards committees to exercise influence over the widest possible aspects of the council's affairs. I felt that it was a matter for concern that so many people who had volunteered (but not been elected) to provide a vital role in ensuring transparency and the ethical governance of local councils were apparently not satisfied with that role and sought a role which would enable them to exert greater and more far-reaching influence over (and therefore to oversee) the way elected members conducted the council's affairs. The clear danger is that unelected members would seek to exercise some control or influence over democratically elected and accountable members.

It was also clear that the principal officers of Standards for England had concerns for their own future as a vulnerable quango now that assessments have been devolved. Although there is still a case for the continued existence of Standards for England as such whether or not there is justification for it to continue in its present form and size is questionable.